



FUTURE LAND USE ATLAS AMENDMENT STAFF REPORT SMALL SCALE AMENDMENT

BCC ADOPTION PUBLIC HEARING, MARCH 23, 2023

A. Application Summary

I. General

Project Name:	Towns at Tidewater (SCA 2022-019)
Request:	LR-1 to MR-5
Acres:	9.24 acres
Location:	Southside of Hypoluxo Road, approximately 0.83 miles east of Jog Road
Project Manager:	Inna Stafeychuk, Planner II
Applicant:	Alexander & Ramzi Akel, Medjool Nurseries, LLC
Owner:	Ramzi Akel, Medjool Nurseries, LLC
Agent:	JMorton Planning and Landscaping Architecture
Staff Recommendation:	Staff recommends denial based upon the findings and conclusions contained within this report.

II. Assessment & Conclusion

The intent of the amendment is to change the future land use designation on 9.24 acres from Low Residential, 1 unit per acre (LR-1) to Medium Residential, 5 units per acre (MR-5). The proposed future land use (FLU) change results in an increase in residential development potential from 9 units to 46 units. In addition, the concurrent zoning application includes a 50% density bonus (23 units) through the Workforce Housing Program (WHP) for a total of 69 units (7.5 units per acre). The applicant intends to develop the site with 69 townhouse units.

The subject site is located in the eastern half of the low density Palm Beach Ranches subdivision, which has an intact low-density residential character with a few institutional uses. This area is one of a handful of rural enclaves in the Urban/Suburban Tier, which contribute to the diversity of lifestyles recognized and supported in the Comprehensive Plan.

The Comprehensive Plan contains direction to respect the integrity of neighborhoods, and the unique and diverse characteristics of each community, by ensuring that densities and intensities of land uses are compatible with those of surrounding areas. The proposed MR-5 future land use designation in general introduces a density that is out of character with the area. Additionally, the applicant is proposing no Transfer of Development Rights (TDRs) which is inconsistent with the Comprehensive Plan policy that establishes TDRs as the required method of increasing density, and the applicant's proposal to increase density primarily through the FLU increase has the effect of reducing the project's WHP obligation.

Staff recommends **denial** of the request. However, should the Board adopt the amendment request, staff proposes conditions of approval as shown in Exhibit 1.

III. Hearing History

Local Planning Agency: *Approval with modifications*, motion by Lori Vinikoor, seconded by Spencer Siegel, passed in a 10 to 0 vote at the October 14, 2022 public hearing. The modification consisted of a change to the request to Low Residential, 3 units per acre (LR-3) with conditions of approval as recommended by staff in Exhibit 1. Commission members asked questions about the workforce housing obligation, access to Ranches Road and the feasibility of constructing single family homes instead of townhomes. The Board expressed support for the development of for-sale workforce housing units. Five members of the public spoke in opposition, citing that the proposed density is not appropriate and out of character with the adjacent neighborhood. One member of public spoke in support of the project to provide the workforce housing units off site.

Board of County Commissioners Adoption Public Hearing:

B. Petition Summary

I. Site Data

Current Future Land Use

Current FLU: Low Residential, 1 unit per acre (LR-1)
Existing Land Use: Single Family and Agriculture
Current Zoning: Agricultural Residential (AR)
Current Dev. Potential Max: Residential, up to 9 units (without TDR and WHP)

Proposed Future Land Use Change

Proposed FLU: Medium Residential, 5 units per acre (MR-5)
Proposed Use: Residential
Proposed Zoning: Single Family Residential (RS)
Dev. Potential Max/Conditioned: Residential, up to 69 units (includes 23 WHP bonus units)

General Area Information for Site

Tier/Tier Change: Urban/Suburban Tier - No change
Utility Service: Palm Beach County Water Utilities Department
Overlay/Study: None
Comm. District: Mayor Gregg K. Weiss, District 2

C. Introduction & Review

I. Intent of the Amendment

This is a privately proposed amendment for a 9.24 acre site located on the south side of Hypoluxo Road approximately 0.83 miles east of Jog Road. The subject site is located in the eastern half of the low density Palm Beach Ranches subdivision, which has an intact low-density residential character with a few institutional uses. This area is one of a handful of low density residential enclaves remaining in the Urban/Suburban Tier, which contribute to the diversity of lifestyles recognized in the Plan.

Proposed Amendment: The intent of the amendment is to change the future land use designation to increase density through the future land use amendment process, with additional density to be obtained through the use of WHP density bonus in the associated zoning application. The request is to change the LR-1 future land use designation to Medium Residential, 5 units per acre (MR-5). The current LR-1 designation allows a future land use density of 9 dwelling units, or up to 18 units with maximum use of TDRs. Under the current LR-1 land use designation, the maximum base density is 9 units and as such is not subject to the WHP program requirements and, therefore, no WHP density bonus is available. The requested MR-5 designation allow a base of 46 dwelling units and up to 102 units (11 units per acre) when maximizing the TDR and WHP bonus density as described in Exhibit 2. The concurrent zoning application requests a total of 69 dwelling units (7.5 units per acre).

Background: The subject site is part of Palm Beach Ranches, an unrecorded subdivision which created sixty-four residential lots of 5 acres and greater in the early 1960's and developed primarily in the 1970's. The original subdivision extended one-half mile south from Hypoluxo Road (proposed at the time), between Jog Road and the E-3 canal. In the 1990's, several neighboring large agricultural tracts were developed as the Lake Charleston PUD (west of Jog Road) and Winston Trails PUD (north of Hypoluxo Road), at a FLU of LR-3.

In the early 2000s, a developer acquired approximately 17 lots in the western portion of Palm Beach Ranches, and through the use of the Workforce Housing and the Transfer of Development Rights programs, developed Osprey Oaks PUD, with a total of 208 units, and an overall density of 2.4 du/acre. In the eastern half of the Palm Beach Ranches subdivision, where the subject site is located, several lots were also subdivided, into 1 acre lots. This area remains a combination of large lots, ranging in size from one to 5 acres, with an LR-1 FLU.

Zoning Application: The concurrent zoning application (Z/CA-2021-2123) proposes to rezone the subject site from Agriculture residential (AR) to the Single Family Residential (RS), Class A conditional use to allow for a Workforce Housing Density Bonus of 50 percent, and Class A conditional use to allow townhomes in the RS zoning district. The total request for 69 townhomes includes 23 (or 50%) WHP bonus density units.

II. Data and Analysis Summary

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

The substantive factors from Exhibit 2 are summarized below.

Overview of the Area. The site is situated on the south side of Hypoluxo Road approximately 0.83 miles east of Jog Road. In general, the Hypoluxo Road corridor where the site is located is low-density residential in character, with FLUs in the area ranging from LR-1 to LR-3. Further east and west there are higher density designations of up to MR-5. There are several institutional uses (places of worship) located along the corridor, including immediately east of the site. The nearest commercial uses are limited to nodes at the intersections of Hypoluxo Road with Jog Road and Hypoluxo Road and Military Trail nearly one mile to the west and east.

Neighborhood Plan: The subject site is located within the boundaries of the West Boynton Area Community Plan (WBACP) and in the Coalition of Boynton West Residential Associations (COBWRA) area. There are no specific recommendations in the WBACP for this area.

