

**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**

Application No.: ZV/Z/W-2020-01272
Application Name: Southport Grove
Control No./Name: 1971-10014 (Blanchard)
Applicant: Luca Land, LLC
 Southport Financial Services, Inc.
Owners: Smith Blanchard
Agent: Schmidt Nichols - Josh Nichols
Telephone No.: (561) 684-6141
Project Manager: Timothy Haynes, Senior Site Planner

TITLE: an Official Zoning Map Amendment **REQUEST:** to allow a rezoning from the Neighborhood Commercial (CN) and Multifamily Residential (RM) Zoning Districts to the Urban Infill (UI) Zoning District. **TITLE:** a Type 2 Waiver **REQUEST:** to eliminate Slip Street Frontage; allow the facade with the shortest length to be considered the front; to allow a parking structure on a Secondary Frontage without screening by habitable uses; allow the setback on the Secondary Frontage to exceed the maximum required; and, reduce the number of bicycle parking spaces.

APPLICATION SUMMARY: Proposed is an Official Zoning Map Amendment and Type 2 Waivers for the Southport Grove development. The 1.80-acre site has no prior Zoning approvals and currently supports Multifamily units.

The Applicant is requesting to rezone the subject site from the Neighborhood Commercial (CN) and the Multifamily Residential (RM) Zoning Districts to the Urban Infill (UI) Zoning District. The request includes five Type 2 Waivers from the Priority Redevelopment Area Overlay Regulations. Specifically, the Applicant is requesting to eliminate the requirement for a Slip Street, to allow the short side of the building to front the Primary Street (Military Trail), eliminate the amount of habitable space fronting the parking garage, reduce the Build-to-Line setback on the Secondary Street, and to reduce the number of bicycle parking spaces.

The Preliminary Site Plan (PSP) indicates a five-story, 92-unit Multifamily building, 99 parking spaces and one access point on Maine Street. This application is being processed concurrently with a Small Scale Future Land Use Atlas (FLUA) Amendment application (SCA-2021-00004). Upon review of the application, the request to reduce parking through a Type 2 Variance was not applicable as the ULDC allows a reduction in the number of parking spaces by 15% (18 spaces) through a subsequent administrative review application for a Type 1 Waiver. The Applicant withdrew the Variance request. A Type 2 Waiver request was also included in the application to allow bonus height for a building in compliance with Green Building Incentive program to obtain 5 stories. Further review determined that this Waiver request was not applicable as the ULDC allows for bonus height for structures meeting the Green Building Rating System standards as a LEED Silver or equivalent. The Applicant has provided a Florida Green Building Coalition score card meeting the point standards for 'Silver' green level design. This Type 2 Waiver was withdrawn as well.

SITE DATA:

Location:	Southeast corner of South Military Trail and Maine Street.
Property Control Number(s)	00-42-44-25-00-000-5380
Existing Future Land Use Designation:	Commercial High, with an underlying HR-8 (CH/8) High Residential (HR-12)
Proposed Future Land Use Designation:	Urban Infill (UI) District
Existing Zoning District:	Neighborhood Commercial District (CN) and Multi-Family Residential (Medium Density) (RM) District
Proposed Zoning District:	Urban Infill (UI) District
Total Acreage:	1.8 acres
Affected Acreage:	1.8 acres
Tier:	Urban/Suburban

Overlay District:	N/A
Neighborhood Plan:	N/A
CCRT Area:	Lake Worth West
Municipalities within 1 Mile	Atlantis, Greenacres, Palm Springs
Future Annexation Area	Palm Springs

RECOMMENDATION: Staff recommends approval of the request subject to the Conditions of Approval as indicated in Exhibit C-1 and C-2.

ACTION BY THE PLANNING COMMISSION (PC): The Planning Commission sitting as the Local Planning Agency heard the item on April 9, 2021 and recommended the BCC adopt the item by a unanimous vote. There were some traffic concerns relating to the potential impacts on the adjacent property to the north of the site which serves as an existing restaurant use. The Traffic Division received direction from the Planning Commission to correspond with the Applicant and the adjacent owner to discuss concerns and options for mitigation to prevent adverse impacts.

ACTION BY THE ZONING COMMISSION (ZC): At the April 1, 2021 ZC Hearing the Applicant requested a postponement to the May 6, 2021 hearing in order to address Staff review and requests. Following the April 1, 2021 ZC Hearing, Staff discussed outstanding issues regarding the request and determined that the previously requested Type 2 Waiver on height was not required because the Applicant is proposing to comply with the Florida Green Building Coalition ‘Silver’ green standards. The Comprehensive Plan, pursuant to Policy 1.2.2-c: Alternative Standards, also allows for the height to exceed four stories to allow for flexibility in the requirements for Urban Infill and Urban Centers in Policy 1.2.2-b. The Plan states that the County shall allow projects to apply for relief through the Zoning approval processes, subject to alternative standards—up to a complete deviation from all standards other than those specified. Per Table 3.B.16.F – Maximum Building Floors, additional floors up to a maximum of 5 is permitted within the UI 1 and UI 2 Transects where in compliance with Green Building Incentive Program standards. The Green Building Incentive Program criteria and evaluation thereof, serves as the Zoning approval process which permits an additional story over the 4 story limitation. In addition, it was determined that the proposed structure must be developed as a Block style building, and the revised request includes Type 2 Waiver to increase the location from the build-to line, as described in the Proposed standards contained herein.

At the May 6, 2021 Zoning Commission Hearing, this item was on the Regular Agenda. The Applicant (Mr. Josh Nichols) provided a presentation of the application to the Board, followed by two speakers from the general public who own the property to the north (Country Inn). Concerns raised by the Property Owner included increased traffic, access to their property, and the height of the proposed structure. Following the public comments, Commissioner Caliendo suggested a postponement of the application to allow the Applicant and the Property Owner to resolve concerns, which the Applicant agreed to. A motion was made by Commissioner Caliendo to postpone the application to the June 3, 2021 ZC Hearing, seconded by Commissioner Scarborough. The motion passed by a vote of 8-0-0.

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received 0 contacts from the public regarding this project.

PROJECT HISTORY:

The 1.80-acre site has no prior Zoning approvals and supports two dwelling units.

SURROUNDING LAND USES:

NORTH (Across Maine Street):

FLU Designation: High Residential (HR-12)

Zoning District: Multifamily Residential (Medium Density) (RM)

Supporting: Vacant (N/A, Control No N/A)

FLU Designation: Commercial High, with an underlying HR-8 (CH/8)

Zoning District: Neighborhood Commercial (CN)

Supporting: Commercial (Restaurant Country Inn, Control No 2008-00010)

FLU Designation: Urban Infill (UI)
Zoning District: Urban Infill (UI)
Supporting: Residential (N/A, Control No N/A)

SOUTH:

FLU Designation: High Residential (HR-12)
Zoning District: Multifamily Residential (Medium Density) (RM)
Supporting: Residential (N/A, Control No N/A)

FLU Designation: Commercial High, with an underlying HR-8 (CH/8)
Zoning District: General Commercial (CG)
Supporting: Vacant (Military Trail and Melaleuca Lane, Control No 2005-00631)

EAST:

FLU Designation: High Residential (HR-12)
Zoning District: Multifamily Residential (Medium Density) (RM)
Supporting: Residential (N/A, Control No N/A)

WEST (Across Military Trail):

FLU Designation: Urban Infill (UI)
Zoning District: Urban Infill (UI)
Supporting: Commercial (Lake Worth Dollar General, Control No 2017-00023)

FINDINGS:

Official Zoning Map Amendment (Rezoning) to a Standard District:

When considering a Development Order application for a rezoning to a Standard Zoning District with or without a Conditional Overlay Zone (COZ), the BCC and ZC shall consider Standards a through g listed under Article 2.B.7.A.2, Standards. The Standards and Staff Analyses are indicated below. An amendment that fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved.

a. Consistency with the Plan - *The proposed amendment is consistent with the Plan.*

- *Consistency with the Comprehensive Plan:* Should the BCC approve the amendment request, then the proposed use or amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.
- *Concurrent Land Use Amendments:* The site is the subject of a concurrent Small Scale Amendment known as Southport Groove (SCA-2021-004) to amend the land use from Commercial High with underlying High Residential, 8 units per acre (CH/8) on 0.85 ac and High Residential, 12 units per acre (HR-12) on 0.96 ac, to Urban Infill (UI) on the overall 1.8-acre site. The Planning Commission hearing is scheduled for April 9, 2021.
- *Density:* The Planning Division reviewed the request for 92-residential units, on the subject 1.8-acre site utilizing the urban form provisions in the proposed UI designation. FLUE Policy 1.2.2-b establishes transect based land use designations with a primary emphasis on regulating building form and placement. Although, the maximum density is not specified for this transect, the proposed number of units equates to 51.11 du/ac ($92\text{du} / 1.80\text{ac} = 51$).
- *Workforce Housing Program (WHP) in URA:* The WHP in URA is subject to Future Land Use Element Policy 1.2.2-b. Per FLUE Policy 1.2.2-b, which requires that a minimum of 15% of all new housing shall be provided as very low, low and moderate income housing units (household incomes ranging from less than 50% up to 120% of AMI). The result is 14 units are required to be deed restricted to meet the WHP obligation ($92 \times 15\% = 13.8$ or 14 units).
- *URA WHP Rental Prices:* In Palm Beach County, the 2020 area Median Family Income (MFI) is \$79,100 for a family of four (per HUD). The WHP rents are based on the annual Florida Housing Finance Corporation (FHFC) Multifamily Rental Figures, adjusted for number of bedrooms and any

Utility Allowances are applied against gross maximum rent. The following are rental prices per income categories specified in FLUE Policy 1.2.2-b for 2020 in Palm Beach County. These homes cannot be rented at a higher price.

WHP Income Category		1 BR	2 BR	3BR	4BR	
Very Low	0-10% of MFI	0 - \$7,910	Up to \$164	Up to \$197	Up to \$228	Up to \$254
	>10-20% of MFI	>\$7,910 - \$15,820	\$164 - \$329	\$197 - \$395	\$228 - \$456	\$254 - \$509
	>20-30% of MFI	>\$15,820 - \$23,730	\$329 - \$494	\$395 - \$593	\$456 - \$685	\$509 - \$764
	>30-40% of MFI	>\$23,730 - \$31,640	\$494 - \$659	\$593 - \$791	\$685 - \$913	\$764 - \$1,019
	>40-50% of MFI	>\$31,640 - \$39,550	\$659 - \$823	\$791 - \$988	\$913 - \$1,141	\$1,019 - \$1,273
Low	>50-60% of MFI	>\$39,550 - \$47,460	\$823 - \$988	\$988 - \$1,186	\$1,141 - \$1,370	\$1,273 - \$1,528
	>60-70% of MFI	>\$47,460 - \$55,370	\$988 - \$1,153	\$1,186 - \$1,384	\$1,370 - \$1,598	\$1,528 - \$1,783
	>70-80% of MFI	>\$55,370 - \$63,280	\$1,153 - \$1,318	\$1,384 - \$1,582	\$1,598 - \$1,827	\$1,783 - \$2,038
Moderate	>80-90% of MFI	>\$63,280 - \$71,190	\$1,318 - \$1,483	\$1,582 - \$1,780	\$1,827 - \$2,056	\$2,038 - \$2,293
	>90-100% of MFI	>\$71,190 - \$79,100	\$1,483 - \$1,648	\$1,780 - \$1,978	\$2,056 - \$2,284	\$2,293 - \$2,548
	>100-110% of MFI	>\$79,100 - \$87,010	\$1,648 - \$1,813	\$1,978 - \$2,176	\$2,284 - \$2,512	\$2,548 - \$2,803
	>110-120% of MFI	>\$87,010 - \$94,920	\$1,813 - \$1,977	\$2,176 - \$2,373	\$2,512 - \$2,740	\$2,803 - \$3,057

- *Special Overlay District/ Neighborhood Plan/Planning Study Area: Urban Redevelopment Area (URA), Priority Redevelopment Area (PRA), the Revitalization, Redevelopment, and Infill Overlay (RRIO), and the Countywide Community Revitalization Team (CCRT).*
- *Countywide Community Revitalization Area (CCRT) #68 Lake Worth West Area:* The request is not inconsistent with the area’s recommendations. A virtual community meeting was held on January 26, 2021 in coordination with the Office of Community Revitalization Staff. No objections or concerns have been received to date.
- *Revitalization Redevelopment and Infill Overlay (RRIO) and Urban Redevelopment Area (URA):* The RRIO and URA are areas designated within the Comprehensive Plan that are identified as appropriate for incentives to, and are the focus of the County’s efforts to promote infill and redevelopment.
- *Priority Redevelopment Area (PRA):* The subject request is to “opt-in” to the Southern URA Priority Redevelopment Area along Military Trail.

Per Policy 1.2.2-b of the FLUE a minimum of 15% of all new housing or 14 units will be provided as very low, low and moderate income housing units.

Policy 1.2.2-c does allow for Alternative Standards to allow projects to apply for relief through the Zoning approval process. The Petitioner has requested multiple waivers including a waiver from slip street frontage and a waiver to allow five floors. The Applicant has indicated that the project will meet the “green building” incentive program through incorporation of the Florida Green Building Coalition’s (FGBC) standards and is eligible for “additional height.” The FGBC certification information is included within the Zoning application (see Art. 3.B.16.F.6.c.3 (for the program requirements).

The site is identified on FLUE Map Series Map 9.2 as a location for a slip frontage road. The subject site provides the future cross access to the parcel adjacent to the south. This cross access is

connected to the access point on Maine Street providing the functionality of the slip street envisioned; and, therefore, is deemed sufficient meeting the requirements of FLUE Policy 1.2.2-h.

- b. Consistency with the Code** - *The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.*

Conditional Overlay Zone (COZ): The Applicant is proposing to develop the property as a 92 unit Multifamily structure, that will be reviewed through a subsequent Administrative DRO Application. Zoning Staff is recommending a COZ as part of the rezoning request. The COZ is to ensure that any use, whether proposed or allowed in the UI Zoning District cannot exceed the 60 feet maximum height. The condition will be put in place to mitigate potential adverse impacts and further compatibility of the adjacent residential Zoning District.

○ **Overlays:** The subject site is within the Urban Redevelopment Area Overlay (URAO). As stated in the Consistency with the Plan section, the request is to “opt-in” to the Southern URA Priority Redevelopment Area (PRA) along Military Trail and therefore request to modify the FLU and Zoning District to UI.

○ **Outdoor Uses:** The proposed request is for Multifamily, and does not include a component for non-residential uses, therefore the setback and restrictions for outdoor uses does not apply.

○ **Transect Zone:** With the proposed request to modify the FLU and the Zoning to UI, the Overlay requires Sub-areas called Transect Zones. The Transect Zones facilitate the development of urban forms while providing for gradual transitions in building scale and use intensity, rather than rigid distinctions. The UI Zoning District has two sub areas of UI -1 and UI -2. The site is identified in the PRA Design and Development Standards of the URA as UI - 1 Transect Zone on the western half of the site and UI - 2 Transect Zone on the eastern portion of the site. Pursuant to Table 3.B.16.F – PRA Sub-area Transect Standards, a parcel containing UI - 1 would be subject to a 200 foot setback separation from a residential use. As such, the development parcel would have to meet said separation requirements from the adjacent Multifamily use to the east zoned RM. The Applicant proposes to create a modified UI - 2 Transect Zone boundary around the entire parcel which is exempt from the 200 foot setbacks from the abutting residential use. After certification of this application, the DRO agreed to review the request to relocate the transect line in the subsequent DRO application. Modifications to the location and boundaries of the default UI Sub-area Transect map may be approved by the DRO, per Art. 3.B.16.F.c. TZ Sub-area Modifications, to allow the entire subject site to be within the UI - 2 Transect.

○ **Access and Frontage:** Art. 3.B.16.F.2.a. External Access, states: “One access point shall be permitted for each 160 linear feet of street frontage. Access shall be in the form of a street or alley, unless exempted otherwise herein.” The development proposes one external access point from a street onto Main Street. No access is proposed from Military Trail. The site is located at the corner of Military Trail and Main Street and thus has a Primary and Secondary Frontage proposed for the development.

○ **Block Standards:** The subject site comprises of two legal lots, which are proposed to be combined. The lot is part of an existing block and at the corner of Military and Main Street. The lot has both Primary and Secondary frontages.

○ **Frontage Classifications and Street Standards:** The default location for the PRA Frontage Types for Slip Street, Primary, and Secondary Frontages are accordance with Maps LU 9.1 and LU 9.2, of the Urban Redevelopment Area Regulating Plan. The existing lot abuts a slip street which was proposed as part of the PRA Redevelopment Master Plan. Although indicated on the Master Plan, the slip street does not exist however, and the Applicant has requested a Type 2 Waiver. The proposed development is designed with Military Trail as its primary frontage and Main Street as its secondary frontage.

Pursuant to Art. 3.B.16.F.4.c. Frontage Classifications & Street Standards – Alleys, an alley shall serve as primary access to parking lots. The Applicant is requesting a Type 1 Waiver per Table 3.B.16.G – Type 1 and 2 URAO Waivers to allow for the parking lot drive aisle to satisfy the

requirement for access in the form of an alley. This Waiver is subject to the Administrative Review process.

- **Interconnectivity:** The developments to the east and southeast are residential and therefore is not required to provide interconnectivity. The site to the south is vacant commercial, and the proposed development provides for interconnectivity when that site is developed.

- **Building Standards:** The proposed rezoning request to Urban Infill (UI) corresponds with the associated Future Land Use Amendment (FLUA) request to Urban Infill pursuant to Table 3.A.3.B – Future Land Use (FLU) Designation and Corresponding Standard Zoning Districts of the Unified Land Development Code (ULDC). The proposed site development seeks to comply with the PDR standards set forth in the Urban Redevelopment Area Overlay (URAO) and in the Code with the exception of the subsequent Waiver request to allow minimum relief of the some requirements to allow for functional site design.

