

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

Application No.: ZV/SV/ABN/PDD/CA-2021-00533
Application Name: Fount MUPD
Control No./Name: 1979-00268 (Fount MUPD)
Applicant: Town of Palm Beach
 CRE Fund at Okeechobee Boulevard, LLC - Carlos Gonzales
Owners: Town of Palm Beach
Agent: Schmidt Nichols - Josh Nichols
Telephone No.: (561) 684-6141
Project Manager: Imene Haddad, Senior Site Planner

TITLE: a Subdivision Variance **REQUEST:** To allow an increase Projected Daily Trips for a 60-foot Right-of-Way (Elmhurst Road)

TITLE: a Type 2 Variance **REQUEST:** to allow a reduction in the number of parking spaces; the width of the Right-of-Way buffer, and to allow a 15' overlap of an easement into a 20' R-O-W landscape buffer

TITLE: a Development Order Abandonment **REQUEST:** to abandon a Special Exception to allow a Fraternal Organization and Club Facilities; and, a Special Exception for a Governmental Service and Accessory Buildings and structures, including Recreation and Club facilities

TITLE: an Official Zoning Map Amendment **REQUEST:** to allow a rezoning from the Multifamily Residential High Density (RH) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District

TITLE: a Class A Conditional Use **REQUEST:** to allow a Transfer of Development Rights (TDR)

TITLE: a Class A Conditional Use **REQUEST:** to allow Workforce Housing Program (WHP) Density Bonus greater than 50 percent

TITLE: a Class A Conditional Use **REQUEST:** to allow a Type 1 Restaurant with Drive-through

APPLICATION SUMMARY: The requests for this application consist of an Official Zoning Map Amendment, three Class A Conditional Use (CA) requests, two Type 2 Variances (ZV), a Subdivision Variance (SV), a Development Order Abandonment (ABN), for the Fount MUPD. The 27.86-acre site was approved on February 28, 1980 for a Special Exception to allow Governmental Service and accessory structures, including recreation and club facilities.

The request proposes to rezone the site from Residential High (RH) to Multiple Use Planned Development (MUPD) Zoning District in order to develop 708 multifamily dwelling units and two retail sales building consisting of 19,439 s.f. The Class A Conditional Use requests are for Transfer of Development Rights, Workforce Housing Program Density Bonus greater than 50 percent, and a 2,400 s.f. Type I Restaurant. The two Type 2 Variance requests propose to reduce parking, to reduce Right-of-Way Landscape Buffer. The Subdivision Variance proposes to allow an increase of 2,232 Projected Daily Trips from the 1,500 ADT threshold to 3,732 Projected Daily Trips for a 60' ROW Elmhurst Road. The Special Exception is proposed to be abandoned.

The Preliminary Site Plan (PSP) indicates two seven-story buildings, three three-story buildings and six one-story buildings, including two Retail use buildings, a Type 1 Restaurant, two club houses, a guardhouse, 1,355 parking spaces and two recreational area tracts. The PSP proposes access from Okeechobee Boulevard and an Elmhurst Road. The subject site is also has a Concurrent Future Land Use (FLU) Amendment, LGA 2020-11 to change the FLU from Commercial High (CH) with underlying High Residential, 8 units per acre to CH with an underlying High Residential 12 units per acre (HR-12) on 3.5 acres, and HR-12 on 24.16 acres. The proposed request is contingent upon the modifications to the FLU.

Following certification and posting of the legal ad, the Applicant revised the request to withdraw the Class A Condition Use for the Type 1 Restaurant with Drive-through, and leave only the Type 1 Restaurant without the Drive-through. The Applicant also withdrew the request for a reduction in parking for the Residential portion of the development, as the Unified Land Development Code allows an administrative process through the Type 1 Waiver application to reduce parking administratively by no more than 15%, subject to the Waiver standards and parking study.

SITE DATA:

Location:	South side of Okeechobee Boulevard, approximately 0.38 miles west of Haverhill Road
Property Control Number(s)	00-42-43-26-00-000-1300; 00-42-43-26-05-004-0000; 00-42-43-26-00-000-1340
Existing Future Land Use Designation:	Commercial High, with an underlying HR-8 (CH/8); and Utilities and Transportation (UT)
Proposed Future Land Use Designation:	Commercial High, with an underlying High Residential , 12 units per acre

	(CH/12) on 3.5 acres; and, High Residential, 12 units per acre on 24.16 acres
Existing Zoning District:	Multi-Family Residential (High Density) District (RH)
Proposed Zoning District:	Multiple Use Planned Development (MUPD)
Total Acreage:	27.66 acres
Tier:	Urban/Suburban
Overlay District:	N/A
Neighborhood Plan:	Haverhill Neighborhood Plan
CCRT Area:	Haverhill West
Municipalities within 1 Mile	Haverhill, West Palm Beach
Future Annexation Area	Haverhill, West Palm Beach
Commission District	District 2, Vice Mayor Gregg K. Weiss

RECOMMENDATION: Staff recommends approval of the requests subject to the Conditions of Approval as indicated in Exhibits C-1 through C-5.

PUBLIC COMMENT SUMMARY: At the time of publication, Staff has received no contacts from the public regarding this application.

PROJECT HISTORY: The Board of County Commissioners (BCC) approved a Special Exception to allow Governmental Service and Accessory Buildings and Structures, including Recreation and Club Facilities, through Resolution R-80-375 on February 28, 1980. The site is currently developed with a 5,000 sq. ft recreational structure.

SURROUNDING LAND USES:

NORTH:

FLU Designation: Commercial High, with an underlying HR-8 (CH/8)
Zoning District: General Commercial District (CG)
Supporting: Institutional Public and Civic (Fire Station 23, Control No 2003-00027)

FLU Designation: Commercial High, with an underlying HR-8 (CH/8)
Zoning District: General Commercial District (CG)
Supporting: Institutional Public and Civic (Control No NA)

FLU Designation: Commercial High, with an underlying HR-8 (CH/8)
Zoning District: General Commercial District (CG)
Supporting: Commercial (Midtown Imaging, Control No 2003-00050)

NORTH EAST:

FLU Designation: Commercial High, with an underlying HR-8 (CH/8)
Zoning District: Residential Single Family/Special Exception (RS/SE)
Supporting: Residential (South Hampton PUD, Control No 1973-00215)

SOUTH:

FLU Designation: Medium Residential (MR-5)
Zoning District: Multi-Family Residential (High Density) District (RH)
Supporting: Residential (Control No NA)

EAST:

FLU Designation: High Residential (HR-12)
Zoning District: Multi-Family Residential (High Density) District (RH)
Supporting: Residential (Control No NA)

FLU Designation: High Residential (HR-8)
Zoning District: Multi-Family Residential (High Density) District (RH)
Supporting: Residential (Control No NA)

FLU Designation: Commercial High, with an underlying HR-8 (CH/8)
Zoning District: Multiple Use Planned Development District (MUPD)
Supporting: Commercial (Kelley Tractor Company, Control No 1979-00133)

WEST:

FLU Designation: Medium Residential (MR-5)
Zoning District: Multi-Family Residential (Medium Density) District (RM)
Supporting: Residential (Control No NA)

FLU Designation: Commercial High with cross-hatching, with an underlying MR-5 (CHX/5)
 Zoning District: General Commercial District (CG)
 Supporting: Commercial (Luxury Vehicles of West Palm Beach , Control No 1984-00051)

SUBDIVISION VARIANCE SUMMARY

ULDC Article	Required	Proposed	Variance
11.E.2.A.2 Chart of Minor Streets	1,500 ATD	3,732 ATD	+2,232 ATD

Table 11.E.2.A-2 in Article 11 of the Unified Land Development Code (ULDC), limits the number of average daily trips (ADT) to 1,500 on local residential streets. This variance application is to request site access from Elmhurst Road, a County-maintained right of way local residential street that ranges from 60 feet to 70 feet, for a 27.66 acre site that would add more traffic to Elmhurst Road and exceed the ADT for this type of street per Table 11.E.2.A.2. This site is currently developed with a 5,000 square foot club house. The proposed plan of development is to consist of 708 multifamily dwelling units, two retail sales building consisting of 19,439 square foot, 3-Story open parking structure consisting of 138,111 square foot, and a 2,400 square foot (57 Seats) Type I Restaurant w/ drive-thru.

Based on the amount of ADT on Elmhurst Road, Article 11 requires access be from a non-plan collector street. The Applicant is requesting a subdivision variance to allow additional trips on Elmhurst Road instead of requiring that the proposed development have access from a non-plan collector street. Engineering Staff is recommending **APPROVAL** of the subdivision variance.

FINDINGS:

Subdivision Variance Standards:

When considering a Development Order application for a Subdivision Variance, the Zoning Commission shall consider Standards a through g listed under Article 2.B.7.E.6, Standards for Zoning or Subdivision Variance. The Standards and Staff Analyses are as indicated below. A Subdivision Variance that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

- A. *Special Conditions and circumstances exist that are peculiar to the parcel of land, building and structure that are not applicable to other parcels of land, structures or buildings in the same zoning district.***

Applicant’s Response: Special conditions and circumstances exist which are peculiar to the subject site and are not applicable to other lands, structures, or buildings in the same zoning district. The existing Elmhurst Road is approximately 20 feet in width and has a five foot sidewalk on one side of the road. Land Development Engineering standards for an 80-foot non-plan collector roadway requires a 28-foot roadway and either a five foot sidewalk on both sides of the road or an eight foot sidewalk on one side of the roadway. Elmhurst Road is projected to operate at 3,732 daily trips despite the 1,500 ADT threshold for a 60’ ROW. Additionally, from a health, safety, welfare standpoint and fire access standards perspective, having access to multiple ROW’s creates an efficient means of ingress and egress to the site as well as fire protection and emergency access. Furthermore, the Future Land Use Element of the Comprehensive Plan encourages multiple access points when available.

Staff Response: CORRECT. The existing properties on Elmhurst Road have been developed and the road already exceeds the maximum allowable Average Daily Traffic (ADT) for a local residential road. This property will also have multiple access points, which is preferred from a safety standpoint.

- B. *Special Circumstances and conditions do not result from the actions of the Applicant.***

Applicant’s Response: Special circumstances and conditions do not result from the actions of the Applicant. The subject site currently has an existing access point from Okeechobee Road. The existing Elmhurst Road is approximately 20 feet in width and has a five foot sidewalk on one side of the road. Land Development engineering standards for an 80-foot non-plan collector roadway require a 28 foot roadway and either a five foot sidewalk on both sides of the road or an eight foot sidewalk on one side of the roadway. Additionally, Okeechobee Boulevard, by way of traffic volume, is three times higher than Elmhurst Road, which is why Okeechobee Boulevard is the main frontage and access to the subject site. Due to the Okeechobee Boulevard traffic volume, this necessitates a need for a secondary access point to allow for an efficient means of ingress and egress to the site.

Staff Response: CORRECT. The existing Elmhurst Road is a County maintained road and already exceeds the maximum allowable ADT for a local residential road. The proposed connection is for a resident only secondary entrance, so this connection will not add large vehicles to the Elmhurst Road. Also, due to the built-

out nature of the surrounding properties, purchasing additional right-of-way to construct a non-plan collector is not feasible and could result in creating non-conformities for the existing properties.

C. 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.

Applicant's Response: Granting this variance would allow the Property Owner to develop this property consistent with the current Zoning District and Future Land Use. There is no special privilege granted as a result of the variance, the Applicant is simply requesting to develop the subject parcel in similar fashion to the other multifamily lots along the same ROW. Additionally, from a health, safety, welfare standpoint and fire access standards perspective, having access to multiple ROW's creates an efficient means of ingress and egress to the site as well as fire protection and emergency access.

Staff Response: CORRECT. Granting the variance will 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.

D. Literal interpretation and enforcement of the terms and provisions of this code would deprive the Applicant of rights commonly enjoyed by other parcels of lands in the same zoning district, and would work an unnecessary and undue hardship.

Applicant's Response: Literal interpretation would limit the access to only Okeechobee Blvd and would cause an undue hardship since full access could not be permitted to Elmhurst Road as proposed. Additionally, literal interpretation would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same Zoning District. The Applicant would be deprived of developing the property at what is allowed under its current zoning and FLU designations as the projected ADT on Elmhurst Road exceeds what is allowed for its current width by 2,232 trips.

Staff Response: CORRECT. 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 cause an unnecessary and undue hardship by limiting access to Okeechobee Boulevard or requiring the Applicant to purchase additional right-of-way. This property would have to acquire right-of-way from properties along Elmhurst Road, which could also result in non-conformities.

E. Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.

Applicant's Response: Granting this variance is the minimum needed for the reasonable use of the property. The granting of the proposed subdivision variance is the minimum variance necessary to not impose an undue hardship on the Applicant and all that is necessary to adequately provide a secondary access point to the subject property. The Applicant is requesting to allow for a variance for the increase in 2,232 project daily trips from the 1,500 ADT threshold for a 60 foot ROW.