Consistency with Comprehensive Plan

- **Compatibility:** The proposed development with 69 townhomes at a proposed 7.5 unit per acre density is not consistent with the density, mass, and scale of the housing pattern in the area. The subject site is located in the low density Palm Beach Ranches subdivision which is one of a handful of low density residential enclaves in the Urban/Suburban Tier. The subject site is surrounded by residential lots ranging between one and four acres in size with single family homes, with the exception of one institutional use (place of worship) located immediately to the east of the site. The proposed amendment is not compatible with the character of the surrounding area.
- **Rural Enclaves:** The County's Urban/Suburban Tier is largely approaching build out of vacant land. Development in the Tier has shifted from low density planned developments on large tracts of unbuild land, to smaller infill projects with higher densities. The Tier System promotes the concept of lifestyle diversity, but did not establish policies to direct growth within the Urban/Suburban Tier to specific locations or to protect the rural residential areas within the Urban/Suburban Tier. As a result, the Rural Enclaves in Urban Service Area policy was adopted by the Board via Ordinance 2018-031 in 2018 to recognize that these areas provide a valuable contribution to the housing diversity and lifestyle choices in the County. Comprehensive Plan Policy 2.2.1-p provisions recognize rural enclaves within the Urban Service Area and supports their preservation. The criteria for an area to be identified as a 'rural enclave' included having a Low Residential future land use designation, on large lots with an average of one home per acre or greater, and with an Agricultural Residential (AR), Residential Estate (RE) or Residential Transitional (RT) Zoning District.
- **Appropriateness of the FLU:** In its assessment of a proposed amendment, staff assesses the lowest FLU designation necessary to achieve the target density, in conjunction with available density bonuses. The applicant's target of 69 units is achievable with an LR-3 designation in combination with TDRs and WHP density bonus. Under the applicant's proposal for MR-5, more of the proposed density increase would come from the amendment portion, and less from any density bonuses. As discussed below, if the amendment is adopted, this has the effect of reducing the amount of workforce housing required, because density obtained through an amendment is subject to a lower percentage of required workforce units than density obtained through density bonuses.
- **Mandatory Use of TDRs:** At the current LR-1 designation, with the maximum TDRs (9 units) the proposed project yields a total of 18 units, not sufficient to achieve the target 69 units. The applicant is proposing to attain the target 69 units for this site through a FLUA amendment to MR-5, and a WHP density bonus, but without the use of TDRs. Policy 2.4-b of the Comprehensive Plan Future Land Use Element requires that density increases be accomplished through the use of TDRs, unless an applicant meets the criteria for an amendment, is using the workforce or affordable housing programs, or proposes density up to, but not exceeding, density proposed and supported by the neighborhood plan formally received by the BCC.

In order to meet the criteria for an amendment without the mandatory use of TDRs, an applicant must both justify and demonstrate a need for a FLUA amendment and demonstrate that the current FLUA designation is inappropriate. The applicant has stated that the current designation of LR-1 is no longer appropriate given the current housing crisis impacting Palm Beach County as well as the increasing need for workforce housing in Palm Beach County. However, the current LR-1 designation provides low a density residential option which is compatible with the surrounding developments and therefore is not inappropriate. Therefore, the applicant not met this criterion for an amendment without the use of TDRs.

TDRs are available to this site, at a rate that varies by FLU. Per the Unified Land Development Code, a portion of any TDRs used would need to be provided as WHP units, on site. Through the zoning application, the applicant is proposing no use of available TDRs. The amendment is therefore inconsistent with the Comprehensive Plan policy that establishes TDRs as the required method of increasing density.

- **Workforce Housing:** As discussed above, When a future land use amendment is involved, staff identifies the lowest FLU designation necessary to achieve the target number of units, in conjunction with available density bonuses. Based on prior Board direction, staff also applies a percentage of the project units to be provided as WHP units, on site. The percentage is the greater of either 20% (for townhouse projects), or the percentage required by the Unified Land Development Code resulting from application of

the WHP Full Incentive option, as applied to the project using the lowest FLU and available density bonuses that achieve the target number of units.

Applying the lower LR-3 FLU, the available TDRs and WHP density bonus of 46%, the amount of WHP required would be 16 units, or 23%. The applicant's Zoning request yields an 11 unit (16%) WHP unit obligation which reflects the obligation if this parcel already had the requested FLU designation, and applied the Full Incentive option of the WHP. The WHP obligation from the proposed MR-5 FLU and WHP density bonus requested are proposed to be transferred to an off-site rental complex totaling 17 units (with the off-site rental multiplier of 1.5).

If a FLU amendment is adopted, staff recommends a FLU designation of LR-3, and conditions of approval to require full use of 28 TDRs and that 23% of the total units allowed by this amendment be workforce housing units built on site, consistent with prior amendments. However, if the Board adopts the amendment as requested (MR-5), staff recommends conditions of approval to require full use of 23 TDRs and that 20% of the total units allowed by this amendment be workforce housing units built on site.

Assessment and Recommendation. The intent of the amendment is to change the future land use designation on 9.24 acres from Low Residential, 1 unit per acre (LR-1) to Medium Residential, 5 units per acre (MR-5). The proposed future land use (FLU) change results in an increase in residential development potential from 9 units to 46 units. In addition, the concurrent zoning application includes a 50% density bonus (23 units) through the Workforce Housing Program (WHP) for a total of 69 units (7.5 units per acre). The applicant intends to develop the site with 69 townhouse units.

The subject site is located in the eastern half of the low density Palm Beach Ranches subdivision, which has an intact low-density residential character with a few institutional uses. This area is one of a handful of rural enclaves remaining in the Urban/Suburban Tier, which contribute to the diversity of lifestyles recognized and supported in the Comprehensive Plan.

The Comprehensive Plan contains direction to respect the integrity of neighborhoods, and the unique and diverse characteristics of each community, by ensuring that densities and intensities of land uses are compatible with those of surrounding areas. The proposed MR-5 future land use designation in general introduces density that is out of character with the area. Additionally, the applicant is proposing no Transfer of Development Rights (TDRs) which is inconsistent with the Comprehensive Plan policy that establishes TDRs as the required method of increasing density, and the applicant's proposal to increase density primarily through the FLU increase has the effect of reducing the project's WHP obligation.

Staff recommends **denial** of the request. However, should the Board adopt the amendment request, staff proposes conditions of approval as shown in Exhibit 1.

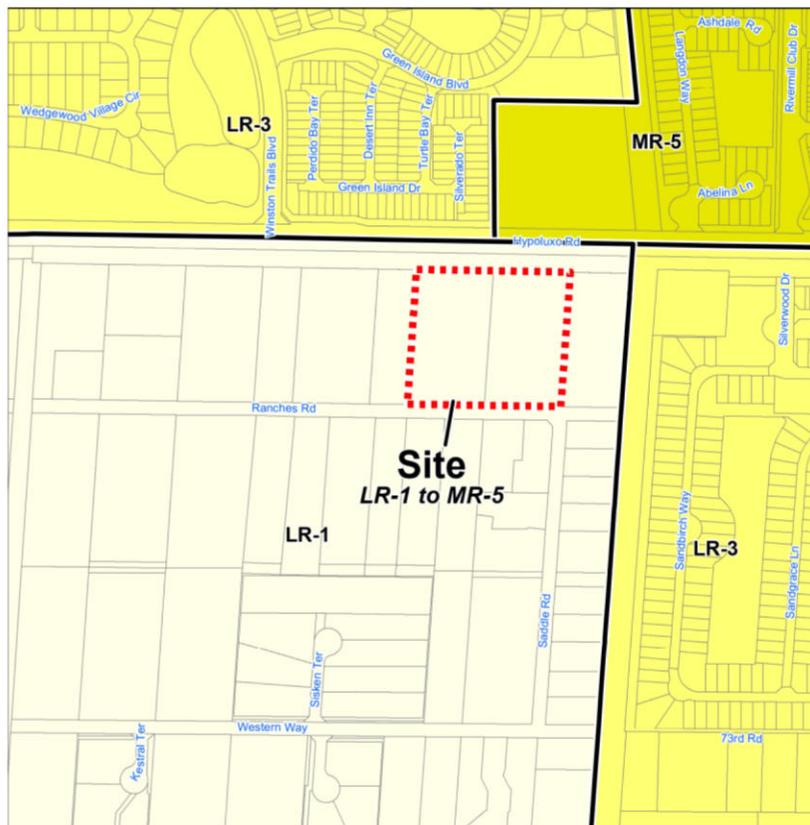
Exhibits	Page
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Exhibit 1