- **Building Placement:** The existing lot has dimensions of 192.68 feet by 367.11 feet. With the Primary Frontage on Military Trail, it will make the longest façade of the building facing the Secondary Frontage. The Applicant proposed to construct a block Multifamily building and has designed the building placement to have the front from Military, thus requiring a Type 2 Waiver from the requirement of the front façade being the longest side fronting a street.

Figure 8 and 9, Visual Impact Analysis provides a Line of Sight analysis along with a Shadowing Plan to depict that the proposed structure will not cast shadows on the existing one-story residential buildings to the east.

The Applicant is proposing to construct a parking structure on the first floor of the building. Residential units will be located above the garage on the second through fifth floors. The Applicant is requesting a Type 2 Waiver to allow the structure not to be screened by buildings with habitable uses on the first floor facing the secondary Street. Along the east façade the structure faces the street entrance to the site and is not required to provide the habitable screening. The elevations do indicate a façade that represents the look of a store front with “window” type openings and awnings over the openings.

- **Building Property Development Regulations:** Per Art. 3.B.16.F.6.a.1.a. Building Placement, a building located at an intersection shall have the façade with the greatest length be considered the front. The Applicant however, has proposed five subsequent Type 2 Waivers including a request to allow the shortest side of the building along Military Trail to be the front façade which will be consistent with Primary Frontage determination. The proposed block building meets the requirements for building placement with a minimum 20 feet from Military Trail. The building proposes 100% frontage along Military Trail meeting the minimum 50% required for block buildings per Table 3.B.16.F – PRA Block Building PDRs. The Applicant seeks a Type 2 Waiver from the build-to-line requirement on the secondary street on Main Street, as the building exceeds 20 feet maximum setback.

- **Building Height and Floors:** For the UI - 1 and UI - 2 Transects the Maximum height is four floors with an allowance for a 5th floor, provided it meets Leadership in Energy and Environmental Design (LEED) Silver, or equivalent standards for compliance with Green Building Incentive Program. The maximum height is 75 feet for a building with five floors. The PSP indicates a proposed height of 55 feet for the structure which is less than the maximum height required and is also less than the maximum height for 4 floors which is 60 feet. The proposed height for the structure is just above the 3 floor maximum height requirement of 45 feet.

- **Green Building Incentive Program:** Exhibit F, Florida Green Building Coalition (FGBC), score card and analysis, depicts that the Applicant is proposing 132 points, in order to be certified meeting Silver equivalent designation standards. Final review of the Architectural Elevations will be completed at Final DRO to ensure compliance with the Additional Architectural Design Standards and Article 5.C, Design Guidelines.

LEED Certified Zoning Staff have reviewed the FGBC checklist prepared by the Applicant to provide a detail analysis of the standards. Table 3.B.16.F – Maximum Building Floors allows for the additional floor if the project meets LEED Silver or better or similar certification. The Applicant intends to pursue

a 'Silver' green building certification. The certification checklist provided by the applicant is from the Florida Green Building Coalition (FGBC) and not the United States Green Building Council (USGBC), which provides LEED certification. Therefore, staff assumed that the applicant is looking into the alternative certification not LEED. In order to determine compliance, a comparison of both systems point categories is provided below:

Florida Green building Coalition High-Rise Residential Building Standard		United States Green Building Council Residential Building Design and Construction Multifamily Homes	
Categories	Points Available	Categories v4	Points Available
Project Management	37	Integrative Process	2
Energy	133	Location and Transportation	15
Water	78	Sustainable Sites	7
Site	59	Water Efficiency	12
Health	64	Energy and Atmosphere	37
Materials	34	Materials and Resources	9
Disaster Mitigation	15	Indoor Environmental Quality	18
Innovation	*	Innovation	6
		Regional Priority	4
Total	420	Total	110

- 5 points available in this category for exceptional performance and the application of new technology.

Both the FGBC and the USGBC rating systems have prerequisites that must be met in order to be certified at any level. The FGBC uses an 'adjusted minimum required points' system. If any category minimums are not achieved, those point deficiencies are added to the total minimum required score of 100. This is different than the LEED system so comparison of certification levels is difficult. Under the FGBC system, there are maximum points allowed in any one category and maximums cannot be exceeded. A total of 52 points is the minimum allowed for all categories plus 48 other points. If the project were to be certified as LEED Silver the applicant must achieved 50 to 59 out of 110 points. In this case, the applicant must achieve a total of 31 to 60 points above the minimum required (100) in order to be certified Silver. Staff understand that if the project should not achieve just 2 of the credits it hopes to attempt, it will be reduced to a Bronze certification.

The Applicant proposes to achieve 132 points which will earn the 'Silver' accreditation. The points to be achieve are as follows:

Categories	Points Available
Project Management	31
Energy	36
Water	30
Site	17
Health	10
Materials	5
Disaster Mitigation	3
Innovation	

Total	132
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The points that the project hopes to accomplish are reasonable and achievable; however, the project team will have to provide required documents to an FGBC-appointed evaluator before points are awarded.

This approval does not release the Applicant from complying with the additional requirements as indicated in 5.C Design Standards.

- *Workforce Housing (WFH):* Per Art. 3.B.16.C.3. Workforce Housing Units, any residential projects comprised of 10 units or more shall comply with Art. 5.G.1. Workforce Housing Program. Therefore the proposed 92 Multifamily residential development is subject to the WFH requirements of the Code. Furthermore, Article 5.G.1.A.2.d.a URA Priority Redevelopment Areas, requires projects with a UI Future Land Use (FLU) to designate a minimum 15% of dwelling units as workforce housing units. As such, the Applicant has provided 14 of the proposed 92 units to be income restricted meeting the WFH requirements.

- *Parking:* Pursuant to Art. 3.B.16.F.9.b. Parking and Loading Standards, residential uses in a PRA may utilize the reduced parking requirements outlined in Table 3.B.14.I – WCRAO Mixed Use and Residential Parking Deviations. The parking calculations under this provision require a total of 117 parking spaces to be provided. However, the PSP only indicates 99 proposed spaces for the development. The Applicant seeks to utilize a Type 1 Waiver to reduce the parking by no more than 15% or exactly 18 spaces. The Type 1 Waiver will be subject to the Administrative Review process.

As stated, the Applicant proposes to reduction of the required bicycle spaces required from 18 spaces to 12. The reduction in bicycle spaces will not prove injurious to the site design or other components of the development request.

- *Streetscape Standards:* The proposed development is subject to Art. 3.B.16.F.7. Streetscape Standards, along the Primary and Secondary Frontages of Military Trail and Maine Street. The south property line adjacent to the parcel zoned CG would be required to have an incompatibility buffer, or an alternative buffer allowed for PRA projects. The south east 87.21 feet and east property line abuts Multifamily developments. Although compatible buffers for PRA projects are exempt, the Applicant is proposing a buffer area from the existing residential homes. Foundation Plantings are exempt, except where they may be used for rear and side entrances. Final landscape review will be completed at time of Final Site Plan review for the development. The PSP indicates a 20 foot Streetscape area which includes a 10 foot paved Pedestrian Amenity Zone walkway, a 5 foot. Planting Amenity Zone, benches and trash receptacles on the Military Trail frontage. The Secondary Street along Maine Street will maintain 15 foot streetscape buffer, a new sidewalk, and a 5 foot Pedestrian and Planting Amenity Zone. A 10 foot wide landscape area is proposed along the south property line. A 10 foot wide Type 1 Incompatibility buffer with a 6 foot high concrete wall setback 2 feet from property line is proposed along the west property line, oriented to the south of the development abutting the Multifamily residential use.

- *Signs:* The request is to rezone from Neighborhood Commercial (CN) and Multifamily Residential (RM) Zoning Districts to the Urban Infill (UI) Zoning District and to allow Type 2 Waivers for specific sections of the URA. The proposed Multifamily use for the 92 units is allowed through the Administrative Review Process and at that time the Master Sign Program will be reviewed.

c. Compatibility with Surrounding Uses - *The proposed amendment is compatible, and generally consistent with existing uses and surrounding zoning districts, and is the appropriate zoning district for the parcel of land. In making this finding, the BCC may apply an alternative zoning district.*

The proposed use will be compatible with surrounding uses. The site is located on the Military Trail corridor which is lined with mainly UI Zoning designations along with some Commercial Districts as seen in Figure 2, Zoning Map. To the north across Maine Street are three individual parcels consisting of a restaurant (Country Inn Restaurant, Control No. 2008-00010) zoned Neighborhood Commercial (CN), a vacant parcel zoned Multifamily Residential (RM), and another vacant parcel with UI Zoning. To the east are Multifamily residential units with RM Zoning. To the west across Military Trail is a UI zoned general retail store (Lake Worth Dollar General, Control No. 2017-00023). To the

south is a vacant parcel zoned General Commercial (Military Trail and Melaleuca Lane, Control No. 2005-00631). The proposed rezoning is consistent with the UI zoning district surrounding the area. The Multifamily residential development request is compatible with the neighboring Multifamily residential uses to the east and north of the site.

Further, the subject site currently has a split CN Zoning designation on the western half of the site closest to Military Trail and an RM Zoning Designation on the eastern portion adjacent to the RM Zoning District of the adjoin parcel. The subject site has a FLU designation of Commercial High with an Underlying Residential High 8-units (CH/8 with an underlying HR-8 with per acre). The FLU of the site confirms that Multifamily residential is permitted where the RM Zoning is located on the site. The Multifamily residential development request remains consistent with the intended FLU.

As previous stated in the Consistency with the Code Section above, the Applicant proposes the overall site to be within the UI 2 Transect Zone. The purpose of the Transect Zone i to facilitate the development of urban forms while providing for gradual transitions in building scale and use intensity. The proposed development allows for the appropriate transition from the lower density residential development to the east to more progressive urban infill development along the main thoroughfare of Military Trail and therefore remains compatible with the intent of the code, surrounding uses, and Zoning Districts.

- d. **Effect on Natural Environment** – *The proposed amendment will not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.*

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: The site is an existing Multifamily residence and it supports a canopy made up of Slash pine, cabbage palm and a mixture of exotic landscape trees species. The intensity of the site plan will only allow the incorporation of existing trees into the buffer areas of the site.

WELLFIELD PROTECTION ZONE: The property is not located within a Wellfield Protection Zone.

IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER: All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93 3. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93 15.

ENVIRONMENTAL IMPACTS: There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

- e. **Development Patterns** – *The proposed amendment will result in a logical, orderly, and timely development pattern.*

The UI accommodates mixed use redevelopment along the corridors, while providing a transition to the adjacent, existing residential neighborhoods. The proposed request to rezone is consistent with the area and the intent of the URA Overlay. Purpose and Intent 3, 4, and 12 of the Urban Redevelopment Area Overlay per Art. 3.B.16.A. seeks to implement the following:

3. Utilize Smart Growth and Form Based Coding principles to establish standards that create a predictable regulatory framework and built form that improves the aesthetics of the streetscape and establishes, enhances the pedestrian realm, and encourages redevelopment of the PRAs;
4. Encourage a compact, mixed use, and walkable development form, with an emphasis on safety, comfort, and ecological responsibility; and,
12. To encourage redevelopment and revitalization of commercial corridors by establishing standards that recognize various opportunities, challenges, and constraints. Certain standards may be altered through a Waiver process.

As proposed, the development facilitates Smart Growth and Form Based Code principals by adhering to the LEED green silver equivalent standards with the additional height request. The Green Building Incentive Program allows for safe green building design opportunity that environmentally sound. The development layout is consistent with Form Based Code implementation strategies that provide a nexus between the building facade and public realm, while maintaining compatible form and mass of adjacent structures. The building placement and streetscape design enhances public realm at the pedestrian level which promotes walkability and other forms of safe transportation. As such, the proposed request offers safe design with aesthetic architectural components within the building framework.

Art. 3.B.16.F.6.a.1.b. Building Placement, states: "Taller buildings should not cast a shadow line on existing neighborhoods. To avoid this, building height should be compatible with adjacent development, which may require reducing building heights or stepping back upper stories in certain instances." In order to maintain a logical and orderly development pattern that fits into the existing character of the community and meet said requirements, the Applicant has provided an additional building setback of 80 feet from the adjacent residential development to the east and, proposes a building height of 55 feet. As stated, Staff recommends a COZ to limit the height to 60 feet as proposed to further compatibility with existing neighborhood. Although the Code allows a 5 story structure with a maximum of 75 feet, the Applicant has requested a 5 story building that is only 55 feet. The additional setback and height limitation helps reduce the shadow casting on the adjacent neighborhood and minimize adverse impacts. The overall requests seeks to implement a logical and orderly development pattern that is compatible with the surrounding area while maintaining consistency with the intent of the Overlay and the Code.

f. Adequate Public Facilities – *The proposed amendment complies with Art. 2.F, Concurrency (Adequate Public Facility Standards).*

ENGINEERING COMMENTS:

The 92 unit age-restricted Multifamily residential project is expected to generate 340 net daily trips, 18 net AM peak hour trips, and 24 net PM peak hour trips. The build out of the project is expected to happen by 2023.

There are no roadway improvements required to meet the Traffic Performance Standards because the impacts of the projects will be insignificant.

ADJACENT ROADWAY LEVEL OF SERVICE (PM PEAK)

Segment: Military Trail from Lake Worth Rd to Melaleuca Ln

Existing count: Northbound=1616, Southbound=1441

Background growth: Northbound=190, Southbound=169

Project Trips: Northbound=7, Southbound=8

Total Traffic: Northbound=1813, Southbound=1618

Present laneage: 3 in each direction

Assured laneage: 3 in each direction

LOS "D" capacity: 2940 per direction

Projected level of service: Better than LOS D in both directions.

The Property Owner shall dedicate ROW on Maine Street prior to the issuance of the building permit.

PALM BEACH COUNTY HEALTH DEPARTMENT: Staff has reviewed this application and have no comment.

FIRE PROTECTION: Staff has reviewed this application and have no comment.

SCHOOL IMPACTS: The applicant states that the units of proposed development will be restricted to 62+ year-old buyers. At the appropriate time, a condition will be imposed requiring a Declaration and Restrictive Covenant prohibiting children less than nineteen years of age from residing in the community. This covenant will be submitted to the School Board no later than six (6) months after DRO Approval.

PARKS AND RECREATION: Project proposes 92 dwelling units requiring 0.55 acres of onsite recreation, the Parks and Recreation Department has agreed to allow a 25% reduction in recreation area, because project is providing alternative recreation in the form of an indoor gym.

With the 25% reduction the petitioner is required to provide 0.41 acres of onsite recreation. The petitioner is providing 0.18 acres in the form of an amenity deck and cashing out the balance of 0.23 acres for \$177,800.

g. Changed Conditions or Circumstances – *There are demonstrated changed site conditions or circumstances provided by the Applicant’s Justification Statement that necessitate the amendment.*

The Military Trail corridor consist of many other UI zoned properties throughout the URA. It is the intent of the URAO to apply and allow increased mixed residential and commercial uses that transition in varying intensity and building form types. The request is consistent with what is envisioned for the area and seeks to opt-in with the URA to remain consistent and compatible with the surrounding properties. The development will redesign the site to meet the standards of the overlay while providing adequate affordably priced housing to facilitate the growing demand of the demography in the area.

TYPE 2 WAIVER SUMMARY

	ULDC Article	Required	Proposed	Waiver
W.1	Art. 3.B.16.F.4.a.1 Slip Street Frontage	Along entire frontage of Military Trail.	No Slip Street	100 percent
W.2	Art. 3.B.16.F.6.a Building Placement	When located at an intersection, facade with greatest length shall be considered the front.	Facade with shortest length considered the front	100 percent
W.3	Art. 3.B.16.F.6.a.5 Parking Structures	Parking garage shall have habitable spaces lining entire secondary street frontage.	28 percent of north facade consists of habitable spaces	-72 percent
W.4	Table 3.B.16.F PRA Block Building PDRs	Maximum 20 feet setback from Secondary Frontage.	27 foot setback	+7 feet additional setback
W.5	Art. 3.B.16.F.9. c Bicycle Parking	One parking area shall be provided for every five units in Multifamily housing @ 92 units = 19 spaces.	12 parking spaces	-7 parking spaces

FINDINGS:

Type 2 Waivers: When considering a Development Order application for a Type 2 Waiver, the BCC shall consider the Standards listed under in Article 2.B.7.D.3, Standards for a Type 2 Waiver, and any other Standards specific to a Type 2 Waiver. The Standards and Staff Analyses are indicated below. A Type 2 Waiver that fails to meet any of the Standards, shall be deemed adverse to the public interest and shall not be approved.

a. The Waiver does not create additional conflicts with other requirements of the ULDC, and is consistent with the stated purpose and intent for the Zoning District or Overlay;

W.1 YES: The requirement for slip streets is unique to the URAO. The Slip Street identified on the Comprehensive Plan URA maps does not exist and is optional in the ULDC. The adjacent properties to the south, opted out of the URAO and would be required to provide a portion of the slip street to make it function. The Code and Plan allow for an Applicant to seek a Waiver from the requirements for Slip Streets. The Applicant is proposing to have Military Trail as its Principal Frontage in

accordance with the requirements of the Overlay.

W.2 and W.3 Yes: The proposed building is a combination of residential apartments with a parking garage. The Applicant proposes to have the Multifamily building Primary Frontage on Military Trail which is the shortest side property dimension, thus effecting the building length. The building is also proposed to front on Maine Street, but would be considered its Secondary Frontage.

The portion of the building with the parking structure is designed to have the ground floor facing Military behind habitable space, however the frontage of Maine Street with the parking structure on the ground floor is not proposed behind habitable space. The Applicant's elevations (Figure 7), however, depict a façade that incorporates window like openings, along with awnings/ canopies that provide a more pedestrian scale and look.