Staff Response: CORRECT. Granting this variance is the minimum needed for the reasonable use of the property. This project is only adding 1632 daily trip to the roadway and a two way road has the capacity of 15,200 ADT.

F. Grant of the variance will be consistent with the purposes, goals, objectives, and polices of the comprehensive plan and this code.

Applicant's Response: Granting of this variance for the increase in 2,311 project daily trips from the 1,500 ADT threshold for an 80 foot ROW will allow this property to be developed in a manner consistent with the Comprehensive Plan and the ULDC. Additionally, from a health, safety, welfare standpoint and fire access standards perspective, having two access points creates an efficient means of ingress and egress to the site.

Staff Response: CORRECT. Grant of this variance will allow this property to be developed in a manner consistent with the Comprehensive Plan and the ULDC.

G. The grant of the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Applicant's Response: The proposed subdivision variance will not be injurious to the surrounding properties as they are primarily residential in nature. Additionally, from a health, safety, welfare standpoint and fire access standards perspective, having access points to two ROW's creates an efficient means of ingress and egress to the site.

Staff Response: CORRECT. Grant of this variance will not be injurious to the public.

Staff’s recommendation of Approval is subject to the Conditions of Approval as indicated in Exhibit C-1.

TYPE 2 VARIANCE SUMMARY:

#	ULDC Article	REQUIRED	PROPOSED	VARIANCE
V1	Table 7.C.5.A.3, Overlap in R-O-W and Incompatibility Buffers	Maximum overlap five feet	Overlap of 12 feet	12 feet

FINDINGS:

Type 2 Variance Standards:

When considering a Development Order application for a Type 2 Variance, the Zoning Commission shall consider Standards a through g listed under Article 2.B.7.E.6, Standards for Zoning or Subdivision Variance. The Standards and Staff Analyses are as indicated below. A Type 2 Variance that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

a. *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:*

V1 – Yes: The proposed request includes a concurrent with Future Land Use modifications to modify the FLU from Commercial High with an underlying High Residential, 8 units per acre on 3.5 acres and Utilities and Transportation (UT) on 24.16 acres to Commercial High with an underlying High Residential, 12 units per acre on 3.5 acres and High Residential, 12 units per acre on 24.16 acres. In addition, the Applicant proposes density bonuses above the HR-12, and is condition to provided 25% onsite workforce housing units. The Board has transmitted the request along with conditions of approval. In order to accommodate the housing, and reduce the heights of the structures, the overlap of the easement into the buffer is necessary. The Applicant will be providing the 20-foot buffer, with the 12 easement overlap and a release agreement from Lake Worth Drainage District to allow planting within the easement. The circumstance for this parcel of land and the proposed requests are integral for this proposed development, subject to the Conditions of Approval.

b. *Special circumstances and conditions do not result from the actions of the Applicant:*

V1 – Yes: The special condition and circumstances relate to the request for a modification to the Future Land Use and the proposal to provide needed affordable housing to residents within the County. The LWDD is a public facility that is needed for proper drainage, and exists in its configuration of 50 feet. With the requirement to reduce heights of structures, the requirement to redesign and include an additional overlap of the buffer is a result of the required redesign. The buffer will still be provided, with no reduction in plant material.

c. *Granting the Variance shall not confer upon the Applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district:*

V1 –Yes: Granting of the variance will not confer upon the Applicant special privilege denied by the Comprehensive Plan and this Code to other parcels of land, buildings or structures in the same zoning district. The Applicant is proposing needed workforce housing for the County, and granting the variance is contingent upon the approval of the modifications to the land use which is unique for this parcel of land. The overall width and plant material will still be provided and will not impact the function of the drainage easement.

d. *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 district, and would work an unnecessary and undue hardship:*

V1 – Yes: Literal enforcement of these provisions, would deprive the Applicant an ability to provide needed Workforce Housing in this area. The proposed amendment recommends that this area is suitable for residential development. The higher density is supported by the location near mass transit routes, proximity to transit corridors, and employment centers. The allowance to increase the overlap assists with the design and LWDD is agreeing, through the easement consent, to allow vegetation in 12 feet of the easement. The intent to provide the buffer along the right of way is still being provided.

e. *Granting the Variance is the minimum Variance that will make possible the reasonable use of the parcel of land, building, or structure:*

V1 – Yes: The granting of the variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure. Staff has included conditions of approval to implement the proposal and ensure no impact function of the easement is impacted with the plants material.

f. Grant the Variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code:

V1-Granting the variance will be consistent with the purposes, goals, objectives and policies of the Plan and Code. The Applicant has a concurrent request to modify the land use, as well as increase density through our Density Bonus programs. The proposal will provide more than needed affordable workforce housing in the area. The right of way buffer will still be provided with the 12-foot overlap in the LWDD easement.

g. Granting the Variance will not be injurious to the area involved or otherwise detrimental to the public welfare:

V1 – Yes: Granting the variance will not be injurious to the area. The provision of plant material will still be provided in the 12-foot overlap, while the easement will still function to provide the necessary drainage for the community.

Staff's recommendation of Approval is subject to the Conditions of Approval as indicated in Exhibit C-2.

FINDINGS:

Development Order Abandonment:

A DO for a Conditional Use or similar DO granted under Zoning Resolution No. 3-57, Ordinance No. 73-2, Ordinance No. 92-20, or Ordinance No. 2003-067, as amended, may be abandoned according to the procedures in this Section and pursuant to Art. 2.B, Public Hearing Processes. DOs, that are partially or fully implemented, or have not been implemented may be abandoned subject to the requirements of this Section. When considering an ABN application, the BCC and ZC shall consider the Standards indicated in Article 2.B.7.F.6. Standards.

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

The proposed abandonment of the previous approved uses for Fraternal Organization and Club Facilities; and, Governmental Service and Accessory Buildings and structures, including Recreation and Club facilities is consistent with the Goals, Objectives and Policies of the Comprehensive Plan. The proposed development, being reviewed under this concurrent application, will be compliant with the requirements of the Plan.

b. Consistency with the Code - *The proposed abandonment, is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code. The abandonment of a DO does not create any new non-conformities.*

The proposed abandonment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code. The abandonment of the DO does not create any non-conformities as the site is proposed for redevelopment. The abandonment does not recreate any conflicts with the ULDC.

c. Adequate Public Facilities - *The proposed abandonment of the DO shall not impact the approved requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards)Art. 2.F, Concurrency (Adequate Public Facility Standards). When a non-implemented DO is abandoned, all concurrency affiliated with the DO is no longer valid. For implemented DOs, concurrency for the remainder of the non-affected area shall remain. Concurrency for any new uses on the subject property shall be subject to the requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards).*

The proposed abandonment of the DO will not impact the requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards). The Applicant has requested a new Concurrency Approval for the proposed development.

d. Changed Conditions or Circumstances - There are demonstrated changed site conditions or circumstances provided by the Applicant's Justification Statement that necessitate the abandonment. Abandonment of the Resolution approving the DO will not impact other DOs approved on the same site. There is no reliance by other parties for additional performances, or tasks to be implemented, that were required in the original DO.

The changed conditions and circumstances are a result of a proposed redevelopment, including modifications to the future land use and the provision of needed workforce housing and associated non-residential commercial uses. Abandonment of the existing approved use does not impact other parties or performances or tasks that were required to be implemented. The prior use that is to be abandoned was compliant with its prior Development Order

Staff's recommendation is of Approval.

FINDINGS:

Conditional Uses, Official Zoning Map Amendment to a PDD or TDD and Development Order Amendment:

When considering a Development Order application for a Rezoning to a PDD or a TDD, a Conditional Use, excluding Conditional Use requests for Density Bonus pursuant to Art. 5.G.1, Workforce Housing Program (WHP), or a Development Order Amendment, the BCC and ZC shall utilize the Standards a – h listed in Article 2.B.7.B, Standards. The Standards and Staff Analyses are indicated below. A Conditional Use, rezoning to PDD or TDD, or Development Order 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 use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.*

PLANNING DIVISION COMMENTS:

- o *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.

- o *Concurrent Land Use Amendments:* The site is the subject of a concurrent Large Scale Amendment known as Fount MUPD (LGA 2020-011). The request seeks to amend the land use from Commercial High with an underlying 8 units per acre (CH/8) to Commercial High with an underlying 12 units per acre (CH/12) on 3.5 acres and from Utilities and Transportation (UT) to High Residential, 12 units per acre (HR-12) on 24.16 acres. The BCC voted 6-0 to Transmit the item to the Department of Economic Opportunity (DEO) November 3, 2021 with the following conditions:

1. Residential dwelling units shall be limited to a maximum of 708 units with no further density increases through density bonus programs.
2. Structures located on the portion of the site south of a line extending west from Elmhurst Road, are limited to a maximum of 3 stories in height.
3. A total of 111 Transfer of Development Rights (TDR) units shall be purchased and constructed. The 34% of TDR s required to be provided as WHP per the Unified Land Development Code shall apply to the minimum number of workforce housing units required by this ordinance.
4. The zoning development order shall require a minimum of 25% of the total dwelling units to be built as onsite workforce housing units.

The proposed future land use amendment and the proposed rezoning shall be considered for adoption by the Board of County Commissioners at the same public hearing.

- o *Density and Workforce Housing Program (WHP):* The Planning Division reviewed the request for 708 residential units on the subject 27.66-acres utilizing the Residential High, 12 units per acre (HR-12) land use designation, with 80% WHP density bonus and all available TDRs.

The request for a greater than 50% density bonus requires additional review for compatibility. In a letter dated October 12, 2021, staff concluded that the project earned an 80% density bonus based on meeting the WHP obligation through the provision of multifamily rental units, onsite, in an area with a low concentration of households in the workforce income ranges. Additionally, the companion Land Use amendment contains a condition of approval restricting the units south of Elmhurst Road to be limited to a maximum of 3-stories in height to address compatibility with existing single-family homes adjacent to the site. Furthermore, additional separation from adjacent residential properties has been provided on the proposed site plan.

The request for a total of 708 units on the subject 27.66 acre site with the proposed CH/12 and HR-12 Future Land Use designations, utilizing the Workforce Housing Program s Full Incentive Development Option, 80% WHP density bonus and 111 available TDRs was achieved as follows:

Proposed Density:	WHP required
221.28 Standard units	11.06 WHP units (5%)
110.64 Maximum units	17.70 WHP units (16%)
265.64 WHP Bonus units (80%)	90.28 WHP units (34%)
<u>111 TDRs (per amend. Cond. 3)</u>	<u>37.74 WHP units (34%)</u>
708 units total	*156.78 or 157 required WHP (rounded up)

*Condition 4 of the amendment requires that 25% (or 177 units) be obligated for Workforce Housing and the applicant is in agreement with the proposed condition to provide 25% of total units as WHP on-site rentals.

○ **Workforce Housing (WHP) Program:** The WHP has both a mandatory and a voluntary component. This program requires that a percentage of units in new residential developments of 10 or more units are to be provided as workforce housing, affordable to income qualified households having 60 to 140% of area Median Family Income (MFI). The program is applicable in the Urban/Suburban Tier of the unincorporated County, and in other areas where required by conditions of approval. The program's optional component allows for a density bonus in exchange for a portion of the additional units being dedicated as workforce housing.

○ **Workforce Housing (WHP) Program Pricing & Income Categories:** The current request was submitted while the 2020 WHP pricing were in effect. In Palm Beach County, the 2020 area Median Family Income (MFI) is \$79,100 for a family of four (per US Department of Housing and Urban Development (HUD)). The following are the current sales and rental prices per income category for 2020 in Palm Beach County (based on the date of application and the pricing then in effect). The income categories are the same for both programs. These homes cannot be sold or rented at a higher price.

○ **WHP Sales Prices:** The sales prices are based on HUD annual median income figure.

WHP Income Category			2020 (WHP) Sales Prices
Low	60 -80%) of MFI	\$47,460 - \$63,280	\$166,110
Moderate 1	>80 -100%) of MFI	>\$63,280 - \$79,100	\$213,570
Moderate 2	>100 -120%) of MFI	>\$79,100 - \$94,920	\$261,030
Middle	>120 -140%) of MFI	>\$94,920 - \$110,740	\$308,490*

*Does not apply to WHP units in projects approved under WHP Code adopted 8/22/2019.