Amendment No:	Towns at Tidewater (SCA 2022-019)
FLUA Page No:	86
Amendment:	From Low Residential, 1 unit per acre (LR-1) to Medium Residential, 5 units per acre (MR-5)
Location:	South side of Hypoluxo Road, approximately 0.83 miles east of Jog Road
Size:	9.24 acres
Property No:	00-42-45-10-01-008-0020 and 00-42-45-10-01-008-0030

Conditions: *Staff's recommendation for conditions should the Board adopt as LR-3 are below:*

1. The subject site shall be limited to a maximum of 69 dwelling units with no further density increases permitted through density bonus programs.
2. A minimum of 28 Transfer of Development Rights (TDR) units shall be purchased and constructed onsite. Thirty four percent of the TDR units shall be purchased at the WHP rate and shall apply to the minimum number of workforce housing units required by this ordinance.
3. The zoning development order shall require a minimum of 23% of the total dwelling units to be built as onsite workforce housing units. The workforce housing units are subject to the applicable requirements of the Workforce Housing Program (WHP) in Article 5.G.1 of ULDC.



Legal Description

THE EAST ONE HALF (E. 1/2) OF THE NORTHWEST QUARTER (N.W. 1/4) OF THE NORTHEAST QUARTER (N.E. 1/4) OF THE NORTHWEST QUARTER (N.W. 1/4) OF SECTION 11, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; LESS THE NORTH 56.0 FEET AND THE SOUTH 30.0 FEET THEREOF FOR ROAD AND CANAL PURPOSES. A/K/A PALM BEACH RANCHES (UNRECORDED) LOT 3 BLOCK 8.

TOGETHER WITH:

THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 45 SOUTH, RANGE 42 EAST, EXCEPT THE NORTH 56 FEET THEREOF, AND EXCEPT THE SOUTH 30 FEET THEREOF FOR ROAD AND CANAL PURPOSES. (ALSO KNOWN AS LOT 2, BLOCK 8, OF THE UNRECORDED PLAT OF PALM BEACH RANCHES.)

SAID LANDS LYING AND BEING IN PALM BEACH COUNTY, FLORIDA, AND CONTAINING 9.244 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

Exhibit 2

Consistency with Comprehensive Plan

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

A. Consistency with the Comprehensive Plan - General

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

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

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

- The proposed Medium Residential, 5 units per acre (MR-5) designation is suitable and appropriate for the property as the property will have frontage and access on Hypoluxo Road.
- The proposed townhouses will provide an alternative housing opportunity in an area that is comprised mainly of single-family development.
- The LR-1 future land use designation is inappropriate given the current housing crisis impacting Palm Beach County as well as the increasing need for workforce housing in Palm Beach County.

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

The site currently has LR-1 future land use designation and is utilized for agriculture and residential purposes. The applicant is requesting to increase density through a combination of the future land use amendment process and Workforce Housing (WHP) programs from the current potential of 1 unit per acre to the overall density of 7.5 units per acre.

The applicant's justification statement indicates that the subject site has frontage and access on Hypoluxo Road and the proposed townhouses will provide an alternative housing opportunity in an area that is comprised mainly of single-family development. The applicant cites the increasing need for workforce housing in Palm Beach County; however, the proposal includes no TDRs, which would require a portion of the TDR density to be built as WHP units on-site. The applicant cites that providing WHP units on site would not be financially feasible. The WHP obligation from the proposed MR-5 FLU and WHP density bonus requested are proposed to be transferred to an off-site rental complex.

This area is one of a handful of low density residential enclaves in the Urban/Suburban Tier, which contribute to the diversity of lifestyles recognized in and supported by the Comprehensive Plan. The viability of the LR-1 designation which exists along this segment of the Hypoluxo Road corridor is demonstrated by the active residential use of other lots along the corridor and in this subdivision. Some changes in the residential development pattern of the area have occurred, but remain in the range of low density residential. The applicant has not justified the need for the proposed future land use and for residential density increases and, therefore, the applicant has not met Policy 2.1-f provisions.

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

Staff Analysis: Several County Directions are relevant to the proposed amendment:

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

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

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

Direction 5. Neighborhood Integrity. *Respect the integrity of neighborhoods, including their geographic boundaries and social fabric.*

Direction 15. Agricultural and Equestrian Industries. *Support and enhance agriculture and equestrian-based industries.*

Staff Analysis: The subject site is located in the eastern half of the Palm Beach Ranches subdivision, along a roadway corridor which has an intact low-density character, residential with a few institutional uses. As previously discussed, this area is one of a handful of low density residential, rural enclaves in the Urban/Suburban Tier. These areas contribute to the diversity of lifestyles recognized in the County Directions, and provide opportunities for agricultural activities in the midst of more urban development. A project of 69 townhouses, and MR-5 FLU in general, introduces density that is not compatible with the characteristics of the area. Therefore, the request is not consistent with County Directions 1, 4, 5 and 15. Direction 4. Land Use Compatibility is further discussed in the Compatibility section. Direction 2. Growth management is further implemented by Policy 2.4-b which is discussed in more detail in the Density Increases section of this report. The proposed request does not include a request for TDR density and therefore is not consistent with the Direction 2. Growth management.

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

Staff Analysis: The definition of piecemeal development in the Comprehensive Plan describes “A situation where land, under single ownership or significant legal or equitable interest (by a person as defined in Section 380.0651[4] F.S., is developed on an incremental basis, or one piece at a time, with no coordination or overall planning for the site as a whole.” No parcel in same ownership is left out of proposed amendment. Therefore, the proposed amendment is not piecemeal, and does not create a residual parcel pursuant to this policy and definition.

4. **Rural Enclaves in Urban Service Area - Policy 2.2.1-p:** *The County recognizes that there are long established rural residential enclave communities and homesteads in locations within the Urban Suburban Tier that have Low Residential future land use designation. The County supports the continuation of these rural areas in order to*

encourage a high quality of life and lifestyle choices for County residents. In addition, within these areas the County may apply the ULDC standards for rural residential development as follows: 1. in low density areas in Urban Residential future land use categories; 2. on parcels presently used for agricultural purposes; or 3. on parcels with a Special Agricultural future land use category.

Staff Analysis: As it was previously mentioned, the subject site is located in the Palm Beach Ranches subdivision. The surrounding area along with some lots remaining in the western half, form an enclave of low density residential and agricultural uses in the Urban/Suburban Tier. This area, one of the few in the Palm Beach County, helps to provide the diversity of lifestyle that the Comprehensive Plan aims to protect. They also provide opportunities for limited agricultural uses in the Urban/Suburban Tier. The proposed amendment introduces a density that is not compatible with the nature of this rural enclave, and therefore is not appropriate at this location.