W.4 Yes: The subject parcel is skewed and the proposed structure is oriented straight on the lot. The Applicant has proposed to extend the the habitble space of the strucure outward towards Main Street to meet the maximum setback requirements. The Waiver is request to allow the remianing portion of the building containing the parking structure to maintain a consistent straight edge design along Maine Street. The skewed lot confiruration does not allow a straight oreiented building to run parellel with the existing parcel layout. In order to meet the setback standards on the Secondary Street, the building would also have to apply a skewed design to match the lot configuration.As proposed, the building and site design will be generally consistent with the intent of both the Zoning District and Overlay.

W.5 Yes: The bicycle space reduction will have no impact on site functionality, frontage, access, or other requirements of the URA.

b. The Waiver will not cause a detrimental effect on the overall design and development standards of the project, and will be *in harmony with the general site layout and design details of the development; and,*

W.1 - W.5, YES: None of the Waivers will cause any detrimental effects on the overall design and development standards of the project, and will remain in harmony with the general site layout and the design of the development. The site design will still conform to all other URAO requirements and form base code standards not included in the Waiver requests. The Waivers are requested to maintain consistency with frontage, functionality, and site layout as intended.

c. *The alternative design option recommended as part of the Waiver approval, if granted, will not adversely impact adjacent properties.*

W.1 - W.5, YES: The alternative design options recommended as part of the Waiver approval, if granted, will not adversely impact adjacent properties. The frontage determination will only allow the site to orient properly along Military Trail which will remain consistent with the design orientations of the adjacent properties. The surface parking along Maine Street will be within a parking structure that is designed to minimize adverse impacts on the surrounding area. No other site adjacent to the subject parcel provides for a Slip Street and therefore the deviation and alternative site layout will not have a negative impact. The bicycle reduction will serve the subject property only and will carry no affects outside of the development.

CONCLUSION

Staff has evaluated the standards listed under Article 2.B. and determined that there is a balance between the need for change and the potential impacts generated by this change. Therefore, Staff is **recommending approval of the Official Zoning Map Amendment, and Waivers W.1, 2, 3, 4, and 5** subject to the Conditions of Approval in Exhibit C-1 and C-2.

CONDITIONS OF APPROVAL

EXHIBIT C-1: Official Zoning Map Amendment (with a Conditional Overlay Zone)

ENGINEERING

1. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code or as otherwise approved by the County Engineer. (BLDGPMT: MONITORING - Engineering)

2. The Property Owner shall provide to the Palm Beach County Right of Way Section of Roadway Production Division a warranty deed for road right of way and all associated documents as required by the County Engineer for Maine Street 20 feet in width on an alignment approved by the County Engineer plus 25 foot corner clip at the southeast corner of Maine Street and Military Trail.

All warranty deed(s) and associated documents, including a title policy naming Palm Beach County as an insured, shall be provided and approved prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include, where appropriate as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall not record these required deeds or related documents. The Property Owner shall provide to the Right of Way Section a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDGPMT/ONGOING: MONITORING - Engineering)

3. Prior to issuance of the first Certificate of Occupancy, the property owner shall replace the existing drop curb connection of Maine Street to Military Trail to a radius connection, including review of possible relocation of drainage inlet if possible and addition of directional median opening in Military Trail right of way at the intersection of Maine Street, all as approved by the County Engineer. (BLDGPMT/CO: MONITORING - Engineering)

SITE DESIGN

1. All buildings or structures shall be limited to a maximum of 60 feet in height, as defined in Art. 1.C.4.C.1, Building Height. (BLDGPMT/ONGOING: BUILDING DIVISION - Zoning)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:

a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject

- property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
- b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
 - d. Referral to Code Enforcement; and/or
 - e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning)

DISCLOSURE

- 1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

CONDITIONS OF APPROVAL

EXHIBIT C-2: Type 2 Waiver

ALL PETITIONS

1. The approved Preliminary Site Plan is dated February 23, 2021. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

SITE DESIGN

1. Prior to Final Approval by the Development Review Officer the Site Plan shall be modified to include the additional Waiver for Build to Line along Maine Street (DRO: ZONING - Zoning)

2. The parking structure fronting Maine Street shall be designed with architectural features with a combination of window facades with embellishments and canopies along the entire length of the building to give the appearance of residential features at a pedestrian level. (BUILDING: ZONING - Zoning)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:

- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
- b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
- d. Referral to Code Enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

Figure 1 - Land Use Map

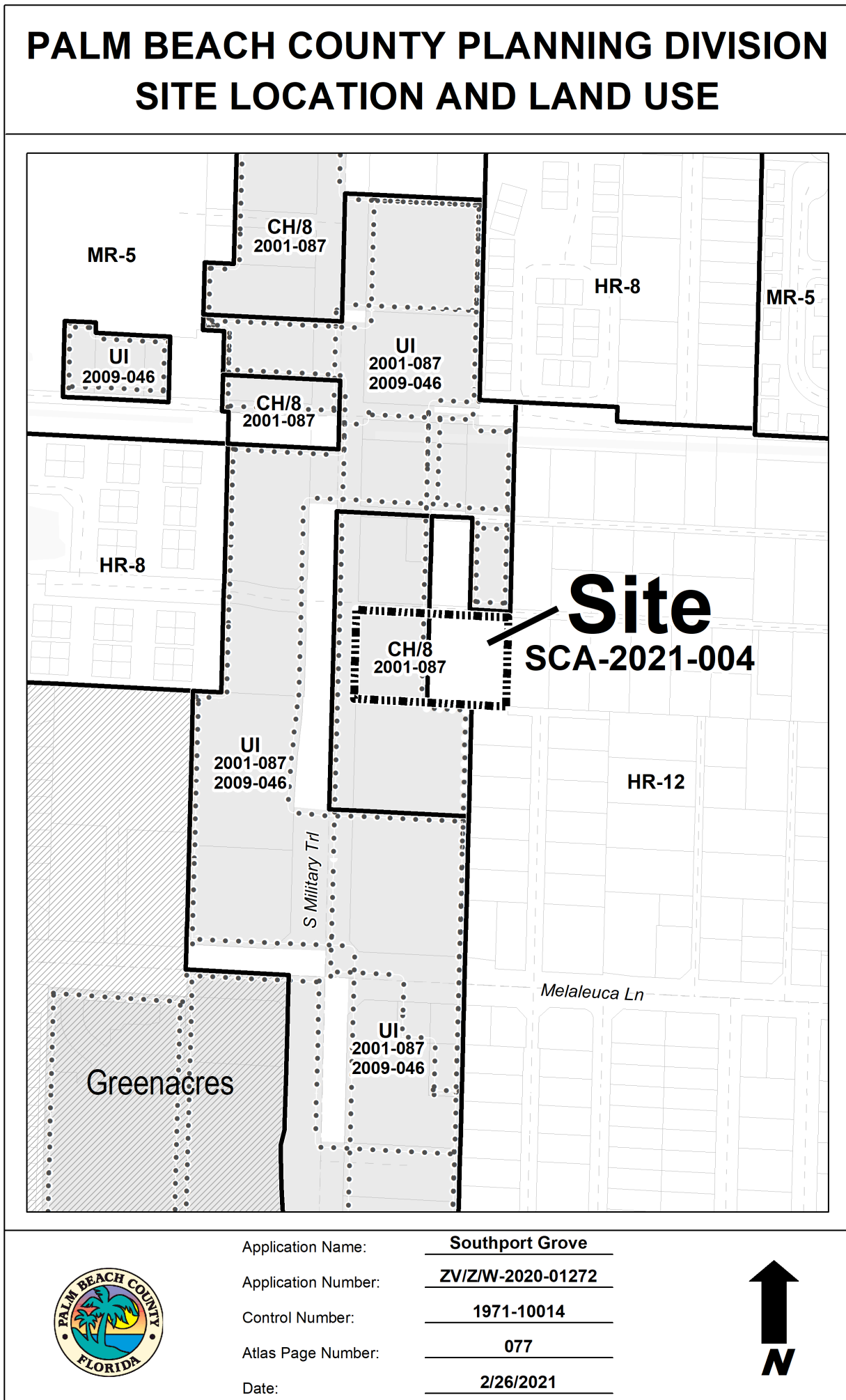


Figure 2 - Zoning Map

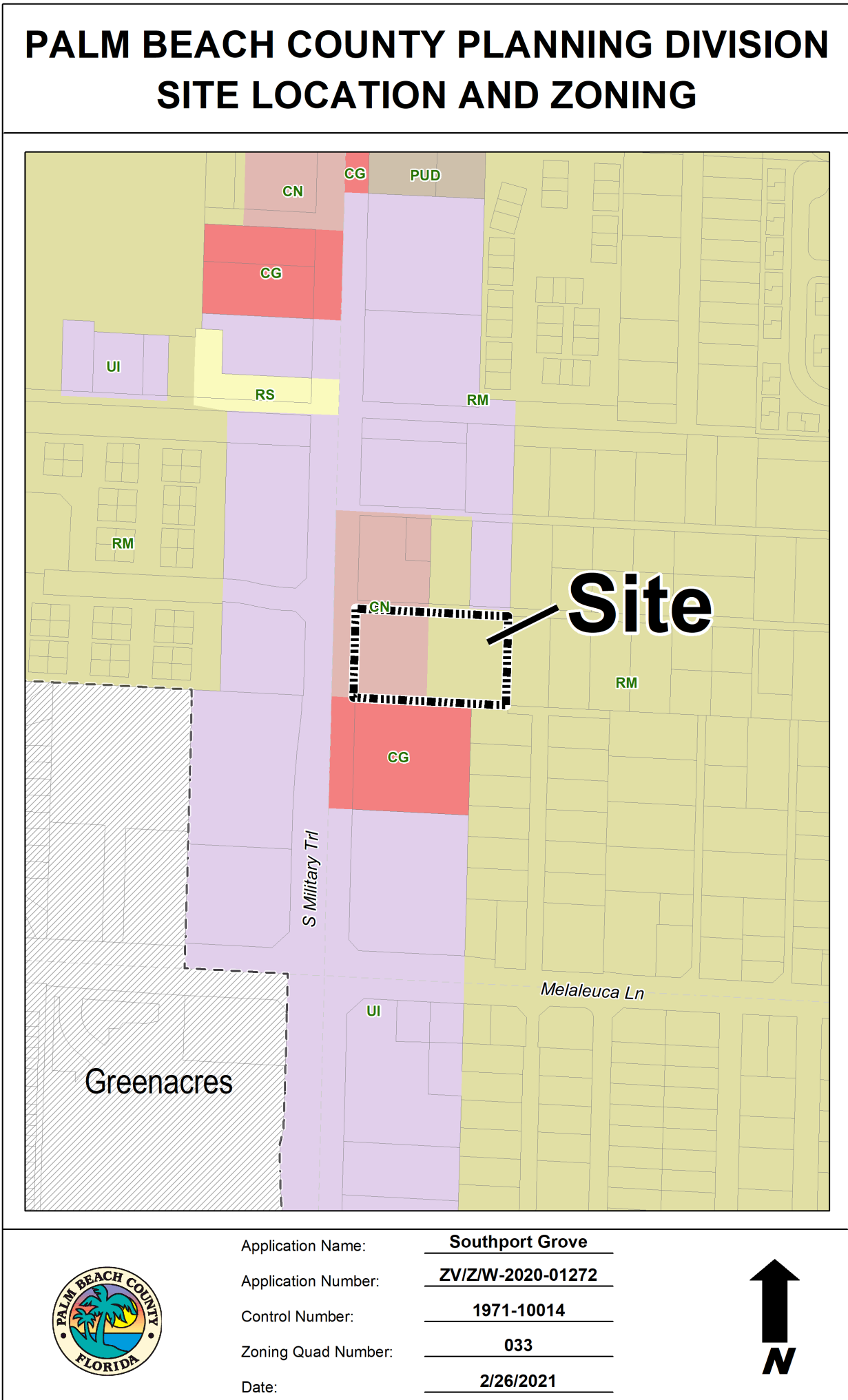
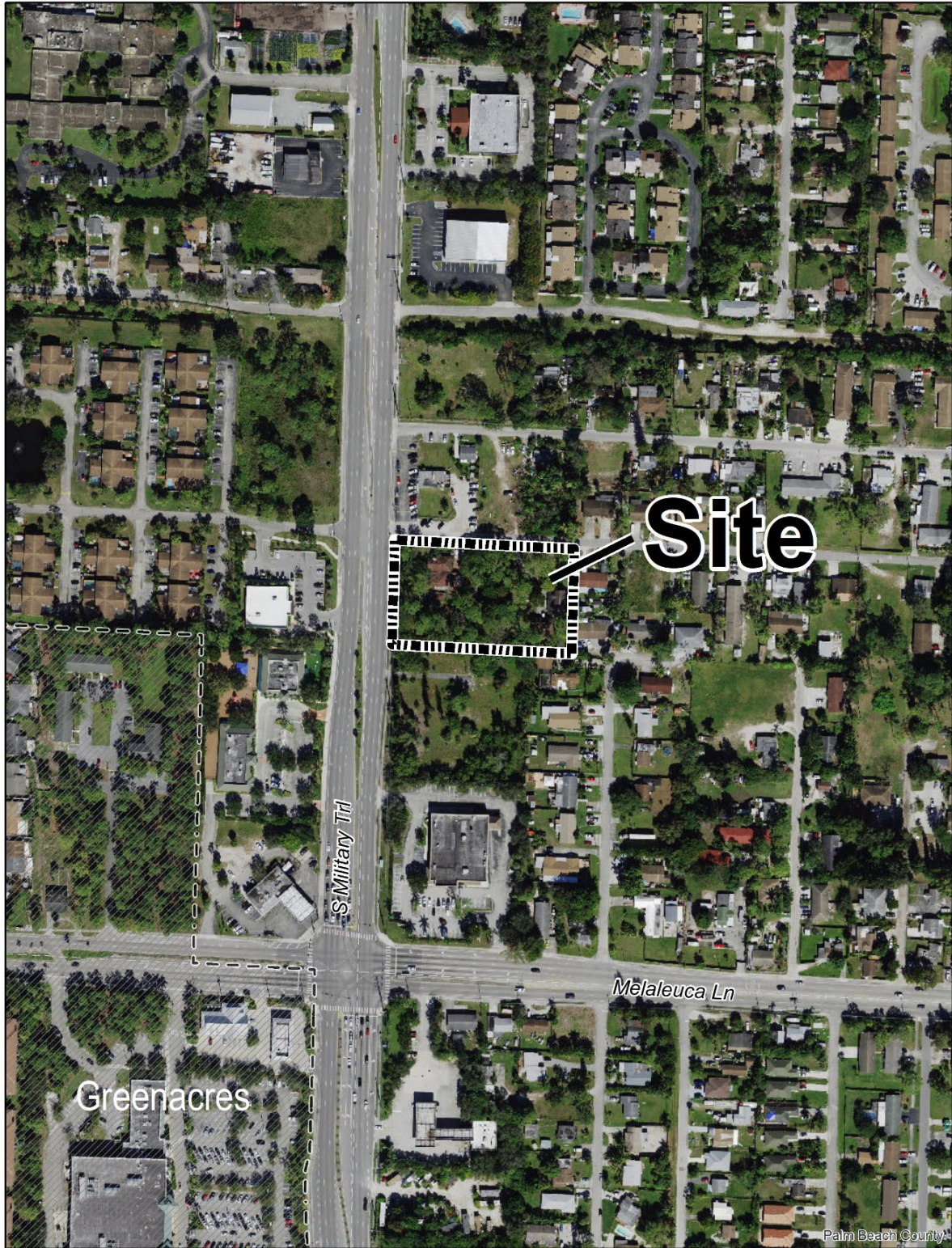


Figure 3 - Aerial

PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION



Application Name:	<u>Southport Grove</u>
Application Number:	<u>ZV/ZW-2020-01272</u>
Control Number:	<u>1971-10014</u>
Atlas Page Number:	<u>077</u>
Date:	<u>2/26/2021</u>



Figure 4 – Preliminary Site Plan (PSP-1 of 1) dated February 23, 2021



Southport Grove

Palm Beach County, Florida

Date: 09/12/20
Scale: 1" = 50'-0"
Design By: JS
Drawn By: AH
Checked By: JS
File No.: 554-02
Rev. No.: 13485

REVISIONS / SUBMISSIONS
Resubmittal 11/02/20
Resubmittal 12/23/20
Resubmittal 02/23/21