○ **WHP Rental Prices:** The WHP rents are based on the annual Florida Housing Finance Corporation (FHFC) Multi-Family Rental Figures, adjusted for number of bedrooms and any Utility Allowances are applied against gross maximum rent. WHP prices are set annually, based on the provisions of Article 5.G.1.A.3.c.2 of the Unified Land Development Code reflected below, and the following:

WHP Income Category			1 BR	2 BR	3BR	4BR
Low	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 1	>80-90% of MFI	>\$63,280 - \$71,190	\$1,183 - \$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
Moderate 2	>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
Middle	>120-130% of MFI	>\$94,920 - \$102,830	\$1,977 - \$2,142	\$2,373 - \$2,571	\$2,740 - \$2,969	\$3,057 - \$3,312
	>130-140% of MFI	\$102,830 - \$110,740	\$2,142 - \$2,306	\$2,571 - \$2,768	\$2,969 - \$3,197	\$3,312 - \$3,566

○ **Special Overlay District/ Neighborhood Plan/Planning Study Area:** The request is located within the 1992 Haverhill Neighborhood Plan (HNP), the Revitalization, Redevelopment, and Infill Overlay (RRIO), and the Urban Redevelopment Area (URA). The analysis for each planning area is provided below:

○ **Urban Redevelopment Area (URA):** The request is generally consistent with provisions of the URA. This request is also consistent with the provisions of the FLUE Policy 1.2.2.-h that require inter-connectivity in the URA between complementary neighboring land uses as it provides for both vehicular and pedestrian cross access to the property to the east. A minimum of 5% of useable open space will be provided as pervious, vegetated areas, parks and squares as well as impervious hardscaped areas which are openly accessible to the public, such as plazas, squares, and courtyards to meet the ULDC requirements..

○ **Haverhill Area Neighborhood Plan (HNP):** There are no site specific recommendations in the HNP regarding the approximately 700 foot long southern portion of the subject site that is located within the boundaries of the HNP. Among the recommendations of the Neighborhood Plan is the preservation of the residential character of the area. Specifically, the plan discourages the conversion of land from residential to intense uses such as industrial. In this regard, this request is generally consistent with the recommendations of the Neighborhood Plan, as it would replace the existing land uses that allow for the current landfill for a mix of mostly residential and some commercial uses. As of time writing this report no letters of objection or support have been received by staff.

○ **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. This project represents an infill opportunity. Future Land Use Element (FLUE) Policy 1.2.1-e identifies the RRIO as being a

receiving area for the County's TDR Program. Further, FLUE Policy 2.4-g #4(b) indicates that the RRIO is eligible for up to four (4) dwelling units per acre additional density through the TDR program. The maximum number of TDR units (111) are being requested (27.66 acres x 4 TDRs/acre = 110.64, or 111 units rounded up). The request is consistent with FLUE Policy 1.2.2.i, which indicates that the County shall seek and encourage affordable and workforce housing opportunities within the URA as it will provide 177 on-site WHP units.

- *Countywide Community Revitalization Team (CCRT) Areas:* The site is located within CCRT Area #12 Haverhill West. The Office of Community Revitalization (OCR) serves as the CCRT neighborhood liaison office for Palm Beach County. OCR presented the request at a virtual community meeting September 13, 2021 with eight members of the community in attendance. There were no questions or concerns for the request during the community meeting.

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.*

The requests for this application include a Rezoning to the Multiple Use Planned Development District and a Conditional Use to allow Transfer of Development Rights within the PDD. The Comprehensive Plan and ULDC was modified in 2017/2018 to allow residential within this Zoning District, with the density allotted based on the Future Land Use. The Applicant is seeking modifications to their Future Land Use that include a modification to the residential FLU from HR-8 to HR-12. The Zoning application also include requests for density bonuses from two programs Transfer of Development Rights and Workforce Housing Density Bonus. As part of a MUPD, the Applicant seeks approval for commercial uses within the northern 3.5 acres.

- *Design Objectives and Performance Standards:* As the subject site is being rezoned to a MUPD, the project was required to meet the Design Objectives and Performance Standards for a Planned Development District, Art. 3.E, and Multiple Use Planned Development District, Art. 3. E.3. The Applicant has provided the necessary design features which includes: providing a continuous, non-vehicular and pedestrian circulation system which connect uses, public entrances to buildings, recreation areas, amenities, useable open space, and other land improvements within meet the intent of this section of the code.

- *Property Development Regulations (PDR):* Per Table 3.E.3.D, MUPD Property Development Regulations, the subject site is required to outline on the PSP how the proposed development will meet minimum PDRs. This site is an MUPD with split FLU designations with Commercial High with an underlying 12 units per acre (CH/12) on 3.5 acres, and High Residential, 12 units per acre (HR-12) on 24.16 acres. The ULDC requires that an MUPD with split zoning FLU designations shall apply the minimum acreage of the more restrictive FLU designation. As the CH/12 FLU Designation is the most restrictive FLU designation in this case, the CH district PDRs for minimum lot dimensions, setbacks, and building coverage apply. The proposed development meets and exceeds all minimum PDRs, as outlined on the PDR chart on the PSP.

- *Access:* Access to the subject site is proposed to be at the north-west corner of the subject site, fronting Okeechobee Boulevard. Okeechobee Boulevard is a, which satisfies the requirement of Art. 3. E.1.C.2.a.2. (Related to Planned Development District access standards), as it states that a PDD development shall have legal access on an arterial or collector street. A Subdivision Variances as discussed above is requested to allow access onto an residential street Elmhurst Road.

- *Architectural Review:* Staff reviewed the proposed elevations (Figures 7-14) for compliance with Article 5.C, Design Standards, and found that the buildings meet minimum Code requirements. Architectural drawings are required for review per Art. 5.G.3.K, TDR Receiving Area Procedure.

- *Parking:* The proposed MUPD requires a total of 1,573 spaces for the mix of Commercial and Residential uses, 116 parking spaces for the commercial portion of the MUPD and 1,457 parking spaces for the proposed multifamily residential development. The Applicant originally requested a Type 2 Variance to reduce the parking for the residential use, however prior to completion of the report it was determined that the proposed request to reduce parking is at 15%, and meets the allowance for a Type 1 Waiver, which is an administrative approval. Staff supports the reduction in parking and the review will be completed administratively should the BCC approve these Development Orders. The proposed parking will be a total of 1355 spaces, of which 1,239 are for the residential use and 116 are dedicated for the commercial uses.

- *Parking Structure:* A 3-story Parking Structure is depicted on the PSP. The structure meets the standards for surface parking lots with regard to marking, signage, striping and design layout per Art.6.B.2.E of the ULDC.

- *Recreational Amenities:* The proposed development will include a total of 4.28 acres of Recreation Area, exceeding the code required 2.52 -acres of recreational area. The principal 1.21 recreation area will include a 3,783 sq. ft. clubhouse with amenities including a gated pool area and covered cabana. This proposal was reviewed by Parks and Recreation Staff and deemed to be sufficient. A 153' x 281' multi-

purpose field is included within the area to the north of Building G. In addition to these two recreation areas, the Applicant will be providing a 1.34-acre Recreation area that includes a 565 sq. ft. Clubhouse and gated pool.

○ *Building Height:* The proposed maximum height shown on the PSP is 69 feet 11 inches. The Code allows height increases above 35 feet, provided additional setbacks of an additional one ft. of setback for each one foot of height increase above 35 feet is provided. This would require the minimum setback for the Multifamily structures over 35 feet (69'-11") to be a minimum 65 feet from the side and rear property lines. Pursuant to the proposed FLU amendment and Workforce Housing analysis for compatibility, Conditions of Approval are proposed that limit the heights of the structures south of Elmhurst Road to three stories. The other residential structures north of Elmhurst are proposed to be seven story structures, with setbacks exceeding the minimum required based on the proposed heights. To limit the visual impacts on neighboring residential development to the east, the two seven story residential buildings are located to the north of the site adjacent to the commercial development to the east. To the south of the site are the 45 ft., 3-story residential buildings are adjacent to the residential buildings to the east, west and south the site.

○ *Landscape/Buffering:* The Preliminary site plan indicates a 20 foot right of way buffer along Okeechobee Road, subject of the Type 2 Variance to allow 12-foot easement overlap and no plant reduction. Along the south property line, the Applicant has proposed a 10-foot Type 1 Incompatibility buffer. Staff is recommending a Condition of Approval to increase the width to 20 feet, inclusive of the proposed wall, in the areas of the site plan where there are proposed parking along the south property line. Additional shrubs shall be provided where the width has increased. This will also allow the Applicant additional design options for placement of the canopy trees, palms and pines, with a minimum being 75% on the exterior of the wall. The east property line includes a mix of Type 1 and 2 Incompatibility buffer and Compatibility buffer, dependent up on the adjacent use. Along the west property line, the development proposal depicts a 15-foot Type 2 Incompatibility buffer.

○ *Useable Open Space:* The Preliminary Site Plan indicates 60,248 sq. ft. of useable open space located in four areas between the Commercial and Residential area and adjacent to Buildings H and G.

○ *Signs:* The Applicant has submitted a Preliminary Master Sign Plan (Figure 6) that meets the requirements of Article 8. The Applicant is proposing to install two free standing signs along Okeechobee Boulevard and will be a maximum of 15 feet in height and will be 200 sq. ft. of sign area. Furthermore, the PMSP also indicates wall signage for the Commercial structures. All proposed signage is consistent with Art. 8, Signage, as well as Technical Manual Requirements outlined in Title 5, Signage.

○ *Workforce Housing Program:* A total of 25 percent of all units (177) will be utilized for WFH, and has been conditioned by Planning to be as such (Exhibit C-5, Planning Condition 5). Additional analysis of this request can be found under the Standard a. Consistency with the Plan, as well as the Conditional Use Standards below for the WHP density increase.

○ *Transfer of Development Rights (TDRs):* The TDR program is designed to redistribute population densities or development potential, and to encourage the most appropriate and efficient use of resources, services and facilities. Development rights for the TDR bank are generated from environmentally sensitive lands purchased by the County. The Planning Division has made the determination that the subject site is located in an appropriate receiving area, and meets the requirements needed to qualify for the maximum increase in density permitted under the program. The Agent is requesting to purchase a total of 111 TDRs.

○ *TDR Receiving Areas:* Development rights shall only be transferred to those parcels that meet the qualifications for designation as receiving areas. There are five criteria the Applicant must comply with in order to qualify as a TDR Receiving Area:

- a. Be located within the U/S Tier;
- b. Be compatible with surrounding land uses and consistent with the Plan;
- c. Meet all concurrency requirements;
- d. Meet all requirements as outlined in the Code; and,
- e. Be compatible with adjacent Environmentally Sensitive Lands.

The Fount MUPD Residential development complies with all the requirements to qualify as a Receiving Area for TDRs. Proposed Conditions of Approval are included in Exhibit C-4 to implement the required documentations and payment for the transfer of the units.

c. Compatibility with Surrounding Uses – *The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.*

The proposed rezoning from RH to MUPD, which includes a mix of residential and commercial uses, is consistent with the surrounding zoning districts and uses. As noted in the Surrounding Land Uses above, there is a variety of uses surrounding the property with a mix of residential housing types, and different commercial uses along this arterial road way. The amendment to modify the Future Land Use has a recommendation for support by Planning Staff, subject to conditions of approval. The use of multifamily, with different design heights, including the amenities provided for the residents fits in line with the character of the area. The request to increase the density through the Transfer of Development Rights program is consistent with the policies and objectives of the plan, and through conditions of approval related to site design is compatible with the adjacent properties. The layout of the MUPD with the differing residential heights to the south, and the commercial along the north, provides a buffer and transition from the lower densities to the south, southwest and southeast.

- d. Design Minimizes Adverse Impact** – *The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.*

The Applicant has made substantial modifications through the application review process to minimize impacts on adjacent lands. The site plan was amended to reduce the height of the residential buildings from seven stories to three stories on the southern portion of the site, adjacent to the residential developments to the south and east of the MUPD. This condition was imposed as part of the proposed modification to the FLU. The PSP shows a 4.52-acre recreational area to the setback the new development from existing single-family residence and vehicle sales uses to the west. The Applicant states that they will be constructing the proposed development utilizing building materials to mitigate the noise from Okeechobee Boulevard in accordance with the Florida Building Code. Staff is including an additional condition related to increase buffer width and material along the south property line.

Staff concurs that the design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

- e. Design Minimizes Environmental Impact** – *The proposed use and design minimizes environmental impacts, 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 majority of the property was previously cleared. Native trees that are not preserved in-place shall be mitigated on 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.

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

The proposed rezoning will result in a logical, orderly and timely development pattern. The location of the proposed MUPD development has frontage on Okeechobee Boulevard make it ideal for commercial development. The proposed modification to the Future Land Use to modify the Residential Future Land Use was recommended as The Applicant states that the subject site is surrounded by properties developed with commercial uses to the east and west and residential uses south and east of the property thus, the request to rezone to MUPD in order to allow for the development of the MUPD compliments existing development, and will not adversely impact the local development pattern or growth trends in the area.

The Planning Staff report states, “The request to allow higher density residential is appropriate considering the site’s location in the Urban Redevelopment Area, adjacent to major roadways, near employment centers, and conditions of approval ensure compatibility with surrounding existing medium to high residential future land use designations.” The allowance for additional density through the TDR program is recommended to be logical development pattern for this area.