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

Future Land Use Element Objective 1.1, Managed Growth Tier System, states that “Palm Beach County shall implement the Managed Growth Tier System strategies to protect viable existing neighborhoods and communities and to direct the location and timing of future development within 5 geographically specific Tiers.....”

1. Policy 1.2-a: Within the Urban/Suburban Tier, Palm Beach County shall protect the character of its urban and suburban communities by:

1. *Allowing services and facilities consistent with the needs of urban and suburban development;*
2. *Providing for affordable housing and employment opportunities;*
3. *Providing for open space and recreational opportunities;*
4. *Protecting historic, and cultural resources;*
5. *Preserving and enhancing natural resources and environmental systems; and,*
6. *Ensuring development is compatible with the scale, mass, intensity of use, height, and character of urban or suburban communities.*

Staff Analysis: This area, one of the few remaining enclaves of low density residential and agricultural uses, helps to provide the diversity of lifestyle and also provides opportunities for limited agricultural uses in the Urban/Suburban Tier. The proposed amendment will introduce density that is not appropriate at this location.

2. Density Increases - Policy 2.4-b: The Transfer of Development Rights (TDR) Program is the required method for increasing density within the County, unless:

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

Staff Analysis. This policy requires that density increases be accomplished through the use of TDRs, unless an applicant meets the criteria for an amendment, is using the workforce or affordable housing programs, or proposes density up to, but not exceeding, density proposed and supported by the WBACP neighborhood plan. The applicant is not proposing the use of any TDRs to increase density on this site, instead proposing to increase the FLU designation from LR-1 to MR-5 and add additional density through the WHP density bonus program.

In order to meet the criteria for an amendment without use of the mandatory TDRs, an applicant must both justify and demonstrate a need for a FLUA amendment and demonstrate that the current FLUA designation is inappropriate. The applicant has stated that the current designation of LR-1 is inappropriate given the current housing crisis impacting Palm Beach County as well as the increasing need for workforce housing in Palm Beach County. However, the current LR-1 designation is compatible with the surrounding developments and has the potential to achieve higher densities, up to a density of 2 du/ac, with full use of the available TDR density bonus. Therefore, the applicant has not met the criteria for an amendment without the use of TDRs.

The applicant is proposing to not purchase TDRs, therefore, the request does not comply with Policy 2.4-b.

If available TDRs are used, the proposed 69 units can be achieved with a FLU designation of LR-3 rather than MR-5, supplemented with WHP density bonus. The TDR program requires that a minimum of 34% of TDRs used must be provided as workforce housing units; these WHP units must be provided on-site. Following the Board's initiation of amendments related to density, staff is processing revisions to the Unified Land Development Code (ULDC), proposing to delete the on-site requirement for workforce housing units resulting from the use of TDRs in order to be consistent with the WHP which allows additional disposition methods.

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

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

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

Staff Analysis: The County has a mandatory workforce housing requirement for all housing developments in the Urban/Suburban Tier with 10 units and greater (whether they are increasing density or not), and offers a density bonus in exchange for additional workforce housing units. The density bonus is based on a point system that accounts for how well the WHP units to be provided further County objectives, with the highest density bonuses (up to 100%) available for projects that will provide the WHP as on-site, for sale, single family units in areas with low concentrations of workforce housing. The WHP is also supported by the TDR program: a minimum of 34% of TDRs used must be provided as workforce housing units, and these WHP units must be provided on-site. As noted above, staff is processing revisions to the Unified land Development Code (ULDC) proposing to delete the on-site requirement for WHP obligation resulting from the use of TDRs.

The applicant is proposing to attain the 69 unit target for this site through the FLUA amendment from LR-1 to MR-5, with a 50% density bonus. In its assessment of a proposed amendment, staff first determines if the applicant's target is achievable with a lower FLU designation, in combination with available TDRs and WHP density bonus. In this case, the target of 69 units is achievable with a FLU designation of LR-3.

Under the applicant's proposal, the WHP obligation would be 11 WHP units (16%), which would increase to 17 due to the off-site rental multiplier of 1.5. At a FLU of LR-3, with full use of TDRs and applying the Full Incentive percentages of the WHP, the required WHP would be 16 units, or 23% to be provided on-site.

Table 1 provides a comparison of the density available on the subject site using a combination of the required TDRs and available WHP bonus programs to increase density at various future land use designations.

Current and Potential Bonus Density: Table 1 examines the total units and density bonus options for the current LR-1, the lowest FLU (LR-3) that would achieve the requested 69 units, the requested MR-5 utilizing all available density bonuses, and the number of units requested through the zoning application. The zoning application is

requesting to increase the total number of units to 69 using the increase from LR-1 to MR-5, 50% WHP density bonus and no TDRs.

In recent years, staff sought direction from the Board of County Commissioners on the suitable minimum percentages of workforce housing to be required when density increases are being requested through the future land use amendment process. The Board directed staff to recommend a minimum of 10% for single family projects, 20% for townhomes, and 25% for multifamily developments. If the requested MR-5 is deemed appropriate by the BCC, a condition of approval to require that a minimum of 20% of the total units % or 14 units to be workforce housing units built on site should be applied in the adopting ordinance. If the LR-3 FLU designation was to be approved, the required percentages resulting from the Staff Analysis and application of Code provisions yields a higher percentage than would result from applying these minimums; and, a condition of approval to require that a minimum of 23% of the total units (16) to be workforce housing units built on-site should be applied in the adopting ordinance.

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

	FLU	FLU Units	TDR Bonus	WHP Bonus	Total		WHP obligation	
					Units	Density	WHP Units	%
Current land use	LR-1	9	9	n/a	18	2 du/ac	3	17%
Lowest FLU to Achieve Target	LR-3	28	28	13 (46%)	69	7.5 du/ac	16	23%
Proposed by Applicant	MR-5	46	0	23 (50%)	69	7.5 du/ac	11	16%
Proposed by Applicant (with addition of 20% condition & available TDRs)	MR-5	46	23	0	69	7.5 du/ac	14	20%

C. Compatibility

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

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

The surrounding land uses immediately abutting the site are the following:

North: To the north across Hypoluxo Road is a place of worship and Winston Trail PUD. Winston Trail PUD has a FLU designation of Low Residential, 3 units per acre that has been developed with single family homes at 2.6 units/acre density.

South, East and West: To the south, east and west, the site is surrounded by a combination of large lots, ranging in size from one to five acres, with an LR-1 FLU within of the Palm Beach Ranches subdivision. There are single family dwellings, nurseries and institutional uses in the surrounding area. There is a place of worship on the parcel immediately to the east and a nursery on the parcel immediately to the west.

Applicant’s Comments: The Applicant states in Exhibit 3 that the proposed use is consistent with the existing development pattern and adjacent uses that have occurred along the Hypoluxo Road corridor.

Staff Analysis: There have been an increasing number of amendments that seek to increase residential density through a combination of the future land use amendment process and the TDR and WHP density bonus programs. The review of these amendments make it increasingly apparent that these components cannot be analyzed independently, because the granting of an amendment has an impact on the amount of WHP density bonus and TDRs that become available to the project. Increasingly, requests

for amendments, WHP density bonuses, and TDRs, or combinations of these, are for sites that represent infill, within existing patterns of development. Ultimately, the finding of compatibility that is required as part of the assessment of a proposed amendment must take into consideration the potential for additional density increases resulting from the density bonus programs, and the impacts of this density on the surrounding area, as part of the amendment process.