Preliminary Site Plan
PSP-1 of 1

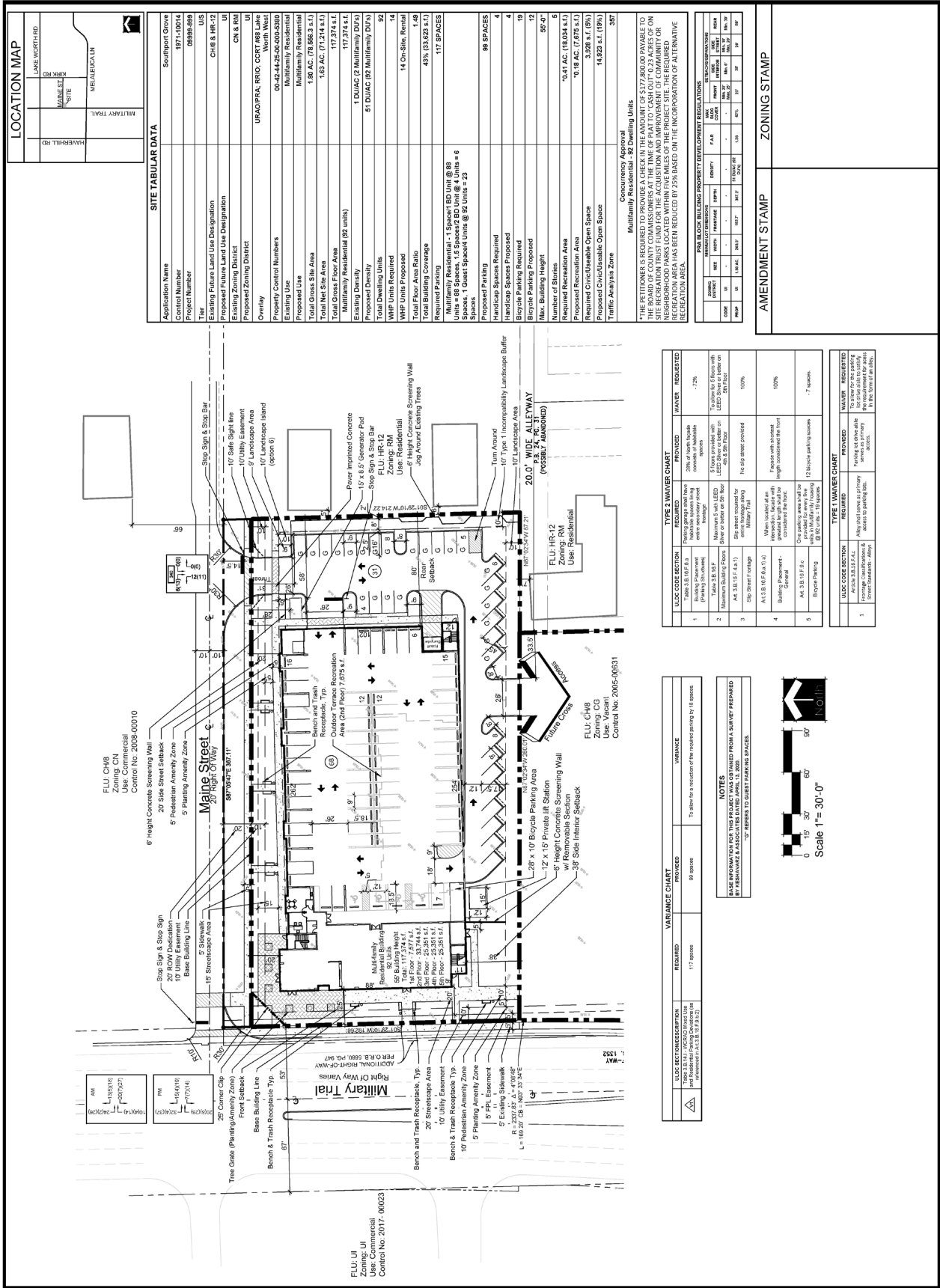


Figure 5 – Preliminary Regulating Plan (PRP-1 of 2) dated February 8, 2021



Southport Grove
Palm Beach County, Florida

Date: 02/12/20
Scale: 1" = 30'-0"
Design By: JS
Drawn By: AH
Checked By: JS
Project No.: 19-003
JOB No.: 19-85

REVISIONS / SUBMISSIONS
Resubmitted: 12/14/20
Revised: 02/08/21

Preliminary
Regulating
Plan
Open Space Exhibit
PRP-1 of 2

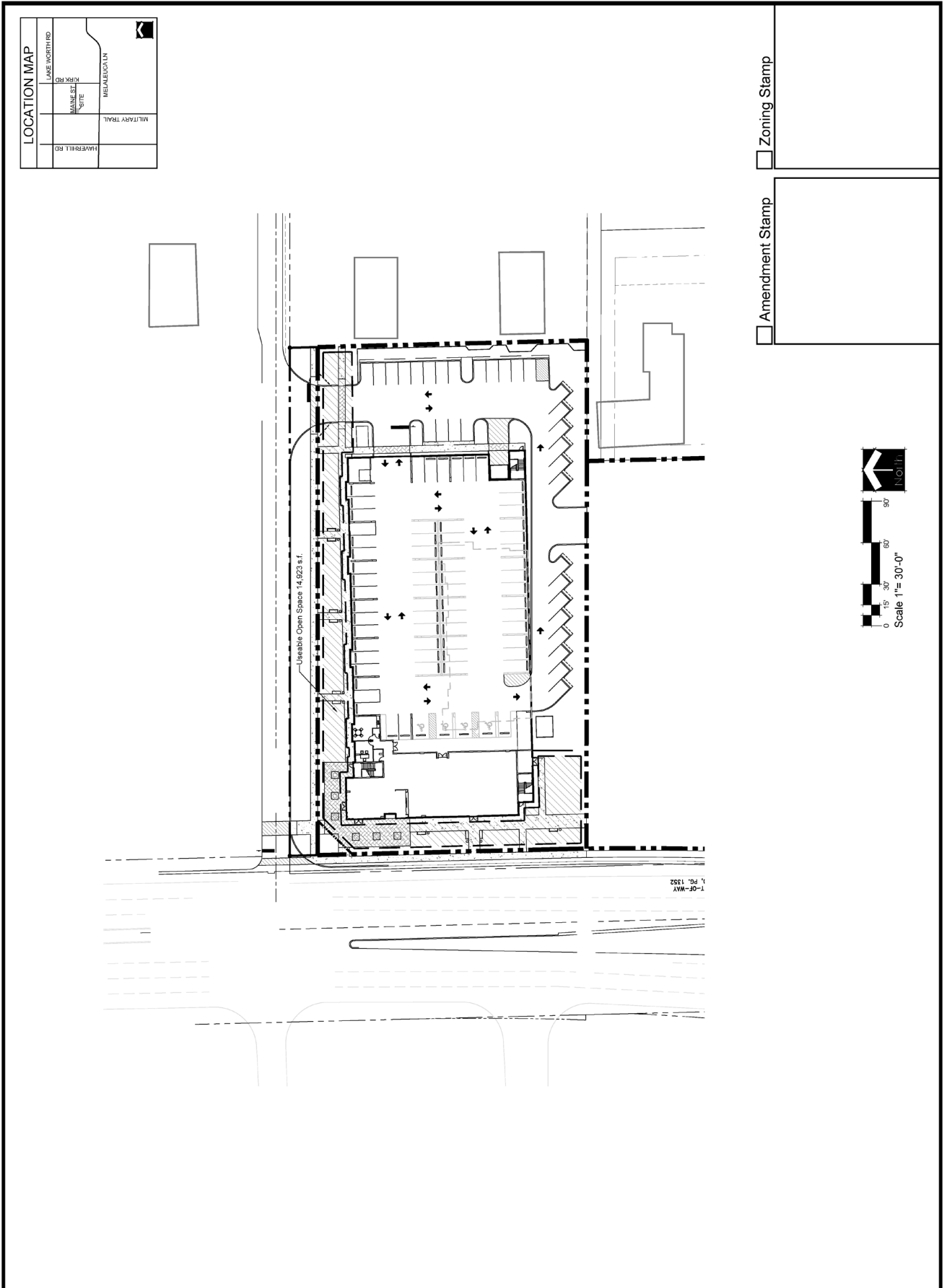


Figure 6 – Preliminary Regulating Plan (PRP-2 of 2) dated February 8, 2021



Southport Grove

Palm Beach County, Florida

Date: 03/12/20
Scale: 1" = 30'-0"
Design By: JS
Drawn By: AT
Reviewed By: 954.02
File No.: 19-85
Job No.:

REVISIONS / SUBMISSIONS
Resubmittal 1, 12/14/20
Resubmittal 02/08/21

Preliminary
Regulating
Plan
Recreation Exhibit

PRP-2 of 2

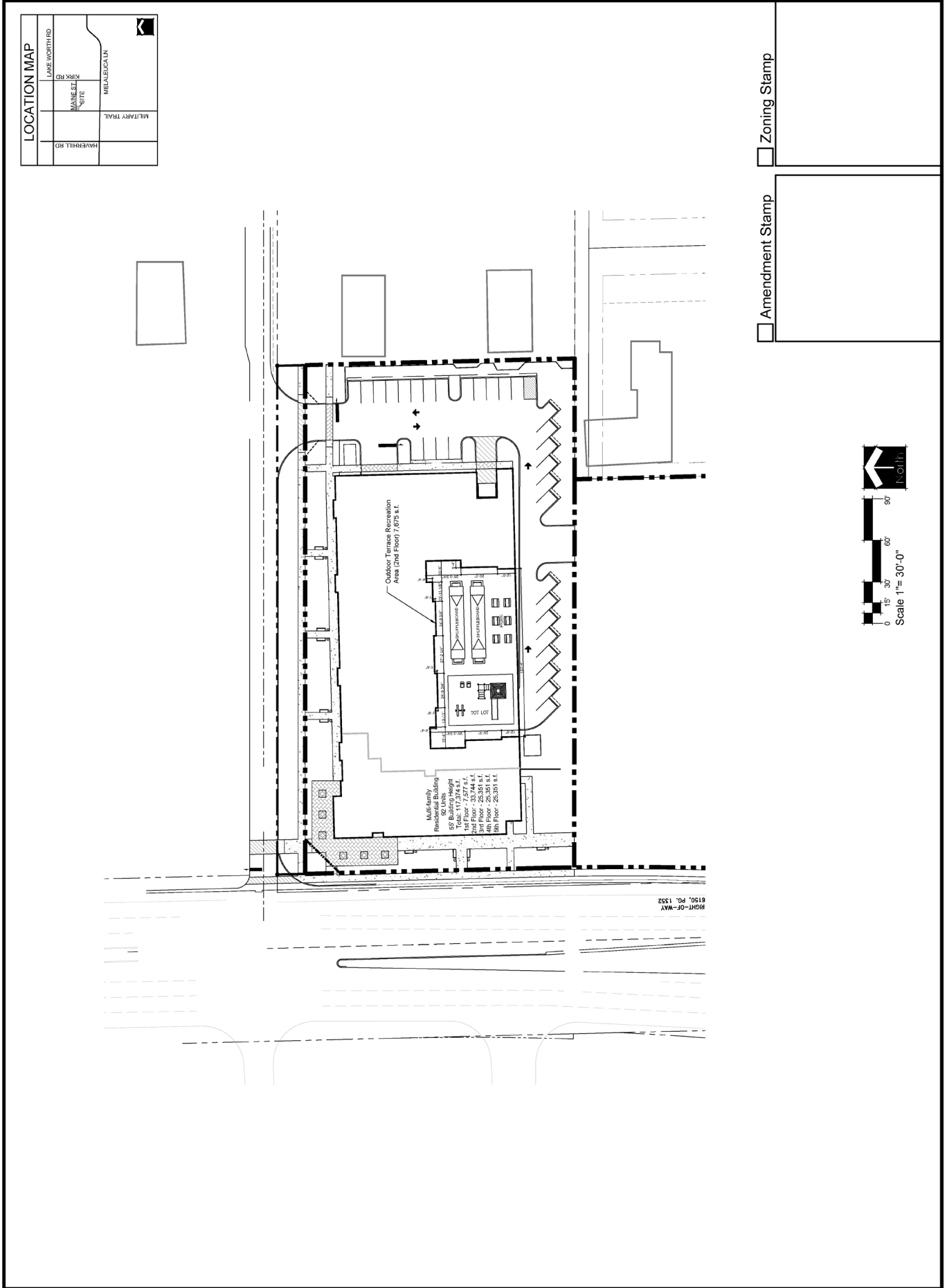


Figure 7 - Conceptual Architectural Elevations (for information only), dated August 3, 2020

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ARCHITECTURE &
INTERIOR DESIGN, INC.
237 S. Westchickadee Drive, Suite 202
Aventura, Florida 33172
407.727.7171
www.forumarch.com

**Melaleuca
Apartments**

Palm Beach County, FL
07/29/2020
Andrew Scott Rankin
AR27153

**Preliminary - Not
For Construction**

SET DISTRIBUTIONS:

SHEET REVISIONS:

PROJECT NO. 4059

NUMBER

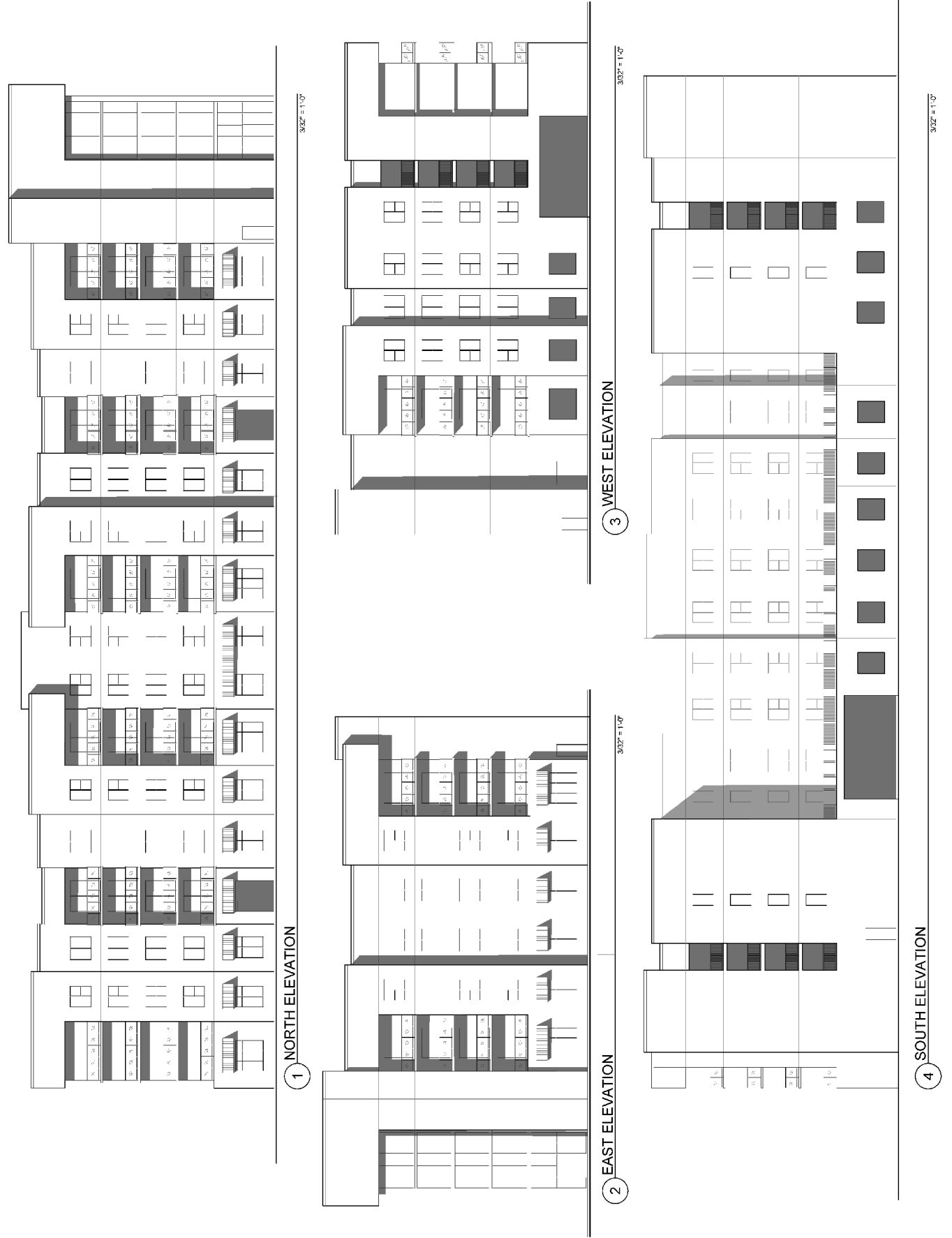


Figure 8 – Preliminary Visual Impact Analysis dated January 11, 2021

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237 S. Westmonte Drive, Suite 200
Altamonte Springs, FL 32714
Phone: 407.222.1234
Fax: 407.222.1231
www.forumarch.com

**Melaleuca
Apartments**

Palm Beach County, FL
12/22/2020
Architect: Forum
AC207153

**Preliminary - Not
For Construction**

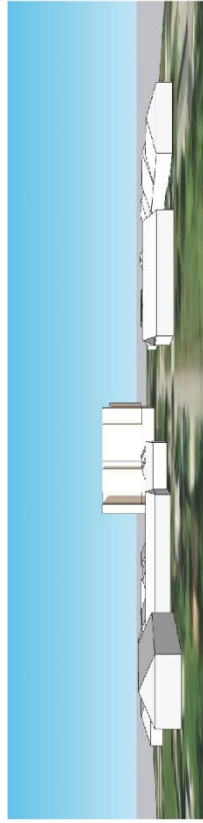
SET DISTRIBUTIONS:

SHEET REVISIONS:

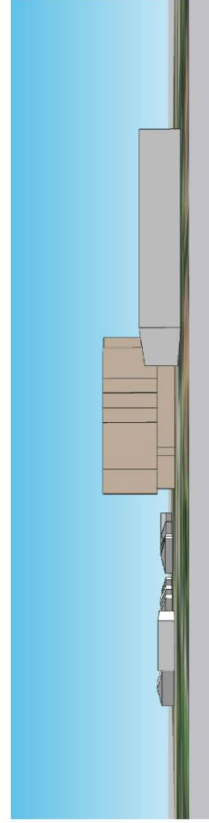
PROJECT NO. 40159



2 PERSPECTIVE



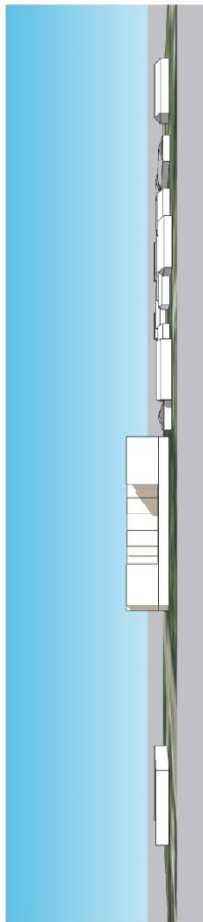
4 EAST ELEVATION



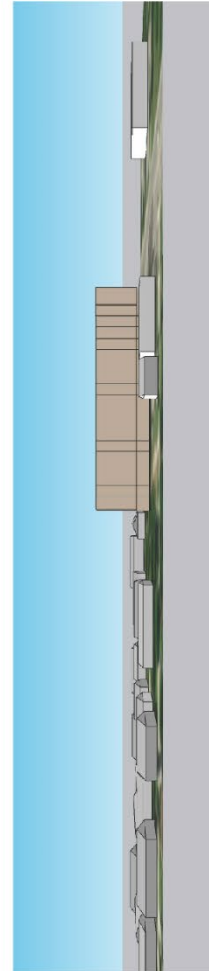
6 WEST ELEVATION



1 PERSPECTIVE



3 SOUTH ELEVATION



5 NORTH ELEVATION

Figure 9 – Shadow Study Exhibit dated January 11, 2021

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 2375 WESTERLY DRIVE, SUITE 222
 AUSTIN, TEXAS 78741
 TEL: 512.424.2711
 FAX: 512.424.2715
 WWW.FORUMARCHITECTS.COM