- g. Adequate Public Facilities** – *The extent to which the proposed use complies with Art. 2.F, Concurrency (Adequate Public Facility Standards).*

ENGINEERING COMMENTS:

The proposed mixed use project is expected to generate 5,030 net daily trips, 302 net AM peak hour trips, and 397 net PM peak hour trips. The build out of the project is expected to happen by 2026.

Okeechobee Blvd from Jog Rd to Military Trail and the intersections of Okeechobee Blvd/ Florida Turnpike and Okeechobee Blvd/Haverhill Rd will have a background deficiency, without the traffic from the proposed project. Using provisions in the Florida Statute 163.3180, the project meets Traffic Performance Standards. As site related improvements, some median modifications on Okeechobee Blvd will be necessary, as well as installing a full traffic signal at the proposed project entrance on Okeechobee Blvd that also currently shares a driveway with a Fire Station to the north.

ADJACENT ROADWAY LEVEL OF SERVICE (PM PEAK)

Segment: Okeechobee Blvd from Florida Turnpike to Haverhill Rd

Existing count: Eastbound=2241, Westbound=2950

Background growth: Eastbound=880, Westbound=707

Project Trips: Eastbound=92, Westbound=67

Total Traffic: Eastbound=3213, Westbound=3724

Present laneage: 4 in each direction

Assured laneage: 4 in each direction

LOS "D" capacity: 3590 per direction

Projected level of service: Better than LOS D in the eastbound direction and worse than LOS D in the westbound direction

The Property Owner shall dedicate ROW to be consistent with the PBC Thoroughfare Identification Map, configure the property into a legal lot of record prior to the issuance of the building permit.

The Property Owner shall submit a drainage study that identifies historical flows that currently enter the site prior to the Final Site Plan approved by the DRO.

PALM BEACH COUNTY HEALTH DEPARTMENT:

This project has met the requirements of the Florida Department of Health.

FIRE PROTECTION:

Staff has reviewed this application and have no comment.

SCHOOL IMPACTS:

In accordance with the adopted Coordinated Planning Interlocal Agreement, a School Capacity Availability Determination (SCAD) for 713 high-rise apartment residential units had been approved on April 26, 2021 (SCAD Case #21042201D). The subject property is located in SAC 137A.

This project is estimated to generate approximately twenty (20) public school students. The schools currently serving this project area are: Hope-Centennial Elementary School, Bear Lakes Middle School and Palm Beach Lakes Community High School.

The School Capacity Availability Determination (SCAD) analysis for this application has determined that the proposal would exacerbate capacity deficiencies at the District high school level. The additional five (5) high school students generated by this proposal will increase the utilization percentage of Palm Beach Lakes Community High School to 103%.

The revised Preliminary Site Plan (dated 08/06/21) shows one (1) 10' by 15' public school bus shelter location. A bus shelter condition of approval has been applied to this request.

PARKS AND RECREATION:

Project proposes 713 dwelling units requiring 4.28 acres of onsite recreation, 4.41 acres of onsite recreation are provided, therefore the recreational requirement is satisfied.

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

The proposed rezoning is necessary to address the changed circumstances that have occurred and to allow redevelopment of the site. As indicated by the Applicant's Justification Statement, the subject site was previously cleared and currently contains an existing landfill use for landscaping waste on site. The subject site is proposed to be converted and remediated for residential uses. The Applicant has satisfactorily demonstrated changed circumstances that necessitate the proposed requests;

FINDINGS:**Conditional Use Workforce Housing Density Bonus**

When considering a DO application for a Conditional Use request for Density Bonus pursuant to Article 5.G.1, Workforce Housing Program (WHP), the BCC shall utilize the Standards indicated in Article 5.G.1.B.2.e.2)b), Factors for Consideration.

2) Full Incentive Developments Requesting a WHP Density Bonus Greater Than 50 Percent for developments requesting a WHP density bonus of greater than 50 percent, the Planning Director or designee shall review the request pursuant to the following process: **[Ord. 2019-033]**

a) *Density Bonus Pre-Application Appointment*

Requests received for density bonuses greater than 50 percent shall be scheduled for the next available Pre-Application Appointment, which shall be conducted regularly by the Planning Division, according to a schedule published by the PZB Department. Pre-Application Appointments shall include other appropriate County Departments and Agencies, as determined by the PZB Department. The developer shall be required to participate in the Pre-Application Appointment for the proposed development, to discuss the proposed development and unit types, characteristics of the site and surrounding area, and other relevant factors. **[Ord. 2019-033]**

b) *Factors for Consideration*

Staff shall consider the following factors in developing a maximum density and density bonus recommendation. **[Ord. 2019-033]**

(1) The extent of which the proposed WHP units further County objectives: **[Ord. 2019-033]**

(a) The intent to provide the workforce housing units on site; **[Ord. 2019-033]**

(b) The intent to provide Single Family and for-sale workforce housing units; **[Ord. 2019-033]**

(c) The proximity of the location where the WHP units are to be provided to employment centers; **[Ord. 2019-033]**

(d) The concentration of households with incomes in the WHP income categories, in the location where the WHP units are to be provided. **[Ord. 2019-033]**

(2) The potential impact of the proposed density bonus: **[Ord. 2019-033]**

(a) The total number of units proposed, including any Transfer of Development Rights; and **[Ord. 2019-033]**

(b) The compatibility with the character of the adjacent and surrounding area in the location of the subject development. **[Ord. 2019-033]**

c) *Density Bonus Recommendation*

Within ten days following the Pre-Application Appointment, the Planning Director or designee shall provide a written WHP Letter of Determination identifying the recommended maximum density bonus and the total number of WHP units required, subject to further limitations due to property development regulations and other factors in the development review process. The Planning Director or designee shall provide the WHP Letter of Determination to the developer, DRO, ZC, or BCC, whichever is appropriate and may include recommended Conditions of Approval for the resulting Development Order. **[Ord. 2019-033]**

In addition to the Analysis completed by Planning Division for the Class A Conditional Use to allow more than Transfer of Development Rights above, Planning Staff have concluded that the proposed Workforce Housing Density bonus above 50% is compliant with the Factors for Consideration based on the proposed request and find that the number of units, as well as the proposed design in compatible with the surrounding area, subject to Conditions of Approval. These conditions include no further density increase through any of the density bonus programs, limiting the heights of structures sought of Elmhurst Road, and the requirement for percents of Workforce housing to be onsite. The Planning Division analysis is provided in Exhibit E, and subject to the Conditions of Approval as indicated in Exhibit C-5.

CONCLUSION: Staff have evaluated the standards listed above and pursuant Article 2.B and 5.G., 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 request, subject to the Conditions of Approval in Exhibit C-1 (Subdivision Variance) C-2 (Type 2 Variance), C-3(Official Zoning Map Amendment), C-4 (Conditional Use-Transfer of Development Rights) and C-5 (Conditional Use – WHP density bonus).

CONDITIONS OF APPROVAL

EXHIBIT C-1: Subdivision Variance

ENGINEERING

1. The Property Owner extend Elmhurst Road from the existing western terminus to the east property line to be consistent with Palm Beach County standards for a local street. This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required for Improvements identified above shall be obtained from Palm Beach County prior to the issuance of the first Building Permit. (BLDGPMT: MONITORING - Engineering)

2. Property Owner shall construct a minimum 5 foot wide concrete sidewalk along both sides of Elmhurst Road from the project entrance to Haverhill Road wherever sidewalk currently does not exist. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. The sidewalk shall be completed prior to the issuance of the first certificate of occupancy. If approved by the County Engineer, the Property Owner may submit payment in lieu of construction in an amount approved by the County Engineer and the condition shall be considered satisfied. (BLDGPMT/CO: MONITORING - Engineering)

COMPLIANCE

1. In Granting this Approval, the Zoning Commission 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 Zoning Commission 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; 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 Variance - Concurrent

ALL PETITIONS

1. The approved Preliminary Site Plan is dated February 22, 2020. 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 Zoning Commission. (ONGOING: ZONING - Zoning)
2. At time of application for a Building Permit, the Property Owner shall provide a copy of this Variance approval along with copies of the approved Plan to the Building Division. (BLDGPMT: BUILDING DIVISION - Zoning)
3. Prior to the submittal for Final Approval by the Development Review Officer, the approved Variance(s) and any associated Conditions of Approval shall be shown on the Final Site Plan. (DRO: ZONING - Zoning)

LANDSCAPE - GENERAL

1. At time of submittal for Final Approval by the Development Review Officer, the Property Owner shall the Landscape detail for the Right Of Way buffer along Okeechobee Road to show a maximum 12 foot easement overlap. In addition the plan shall include a gross section of the buffer to indicate the grades LWDD easement and the adjacent buildings. (DRO: ZONING - Zoning)
2. Prior to final approval by the DRO the Applicant shall submit and executed easement release and/or Planting Agreement with Lake Worth Drainage District, indicating allowance of required plant material within the twelve foot easement overlap, consistent with the Landscape Plan detail for the Okeechobee ROW buffer. (DRO: ZONING - Zoning)

COMPLIANCE

1. In Granting this Approval, the Zoning Commission 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: ZONING - 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; 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: ZONING - 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-3: Non Residential Planned Development District

ALL PETITIONS

1. The approved Preliminary Site Plan is dated February 22, 2020. 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. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. The maximum height of the residential structures that are located south of a line extending west from Elmhurst Road shall be limited to maximum of three stories in height. (BLDG/PMT/DRO: ZONING - Planning)

2. The approved Architectural Elevations are dated January 24, 2022 and February 22, 2022. The Elevations shall be finalized, prior to final approval by the DRO. Modifications to the elevations shall be consistent with those presented to the Board of County Commissioners, or as allowed administratively pursuant to Article 2.C., changes to the 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. (DRO: ZONING - Zoning)

ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2026, or as amended. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. The Property Owner shall i) extend left turn lane east approach on Okeechobee Blvd at project entrance, as approved by the FDOT/County Engineer ii) close eastbound left turn lane at the restricted median opening, 350 ft east of project entrance iii) construct right turn lane west approach on Okeechobee Blvd, as approved by FDOT/County Engineer and allowed by LWDD, iv) provide a large curb radius for inbound traffic at the entrance on Okeechobee Blvd, v) make necessary modifications to the existing signal at Elmhurst Rd/Haverhill Rd intersection to allow protected-permissive northbound left turn signal indication, which can also be coupled with left turn lane/center turn lane modifications on Haverhill Rd, all at Property Owner's expense, and as approved by the County Engineer.

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required from Palm Beach County or FDOT, as appropriate, for the above construction shall be obtained prior to the issuance of the first building permit. (BLDG/PMT: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDG/PMT/CO: MONITORING - Engineering)

3. The Property Owner shall fund the cost of signal installation and construct the signal at the project entrance on Okeechobee Blvd. Signalization shall be a mast arm structure installation. The existing signal at this location serves as an emergency signal for the Fire Station #23 that is situated just north of the proposed project. The upgraded mast arm signal must also include the emergency operation pre-emption for the Fire Station, as approved by County Engineer/Fire Rescue Department/FDOT. In addition to accommodating the cost of Fire pre-emption, the cost of signalization shall also include all design costs and any required utility relocation and right of way or easement acquisition. The signal design must also include plans for uninterrupted pre-emption operation (no down time allowed) of the emergency signal, while the upgraded full signal is being constructed. Traffic signal design and pre-emption details shall be coordinated with and approved by Palm Beach County/FDO/Fire Rescue departments and FDOT, as appropriate. Mode of operation of the signal (flashing or stop and go) and its timing will be as determined by the County Engineer.

Traffic to/from the Development, including construction related vehicles, shall not be allowed to use this entrance on Okeechobee Blvd until upgraded signal construction is complete, accepted by Palm Beach County/FDOT, and the signal is fully operational. Until then, all project related traffic, including construction vehicles, shall use only the entrance through Elmhurst Rd.

The Property Owner shall upgrade lighting at the signalized intersection as needed to comply with the most recent FDOT lamination requirements, as well as coordinate the maintenance of updated street light with respective street light maintenance authority. The cost for this upgrade will be the responsibility of the Property Owner.

a. No Building Permits shall be issued until the Property Owner provides acceptable surety to the Traffic Division in an amount as determined by the Director of the Traffic Division. (BLDGPMPT: MONITORING - Engineering)

b. No Certificate of Occupancy shall be issued until Conversion of the existing signal into mast arm is completed, accepted by Palm Beach County/FDOT, and is fully operational. (BLDGPMPT/CO: MONITORING - Engineering)

c. In order to request release of the surety for the upgrade of the traffic signal and related work at the above intersection, the Property Owner shall provide written notice to the Traffic Division stating that the signal has been constructed, accepted by PBC, and fully operational. Palm Beach County will release the surety within 30 days of receiving this notice. In the event that the property is sold, the surety may be returned once the Traffic Division receives written documentation of the sale and a replacement surety has been provided to the Traffic Division by the new Property Owner. (ONGOING: ENGINEERING - Engineering)

4. 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. (BLDGPMPT: MONITORING - Engineering)

5. The Property Owner shall provide to the Florida Department of Transportation (FDOT), a road right of way deed and all associated documents as required by FDOT for Okeechobee Boulevard, up to 70 feet, measured from centerline of the proposed right of way on an alignment approved by the FDOT and County Engineer.