The subject site is located in the eastern half of the Palm Beach Ranches subdivision. The surrounding area along with some lots remaining in the western half, form an enclave of low density residential and agricultural uses in the Urban/Suburban Tier. This area, one of the few remaining in the Palm Beach County, helps to provide opportunities for limited agricultural uses in the Urban/Suburban Tier and the diversity of lifestyle that the Comprehensive Plan aims to protect.

Although this unrecorded subdivision has seen some changes from the original 64 five acre lots, the area has remained low density. Some of the five acre lots in the eastern half of Palm Beach Ranches were subsequently subdivided into one acre lots, and in 2006, several of the five acre parcels in the western half of this subdivision were aggregated and a residential development Osprey Oaks PUD was approved at an overall density of 2.4 units per acre achieved at the LR-1 FLU and with the purchase of 123 TDRs. The single family portion that abuts the eastern half of the Palm Beach Ranches subdivision is low density in character, with a gross density of less than 2 units per acre.

The subject site is located in a subdivision that consists primarily of two to five acre parcels with several agricultural operations, primarily nurseries. Approximately 15% of the lots on the eastern half of the subdivision have an Agricultural Classification from the Property Appraiser or other indication of active agricultural use.

D. Consistency with County Overlays, Plans, and Studies

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

Staff Analysis: The subject site is located within the boundaries of Sub Area 1 of the West Boynton Area Community Plan (WBACP) which is included in the Coalition of Boynton West Residential Associations (COBWRA). The County considers the objectives and recommendations of all Community and Neighborhood Plans prior to the approval of a future land use amendment. The WBACP is analyzed for consistency with the proposed amendment under the Consistency with County Overlays, Plans, and Studies section of this report.

The following recommendations of the WBACP apply to the subject site and the requested FLUA designation.

WBACP Recommendation 29 (Summary)

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

The generalized future land uses map on page 53a of the WBACP serves as a cartographic interpretation of the recommendations in the WBACP regarding land use designations and uses. The map does not propose any increases in density for the site.

E. Public Facilities and Services Impacts

The proposed amendment will change the Future Land Use designation from LR-1 to MR-5 for the purposes of developing 69 townhouse units. Public facilities impacts are detailed in the table in Exhibit 4.

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

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

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

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

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

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

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

The Traffic Study was prepared by McMahon Associates, Inc., 2090 Palm Beach Lakes Blvd., Suite 400, West Palm Beach, FL 33409. Traffic studies and other additional supplementary materials for site-specific amendments are available to the public on the PBC Planning web page at: <http://discover.pbcgov.org/pzb/planning/Pages/Active-Amendments.aspx>

3. School District Comments: The School District indicated in the School Capacity Availability Determination letter, or SCAD, dated November 2, 2021 (Exhibit 8) provides the impact of the amendment on the school system with a School District recommendation that the applicant enter into a voluntary condition of approval in the zoning application to contribute to the School District.

F. Public and Municipal Review

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

A. Intergovernmental Coordination: Notification of this amendment was sent to the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC) for review on September 23, 2022.

B. Other Notice: Public notice by letter was mailed to the owners of properties within 500' of the perimeter of the site on September 23, 2022. In addition, COWBRA, Winston Trails HOA, Abbingdon HOA, Rivermill HOA, Silverwood Estates HOA, Vista Lago HOA, Osprey Oaks HOA and several neighboring property owners who requested notice were notified by mail. To date staff received several phone calls and a letter of opposition from residents. Letters received are added to Exhibit 9.

Exhibit 3

Applicant’s Justification

Introduction

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

I. PROPOSED FLUA MAP AMENDMENT

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

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

Description of Site Vicinity

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

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

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

G.1 Justification

Each proposed FLUA amendment must be found to be consistent with the Goals, Objectives, and Policies (GOPs) of the Comprehensive Plan. Future Land Use Element Policy 2.1.f requires that adequate justification for the proposed future land use be provided. The modifications proposed to the conditions of approval are discussed throughout the justification as well as more specifically below:

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

Response: The proposed Medium Residential, 5 units per acre (MR-5) designation is suitable and appropriate for the Property as the Property will have frontage and access on Hypoluxo Road. The Property is located just east of Jog Road in an area of the County that is

experiencing rapid population growth. The Applicant intends to develop a townhouse development on the Property. The proposed townhouses will provide an alternative housing opportunity in an area that is comprised mainly of single-family development.

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

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

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

Response: N/A

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

Response: N/A

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

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

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

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

d. Inappropriateness of the adopted FLU designation.

Response: As discussed above, the LR-1 Future Land Use designation is inappropriate given the current housing crisis impacting Palm Beach County, as well as the Country.

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

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

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

Response: N/A

G.2 Residential Density Increases

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

- Demonstrate a need for the amendment.
- Demonstrate that the current FLUA designation is inappropriate.
- Provide a written explanation of why the Transfer of Development Rights, Workforce Housing, and Affordable Housing Programs cannot be utilized to increase density on the site.

a. Demonstrate a Need for the Amendment

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

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

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

b. Demonstrate that the Current FLUA Designation is Inappropriate

Response: As discussed above, the current future land use designation is inappropriate given the recent housing crisis as well as the increasing need for workforce housing in Palm Beach County. The existing residential land use designation does not allow residential development above 5 dwelling units per acre. Typical townhouse projects are developed at densities between 6 and 8 dwelling units per acre. Unfortunately, the density permitted by the LR-1 limits the housing type to single-family residential. This area of the County is saturated with low density and single family units. This low density contributes to a homogeneous community rather than providing for mixed income communities. Additionally, this low density is not the most efficient use of public facilities and utilities. By acknowledging higher density within the Urban/Suburban Tier, new opportunities are created for people to move for access to schools

and jobs, as well as provide a way for aging residents to downsize without having to leave their neighborhoods. Ultimately, this is one step forward to helping ease the affordability crisis that is occurring across this County while still encouraging homeownership.

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

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

G.3 Compatibility

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

To be compatible, it is not necessary that two uses have the exact same function (e.g. residential, commercial, institutional, etc.). Rather, compatibility is attained when uses do not adversely affect each other. Further, two uses whose functions are different can complement and support each other. For example, an industrial use can provide essential services to residents of surrounding neighborhoods, as well as the community at-large. In addition, buffering, screening, setback, height, and landscaping requirements can further enhance compatibility, and reduce the potential negative effects of functionally different land uses.

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

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

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

G.4 Comprehensive Plan

The proposed Future Land Use Atlas Amendment is consistent with various goals, objectives, and policies in the Palm Beach County Comprehensive Plan as detailed below. Furthermore, the proposed amendment is consistent with the West Lake Worth Road Neighborhood Plan goals, objectives, and policies.

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

- **Balanced Growth** – “...to recognize the diverse communities within the County, to implement strategies to create and protect quality livable communities respecting the lifestyle choices for current residents, future generations, and visitors, and to promote the enhancement of areas in need of assistance.”