**Melaleuca
 Apartments**

Palm Beach County, FL
 120220200
 AIRBORNE CENTER PARK
 A1907193

**Preliminary - Not
 For Construction**

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SHEET REVISIONS:

PROJECT NO. 4069



1 SHADOW STUDY - JANUARY 8:30A.M.



2 SHADOW STUDY - JANUARY 5:00P.M.

Figure 10 – Conceptual Floor Plan Sheet 1 of 3 dated August 3, 2020

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Altamonte Springs, FL 32714
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Fax: 407-571-1121
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**Melaleuca
Apartments**

Palm Beach County, FL
10750 WOODS
Andrew Scott Rank
ARST183

**Preliminary - Not
For Construction**

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PROJECT NO. 4090

A-2

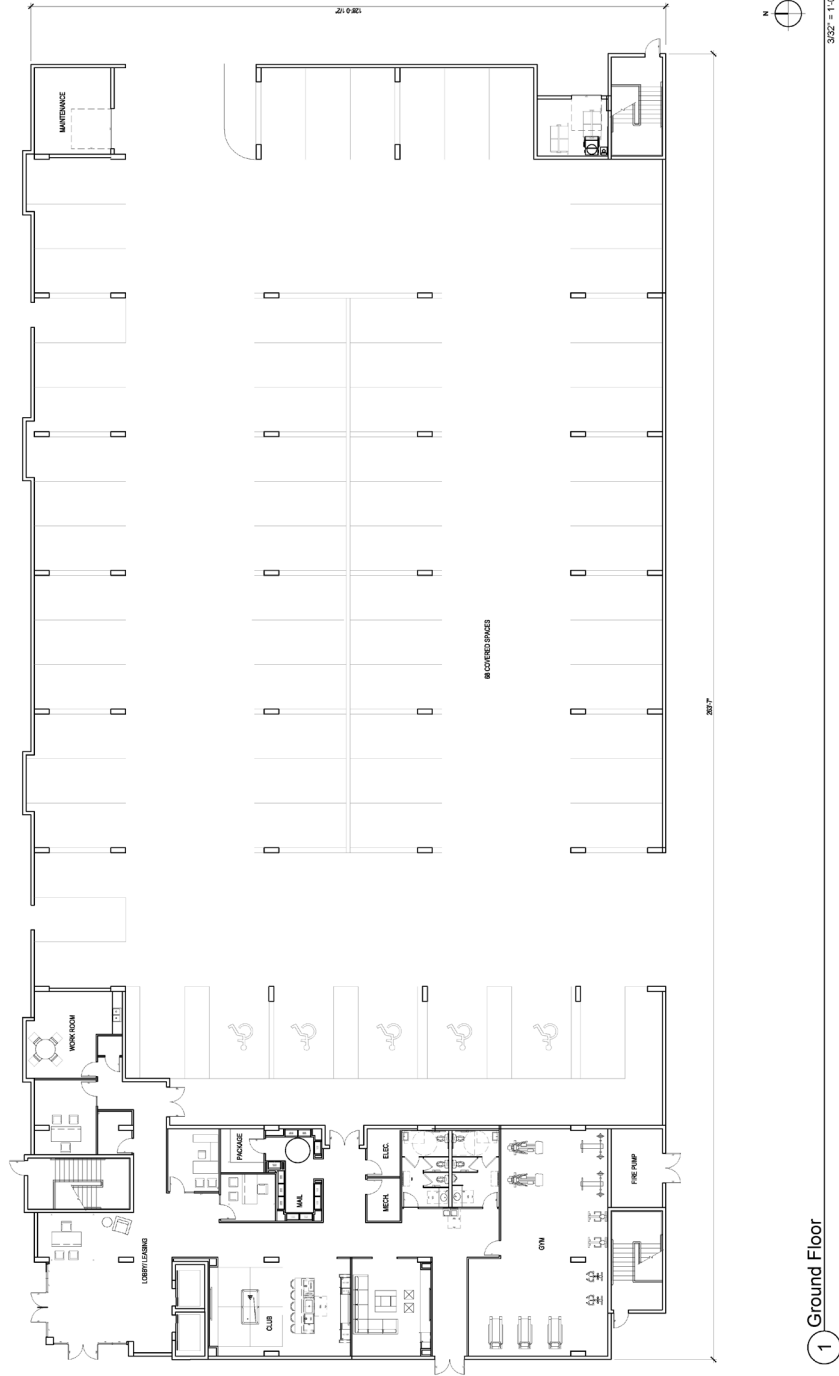


Figure 10 – Conceptual Floor Plan Sheet 2 of 3 dated August 3, 2020

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237 S. Westshore Drive, Suite 220
Altamonte Springs, FL 32714-5600
407.521.4100
A00002273
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**Melaieuca
Apartments**

Palm Beach County, FL
07/31/2020
Andria Scott Rank
AF87193

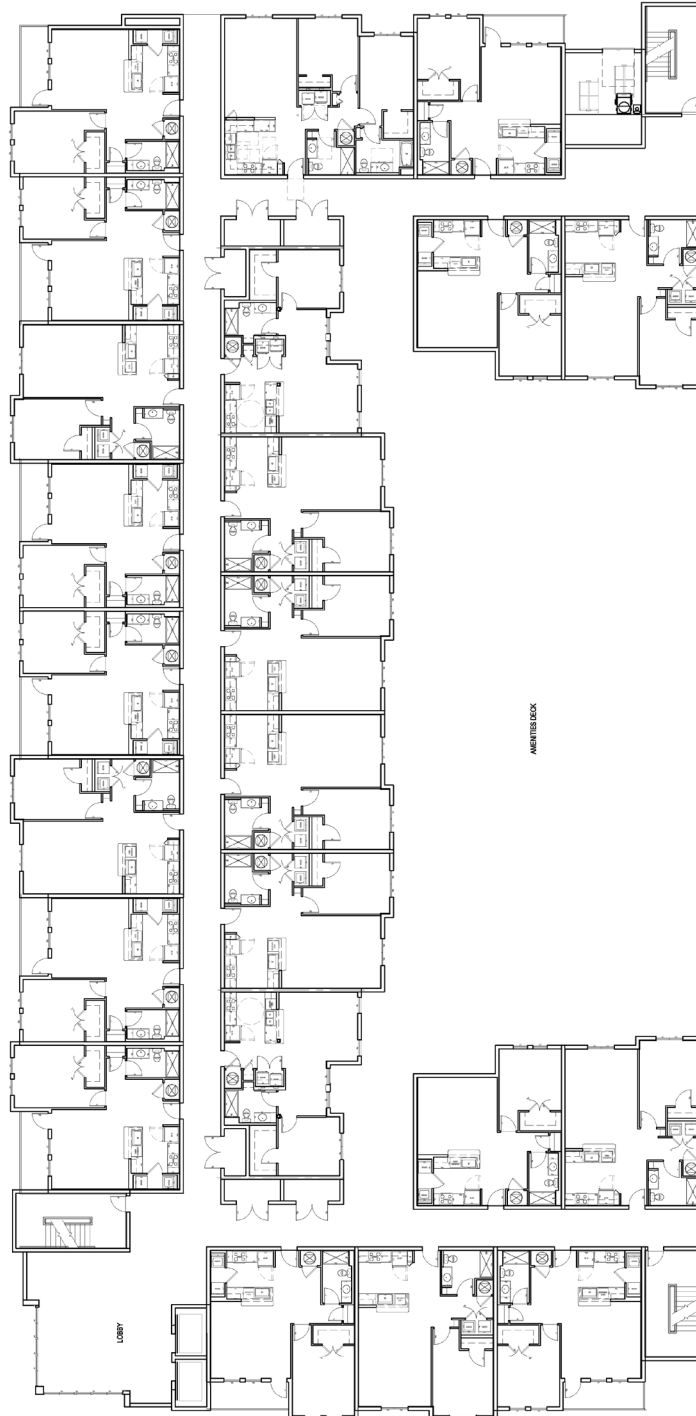
**Preliminary - Not
For Construction**

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SHEET REVISIONS:

PROJECT NO. 4626

A-3



3/32" = 1'-0"

1 2nd Floor

Figure 10 – Conceptual Floor Plan Sheet 3 of 3 dated August 3, 2020

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237 S. Westshore Blvd., Suite 200
Alhambra Springs, FL 32714
Tel: 407.486.1100
Fax: 407.486.1101
www.forumarchitect.com

**Melaleuca
Apartments**

Palm Beach County, FL
07/29/2020
Andrew Scott Reak
A197185

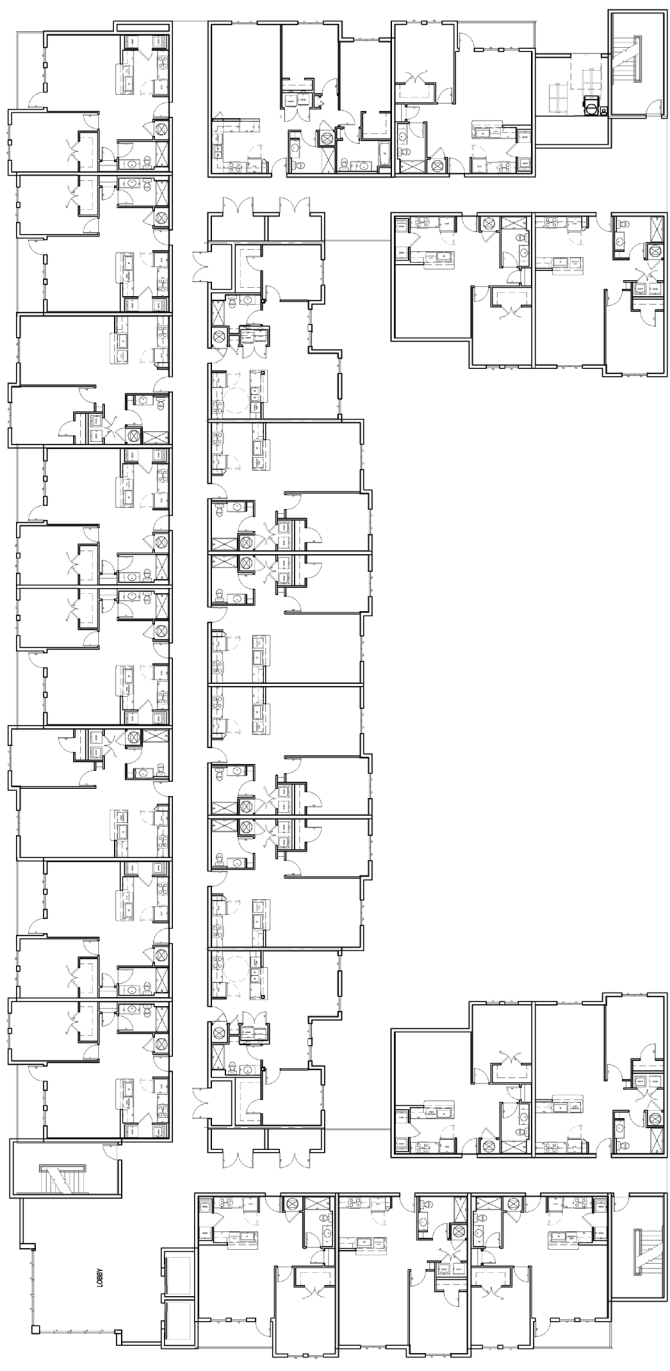
**Preliminary - Not
For Construction**

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PROJECT NO. 4099

A-4



3/32" = 1'0"

1 3rd - 5th Floor

021 - 1 - 09/20

Exhibit D – Disclosure of Ownership (Property Owner)

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 Michael Molinari, 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 Vice President *[position - e.g., president, partner, trustee]* of Pacific Land Holdings, 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.

*Luca Land, LLC

2. Affiant's address is: 5403 West Gray Street
Tampa, FL 33609

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.

Michael Molinari

Michael Molinari/VP, Pacific Land Holdings, LLC*, Affiant

(Print Affiant Name)

*Luca Land, LLC

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 11th day of December, 2020 by Michael Molinari (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).

Gabriel Lemmerman
(Name - type, stamp or print clearly)

Gabriel Lemmerman
(Signature)

My Commission Expires on: 9/15/2024

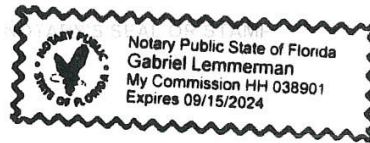


EXHIBIT "A"

PROPERTY

THE EAST 385 FEET OF THE WEST 420 FEET OF THE SOUTH 224.06 FEET OF THE NORTH 672.18 FEET OF THE WEST 3/4 OF THE NORTH 1/4 OF THE SOUTHEAST 1/4 OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST, LESS THE NORTHERLY 10 FEET FOR ROAD RIGHT WAY.

ALSO LESS AND EXCEPT THAT PORTION AS CONVEYED TO PALM BEACH COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA BY THE RIGHT-OF-WAY WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 5880, PAGE 947, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING IN ALL 78,556.271 SQUARE FEET AND/OR 1.803 ACRES, MORE OR LESS.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

Name	Address	
Pacific Land Holdings, LLC (Luca Land, LLC)	5403 West Gray Street, Tampa, FL 33609	100%

Exhibit D – Disclosure of Ownership (Applicant)

DISCLOSURE OF OWNERSHIP INTERESTS – APPLICANT

[TO BE COMPLETED AND EXECUTED ONLY WHEN THE APPLICANT IS NOT THE OWNER OF THE SUBJECT PROPERTY]

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

1. Affiant is the [] individual or [x] President [position—e.g., president, partner, trustee] of Southport Financial Services, Inc. [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership], (hereinafter, "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for real property legally described on the attached Exhibit "A" (the "Property").

2. Affiant's address is: 1911 65th Avenue W
Tacoma, Washington 98466

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 Applicant. 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 Applicant's application for Comprehensive Plan amendment or Development Order approval. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of the Applicant.

5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Applicant 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.

David Page
David Page, Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF ~~FLORIDA~~ Washington
COUNTY OF ~~PALM BEACH~~ Pierce

The foregoing instrument was acknowledged before me by means of physical presence or
[] online notarization, this 17th day of April, 2020 by
J. David page (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).

Mary E Sanford
(Name - type, stamp or print clearly)

Mary E Sanford
(Signature)

My Commission Expires on: 5/10/2023

NOTARY'S SEAL OR STAMP



EXHIBIT "A"

PROPERTY

THE EAST 385 FEET OF THE WEST 420 FEET OF THE SOUTH 224.06 FEET OF THE NORTH 672.18 FEET OF THE WEST 3/4 OF THE NORTH 1/4 OF THE SOUTHEAST 1/4 OF SECTION 25, TOWNSHIP 44 SOUTH, RANGE 42 EAST, LESS THE NORTHERLY 10 FEET FOR ROAD RIGHT WAY.

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CONTAINING IN ALL 78,556.271 SQUARE FEET AND/OR 1.803 ACRES, MORE OR LESS.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

Affiant must identify all entities and individuals owning five percent or more ownership interest in Applicant's corporation, partnership or other principal, if any. Affiant must identify individual owners. For example, if Affiant is the 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	
David Page	1911 65th Avenue W, Tacoma, Washington, 98466	100%

Exhibit E – Applicant’s Justification Statement dated February 23, 2021



**Justification Statement
Southport Grove
Palm Beach County, FL
Rezoning Application
Concurrent Type 2 Variance & Type 2 Waiver Requests
Original Submittal: August 3, 2020**

History

Schmidt Nichols (Agent), on behalf of Luca Land, LLC (Owner) and Southport Financial Services, LLC (Applicant), respectfully requests your consideration of this application for the rezoning of the subject property from Neighborhood Commercial (CN) and Medium Density Residential (RM) to the Urban Infill (UI) district of the Urban Redevelopment Area Overlay (URAO). The site is also located in the Revitalization, Redevelopment, and Infill Overlay, and the Countywide Community Revitalization Team Area Lake Worth #68. This request is concurrent with a companion Future Land Use Amendment request to change the Future Land Use designation from Commercial High with underlying 8 units per acre (CH/8) on the front half of the property and High Density Residential, 12 units per acre (HR-12) on the rear half of the parcel to Urban Infill (UI) over the entire parcel. The subject property consists of one parcel, totaling 1.80 acres located at 5321 Maine Street (PCN: 00-42-44-25-00-000-5380). The property currently has an active multifamily residential use consisting of multiple structures. The subject property has had no previous applications or approvals. The property was also sold recently to the current owner, Luca Land, LLC, on September 30, 2020 by the previous owner, Blanchard Family Trust Agreement, UAD.