All right of way deed(s) and associated documents shall be provided and approved prior to the issuance of the first building permit. Right of way conveyance shall be along the project's entire frontage and shall be free and clear of all encumbrances and encroachments. Property Owner shall provide FDOT with sufficient documentation, including, at a minimum, sketch and legal description of the area to be conveyed, copy of the site plan, a Phase I Environmental Site Assessment, status of property taxes, statement from Tax Collector of delinquent and pro-rata daily taxes, full owner name(s) of area to be conveyed, and one of the following: title report, attorney's opinion of title, title commitment or title insurance policy, or as otherwise required and acceptable to FDOT. The Property Owner must warrant that the property being conveyed to FDOT 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 and FDOT 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 coordinate conveyance of right of way directly with FDOT and shall provide evidence to Palm Beach County Land Development Division once conveyance has been completed. (BLDGPMPT: MONITORING - Engineering)

6. The Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The Property Owner shall provide drainage easements, as required, to accommodate offsite drainage.

a. Drainage study shall be provided the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: ENGINEERING - Engineering)

b. Any required drainage easements shall be dedicated in conjunction with any required lot combination or recorded prior to issuance of the first building permit, whichever shall occur first. (BLDGPMPT/PLAT: ENGINEERING - Engineering)

7. Prior to final approval of the Site Plan by the Development Review Officer, the Property Owner shall show the detention areas on the Site Plan. (DRO: ENGINEERING - Engineering)

ENVIRONMENTAL

1. All mitigation credits to be planted on site according to the Preliminary Regulating Plan dated February 22, 2022 or as approved by ERM. (ONGOING: ENVIRONMENTAL RESOURCES MANAGEMENT - Environmental Resources Management)

LANDSCAPE - PERIMETER

1. In addition to the requirements of a Type 1 Incompatibility buffer the south property line shall be upgraded to include the following:

a. Minimum width of 20 feet in the areas indicated on the Preliminary Site Plan dated February 22, 2022, inclusive of the six foot opaque barrier (fence or wall);

b. Additional hedges, shrubs and ground cover consistent with the requirements for a Type 3 Incompatibility buffer. (BLDGPMPT/ONGOING: ZONING- Zoning)

LAKE WORTH DRAINAGE DISTRICT

1. Prior to Platting, LWDD will require the Property Owner to convey a 15-ft exclusive easement along the north-south leg of the L-1 Canal, being the east 15-feet of the south 270-feet of the north 370-feet of the west half of the NW quarter of the NE quarter of Section 26-43-42. (PLAT: ENGINEERING - Lake Worth Drainage District)
2. Prior to Platting, the Property Owner shall convey a 12-foot exclusive easement along west line of the subject property for additional right-of-way on the E-3 Canal. (PLAT: ENGINEERING - Lake Worth Drainage District)
3. Prior to Platting, the Property Owner shall extinguish the 15-foot Temporary Access Agreement recorded in ORB 25412 Page 1196. (Temporary Access lying within the E-3 Canal right-of-way). (PLAT: ENGINEERING - Lake Worth Drainage District)

PARKS

1. No more than 20 Certificates of Occupancy for the residential units shall be issued until the recreational improvements have been completed in their entirety and are open for use and accessible to the residents, unless a phasing plan for completion of the required recreation area is agreed upon and approved by the Parks and Recreation Department. (CO: MONITORING - Parks and Recreation)

PLANNING

1. Per LGA 2020-011, condition 1: Residential dwelling units shall be limited to a maximum of 708 units with no further density increases through density bonus programs. (ONGOING: PLANNING - Planning)
2. Per LGA 2020-011, condition 2: Structures located on the portion of the site south of a line extending west from Elmhurst Road, are limited to a maximum of 3 stories in height. (ONGOING: PLANNING - Planning)
3. Per LGA 2020-011, condition 3: A total of 111 Transfer of Development Rights (TDR) units shall be purchased and constructed. The 34% of TDR s required to be provided as WHP per the Unified Land Development Code shall apply to the minimum number of workforce housing units required by this ordinance. (ONGOING: PLANNING - Planning)
4. Per LGA 2020-011, condition 4: The zoning development order shall require a minimum of 25% of the total dwelling units to be built as onsite workforce housing units. (ONGOING: PLANNING - Planning)
5. The subject request for 708 units with a required 177-unit Workforce Housing Program (WHP) obligation was calculated based on the 27.66-acre site with the HR-12 Future Land Use Designation and conditions contained within LGA-2020-011. The WHP obligation for 177 units (25%) was required per LGA -2020-11 condition 4 and will be provided onsite as rental Multifamily units. Should any change occur to the calculation, the site shall require resubmittal and recalculation in whatever process it originated. (ONGOING: PLANNING - Planning)
6. The Developer shall provide notice of commencement of rentals, proof of compliance with provision of a model and a list of interested parties to the Planning Division and the Department of Housing and Economic Development (DHED). (ONGOING: PLANNING - Planning)
7. Prior to final site plan approval by the Development Review Officer (DRO), submit a regulating plan that depicts the amenities, landscaping and uses proposed for the required Usable Open Spaces. (DRO: PLANNING - Planning)
8. Prior to final approval by the Development Review Officer (DRO), in a form approved by and acceptable to the County Attorney's Office, the Property Owner shall submit a recorded cross access easement agreement, for the location depicted on the site plans. (DRO: PLANNING - Planning)
9. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall revise the Preliminary Site Plan to add the Official records book and page number for the recorded cross access easement. (DRO: PLANNING - Planning)
10. Prior to final approval by the Development Review Officer (DRO), all applicable plans, documents shall be updated to be consistent with what was adopted by the Board of County Commissioners (BCC). (DRO: PLANNING - Planning)
11. Prior to the issuance of the first residential Building Permit, the Property Owner shall record in the public records of Palm Beach County a Declaration of Restrictive Covenants for Workforce Housing, in a form acceptable to the Palm Beach County Attorney. The site plan shall also be modified to include the OR Book and Page of the recorded document and provide a copy of the revised site plan to Planning. (BLDGPM: MONITORING - Planning)

12. Prior to the issuance of the 3rd residential Building Permit (354 units), Fifty percent of WHP units (89) shall receive Certificates of Occupancy (CO). (BLDGPMT: MONITORING - Planning)

13. Prior to the issuance of the 5th residential Building Permit (602 units), All WHP units (177) shall receive Certificates of Occupancy (CO). (BLDGPMT: MONITORING - Planning)

14. Prior to the issuance of the first Building Permit (BP), the Property Owner/Developer shall provide documentation demonstrating compliance with the required proof of notification to interested parties and the design standards, such as but not limited to: compatible exteriors and the provision of a dry model (consistent with ULDC Article 5.G.1.A.3). (BLDGPMT: MONITORING - Planning)

15. Prior to the issuance of the first Certificate of Occupancy, the Property Owner shall pave all vehicular and pedestrian access points to the property line with a break in any landscape buffer, specifically the vehicular and pedestrian connection to the east and the pedestrian connection to the south, in the locations shown on the Final Site Plan as approved by the Development Review Officer (DRO). (CO: MONITORING - Planning)

SCHOOL BOARD

1. The Property Owner shall post a notice of annual boundary school assignments for students from this development. A sign 11" X 17" shall be posted in a clear and visible location in all sales offices and models with the following:

"NOTICE TO PARENTS OF SCHOOL AGE CHILDREN"

School age children may not necessarily be assigned to the public school closest to their residences. Students in Palm Beach County are assigned annually to schools under the authority of the School Board and, by direction of the Superintendent, public school attendance zones are subject to change. Please contact the Palm Beach County School District Boundary Office at (561) 434-8100 for the most current school assignment(s). (ONGOING: SCHOOL BOARD - School Board)

2. Prior to the issuance of the first Certificate of Occupancy (CO), the 10' by 15' school bus shelter shall be constructed by the Property Owner in a location and manner acceptable to the Palm Beach County School Board. Provisions for the bus shelter shall include, at a minimum, a covered area, continuous paved pedestrian and bicycle access from the subject property or use, to the shelter. Maintenance of the bus shelter shall be the responsibility of the residential Property Owner.

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-4: Class A Conditional Use-Transfer of Development Rights

ALL PETITIONS

1. The approved Preliminary Site Plan is dated February 22, 2020. 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. (ONGOING: ZONING - Zoning)

TRANSFER OF DEVELOPMENT RIGHTS-TRANSFER OF DEVELOPMENT RIGHTS

1. Prior to Final Approval by the Development Review Officer, the Property Owner shall execute a Contract for Sale and Purchase of Transfer of Development of Rights (TDRs) in a manner and form approved by the County Attorney, and formally executed by the Executive Director of Planning, Zoning and Building Department. The Contract shall accommodate 111 TDR units at a total selling price of 372,637.00 (78 TDR units to be purchased at the Market Rate Multifamily price of \$4,975.00 per unit and 39 TDR units to be purchased at the CCRT RRIO Workforce Multifamily rate of \$249.00 per unit). Upon execution of the contract, the contract shall be recorded by the Property Owner, and a copy shall be provided to the Zoning Division. (DRO: ZONING - Zoning)

2. Prior to Final Approval by the Development Review Officer, the Property Owner shall execute the Transfer of Development Rights Deed in a manner and form approved by the County Attorney, and formally executed by the Executive Director of Planning, Zoning and Building Department. (DRO: ZONING - Zoning)

3. Prior to Technical Compliance of the plat or issuance of the first Building Permit, whichever occurs first, the Property Owner shall pay one hundred (100) percent of the Transfer of Development Rights (TDR) Funds to the Zoning Division. Upon payment of the funds, the TDR Deed shall be recorded by the Property Owner, and a copy shall be provided to the Zoning Division. (BLDG/PMT/TC: 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:
- 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
 - The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - 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
 - Referral to Code Enforcement; and/or
 - 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-5: Class A Conditional Use-Workforce Housing Density Bonus Greater than 50%

ALL PETITIONS

1. The approved Preliminary Site Plan is dated February 22, 2020. 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. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. The maximum height of the residential structures that are located south of a line extending west from Elmhurst Road shall be limited to maximum of three stories in height. . (BLDG/PMT/DRO: ZONING - Planning)

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:
- 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
 - The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - 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
 - Referral to Code Enforcement; and/or
 - Imposition of entitlement density or intensity.

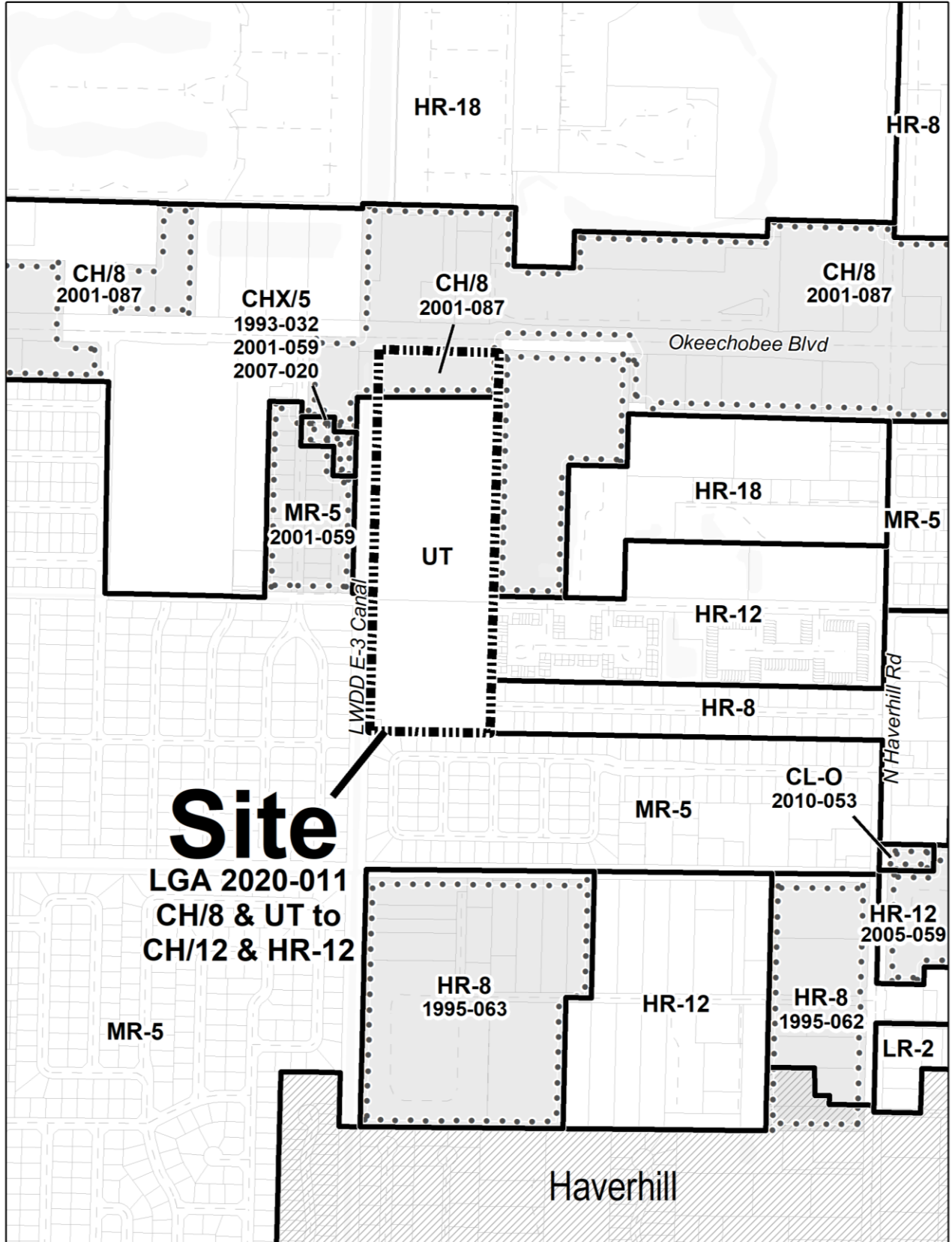
Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the 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

PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION AND FUTURE LAND USE



Site
LGA 2020-011
CH/8 & UT to
CH/12 & HR-12

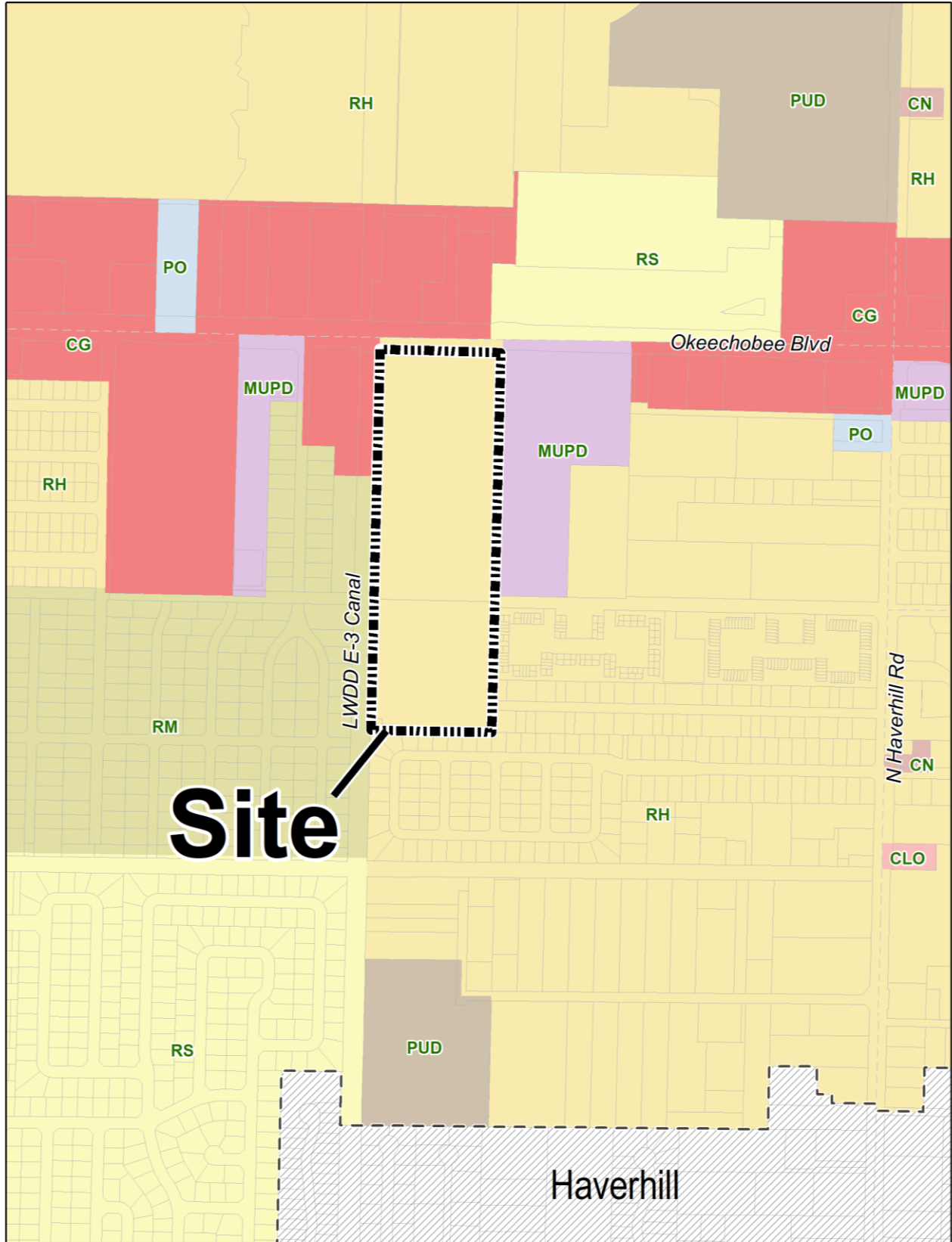


Application Name: Fount MUPD
 Application Number: ZV/SV/ABN/PDD/CA-2021-00533
 Control Number: 1979-00268
 Atlas Page Number: 057
 Date: 3/16/2022



Figure 2 - Zoning Map

PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION AND ZONING

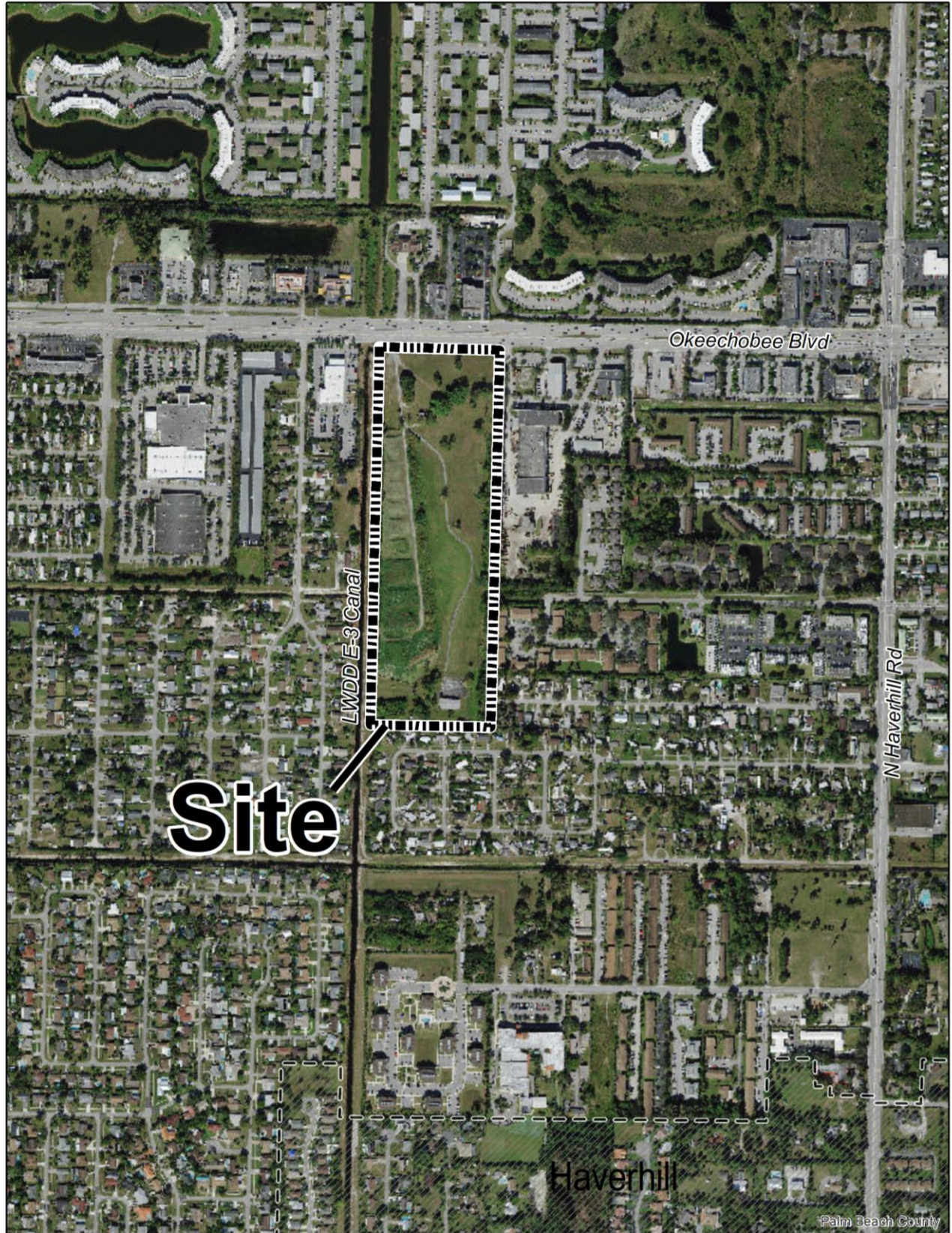


Application Name:	<u>Fount MUPD</u>
Application Number:	<u>ZV/SV/ABN/PDD/CA-2021-00533</u>
Control Number:	<u>1979-00268</u>
Zoning Quad Number:	<u>031</u>
Date:	<u>3/16/2022</u>



Figure 3 - Aerial

PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION



Application Name: Fount MUPD
Application Number: ZV/SV/ABN/PDD/CA-2021-00533
Control Number: 1979-00268
Atlas Page Number: 057
Date: 3/16/2022



Figure 4 Preliminary Site Plan dated February 22, 2022 page 1 of 3



Fount MUPD

Palm Beach County, Florida

Date: 04/06/21
Scale: 1" = 100'-0"
Design By: CNP
Drawn By: CNP
Checked By: 888.03
File No.: 13.73
Job No.:

REVISIONS / SUBMISSIONS

02/23/21	Resubmittal
02/23/21	Resubmittal
02/23/21	Resubmittal
02/23/21	Resubmittal
02/23/21	Resubmittal

Preliminary Site Plan
PSP-1 of 3

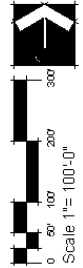
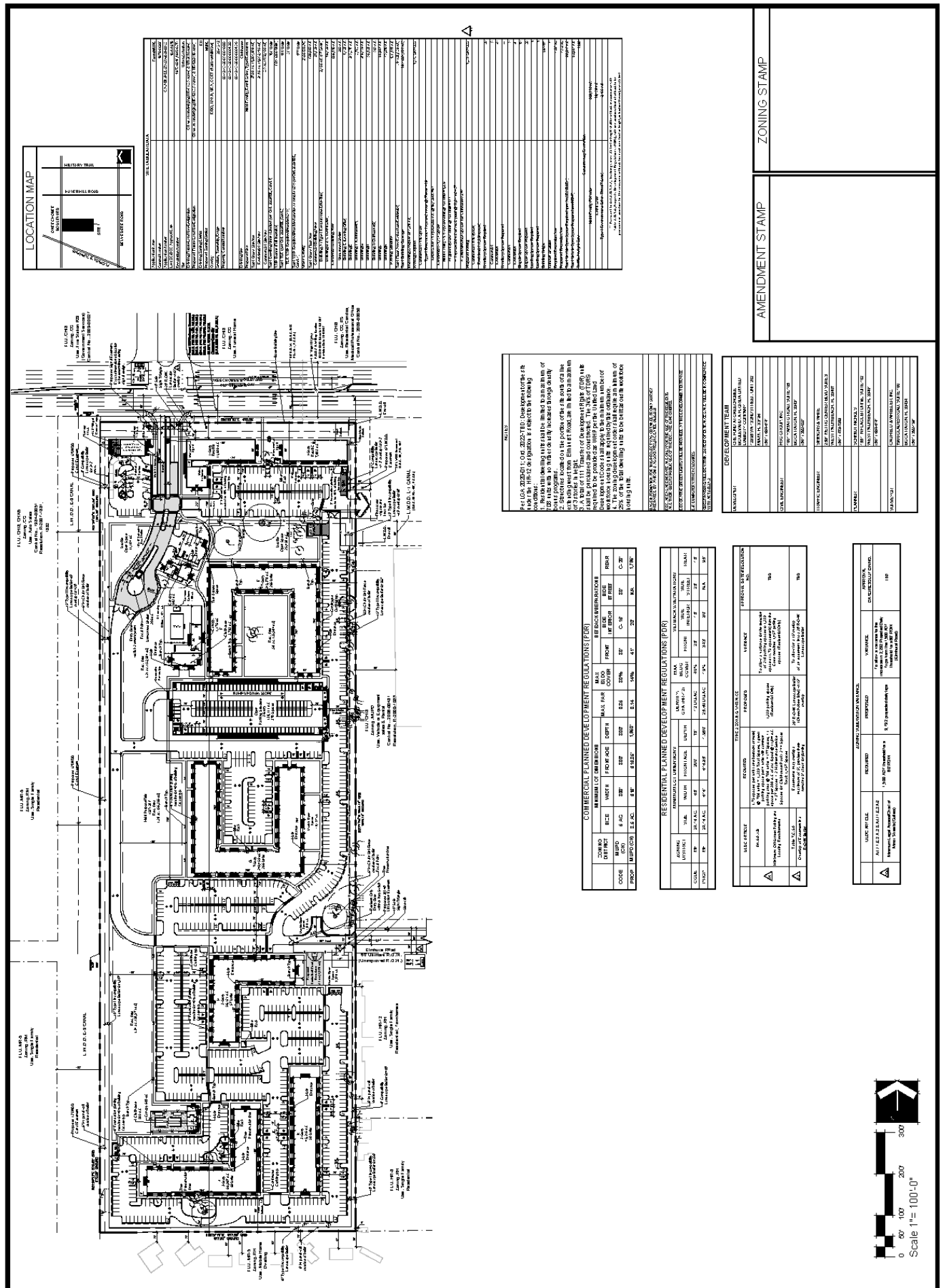