Response: *Approval of this proposed FLU amendment will allow for the development of a townhouse project that will fit in with the surrounding single-family residential uses, the institutional uses, the nurseries and can utilize the services that are available in the area.*

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

Response: Approval of the proposed FLU amendment will allow for additional housing options to serve the community. The very definition of a well-planned community is one that is compact and self-contained with a mix of uses providing for the daily needs to live, work, play, worship, dine, and shop. Increasing the residential density for the Property will ensure that the community has alternative housing options available for the teachers at nearby schools, the police that patrol the Hypoluxo Road corridor, and the single-parent households looking for smaller more attainable housing options.

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

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

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

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

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

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

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

Response: The Property is located within the Urban/Suburban Tier where services and public facilities are already available. The Applicant is proposing to increase the density and develop an alternative housing option. The Property is located east of Jog Road and on a major east/west roadway where higher densities should be accommodated in order to offer a mix of housing types that do not create a homogeneous development pattern.

G.5 Florida Statutes

Data and analysis demonstrating that the proposed development can be supplied by necessary services without violating adopted LOS standards are presented in Attachment H (Traffic Letter and Study), J (Drainage Statement), K (Fire Rescue Letter), and I (Water and Wastewater Provider Letter). Data and analysis discussing environmental and historical resources impacts are presented

in Attachments J (Drainage Statement), M (Wellfield Zone), L (Natural Features Inventory and Map) and N (Historic Resource Evaluation Letter). No negative environmental impacts are identified.

The primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below along with the applicant's descriptions. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment discourages urban sprawl.

- Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single use development or uses.
 - **Response:** *The applicant is requesting to change the FLU of the Property from LR-1 to MR-5 which will allow for a townhouse development within the Urban/Suburban Tier. The Property is located within the West Boynton Area Community Plan (WBACP) study area. This study encourages the appropriate mix of land uses that allows for higher density and non-residential infill development that will provide employment opportunities as well as mitigate additional traffic generation.*
- Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.
 - **Response:** *The Property is located in the Urban/Suburban Tier and within the Hypoluxo Road corridor which is not rural in nature and urban services such as police, fire rescue and water/wastewater/drainage utilities exist in the immediate area.*
- Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.
 - **Response:** *The development is not isolated in nature as residential development surrounds the Property immediately to the west, north and south. Residential uses have been developed along the corridor further to the east and west of Hypoluxo Road.*
- Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.
 - **Response:** *This amendment does not fail to protect and conserve natural resources as the proposed development will have no negative impact on any other significant natural system. The Property is mostly cleared as it has been used for agriculture purposes and a single family residence. There are no wetland conditions on the Property and any native trees will be mitigated according to County policies.*
- Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.
 - **Response:** *The Property is located within the Urban/Suburban Tier and it is not located within any zoning district or overlay which would mandate the continued use of the Property for agriculture. These types of activities are often not compatible with the urban/suburban level of development that is occurring within the Hypoluxo Road corridor.*
- Fails to maximize use of existing public facilities and services.
 - **Response:** *Reports and letters are provided with this application to show the availability of roadway capacity, water/sewer service, drainage outfall and fire response.*
- Fails to maximize use of future public facilities and services.
 - **Response:** *Reports and letters are provided with this application to show the availability of roadway capacity, water/sewer service, drainage outfall and fire response.*
- Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.
 - **Response:** *Public services and facilities are already available in the immediate vicinity. The proposed amendment will fit in with the existing land use pattern.*
- Fails to provide a clear separation between rural and urban uses.
 - **Response:** *The Property is located within the Urban/Suburban Tier and not adjacent to any other Tiers therefore defining a clear separation between rural and urban uses. Therefore, the proposal discourages the proliferation of Urban Sprawl.*

- Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.
 - **Response:** *This amendment will allow for what could be considered infill development as urban/suburban styles of development have occurred and/or are approved in each direction from the Property.*
- Fails to encourage a functional mix of uses.
 - **Response:** *Approval of this proposed amendment will allow the development of a townhouse project within an area of the County that has historically only been developed with low intensity/density residential development. This project will contribute to a functional mix of uses within the Hypoluxo Road corridor.*
- Results in poor accessibility among linked or related land uses.
 - **Response:** *The proposed development will be designed with pedestrian connections as required through the site plan approval process.*
- Results in the loss of significant amounts of functional open space.
 - **Response:** *This amendment does not result in a loss of any functional open space as the Property is currently not utilized as functional open space for public use.*

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

- Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.
 - **Response:** *This amendment does not fail to protect and conserve natural resources as the Property is vacant of natural resources. The Property is located outside of any wellfield protection zone. As required by the ULDC, any native plant material will be addressed during the zoning approval process.*
- Promotes the efficient and cost-effective provision or extension of public infrastructure and services.
 - **Response:** *The request for a FLUA amendment will maximize the use of future public facilities and services existing and within a relatively urban corridor. No facilities would be required to be installed in rural or sparsely populated areas, thereby maximizing the use of the existing facilities. Therefore, the proposal discourages the proliferation of Urban Sprawl.*
- Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.
 - **Response:** *The development will be designed to provide pedestrian connections, bike racks, and other elements that support a compact development.*
- Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.
 - **Response:** *Approval of this proposed amendment will allow the development of townhouse units within an area of the County that is primarily developed with single family housing.*

Conclusion

As described above, the proposed FLU amendment from Low Residential, 1 unit per acre (LR-1) to Medium Residential, 5 units per acre (MR-5) is consistent with the Goals, Objectives, and Policies of Palm Beach County's Comprehensive Plan and the Florida State Statutes. The proposed amendment is also compatible with the surrounding area. The proposed amendment does not contribute to urban sprawl.

II. ULDC CHANGES

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

Exhibit 4
Applicant's Public Facility Impacts Table

A. Traffic Information		
	Current	Proposed
Max Trip Generator	LU 220 – 9 Dwelling Units	LU 220 – 69 Dwelling Units
Maximum Trip Generation	Daily – 90 trips AM – 7 trips, PM – 10 trips	Daily – 505 trips AM – 32 trips, PM – 39 trips
Net Daily Trips:	415 (maximum minus current) 415 (proposed minus current)	
Net PH Trips:	25 AM, 29 PM (maximum) 25 AM, 29 PM (proposed)	
Significantly impacted roadway segments that fail Long Range	N/A	No significant links
Significantly impacted roadway segments for Test 2	N/A	No significant links
Traffic Consultant	McMahon Associates, Inc.	
B. Mass Transit Information		
Nearest Palm Tran Route (s)	There is no Palm Tran Route within close proximity of the Property. Route 3 is the closest route.	
Nearest Palm Tran Stop	There are no Palm Tran Stops within close proximity of the Property. Bus stop 1077 is the closest stop which is 1.154 miles from the Property.	
Nearest Tri Rail Connection	Route 71 provides a connection to the Boynton Beach Tri-Rail Station.	
C. Portable Water & Wastewater Information		
See Attachment I for Potable Water & Wastewater Level of Service (LOS) comment letter.		
Potable Water & Wastewater Providers	Palm Beach County Water Utilities Department. Service capacity is available for the proposed development. Connections will require a lift station and forcemain extension. See Attachment I for letter from Palm Beach County Water Utilities Department.	
Nearest Water & Wastewater Facility, type/size	A 10" potable water main located within Ranches Road adjacent to the property. A 12" wastewater forcemain located within Ranches Road approximately 1,700 feet west of the property.	
D. Drainage Information		
The drainage system for the proposed project will consist of culverts, structures, and wet detention areas, which will have a legal positive into the Lake Worth Drainage District L-18 canal that runs along the north side of the Property. The Property is located within the SFWMD C-16 Basin, and the site will comply with the C-16 Basin requirements of discharge of 62.4 cubic feet per square mile. See Attachment J for Drainage Statement.		
E. Fire Rescue		
Nearest Station	Palm Beach County Fire-Rescue Station # 46, located at 7550 South Jog Road	
Distance to Site	1.75 miles	
Response Time	Average response time 6:58	