The subject property is located within the Urban/Suburban Tier and currently supports a split Future Land Use (FLU) designation of Commercial High, with underlying High Density Residential, 8 units per acre (CH/8) on the front half of the site and High Density Residential, 12 units per acre (HR-12) on the rear half. The subject property is also located within two zoning districts, the front half being located in the Neighborhood Commercial (CN) district and the rear half being located within the Medium Density Residential (RM) zoning district. Moreover, the site is located within the Primary Redevelopment Area (PRA) of the Urban Redevelopment Area Overlay (URAO) which runs along Military Trail in the subject portion of unincorporated Palm Beach County. The subject rezoning and concurrent FLU amendment applications request the subject property be “opted-in” to the URAO with the intent of redeveloping the subject property in accordance with the URAO standards set forth in Article 3.B.16 of the Unified Land Development Code (ULDC).

On behalf of the Applicant and the Owner, Schmidt Nichols respectfully requests your consideration of approval of the following requests:

Request 1: Rezoning from CN & RM to UI

1551 N Flagler Drive, Suite 102, West Palm Beach, FL 33401 | T: 561.684.6141 | www.snlandplan.com

Request 2: Type 2 Waivers

Request 3: Type 2 Variance

Overview

The proposed development consists of 92 dwelling units within a 5-story multifamily residential structure consisting of 117,374 s.f. Moreover, 85% of the 92 units proposed in the subject development will be restricted to elderly residents only, ages 62 and over, in accordance with Florida Housing Finance Corporation requirements. The remaining 15% of units will be available to residents of all ages, subject to meeting Workforce Housing Program income requirements. As a result, the applicant expects considerably less demand for parking and also less impact on vehicular traffic than a typical, non-age restricted project of the same scope. The proposed rezoning to the Urban Infill (UI) district allows the proposed development to adhere to the property development regulations set forth in Art.3.B.16, Urban Redevelopment Area Overlay. This zoning district and FLU designation does not set restrictions on residential uses by density. Rather, the UI district sets form-based standards, such as build-to lines, height restrictions, parking requirements, and transect zones, in addition to standard ULDC standards, including recreation requirements, to restrict the massing of structures, and therefore overall density. The proposed multifamily residential development meets these form-based standards and proposes a total of 92 dwelling units, 85% of which are restricted to residents age 62 and over, and 15% of which are proposed to be designated as Workforce Housing in accordance with Workforce Housing Program standards.

It should be noted with regard to the proposed density of the subject request, people over the age of 65 will constitute nearly 75% of the United States population by 2030, compared to 56% in 2020, according to United States Census data. Furthermore, Florida, and more specifically the counties in the southern half of the state, are seeing the highest influx of residents within this age demographic, resulting in an acute shortage of housing targeting this growing cohort's financial, and physical needs. Considering this age group is the most likely to be living on a fixed income, it is imperative the supply of housing targeted at this demographic range be expanded considerably over the next several years, especially considering demand is not being met, even today. This need is further compounded by the general demand for affordable housing for those making between 0% and 120% of the Area Median Income of any age group. This is considered by Palm Beach County to be the "Workforce Housing" segment of the market. The subject development proposes 15% of the proposed units to be designated as Workforce Housing units available to eligible residents of any age, in accordance with Workforce Housing Program Standards. Therefore, it is not unreasonable to request the proposed number of units, as there is an undeniable unmet demand for multifamily units, particularly for those residents age 62 and above with fixed incomes, and for those residents of any age making between 0% and 120% of the Area Median Income.

1551 N Flagler Drive, Suite 102, West Palm Beach, FL 33401 | T: 561.684.6141 | www.snlandplan.com

Below is a summary of the surrounding properties:

Adjacent Lands	FLU	Zoning	Uses
Subject Property (Proposed)	CH/8 & HR-12	CN & RM	Multifamily Residential
North	CH/8; HR-12; UI	RM	Restaurant; Vacant; Single Family Residential
South	CH/8; HR-12	CG; RM	Vacant; Single Family Residential
East	HR-12	RM	Multifamily Residential
West	UI	UI	General Retail

Parking

Per ULDC Article 3.B.16.F.9.b, residential uses in a Primary Redevelopment Area such as the proposed development may utilize the reduced parking requirements outlined in Table 3.B.14.I – WCRAO Mixed Use and Residential Parking Deviations. Based on this table, the parking is calculated below:

- 1 space / 1 bedroom unit @ 88 units = 88 spaces
- 1.5 spaces / 2 bedroom unit @ 4 units = 6 spaces
- 1 guest space / 4 units @ 92 units = 23 spaces

Total parking requirement: 117 spaces

The applicant proposes 99 parking spaces which is below the requirement, however, the Applicant requests a Type 2 Variance from this requirement as discussed in greater detail below. It should be noted, the Applicant proposes restricting 85% of the proposed units only to residents age 62 and older, and 15% of the proposed units to Workforce Housing Program eligible residents of any age, both of which are demographics recognized by the ITE manual to significantly

reduce demand for parking. A reduced parking study is included as part of this application.

Workforce Housing

Per Article 3.B.16.C.3, the proposed development exceeds 10 dwelling units and therefore shall comply with Article 5.G.1 Workforce Housing Program. Furthermore, Article 5.G.1.A.2.d.a) requires projects within the UI FLU designation to designate a minimum 15% of dwelling units as workforce housing units. In the case of the subject development, a minimum of 14 units out of a total 92 units are required to be designated as workforce units in compliance with this requirement. The Applicant proposes to designate 14 rental units on-site as workforce units per the subject ULDC requirement, all of which will be restricted to affordable rental rates for Very Low (0 to 50% of AMI), Low (>50% to 80% of AMI), and Moderate (>80% to 120% of AMI) income ranges. It should be noted, that 85% of the proposed total 92 units are required to be restricted to elderly residents per the Florida Housing Finance Corporation standards, which means all of the proposed Workforce Housing designated units with this proposed development will be available to residents of any age, so long as they are eligible according to Palm Beach County Workforce Housing Program standards. Therefore the proposed 14 Workforce Housing designated units (15% of total proposed) comply with the requirements of ULDC Article 5.G.1 Workforce Housing Program.

Recreation

The proposed development is required by the ULDC to provide recreation space for residents. Normally, residential projects are required to provide 2.5 acres of recreation area for every 1,000 additional persons calculated at a rate of 2.39 persons per unit. In the case of the proposed 92 unit development, 0.55 acres of recreation space would be required. However, due to the fact that this development is proposed to include high quality indoor recreation facilities, including but not limited to an indoor gym and common area, the Parks and Recreation department agreed to allow a reduction of the required recreation area by 25%, per Article 5.D.2.B.4 of the ULDC. This brings the recreation requirement down to 0.41 acres. Due to the compact nature of the site, and the fact that this is an urban infill project, the recreational facilities provided within the building, and the streetscape areas along Military Trail and Main Street intended to promote walking and other non-motorized forms of transportation, the Applicant can only provide a total of 7,675 s.f. (0.18 acres) of recreation space which includes the outdoor terrace area proposed on the third floor of the building. Per additional discussions with the Parks and Recreation department, the remainder of the required 10,359 s.f. (0.23 acres) recreation area will be cashed out at the rate for the land area. This calculation is also provided on the Preliminary Site Plan. The outdoor terrace area, the indoor athletic gym, and amenities proposed in the streetscape areas that exceed the

code minimums, are required to have a value equal the equivalent of 100% of the facilities and land acquisition costs of the 0.55 acres required as standard by the ULDC according to the cost estimates provided by the Parks and Recreation department. In the case of the proposed development, this value to be met equals \$160,841. Should these amenities not meet this required value, the remaining value required to be met is will be cashed out.

Native Vegetation

The subject property, although already developed, has native vegetation currently existing. As part of the proposed development, the Applicant proposes to mitigate for this native vegetation. The subject site is located immediately adjacent to existing multifamily land uses immediately to the east that are of lower intensity than the structure being proposed. Although the applicant proposes the structure being pushed as far to the front of the site as possible to reduce any negative impacts to the neighbors, the Applicant also recognizes the benefit of a vegetation buffer between properties to reduce impacts. Therefore, the Applicant proposes relocating a portion of the existing native vegetation to the landscaping areas provided on the east and south property line, specifically for this purpose. Any remaining native vegetation that cannot be relocated will be mitigated for with a cash-out payment, per the standards set forth in the ULDC.

Requests

Below is a detailed overview of the Applicant's requests as part of this application:

Request 1: Rezoning from Neighborhood Commercial (CN) and Medium Density Residential (RM) to Urban Infill (UI)

- a. **Consistency with the Plan:** *The proposed amendment is consistent with the Plan.*

Response: The proposed rezoning from CN & RM to UI is consistent with the Comprehensive Plan. More specifically, the proposed rezoning complies with the following:

- **Urban Redevelopment Area (URA) Sub-Objective 1.2.2** in the Future Land Use Element of the Comprehensive Plan states: *"The purpose of the URA is to focus the County's redevelopment and infill efforts by promoting economic growth, improving the present conditions of infrastructure, investment and reinvestment in the area, and discouraging urban sprawl by directing development where resources exist."*

Response: The proposed rezoning allows the subject property to opt-in to the URAO, ultimately granting development rights that would otherwise not

be possible under the current ULDC. The intention of the Applicant is to develop the property with a multifamily residential project that has 85% of its total units restricted to senior residents, per the requirements of the Florida Housing Finance Corporation, and the remaining 15% of units designated as Workforce Housing, in accordance with Palm Beach County's Workforce Housing Program. Each of these target demographics have a high discrepancy between housing supply and demand. This development proposed is in compliance with the code provisions for the URAO, which most notably promote an urban development pattern that discourages urban sprawl and encourages pedestrian and non-motorized transportation activity. The proposed development includes streetscape areas along Military Trail and Maine Streets that provide a comfortable pedestrian experience, and the proposed structure is to be located at the build-to line along each right of way to create a direct connection between the streetscape and the active uses of the building. Therefore, the proposed rezoning is in compliance with this Sub-Objective in the Future Land Use Element of the Comprehensive Plan.

- **Policy 1.2.2-b Urban Infill** in the Future Land Use Element of the Comprehensive Plan states: *"The Urban Infill Transect are envisioned as urban, mixed-use areas at the edges of existing neighborhoods proximate to an arterial thoroughfare; therefore, the UI Transects are transitional by nature."*

Response: The proposed rezoning serves to implement this policy on the subject property, creating a transitional zone between Military Trail and the existing neighborhood to the rear of the subject property. Furthermore, the Applicant proposes a multifamily development that adheres to the development standards applicable to the UI transect, resulting in a development that transitions from high to low intensity moving from the front to the rear of the site. The proposed structure is located toward the front of the site along Military Trail, resulting in the highest intensity being located away from adjacent properties to the east. Below are the characteristics of the UI transect as described in this policy, and how the proposed rezoning of the subject site is consistent with each:

- *Residential and/or non-residential uses;*

Response: The subject rezoning is being requested as part of a proposed multifamily residential development on the subject site.

- *An interconnected pedestrian friendly street network, including vehicular connectivity;*

Response: The subject rezoning will result in the UI district property development regulations being utilized for the multifamily residential development proposed on the site. The proposed development includes pedestrian friendly streetscape designs, with elements such as wide sidewalks, benches and streetscape amenities, shade trees, etc. Furthermore, the applicant proposes a future cross access point from the subject site to the adjacent commercial property to the south.

- *Vehicular and pedestrian connections to adjacent parcels and roadways;*

Response: The subject rezoning to the UI district requires the subject property to conform to the UI district property development regulations, which includes requirements for pedestrian and vehicular connections to adjacent parcels and roadways. The proposed multifamily development includes a future cross access point at the south end of the site which allows for vehicular and pedestrian connection to the adjacent commercial parcel to the south. Moreover, the proposed streetscape areas along Military Trail and Maine Street include pedestrian walkways that connect the subject site to adjacent parcels to the north, south, and east. Therefore, the subject property will be required to be consistent with this characteristic of the UI transect.

- *Buildings located along the sidewalk with uses that support and enhance pedestrian activity;*

Response: The subject rezoning to the UI transect will result in the UI district property development regulations being applied to this site. The proposed multifamily residential structure includes a main lobby, athletic center, and other common area amenities located on the first floor directly fronting Military Trail and Maine Street. These active spaces create and support enhanced pedestrian activity along each of these corridors. Therefore, the proposed rezoning and proposed multifamily development are consistent with this standard.

- *An emphasis on multi-modal facilities (bike racks, bus shelters, on-street parking, enhanced pedestrian environments as appropriate);*

Response: The subject rezoning to the UI transect requires all new development on the site to adhere to the UI district property

development regulations. The proposed development includes bicycle parking for residents located in a covered parking area. Furthermore, the proposed development includes enhances streetscape areas that promote pedestrian comfort and encourage pedestrian activity.

- *A minimum of 15% of all new housing shall be provided as very low, low, and moderate income housing units;*

Response: The applicant proposes to allocate a minimum of 15% of the proposed multifamily units for residents qualifying for very low (0% - 50% of AMI), low (>50% to 80% of AMI), and moderate (>80% to 120% of AMI) income ranges.

- *A range of one to three story buildings;*

Response: The proposed multifamily structure includes five stories. This will be achieved through adherence to the Green Building Incentive program, as set forth in the ULDC. The proposed structure will achieve either a LEED Silver or Florida Green Building Coalition Silver determination or better in accordance with the requirements set forth in the ULDC to achieve this additional height. Furthermore, a Type 2 Waiver is requested for the addition of the fifth floor.

- *Additional height may come from the use of green building strategies contained in Policy 1.2.2-f (up to four stories may be allowed);*

Response: The proposed multifamily residential structure will exceed the standard height allowed by the UI district property development regulations. The proposed five story building will adhere to the Green Building Incentive program as set forth in the ULDC. The proposed structure will achieve a LEED or FGBC Silver determination or better in accordance with ULDC requirements to achieve this additional height. Furthermore, a Type 2 Waiver is requested for the addition of a fifth floor.

- **Policy 1.2.2-c** in the Future Land Use Element of the Comprehensive Plan states: *Within the PRAs, all approvals for redevelopment and new development intensity/density shall be based on conformity to the following:*
 - *URA Planning Study and Corridor Master Plans, and Addendum;*

Response: The subject rezoning will result in a development that will be consistent with the URA Planning Study and Corridor Master Plans, and Addendum. The proposed multifamily residential development utilizes the form based code set forth in Article 3.B.16 of the ULDC, which results in a structure that is located at the build-to line along Military Trail and Maine Street, and provides for an upgraded pedestrian friendly streetscape on both frontages. Parking for the site is moved to the rear of the site and under the structure, with the intent of keeping the street frontages active and friendly to pedestrian activity.

- *Urban Redevelopment Area Regulating Plan (Map Series LU 9.1 and LU 9.2);*

Response: The subject rezoning request will result in development that conforms to the Urban Redevelopment Area Regulating Plan (Map Series LU 9.1 and LU 9.2). The proposed development for this site adheres to the guidelines set forth in the ULDC with regard to the UI1 and UI2 transects, more specifically with regard to compatibility to neighboring land uses which are not located in the URAO. The proposed multifamily development pushes its massing towards the front of the site on its western side, leaving an 80' setback to the rear property line. This design reduces the visual impact the proposed structure has on adjacent properties to the east of the site. It should be noted, Map LU 9.1 and 9.2 identify the location of proposed slip-street frontages along the corridors, one of which is located in front of the subject site. The site's relatively short frontage along Military Trail and its small overall size coming in well under 2 acres makes it a poor candidate for such a slip-street design. Therefore, a Type 2 Waiver is requested from this requirement, as such a cross section would not result in any positive improvement to the pedestrian experience, nor would it result in any improvements to vehicular circulation and safety along Military Trail in this particular case.

- *Transportation Element Policy 1.2-v;*

Response: The subject rezoning request will result in a development that conforms to Transportation Element Policy 1.2-v. The proposed multifamily residential development for this site is in compliance with this policy. The subject site is located within the County's Urban Redevelopment Area Transportation Concurrency Exemption Area, more specifically along the Military Trail Priority Redevelopment Area

corridor. Per Table TE-7A, a maximum allowance of 3181 dwelling units is permitted to utilize the TCEA benefit along this corridor. To the best knowledge of the Applicant at this time, no additional residential units have been approved along the Military Trail PRA corridor of the URAO, meaning only 677 units currently exist. The proposed multifamily residential development proposes to add 92 dwelling units to the corridor bringing the proposed total to 769 units, well below the maximum allowance. Therefore, the proposed rezoning and associated multifamily development are consistent with this policy.

- *Urban Redevelopment Area TCEA Map (Map Series TE 15.1, TE 15.3, TE 15.5, and TE 15.6);*

Response: The subject rezoning request will result in future development that conforms to the Urban Redevelopment Area TCEA Map TE 15.6. The subject site falls under the URA South Military TCEA area. The proposed multifamily residential development for this site proposes to utilize the TCEA standards with regards to traffic concurrency.

- *The provisions of Sub-Objective 1.2.2;*

Response: The subject rezoning will result in development that conforms to the provisions of Sub-Objective 1.2.2 as it pertains to additional residential density/non-residential intensity. The proposed multifamily residential development promotes economic growth along the corridor by increasing the improvement value of the site, and improves the conditions of infrastructure in the URA by providing significant upgrades to pedestrian infrastructure on Military Trail and Maine Street. Finally, the proposed development increases the residential density along Military Trail which already has the public services and infrastructure to support such a development. This reduces additional strain on infrastructure and public services because no new infrastructure or public facilities are required to be constructed.

- *The form-based code criteria of the ULDC.*

Response: The subject rezoning will result in a new development that conforms to the form-based code criteria of the URA Overlay section of the ULDC. The proposed multifamily residential development adheres to the form-based code criteria of the ULDC.

The structure is placed at the build-to-line where applicable, parking is located at the rear of the site, active uses are provided along Military Trail and a portion of Maine Street, and the building is proposed to include five floors subject to compliance with the Green Building Incentive Program. Any deficiencies with the form based code are addresses through Type 1 and Type 2 Waivers whenever they are applicable.