Figure 4 Preliminary Site Plan dated February 22, 2022 page 2 of 3



Fount MUPD

Palm Beach County, Florida

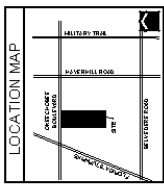
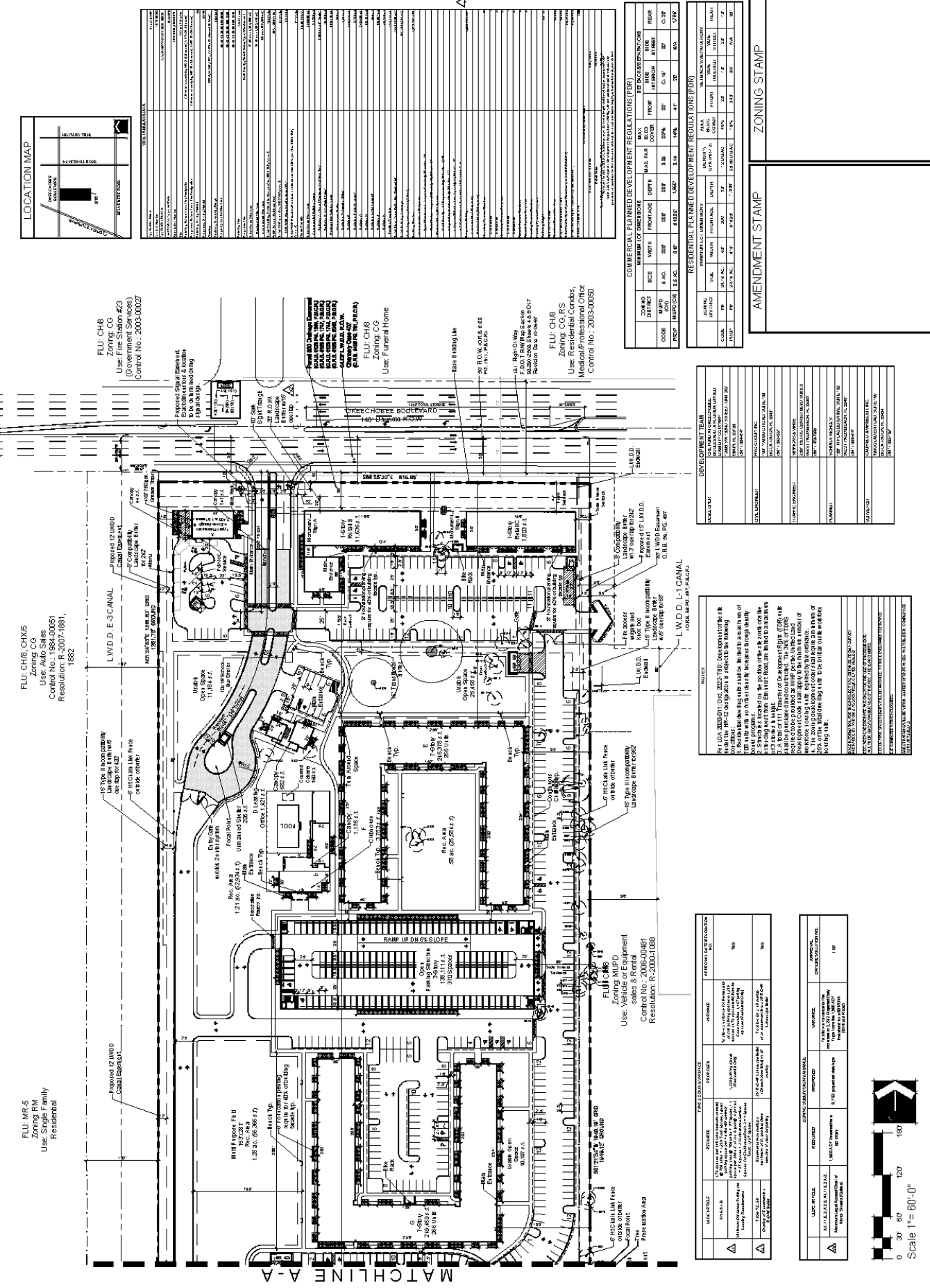
DATE: 04/06/22
SCALE: 1" = 60'-0"
DESIGN BY: CWP
DRAWN BY: CWP
CHECKED BY: JAN
FILE NO. 88809
JOB NO. 1373

REVISIONS / SUBMISSIONS

01/21/22	Exempted
03/27/22	Exempted
10/27/22	Exempted
12/23/22	Exempted
02/23/22	Exempted
02/27/22	Exempted

Preliminary Site Plan

PSP-2 of 3



NO.	DATE	REVISIONS
1	02/22/22	PRELIMINARY SITE PLAN
2	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
3	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
4	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
5	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
6	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
7	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
8	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
9	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
10	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
11	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
12	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
13	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
14	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
15	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
16	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
17	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
18	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
19	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
20	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
21	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
22	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
23	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
24	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
25	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
26	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
27	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
28	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
29	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
30	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
31	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
32	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
33	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
34	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
35	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
36	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
37	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
38	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
39	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
40	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
41	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
42	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
43	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
44	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
45	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
46	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
47	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
48	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
49	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
50	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
51	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
52	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
53	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
54	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
55	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
56	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
57	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
58	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
59	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
60	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
61	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
62	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
63	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
64	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
65	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
66	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
67	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
68	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
69	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
70	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
71	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
72	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
73	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
74	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
75	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
76	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
77	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
78	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
79	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
80	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
81	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
82	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
83	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
84	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
85	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
86	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
87	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
88	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
89	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
90	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
91	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
92	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
93	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
94	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
95	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
96	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
97	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
98	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
99	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION
100	04/06/22	REVISIONS PER COMMENTS FROM ZONING COMMISSION

COMMERCIAL PLANNED DEVELOPMENT REGULATIONS (CDR)

ZONING DISTRICT	MINIMUM LOT AREA (SQ FT)	MINIMUM FRONT YARD SETBACK (FT)	MINIMUM SIDE YARD SETBACK (FT)	MINIMUM REAR YARD SETBACK (FT)	MAXIMUM BUILDING HEIGHT (FT)	MAXIMUM COVERAGE (%)	MINIMUM LOT WIDTH (FT)
CDR-1	6,000	5	0	0	25	50	30
CDR-2	12,000	10	0	0	35	50	40
CDR-3	18,000	15	0	0	45	50	50
CDR-4	24,000	20	0	0	55	50	60
CDR-5	30,000	25	0	0	65	50	70

RESIDENTIAL PLANNED DEVELOPMENT REGULATIONS (RDR)

ZONING DISTRICT	MINIMUM LOT AREA (SQ FT)	MINIMUM FRONT YARD SETBACK (FT)	MINIMUM SIDE YARD SETBACK (FT)	MINIMUM REAR YARD SETBACK (FT)	MAXIMUM BUILDING HEIGHT (FT)	MAXIMUM COVERAGE (%)	MINIMUM LOT WIDTH (FT)
RDR-1	6,000	5	5	5	12	30	30
RDR-2	12,000	10	5	5	18	30	40
RDR-3	18,000	15	5	5	24	30	50
RDR-4	24,000	20	5	5	30	30	60
RDR-5	30,000	25	5	5	36	30	70

DEVELOPMENT TEAM

PROJECT MANAGER	CHRIS L. HARRIS
ARCHITECT	SMITHGROUPJJR
LANDSCAPE ARCHITECT	SCHMIDT NICHOLS
PLANNING	SCHMIDT NICHOLS
ENGINEER	WILLIAMS BROS
PERMITS	SCHMIDT NICHOLS
CONSTRUCTION ADMINISTRATION	SCHMIDT NICHOLS
MARKETING	SMITHGROUPJJR
SALES	SMITHGROUPJJR

RELEASE

PLANNED DEVELOPMENT REGULATIONS (PDR) PRELIMINARY SITE PLAN FOR THE... (text continues)

USE VEHICLES OR EQUIPMENT SALES & RENTAL

PROPOSED	PERMITTED
20,000 SQ FT	20,000 SQ FT
30,000 SQ FT	30,000 SQ FT
40,000 SQ FT	40,000 SQ FT
50,000 SQ FT	50,000 SQ FT
60,000 SQ FT	60,000 SQ FT

GENERAL NOTES

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE PALM BEACH COUNTY CODE.
2. THE DEVELOPER SHALL OBTAIN ALL NECESSARY PERMITS PRIOR TO CONSTRUCTION.
3. ALL UTILITIES SHALL BE IDENTIFIED AND PROTECTED PRIOR TO CONSTRUCTION.
4. THE DEVELOPER SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
5. THE DEVELOPER SHALL MAINTAIN ADEQUATE DRAINAGE THROUGHOUT THE PROJECT.



Figure 4 Preliminary Site Plan dated February 22, 2022 page 3 of 3



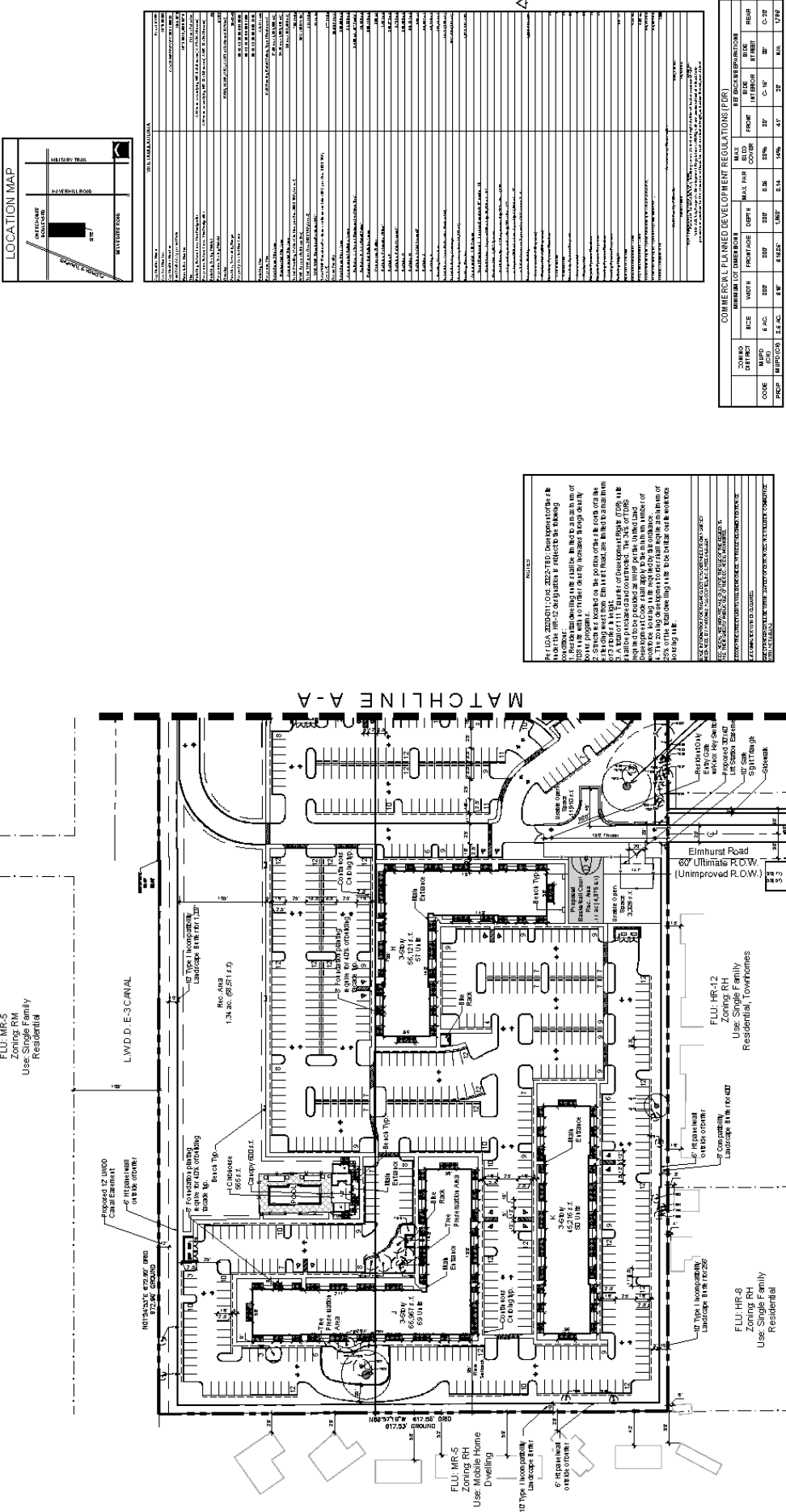
Fount MUPD

Palm Beach County, Florida

Date: 04/05/21
Scale: 1"=80'-0"
Design By: CWP
Checked By: JAM
File No: 88603
Job No: 13.73