Effect on Resp. Time	The proposed amendment will have minimal impact on the response time for Station # 46. See Attachment K.			
F. Environmental				
Significant habitats or species	None. Please see map provided as Attachment L.			
Flood Zone*	Zone X – Property is not within a Flood Zone.			
Wellfield Zone*	The Property is not located within a Wellfield Protection Zone. See Attachment M.			
G. Historic Resources				
There are no significant historic resources present on the Property. See Attachment N for letter.				
H. Parks and Recreation – Residential Only (Including CLF)				
Park Type	Name & Location	Level of Svc. (ac. per person)	Population Change	Change in Demand
Regional	Okeeheelee Park 7715 Forest Hill Boulevard West Palm Beach, FL 33411	0.00339	+165 people	+0.56 ac.
Beach	Ocean Inlet Park 6990 N. Ocean Boulevard Ocean Ridge, FL 33435	0.00035	+165 people	+0.058 ac.
District	Canyon District Park 8802 Boynton Beach Boulevard Boynton Beach, FL 33437	0.00138	+165 people	+0.23 ac.

Exhibit 5

Palm Beach County Traffic Division Letter



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

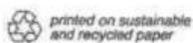
■
**Palm Beach County
Board of County
Commissioners**

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

County Administrator

Verdenia C. Baker

*"An Equal Opportunity
Affirmative Action Employer"*



January 11, 2022

Natalia Thais Lercari, P.E.
McMahon Associates, Inc.
2090 Palm Beach Lakes Boulevard, Suite 400
West Palm Beach, FL 33409

**RE: Towns at Tidewater aka Hypoluxo Townhomes
FLUA Amendment Policy 3.5-d Review
Round 2021-22-B**

Dear Ms. Natalia:

Palm Beach County Traffic Division has reviewed the Land Use Plan Amendment Application Traffic Analysis for the proposed Future Land Use Amendment for the above referenced project, revised January 4, 2022, pursuant to Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan. The project is summarized as follows:

Location:	South side of Hypoluxo Road, approximately 0.83 mile east of Jog Road	
PCN:	00-42-45-10-01-008-0020 <i>(other on file)</i>	
Acres:	9.24 acres	
	Current FLU	Proposed FLU
FLU:	Low Residential, 1 unit per acre (LR-1)	Medium Residential, 5 units per acre (MR-5)
Zoning:	Agricultural Residential (AR)	Single Family Residential (RS)
Density/Intensity:	1 DU/acre	5 DUs/acre
Maximum Potential:	Single Family Detached = 9 DUs	Multifamily Low-Rise (Townhouses) = 46 DUs
Proposed Potential:	None	Multifamily Low-Rise (Townhouses) = 69 DUs (with Bonus Density)
Net Daily Trips:	247 (maximum – current) 415 (maximum – proposed)	
Net PH Trips:	21 (5/16) AM, 26 (16/10) PM (maximum) 32 (7/25) AM, 39 (25/14) PM (proposed)	
	<i>* Maximum indicates typical FAR and maximum trip generator. Proposed indicates the specific uses and intensities/densities anticipated in the zoning application.</i>	

Based on the review, the Traffic Division has determined that the traffic impacts



Natalia Thais Lercari, P.E.
January 11, 2022
Page 2

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

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

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

Sincerely,

A handwritten signature in blue ink, appearing to be "DS", is written above the typed name.

Dominique Simeus, P.E.
Professional Engineer
Traffic Division

DS:ag

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

File: General - TPS – Unincorporated - Traffic Study Review
N:\TRAFFIC\Development Review\Comp Plan\22-B\Towns at Tidewater aka Hypoluxo Townhomes.docx

Exhibit 6
Water & Wastewater Provider LOS Letter



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

■

Palm Beach County
Board of County
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Mack Bernard

County Administrator
Verdenia C. Baker

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and recycled paper

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

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

Ms. Velasco,

This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area. PBCWUD has the capacity to provide the level of service required for the proposed 69 units, subject to a Capacity Reservation Agreement with PBCWUD.

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

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

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

Sincerely,

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

Jackie Michels, P.E.,
Project Manager

Exhibit 7
Disclosure of Ownership Interests

PALM BEACH COUNTY - ZONING DIVISION

FORM # 9

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

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

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

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

1. Affiant is the individual or Manager *[position - e.g., president, partner, trustee]* of Medjool Nurseries, LLC *[name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership]* that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
2. Affiant's address is: 6111 Broken Sound Pkwy NW
Suite 200
Boca Raton, FL 33487
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

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

FURTHER AFFIANT SAYETH NAUGHT.

Ramzi Akel, Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
COUNTY OF PALM BEACH

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

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

Teresa Hugo Tigert
(Signature)

My Commission Expires on: 3/8/2022



EXHIBIT "A"

PROPERTY

The east one half (E 1/2) of the northwest quarter (NW 1/4) of the northeast quarter (NE 1/4) of the northwest quarter (NW 1/4) of Section 11, Township 45 South, Range 42 East, Palm Beach County, Florida; less the north 56.0 feet and the south 30.0 feet thereof for road and canal purposes. A/K/A Palm Beach Ranches (unrecorded) Lot 3 Block 8.

Together with,

The west half of the northeast quarter of the northeast quarter of the northwest quarter of Section 11, Township 45 South, Range 42 east, except the North 56 feet thereof, and except the south 30 feet thereof for road and/or canal purposes.
(Also known as Lot 2, Block 8, of the unrecorded Plat of Palm Beach Ranches.)

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

Name

Address

Ramzi Akel, 5300 WEST ATLANTIC AVE, Delray Beach FL 33484

Multiple horizontal lines for additional entries.

Exhibit 8

School Capacity Availability Determination (SCAD) Letter



THE SCHOOL DISTRICT OF
PALM BEACH COUNTY, FL
PLANNING AND INTERGOVERNMENTAL RELATIONS
3661 INTERSTATE PARK RD. N., STE 200
RIVIERA BEACH, FL 33404

KRISTIN K. GARRISON
DIRECTOR

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

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

SCHOOL CAPACITY AVAILABILITY DETERMINATION (SCAD)

Application	Submittal Date	11/02/2021		
	SCAD No.	21110201F - FLU		
	FLU /Rezoning/D.O. No.	Not Provided – Palm Beach County		
	PCN No. / Address	00-42-45-10-01-008-0020; 0030 / 5597 & 5660 Ranches Road		
	Development Name	Towns at Tidewater		
	Owner / Agent Name	Medjool Nurseries / Lauren McClellan		
	SAC No.	236B		
	Proposed Amendment	Maximum 72 Residential Units		
Impact Review		Manatee Elementary School	Christa McAuliffe Middle School	Park Vista High School
	New Students Generated	12	7	9
	Capacity Available	121	-297	-267
	Utilization Percentage	92%	123%	108%
School District Staff's Recommendation	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.			
	In order to address the school capacity deficiency generated by this proposed development at the District middle and high school level, the property owner shall contribute a total of \$198,491.00 to the School District of Palm Beach County prior to the issuance of first building permit.			
	This school capacity contribution is intended to supplement the required school impact fee (impact fee credit has already been applied). The contribution amount may be adjusted to reflect the actual unit number and type during the Development Order process.			
Validation Period	Please note that the school impact fee credit is calculated based on the Net Impact Cost per Student, as calculated in the County's latest Impact Fee Ordinance, which was adopted on April 16, 2019.			
	1) This determination is valid from 11/11/2021 to 11/10/2022 or the expiration date of the site-specific development order approved during the validation period. 2) A copy of the approved D.O. must be submitted to the School District Planning Dept. prior to 11/10/2022 or this determination will expire automatically on 11/10/2022.			
Notice	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.			