- **Policy 1.2.2-e** in the Future Land Use Element of the Comprehensive Plan states: *“The ULDC shall maintain a clear and concise set of urban, form-based regulations that implement the Urban Center and Urban Infill Transects in the PRAs. This form-based code shall establish an urban, pedestrian-friendly and transit supportive environment...”*

Response: The proposed rezoning results in the subject property being regulated by these urban, form-based code provisions. The proposed development on the site is consistent with these code provisions, resulting in an urban multifamily development with significantly improved pedestrian facilities and active ground-floor uses facing Military Trail. These form-based code provisions allow for a level of density that is consistent with an urban development pattern, promotes the viability of transit as a primary mode of transportation, and relieves development pressure from western portions of the County. Specifically, the proposed multifamily development brings the building up to the right-of-way on both Military Trail and Maine Street, pushes the parking to the rear of the site away from pedestrian spaces, and wide sidewalks are provided in a streetscape area that includes amenities such as benches, planters, and canopy trees along the site’s frontage which promotes a comfortable pedestrian experience.

- **Policy 1.2.2-h** in the Future Land Use Element states: *The County shall require inter-connectivity in the URA between complementary neighboring land uses for both vehicular and pedestrian cross access, which shall be implemented through criteria established in the ULDC.*

Response: The subject rezoning request will result in all new development to the site being required to be consistent with UI district property development regulations set forth in the ULDC, one of which requires that neighboring parcels of land in the URA Overlay provide vehicular and pedestrian cross access. As it pertains to the subject parcel, a cross-access point is proposed to the neighboring property to the south with frontage on Military Trail.

- b. **Consistency with the Code:** *The proposed amendment is not in conflict with any portion of this code and is consistent with the stated purpose and intent of this Code.*

Response: The proposed amendment results in the property becoming part of the Priority Redevelopment Area portion of the Urban Redevelopment Area Overlay, which is regulated by Article 3.B.16 of the ULDC. The intent of this code section is as follows:

1. *Implement the concepts of the July 2007 Palm Beach County Redevelopment Area Planning Study and Corridor Master Plan, prepared by the Treasure Coast Regional Planning Council, inclusive of the 2009 Planning Division addendum, and the 2016 amendments to the Plan (Ord. 2016-037), URA Alternative Revisions;*

Response: The proposed rezoning is consistent with the concepts set forth in the Palm Beach County Redevelopment Area Planning Study and Corridor Master Plan. The proposed redevelopment for the site complies with the UI transect property development regulations and results in increased residential density, intensity, and significantly improved pedestrian facilities that promote walking and transit ridership. More, the placement of the structure at the corner of the site where Military Trail and Maine Street intersect, and design strategies such as placing the parking under the structure's footprint, result in an urban site design that is consistent with the intent of this code section.

2. *Implement the Urban Redevelopment Area (URA) Objectives and Policies of the Plan, with an emphasis on Priority Redevelopment Area (PRA) Policies;*

Response: The proposed rezoning allows the subject property to opt-in to the Priority Redevelopment Area of the URA and therefore contributes to the redevelopment of the overall Military Trail PRA corridor consistent with the Objectives and Policies set forth in the Comprehensive Plan.

3. *Utilize Smart Growth and Form Based Coding principles to establish standards that create a predictable regulatory framework and built form that improves the aesthetics of the streetscape and establishes, enhances the pedestrian realm, and encourages redevelopment of the PRAs;*

Response: The proposed rezoning of the subject property to the UI zoning district allows for the subject property to follow the form-based standards of the URAO code and thus achieve the goals set forth in the Comprehensive Plan regarding improving the aesthetics of the streetscape and enhancing

the pedestrian realm. The proposed development includes upgraded streetscape areas that improve the pedestrian experience along Military Trail and Maine Streets, the proposed structure is to be located close to the right of way to create an urban form and activity at street level, and parking is proposed to be beneath the structure and hidden from the right of way to improve pedestrian comfort and sidewalk activity. Further, the proposed multifamily residential use is permitted by right in the Priority Redevelopment Area.

4. *Encourage a compact, mixed use, and walkable development form, with an emphasis on safety, comfort, and ecological responsibility;*

Response: The proposed rezoning will allow for the property to be redeveloped with the proposed multifamily residential project which includes site elements that promote walkability and improves the safety, comfort and ecological responsibility of the site by complying with the property development regulations set forth in this portion of the Code. The main vehicular access proposed from the secondary frontage on Maine Street promotes safety for pedestrians and is consistent with the intent of the PRA to promote pedestrian activity along both of the building's frontages. Furthermore, improved streetscape areas along Military Trail and Maine Street, and adherence to building placement regulations such as the build-to line and parking proposed at the rear of the building will result in a walkable development form with emphasis on safety, comfort, and ecological responsibility.

5. *Create an interconnected pedestrian friendly street network that establishes parallel, alternate vehicular routes between the PRAs and creates new blocks that are a walkable scale;*

Response: Although the subject property is relatively small compared to the multi-parcel assemblages envisioned in the Urban Redevelopment Area Master Plan, the rezoning of this site and the accompanying proposed multifamily development will contribute towards this goal by providing significantly improved streetscapes along both of the site's frontages.

6. *Advocate walking, cycling, mass transit, or other modes of transportation as viable alternatives to automobile use by encouraging the development of commercial, civic, and recreational uses that provide for the daily needs of residents within walking distance;*

Response: The proposed rezoning of the subject property results in the proposed multifamily development that complies with the property

development regulations set forth in the URAO section of the Code, which advocates for walking, cycling, mass transit, and other modes of transportation as alternatives to personal automobiles. Therefore, the proposed rezoning and accompanying development is consistent with this intent of the URAO section of the ULDC.

7. *Promote mixed use development that balances housing with employment, commercial, and civic uses;*

Response: Currently, no other multifamily residential redevelopments exist within the Military Trail PRA Corridor. The proposed rezoning and accompanying proposed multifamily development results in an increased diversity of uses along the Military Trail PRA Corridor, consistent with this intent of the URAO section of the ULDC.

8. *Provide a variety of housing types to support residents of diverse ages, incomes, family sizes, ethnicities, and lifestyles;*

Response: The proposed rezoning and accompanying proposed multifamily development results in a contribution towards providing a greater mix of housing types and, more particularly, housing types for residents of a previously under-leveraged age group and income level, namely the growing population of elderly residents with fixed incomes and residents of any age that make between 0% and 120% of the Area Median Income.

9. *Promote sustainability by integrating the social, economic, and ecological needs of the community with overall regional, State, and national policy advocating management of resources for future generations;*

Response: The proposed rezoning of the subject property allows it to opt-in to the Priority Redevelopment Area of the URAO, resulting in the site becoming another piece of the overall goal to promote sustainability. The form-based nature of the proposed development promotes a compact development pattern and results in the highest and best use for the site while furthering the goals of the Urban Redevelopment Area.

10. *Redevelop retail uses along the PRA corridors along stipulated street frontages;*

Response: The proposed rezoning of the site from Neighborhood Commercial on the front half of the property and RM on the rear half to UI, prevents potential retail-only uses discouraged by the URAO from being

developed, in-lieu of the proposed multifamily development that adheres to Urban Infill Transect standards.

11. Simplify and facilitate the permitting process; and,

Response: The proposed rezoning results in the proposed multifamily use being reviewed through an administrative process, rather than going through a public hearing. This is notably simpler than the multitude of requests that would be required if the proposed development were within a standard zoning district.

12. To encourage redevelopment and revitalization of commercial corridors by establishing standards that recognize various opportunities, challenges, and constraints. Certain standards may be altered through a Waiver process.

Response: The proposed rezoning to the UI district and the accompanying proposed multifamily development results in challenges and constraints specific to this site, ultimately requiring Waivers to be in compliance with the Code.

c. *Compatibility with Surrounding Uses:* The proposed amendment is compatible and generally consistent with existing uses and surrounding zoning districts and is the appropriate zoning district for the parcel of land. In making this finding, the BCC may apply an alternative zoning district.

Response: The proposed rezoning from CN and RM to UI is compatible with the surrounding uses. The majority of the uses adjacent to the site are non-residential in nature and do not include existing uses that utilize the PRA Redevelopment Standards. Despite this, these uses front on Military Trail, where the majority of uses follow this same pattern. Moreover, directly adjacent to the east of the site is an existing multifamily use that includes two duplex structures. This use and similar uses along Maine Street are considerably less intense than the proposed development. However, the Applicant recognizes this discrepancy and utilized a site design that includes the rear third of the site consisting of a surface parking lot and an oversized 10' wide landscape area along the east property line that includes high quality landscaping and a 6' height wall located on the inside of this landscape area, intended for screening purposes. Moreover, it should be noted, the surrounding residential FLU designations to the east, south, and north, are all High Density Residential, 12 units per acre (HR-12). This is the highest density Future Land Use Designation available per the Comprehensive Plan. From this, we can assume the County envisions the subject residential areas in the immediate vicinity of the site to slowly be redeveloped into multifamily residential

uses of considerably higher density than what currently exists. Therefore, the proposed redevelopment of the subject property with a multifamily residential use is in line with the uses planned for by the County, immediately adjacent to the site. Every attempt has been made to ensure compatibility with the neighborhood adjacent to the east of the site, consistent with the property development regulations set forth in the URAO section of the ULDC.

- d. ***Effect on the Natural Environment:*** *The proposed amendment will not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.*

Response: The proposed rezoning will result in a development that is compact and makes efficient use of the site's land area. This is in contrast to a typical, lower density and intensity suburban development that could be developed on this site under a standard zoning district. The proposed rezoning will result in a development that is consistent with the Urban Redevelopment Area Overlay's intent of discouraging urban sprawl and directing development to infill and redevelopment sites to make efficient use of space, and to promote alternative forms of transportation to the automobile, namely walking, cycling, and transit.

- e. ***Development Patterns:*** *The proposed amendment will result in a logical, orderly, and timely development pattern.*

Response: The proposed rezoning will result in the redevelopment of the subject property in accordance to the standards set forth in Article 3.B.16 of the ULDC. The intent of these standards is to relieve development pressures from the sprawling areas in the western portion of the County. This rezoning will allow for the accompanying development proposal for a multifamily residential use, the first of its kind along the Military Trail PRA Corridor, ultimately meeting increased demand for this type of housing, and improving the diversity of uses along Military Trail, a mostly commercial corridor. Moreover, the neighborhood to the east and southeast of the property consists entirely of HR-12 Future Land Use designations. The proposed rezoning and accompanying development is consistent with the expected high density residential pattern for the neighboring properties.

- f. ***Adequate Public Facilities:*** *The proposed amendment complies with Art. 2.F, Concurrency (Adequate Public Facility Standards).*

Response: The proposed rezoning and accompanying development complies with Art.2.E Concurrency. Public facilities are located along the project's frontages on Military Trail and Maine Street.

- g. ***Changed Conditions or Circumstances:*** *There are demonstrated changed site conditions or circumstances provided by the Applicant's Justification Statement that necessitate the amendment.*

Response: Demand has grown considerably for multifamily residential units, specifically those targeting at the exponentially growing elderly population on fixed incomes and those targeting residents of any age that make between 0% and 120% of the Area Median Income. The supply of properties in the County that are large enough and priced low enough to be financially viable for this type of development has waned significantly in the past decade. More, the County has recognized that redevelopment and infill development is one of the strategies that can discourage sprawling development and relieve development pressure on western portions of the County at the edge of existing public service areas. All of these conditions and circumstances result in a growing interest in redevelopment and infill properties within already urbanized portions of the County. The proposed rezoning of the property to the UI district, and thus opting-in to the Priority Redevelopment Area of the URAO allows for the highest and best use of the site consistent with the outsized demand for housing as described. The proposed rezoning also furthers the goals of the URA by opting-in another piece of property along the Military Trail PRA Corridor, resulting in urban infill development.

Request 2: Type 2 Waiver Request

As part of this application, the Applicant requests the approval of FIVE (5) Type 2 Waivers. These waivers are included in the following chart:

- W1. This waiver requests a reduction of the required habitable space screening requirement for parking garages along a secondary frontage by 72%. The subject parking garage consists of the at-grade parking lot located beneath a portion of the building footprint. Despite this parking area having no structural elements and being at the same grade as the parking located outside of the building footprint to the rear of the site, discussions with staff indicate the end result is a loss of habitable uses along a portion of the building's façade along Maine Street, a secondary frontage street for this property. The subject property is limited in horizontal space, resulting in limited area available for parking, a typical challenge for redevelopment projects. Therefore, the most efficient strategy to provide sufficient parking, while also having a financially viable development, is to place as much parking as possible underneath the building. As part of this design, the Applicant placed high importance on having an active façade facing Military Trail, placing the development's main lobby, gym, and other amenities directly facing this primary frontage. Along Maine Street, a small, dead-end residential street, however, it is not reasonable to expect active uses along this entire frontage. Active uses along this street would also significantly impact the number of parking spaces reducing the proposed development's efficiency and viability. Finally, the Applicant proposes to mitigate this reduction of habitable spaces by creating a faux façade that appears visually similar to that of a habitable space, with fenestrations that appear like windows and other architectural details that mimic a typical ground floor façade. Moreover, the landscaping proposed for the planting area just in front of this façade will create a high quality appearance and guide the eyes up and away from the ground floor, further improving the appearance of the structure when viewed from Maine Street. The proposed landscaping design goes above and beyond the minimum requirements, providing 10 Royal Palms, 3 slender-trunked palms, and 12 8' height accent trees where only 9 total trees are required. The 8' height accent trees were chosen specifically to serve as screening in within the 4' to 8' height zone which matches to the ground floor façade. Shown below is an example from a similarly designed multifamily residential project with under-structure parking in the City of Delray Beach located at 335 SE 6th Avenue. This design and appearance of a ground floor façade will be used as a basis for the design of the site along Maine Street.

TYPE 2 WAIVER CHART				
	ULDC CODE SECTION	REQUIRED	PROVIDED	WAIVER REQUESTED
1	Table 3.B.16.F.6.a	Parking garage shall have habitable spaces lining entire secondary street frontage	28% of North façade consists of habitable spaces	- 72%
	Building Placement (Parking Structures)			
2	Table 3.B.16.F	Maximum 5 with LEED Silver or better on 5th floor	5 floors provided with LEED Silver or better on 4th & 5th Floor	To allow for 5 floors with LEED Silver or better on 5th Floor
	Maximum Building Floors			
3	Art. 3.B.16.F.4.a.1)	Slip street required for entire frontage along Military Trail	No slip street provided	100%
	Slip Street Frontage			
4	Art.3.B.16.F.6.a.1).a)	When located at an intersection, façade with greatest length shall be considered the front.	Façade with shortest length considered the front	100%
	Building Placement - General			
5	Art. 3.B.16.F.9.c	One parking area shall be provided for every five units in Multifamily housing @ 92 units = 19 spaces	12 bicycle parking spaces	- 7 spaces.
	Bicycle Parking			

Per ULDC Article 2.B.7.D.3, when considering an application for a Type 2 Waiver, the BCC shall utilize the Standards indicated below:

- a. The waiver does not create additional conflicts with other requirements of the ULDC, and is consistent with the stated purpose and intent for the zoning district or overlay.

Response:

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negative impacts to the development characteristics of the site for minimal positive gain for the public welfare. Therefore, the subject waiver meets the purpose and intent of the subject code section and the zoning district, and does not result in any conflicts with any other part of the ULDC.

W4: This waiver requests the elimination of the requirement for the side of the structure with the longest façade fronting a street to be considered the front. Due to the nature of the subject site's rectangular shape, with the longest frontage facing Maine Street, a 20' wide residential street, the façade facing Maine Street is also the longest, and therefore considered the front under the ULDC requirement. However, the site's other, shorter frontage faces Military Trail, a major urban arterial roadway exceeding 100' in width. Therefore, it is reasonable to treat the shorter façade facing Military Trail as the front, because it is most visible to the public and has a much more active frontage, which is critical to creating the best, and most pedestrian friendly streetscape design as encouraged by the URAO sub-Objective of the Comprehensive Plan and the URA Overlay section of the ULDC. This waiver will not result in any additional conflicts with the ULDC, and meets the intent of the UI district, as it promotes a better, more pedestrian friendly streetscape and frontage along Military Trail, a major arterial roadway.

W5: This waiver requests the reduction of the required bicycle parking spaces by 7 spaces. The proposed UI zoning designation for the subject property requires adherence to the standards set forth in the Urban Redevelopment Overlay section of the ULDC, including parking standards. The subject parking standards require one bicycle parking space for every 5 multifamily dwelling units. At 92 units proposed, 19 bicycle parking spaces are required. The applicant proposes a 28' x 10' bicycle parking area within the covered parking area within the building footprint. These dimensions are maxed out based upon with available area within the parking area, and based upon the minimum dimensions for bicycle parking areas as set forth in Article 5. The proposed bicycle parking area does not result in any conflicts with other sections of the ULDC and meets the intent of the UI zoning district. 85% of the proposed multifamily units are proposed to be limited to elderly residents according the standards of the Florida Housing Finance Corporation, with the remaining 15% proposed to be designated at Workforce Housing units in accordance with the Palm Beach County Workforce Housing Program. Therefore, less residents are expected to use a bicycle for



- W2. This waiver will not result in any additional conflicts with other portions of the ULDC and is consistent with the stated purpose of the UI zoning district. The Applicant proposes to adhere to the standards set forth in the ULDC for the fifth floor of the proposed building. The approval of this waiver request will allow for a structure that has the density and intensity consistent with the intended urban development pattern anticipated with the Urban Infill zoning district. Furthermore, the proposed structure is pushed away from neighboring residential properties to the east and south to minimize impacts to these properties. The applicant proposes to meet LEED silver or equivalent Florida Green Building Coalition standards for the entire building to receive approval for the proposed 5th floor, therefore reducing the environmental footprint of the proposed structure.
- W3. This waiver requests the elimination of the requirement for a slip street to be constructed along the front of the site. This slip street requirement is intended to provide cross access between the subject property and adjacent properties to the south along Military Trail, also located within the URAO. However, due to the subject property being limited in scope to a single parcel, the primary vehicular access to the site being located on Maine Street, and the limited developable space on the subject property due to compatibility limitations at the rear of the site, the slip street requirement would result in significant

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recreation or transportation purposes. The proposed bicycle parking area can also include alternative bicycle parking systems that more efficiently utilize the proposed space, potentially storing more bicycles than the ULDC anticipates. Finally, the expansion of the bicycle parking area, according to the required minimum parking area dimensions in Article 5 of the ULDC, would require the elimination of additional parking spaces for cars, potentially as many as 5 spaces, which would significantly increase the burden on the concurrent Type 2 Variance requested for a reduction of minimum parking requirements.