Joyce Cai

School District Representative Signature

Joyce C. Cai, Senior Planner

Print Name & Title

November 11, 2021

Date

joyce.cai@palmbeachschools.org

Email Address

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

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

Exhibit 9 Correspondence

From: joestair <joestair@bellsouth.net>
Sent: Thursday, March 24, 2022 10:35 AM
To: Inna Stafeychuk <IStafeyc@pbcgov.org>
Subject: Towns at Tidewater

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

Inna

Thank you for speaking with me yesterday. I have been a resident of over 20 years in this neighborhood and have a number of concerns regarding the proposed land use amendment which I have listed below. A high density, multi-family townhouse project does not belong in this neighborhood

Incompatible Density - 1 to 2 units per acre is reasonable and fits surrounding neighborhood. The Property is bordered by single family residential uses on three sides. Anything above 1 to 2 units per acre would be damaging to the existing residents. 9 to 10 Units per acre shouldn't even be considered. The Osprey Estates single family homes along Western Way are low density and have sold out. That should be the precedent here.

Flooding - Road flooding has increased as development within the neighborhood has increased over the last ten years. Ranches Road and Jog Road adjacent to the new daycare floods during rain events. Never flooded prior. New construction, now it floods. Western Way floods adjacent to the new Osprey Estate Homes. Osprey Point sheds water into swales which were in place prior to the development. These sites are filled and are much higher than the adjacent existing properties. Flooding did not start until new development in the neighborhood began.

Traffic - Ranches Road, Western Way, and Saddle Road are narrow residential roads that are not through roads. The roads become more narrow when vegetation, garbage cans, service vehicles, or cars are on or near the edge of the road. At times two way traffic cannot operate. If a high density development is allowed and access to these roads is granted, there will be serious traffic issues.

Loss of Green Space - The Hypoluxo corridor has been developed with high density, clustered development leaving very little green space. Our low density neighborhood and the surrounding canal system and easements really are one of very few green areas along this corridor. Hawks, Osprey, Kites, Otters, Coyotes, Racoons, Possums, along with snakes, frogs, and a variety of other wildlife live in this 200 acre enclave. This isn't an exaggeration. I've had everyone of those animals visit my backyard at one time or another and they still do. A high density development would take away another piece of this green area.

Precedent - If developed as proposed, a precedent will be set and the larger parcels within our neighborhood will be targeted by developers. This is a neighborhood in all senses of the word and it will be destroyed if random, non-compatible high density developments are allowed to be developed within its boundaries. Again, this is a neighborhood with a residential loop road that people ride bikes, walk, ride horses and golf carts on. It is not Haverhill Road or Lyons Road or any other connecting road that are much better suited for higher density development.

The owner of this property does not see these parcels as part of our neighborhood. He has clear cut the slash pines and most of the other trees on the property. He has altered the swale along Ranches Road/Saddle Road with his bobcat (It also floods now) and has built an earth/timber berm on the north and south sides of the property. All of which I assume is against code.

A townhouse development does not belong in a ranchette style enclave like Palm Beach Ranches. Thank you for taking these issues into consideration.

Joseph & Antoinette Stair
7164 Saddle Road
Lake Worth, FL 33463
561-644-8418

Correspondence Provided at the 10/14/22 Planning Commission Hearing

Item: III.A.1

Inna Stafeychuk

From: Jeff ARNOLD <xaj77@bellsouth.net>
Sent: Friday, October 7, 2022 3:17 PM
To: Inna Stafeychuk
Subject: tidewater

This Message Is From an Untrusted Sender

You have not previously corresponded with this sender.

we strongly object to the towns of tidewater request to go from ag l1 to mr5 this neighborhood has a lot of nursery and landscapers here.there are a lot of veterans here that hope you will help us preserve the quality and living standards and environment we moved here for.if they want to do asised housing that's fine do it one per acre.as a disabled combat veteran i find this very distressing. you approved elsium at spray oaks,ospray oaks the learning preschool,lennar at silverwood can't you leave us one bit go greenspace and ag community. thanks jeff arnold 7256 saddle rd

Inna Stafeychuk

From: Lindsay Demmery <ldemmery@prestigelandlaw.com>
Sent: Wednesday, February 22, 2023 12:15 PM
To: BCC-All Commissioners; Maria Marino G.; Gregg Weiss; Michael A. Barnett; Marci Woodward; Maria Sachs; Sara Baxter; Mack Bernard
Cc: Inna Stafeychuk; Stephanie Gregory
Subject: Petition in Opposition to Towns at Tidewater applications CA-2022-0029 and Z/CA-2021-02123 set for Feb. 23, 2023

This Message Is From an Untrusted Sender

You have not previously corresponded with this sender.

Good morning commissioners,

I am writing this as a concerned constituent and would like to convey my concerns to you as my elected officials charged with the duty of protecting and making decisions on the development in this area. I will also be filing an official petition in opposition to the current application by Towns at Tidewater in similar form and substance, but wanted to provide this directly to you in advance of the hearing set for February 23, 2023.

Towns at Tidewater has filed a plan of development (application [Z/CA-2021-02123](#) and SCA-2022-0029) for a 9.24 acre lot in the area called Palm Beach Ranches subdivision, which currently and through the dedication of its inhabitants, has an intact low-density residential character with a few institutional uses. Towns at Tidewater (TAT) has requested a zoning amendment as well as a future land use amendment, which are both the subjects of the February 23rd Meeting. As the Staff Report stated, “[t]his area is one of a handful of rural enclaves [left] in the Urban/Suburban Tier, which contribute to the diversity of lifestyles recognized and supported in the Comprehensive Plan.” TAT’s proposed plan and request for amendment to the land use not only destroys the area’s diversity but also completely conflicts with the Comp Plan’s requirements and mission. TAT’s plan conflicts with the Comp Plan in many ways, including but not limited to, it far exceeds any allowed or recommended development density, it fails to propose any Transfer of Development Rights (which are required method of increasing density under the Comp Plan), and is incompatible with not only the density, intensity, and character of the surrounding subdivision. TAT’s plan provides no benefit to the subdivision in exchange for its failure to comply with this County’s current land use requirements and Comp Plan, and in fact attempts to further evade additional developmental requirements under the Comp Plan in its proposal to increase density primarily through the FLU increase, which also has the effect of reducing the project’s WHP obligation.

Ultimately, Towns at Tidewater’s plan clearly violates this County’s Comp Plan, is in violation of current land use requirements, adds no value to the subdivision or surrounding community’s character, and is strongly opposed by the neighboring landowners, your constituents. I request, on behalf of myself, my family, and my fellow opposing neighbors and other organizations that have filed opposition to Towns Tidewater, including but not limited to COBWRA, that you deny the Towns at Tidewater’s plan and requests as recommended by Staff and required by the Comp Plan.

Thank you.

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