- b. The Waiver will not cause a detrimental effect on the overall design and development standards of the project, and will be in harmony with the general site layout and design details of the development; and

Response:

- W1. The reduction of the parking garage habitable space screening requirement will not result in negative effects to the overall design of the proposed development. As discussed above, the Applicant proposes to implement a faux façade along the remainder of the building’s frontage along Maine Street and high quality landscaping to effectively screen and imitate the appearance of an active façade.
- W2. The allowance of a fifth floor for the proposed structure does not result in negative impacts to the overall design of the site and is in harmony with the general layout and site details of the development. The approval of this request would allow the development to provide the density and intensity the URAO anticipates along the Military Trail Primary Redevelopment Area corridor. The additional floor requested results in a “street wall” created by the façade which is proportionate to the width and speed of Military Trail which it faces as its primary frontage. Furthermore, the proposed additional floor will create a visual reference that causes drivers to slow down and take more caution while driving on Military Trail, as they are presented with a façade which will help to create a tunnel-like view when looking down the corridor. Finally, the addition of the fifth floor allows for the density anticipated by the UI zoning district and by the URAO as a whole. This additional density will help to increase pedestrian activity within the streetscape areas along the corridor. Without this additional density and intensity resulting from the addition of the fifth floor, the street frontages would see less

pedestrian activity and therefore not be consistent with the intent of the Urban Infill district.

- W3. The elimination of the slip street requirement will not result in any adverse effects to the overall site design. This requirement would otherwise result in a non-functional slip street, and would result in the taking of developable land area at the front of the site that is imperative to the proposed development being deemed compatible with lower intensity uses adjacent to the rear.
- W4: This waiver will not result in any detrimental impacts to the design of the site and will be in harmony with the overall site layout. The subject waiver simply requests a technical change to what is considered the front of the structure. This waiver requests the shorter side of the structure to be considered the front, because this will allow the structure's façade and streetscape along Military Trail, a major urban arterial road, rather than Maine Street, a minor residential street, to have the main entrance of the building, and a larger, more welcoming pedestrian oriented streetscape design. Without this waiver, the structure's façade along Maine Street would be considered the front, resulting in the nexus of pedestrian activity to occur along a minor, dead-end residential street with single family designated parcels located directly across the street. Therefore, the subject waiver request results in greater harmony with the overall design and layout of the site.
- W5: The proposed reduced bicycle parking spaces for this site will not be detrimental to the overall site layout and design standards. The proposed reduction of 7 bicycle parking spaces was done with the intention of providing more parking for vehicles and a vehicle parking area the circulates and functions more safely. The ULDC requirement of 19 bicycle parking spaces results in a 46' x 10' bicycle parking area per minimum dimension requirements in Article 5 of the ULDC. This parking area would have a significant impact on the layout and circulation of the parking area for cars, due to the small size of the site, considerations for neighboring residential parcels, and the building placement requirements of the URAO section of the ULDC. Therefore, the requested reduction of the required bicycle parking spaces would result in a site design that functions better, provides more car parking spaces for residents, and allows for better circulation throughout the site.

- c. The alternative design option recommended as part of the Waiver approval, if granted, will not adversely impact adjacent properties.

Response:

- W1. The granting of this waiver to reduce the habitable space screening of the under-building parking area will not adversely impact the adjacent properties. As discussed above, the Applicant proposes a faux façade design along the ground floor facing Maine Street and high quality landscaping along this same façade to create an elevation that does not immediately appear to be a parking area under the building. Rather, the screening will create a green wall and façade that is nearly indistinguishable from an active façade. Moreover, the requirement for habitable spaces along the Maine Street facing façade would cause harm to this frontage as this is primarily a residential street. Similar to the example in Delray Beach given above, this project cannot support leasable ground floor space due to its location and surrounding uses. Although this development follows an urban form, there is not enough supportive density within the project and in the immediate vicinity to support an active ground floor along this frontage. Therefore, the granting of the subject waiver will not result in adverse impacts to adjacent properties.
- W2. The granting of this waiver for the addition of a fifth floor to the proposed structure will not result in adverse impacts to adjacent properties. The subject waiver requests the addition of a fifth floor to the proposed multifamily residential structure subject to achieving a LEED or FGBC Silver determination or better for the entire building, per the requirements of the ULDC. The proposed structure is to be located towards the front of the site, with an 80' setback to the rear of the site. At no location on the proposed site design is the structure directly abutting or directly adjacent to a smaller single family or multifamily residential structure. Instead, great care was taken to ensure that open spaces free of any structures would line the portions of the site immediately abutting the adjacent residential uses as a matter of ensuring the greatest amount of distance to the proposed five story structure.
- W3. The granting of this waiver to eliminate the requirement for a slip street at the front of the subject property will not result in adverse impacts to adjacent properties. Conversely, the elimination of this slip street requirement results in the proposed building being moved closer to the front of the site, leaving open space at the rear third of

the site that allows for a better transition to lower intensity uses adjacent to the east of the site. Furthermore, the proposed site design includes the main vehicular access located along Maine Street, eliminating any potential conflicts with vehicular traffic flow from vehicles entering the site.


W4: The granting of this waiver will not result in any adverse impacts to adjacent properties. By granting this waiver, the structure's façade facing Military Trail will be considered the front, rather than the façade along Maine Street, a dead-end minor residential street. Therefore, the granting of this waiver will result in the nexus of street facing, pedestrian friendly activity to occur on Military Trail, a major urban arterial road, rather than on a small residential street with single family designated parcels located directly adjacent and across. Ultimately, the granting of this waiver will avoid any adverse impacts that the standard, ULDC compliant design would otherwise cause.

W5: The reduction of the required number of bicycle parking spaces by 7 spaces would not result in any adverse impacts to neighboring parcels. The intent of the increased bicycle parking requirement of the URAO section of the ULDC is to provide the infrastructure necessary to give people the option to use other modes of transportation along the URAO corridor. However, the proposed development will have 85% of its units restricted to elderly residents, according to the requirements of the Florida Housing Finance Corporation. This age demographic is much less likely to utilize a bicycle for transportation purposes on a regular basis than a typical apartment dweller, most of whom are typically in a younger demographic and without children. Therefore, the demand for bicycle parking for this particular site is not expected to meet the minimum requirements of the ULDC, and thus no impacts to neighboring parcels are anticipated.

Request 3: Type 2 Concurrent Variance

The Applicant respectfully requests consideration of one (1) Type 2 Concurrent Zoning Variance. This variance includes the reduction of the minimum off-street parking requirement by 18 spaces. The following chart is also on the site plan submitted with this request:

Variance Chart

VARIANCE CHART				
	ULDC SECTION/DESCRIPTION	REQUIRED	PROVIDED	VARIANCE
	Table 3.B.14I - WCRAO Mixed Use and Residential Parking Deviations (as referenced in Art.3.B.16.F.9.b.2)	117 spaces	99 spaces	To allow for a reduction of the required parking by 18 spaces.

Per Unified Land Development Code (ULDC) Art.2.B.3.E, Standards, applications for Type II Variances must take the following standards into consideration:

VIII. VARIANCE INFORMATION:

Per ULDC Article 2.B.3, requires a statement of special reason or the basis for the variance required. Article 2.A.3.E states that in order to authorize a variance, the Zoning Commission shall and must find that the conditions enumerated have been met. The Seven Standards below are one of the factors Staff uses in formulating their recommendations and opinions. Address each standard completely and attach additional information or documentation as necessary.

General Statement of Variance:

V1: Reduction of minimum required off street parking by 18 spaces.

TYPE II VARIANCE SEVEN (7) STANDARDS
<p>1. SPECIAL CONDITIONS AND CIRCUMSTANCES EXIST THAT ARE PECULIAR TO THE PARCEL OF LAND, BUILDING OR STRUCTURE, THAT ARE NOT APPLICABLE TO OTHER PARCELS OF LAND, STRUCTURES OR BUILDINGS IN THE SAME ZONING DISTRICT:</p> <p>RESPONSE: Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure that are not applicable to other parcels of land, structures or buildings in the same district.</p>

V1: The subject property is relatively small in size for a URA parcel (1.80 acres) and is therefore limited on the amount of space available for parking while also leaving enough developable area for the proposed development. Therefore, the Applicant has gone with a site design that includes under-building parking, a typical design feature of multifamily redevelopment properties limited on horizontal space. Despite this design, the minimum parking requirement of 117 spaces still cannot be met. Furthermore, the applicant proposes restricting 85% of the proposed units to residents to ages 62 and older, according to the requirements of the Florida Housing Finance Corporation, and 15% of the remaining units to eligible residents of any age with incomes according the Workforce Housing Program standards. As discussed in the Reduced Parking Analysis completed by Pinder Troutman Consulting, elderly restricted and Workforce Housing income restricted multifamily residential projects typically see significantly reduced demand for parking when compared to non-restricted, market rate projects. This is due to older and low to moderate income residents being less likely to own a car, and if they do own one, it is often far fewer cars per household than the average. Moreover, the subject property is located within the Urban Redevelopment Area Overlay which has the intent of promoting an urban transect redevelopment pattern along specific corridors in unincorporated Palm Beach County (in this case, Military Trail). Typically, urban transects place lower priority to allocating land area for car-related uses in lieu of placing emphasis on improving pedestrian and non-motorized transportation infrastructure. The proposed development meets this intent by placing the structure at the build-to line along both frontages, and by creating a high quality streetscape area with public amenities that promote pedestrian activity. The result of meeting this intent of the URA Overlay, specifically through compliance with other ULDC requirements for the subject UI zoning district, is reduced land area available for parking and vehicular circulation, which falls in line with the intent of promoting an urban redevelopment pattern and the use of alternative modes of transportation. Therefore, due to these unique circumstances, the Applicant requests the subject variance to reduce the minimum parking requirement by 18 spaces.

2. SPECIAL CIRCUMSTANCES AND CONDITIONS DO NOT RESULT FROM THE ACTIONS OF THE APPLICANT:

RESPONSE: There are special circumstances and conditions that apply that are not a result of actions by the applicant. Furthermore,

V1: These special circumstances existed prior to the Applicant's development proposal. The site's size is a circumstance that has existed since the formation of the subject property boundary, which occurred well prior to the current owner's acquisition of the property, and prior to the applicant's proposal for development of the parcel. Furthermore, the ITE has recognized reduced parking demand resulting from elderly and income restricted multifamily developments prior to the subject application. Finally, the URAO's intent to promote an urban redevelopment pattern that places greater priority on pedestrian facilities was in existence prior to the Applicant's interest in the subject application. Therefore, these special circumstances do not result from the actions of the applicant.

3. GRANTING THE VARIANCE SHALL NOT CONFER UPON THE APPLICANT ANY SPECIAL PRIVILEGE DENIED BY THE COMPREHENSIVE PLAN AND THIS CODE TO OTHER PARCELS OF LAND, BUILDINGS OR STRUCTURES IN THE SAME ZONING DISTRICT:

RESPONSE: Granting this variance will not confer any special privilege upon the applicant denied by the Comprehensive Plan and this Code to other parcels of land, buildings or structures in the same zoning district.

V1: The subject variance request results in an insignificant reduction in minimum parking requirement, especially considering the reduced parking demand this project is expecting. The proposed reduced parking requirement will not result in any special privileges being granted to the applicant.

4. LITERAL INTERPRETATION AND ENFORCEMENT OF THE TERMS AND PROVISIONS OF THIS CODE WOULD DEPRIVE THE APPLICANT OF RIGHTS COMMONLY ENJOYED BY OTHER PARCELS OF LAND IN THE SAME ZONING DISTRICT, AND WOULD WORK AN UNNECESSARY AND UNDUE HARDSHIP:

RESPONSE: Literal interpretation and enforcement of the terms and provisions of this code would deprive the applicant of rights commonly enjoyed by other

parcels of land in the same zoning district and would work an unnecessary and undue hardship.

V1: The literal interpretation of this code section would result in valuable land area being required to be devoted to parking and vehicular maneuvering space. Ultimately, this diminishes the viability of the proposed development as an urban redevelopment project and negatively impacts its ability to comply with the intent of the Urban Redevelopment Overlay in promoting pedestrian and non-vehicular modes of transportation along the corridor. Rather, the additional land area needed to provide the additional required parking spaces would eliminate developable land area that could otherwise be devoted to frontage facing active uses and public open spaces that promote pedestrian activity.

5. GRANTING OF THE VARIANCE IS THE MINIMUM VARIANCE THAT WILL MAKE POSSIBLE THE REASONABLE USE OF THE PARCEL OF LAND, BUILDING OR STRUCTURE:

RESPONSE: Granting this variance are the minimum needed for the reasonable use of the property.

V1: Granting of this variance is necessary for a proposed development that is not only financially viable due to the leasable area that can be provided on the land area that would otherwise be devoted to parking, but it also makes the development compatible with the intent of the Urban Redevelopment Area Overlay, which is imperative to the reasonable use of the subject property. The land area that would be needed to comply with the parking requirement could otherwise be reasonably used for purposes that enhance the pedestrian and non-motorized transportation experience, including, but not limited to active facades, streetscape areas, street trees, and pedestrian amenities.

6. GRANTING OF THE VARIANCE WILL BE CONSISTENT WITH THE PURPOSES, GOALS, OBJECTIVES, AND POLICIES OF THE COMPREHENSIVE PLAN AND THIS CODE:

RESPONSE: Granting of the requested variances will be consistent with the purposes, goals, objectives and policies of the comprehensive plan and the ULDC.

V1: Granting of this variance allows the site design of the proposed development to adhere to the purpose and intent of the Urban Redevelopment Area Overlay as stated in the Comprehensive Plan and the ULDC. The granting of this variance will free up land area that would otherwise be utilized for vehicular uses. Instead, this land area can be utilized for uses that promote pedestrian and non-motorized transportation modes, such as the active ground floor uses along Military Trail and the enhanced streetscape areas along Military Trail and Maine Street that include things like street trees, wide sidewalks, benches, and other pedestrian amenities.

7. GRANTING OF THE VARIANCE WILL NOT BE INJURIOUS TO THE AREA INVOLVED OR OTHERWISE DETRIMENTAL TO THE PUBLIC WELFARE:

RESPONSE: Granting of the requested variances will clearly not be injurious to the area involved or otherwise detrimental to the public welfare.

V1: Based on the Reduced Parking Analysis completed by Pinder Troutman Consulting, granting of the subject variance will clearly not be injurious to the area involved or otherwise detrimental to the public welfare. Due to the proposed age and income restriction on residents, parking demand is not expected to exceed the supply of parking spaces. Furthermore, the parking spaces provided go above the expected demand based on ITE standards. Therefore, no impacts to the immediate area will result from the granting of this variance.

On behalf of the Owners and the Contract Purchaser, Schmidt Nichols respectfully requests your consideration of approval for this application for a Rezoning to the UI district with concurrent Type 2 Variance and Type 2 Waiver Requests.

Exhibit E – Florida Green Building Coalition, Score Card

Florida Green High-Rise Residential Building Standard			
Version 3: Revised 9/10/2020			
Final Application Form			
Project Information			
Project Name:			
Address:			
City & Zip:		New or Existing:	New
County:		Number of Floors:	5
Size (SF):		Number of Units:	92
Project Description:		Website:	
Building Owner Contact Information			
Name:	Brie Lemmerman		
Company:	Luca Land LLC		
Address:	5403 W Gray Street		
City / Zip:	Tampa/ 33609		
Phone:	813-288-6988		
Fax:	813-288-1511		
E-mail:	blemmerman@sphome.com		
Designated Professional Contact Information			
Name:	Brie Lemmerman		
Company:	Luca Land LLC		
Address:	5403 W Gray Street		
City / Zip:	Tampa/ 33609		
Phone:	813-288-6988		
Fax:	813-288-1511		
E-mail:	blemmerman@sphome.com		
Total Fee Due: \$6,500		Refer to "Instructions" tab for Application Fees	
Deposit Paid: _____		Amount paid with initial project registration	
Member Discounts: _____		Total % Discount Rate (5% or 10%) Refer to "Instructions" tab for Application Discounts	
Amount Due: \$6,500		Balance Due Must Be Submitted with Final Application.	
Project Point Summary			
Minimum Points to Qualify (may be over 100 if a category minimum is missed) Currently this project needs 100			
Please refer to Standards Documents and Green Commercial Reference Guide for additional information.			
Category	Your Score	Required Min	
Category 1: Project Management	31	5 Points	
Category 2: Energy	36	15 Points (75 point max)	
Category 3: Water	30	10 Points	
Category 4: Site	17	5 Points	
Category 5: Health	10	10 Points	
Category 6: Materials	5	5 Points	
Category 7: Disaster Mitigation	3	2 Points	
Innovation	_____	_____	
Total:	132		
Total Needed:	100		
Certification Level	Silver		
To Qualify your project must			
	0 - 30	points over the project's adjusted required minimum	
	31 - 60	points over the project's adjusted required minimum	
	61 - 90	points over the project's adjusted required minimum	
	91 >	points over the project's adjusted required minimum	
PROJECT NAME: Southport Grove			
CURRENT PROJECT SCORE			
Total Standard Credits	TOTAL AWARDED	Total Submitted	Additional Credits Possible
			Total NA