REVISIONS / SUBMISSIONS
02/23/21 RESUBMITTAL
06/02/21 RESUBMITTAL
10/12/21 RESUBMITTAL
04/29/22 RESUBMITTAL
09/22/22 RESUBMITTAL

Preliminary Site Plan
PSP-3 of 3



COMMERCIAL PLANNED DEVELOPMENT REGULATIONS (PDR)		RESIDENTIAL PLANNED DEVELOPMENT REGULATIONS (PDR)	
MINIMUM LOT AREA (SQ FT)	MINIMUM FRONT YARD SETBACK (FT)	MINIMUM LOT AREA (SQ FT)	MINIMUM FRONT YARD SETBACK (FT)
20,000	10	10,000	5
30,000	12	15,000	6
40,000	14	20,000	7
50,000	16	25,000	8
60,000	18	30,000	9
70,000	20	35,000	10
80,000	22	40,000	11
90,000	24	45,000	12
100,000	26	50,000	13
120,000	30	60,000	15
140,000	34	70,000	17
160,000	38	80,000	19
180,000	42	90,000	21
200,000	46	100,000	23

AMENDMENT STAMP		ZONING STAMP	
DATE	APPROVED BY	DATE	APPROVED BY

DEVELOPMENT TEAM	
PROJECT MANAGER	
DESIGNER	
CHECKER	
DATE	

NO. OF UNITS	PLANNED DEVELOPMENT REGULATIONS (PDR)	RESIDENTIAL PLANNED DEVELOPMENT REGULATIONS (PDR)
100		

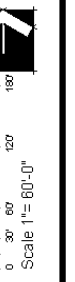


Figure 5 Preliminary Regulating Plan dated February 22, 2022 page 1 of 7



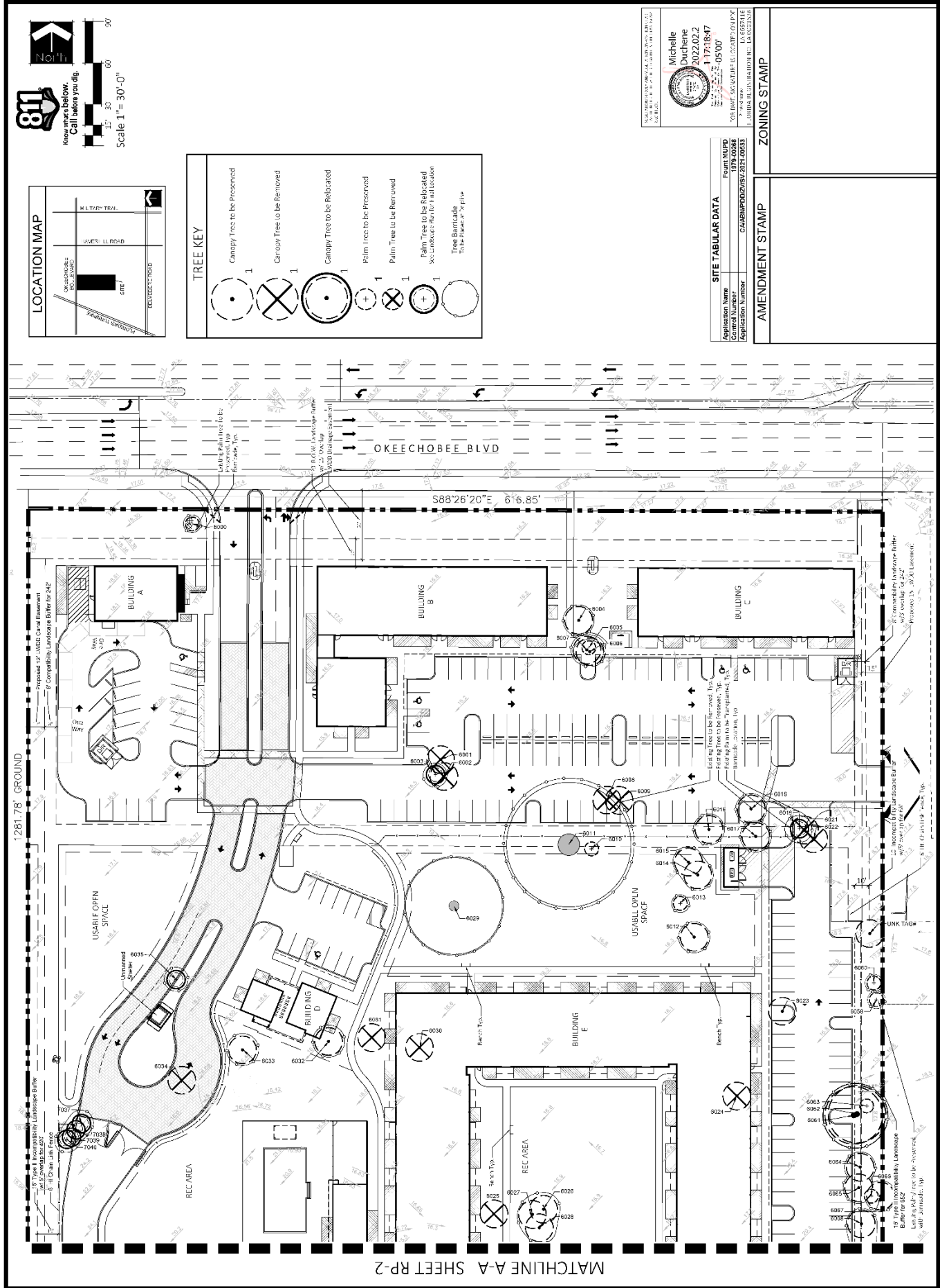
Fount MUPD

Palm Beach County, Florida

Date: 2/27/22
 Scale: 1" = 30' 0"
 Design By: AM
 Drawn By: ES
 Checked By: RRS/DB
 F. C. No.: 1973
 Job No.:

REVISIONS / SUBMISSIONS	
02/27/22	Submittal
03/07/22	Submittal
03/14/22	Submittal
03/22/22	Submittal
03/29/22	Submittal
04/05/22	Submittal

Preliminary
 Regulating Plan:
 Vegetation
 Disposition
PRP-1 of 7





Fount MUPD

Palm Beach County, Florida

Date: 01/27/21
 Scale: 1"=30'-0"
 Design By: AM
 Drawn By: AS
 Checked By: 888.03
 File No.:
 Job No.: 19-75

REVISONS / SUBMISSIONS	
02/22/21	Revised
02/22/21	Final
02/22/21	Revised
02/22/21	Revised
02/22/21	Revised
02/22/21	Revised
02/22/21	Revised

**Preliminary Regulating Plan:
Vegetation Disposition**

PRP-2 of 7

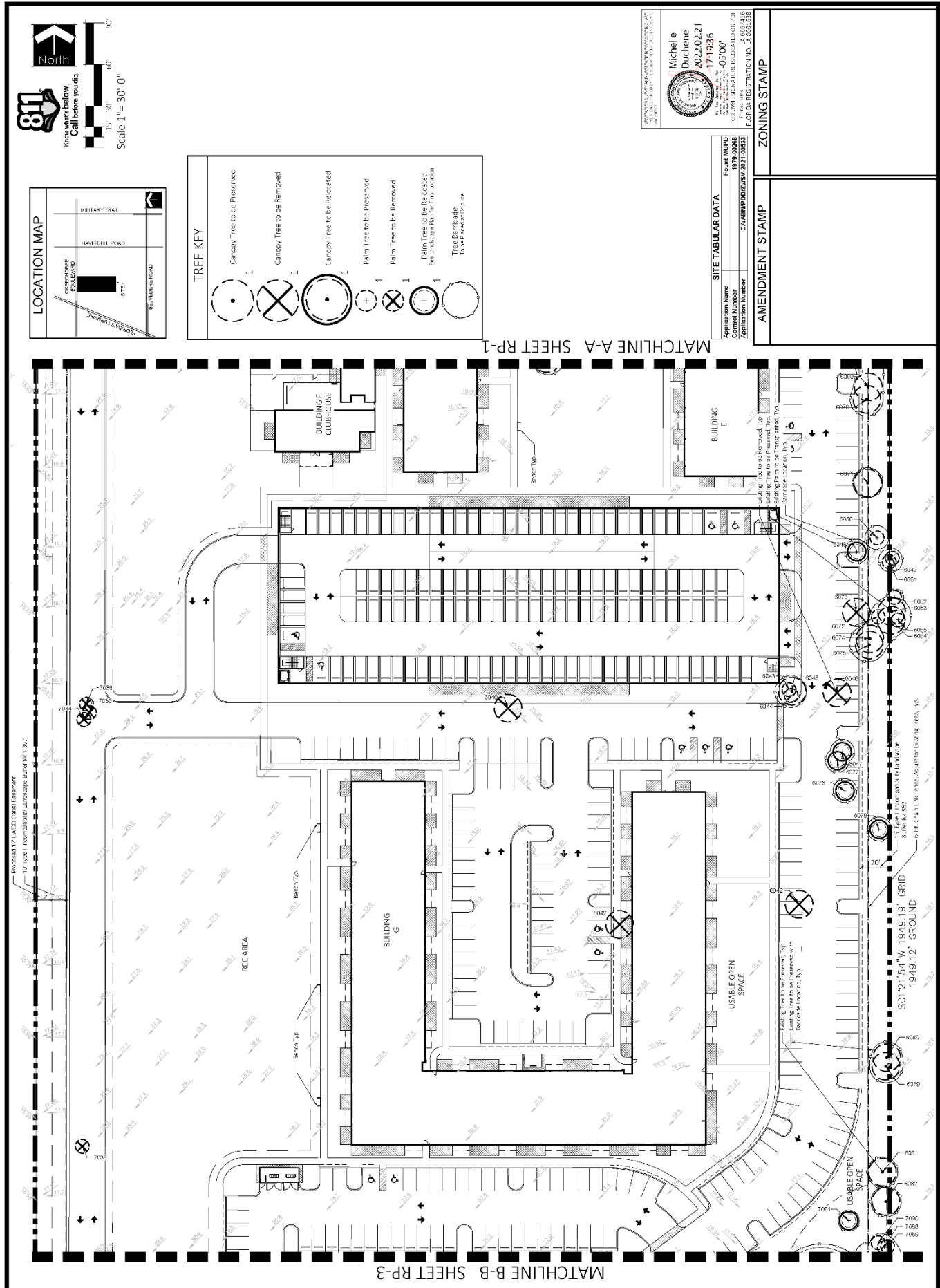


Figure 5 Preliminary Regulating Plan dated February 22, 2022 page 3 of 7



Fount MUPD

Palm Beach County, Florida

Date: 2/22/22
Scale: 1" = 30' 0"
Design By: AM
Checked By: ES
F.C.No.: 888.09
Job No.: 1973

REVISIONS / SUBMISSIONS

02/22/22	Revised
02/09/21	Submittal
01/27/21	Submittal
01/27/21	Submittal
01/27/21	Submittal
01/27/21	Submittal

Preliminary Regulating Plan:
Vegetation Disposition
PRP-3 of 7

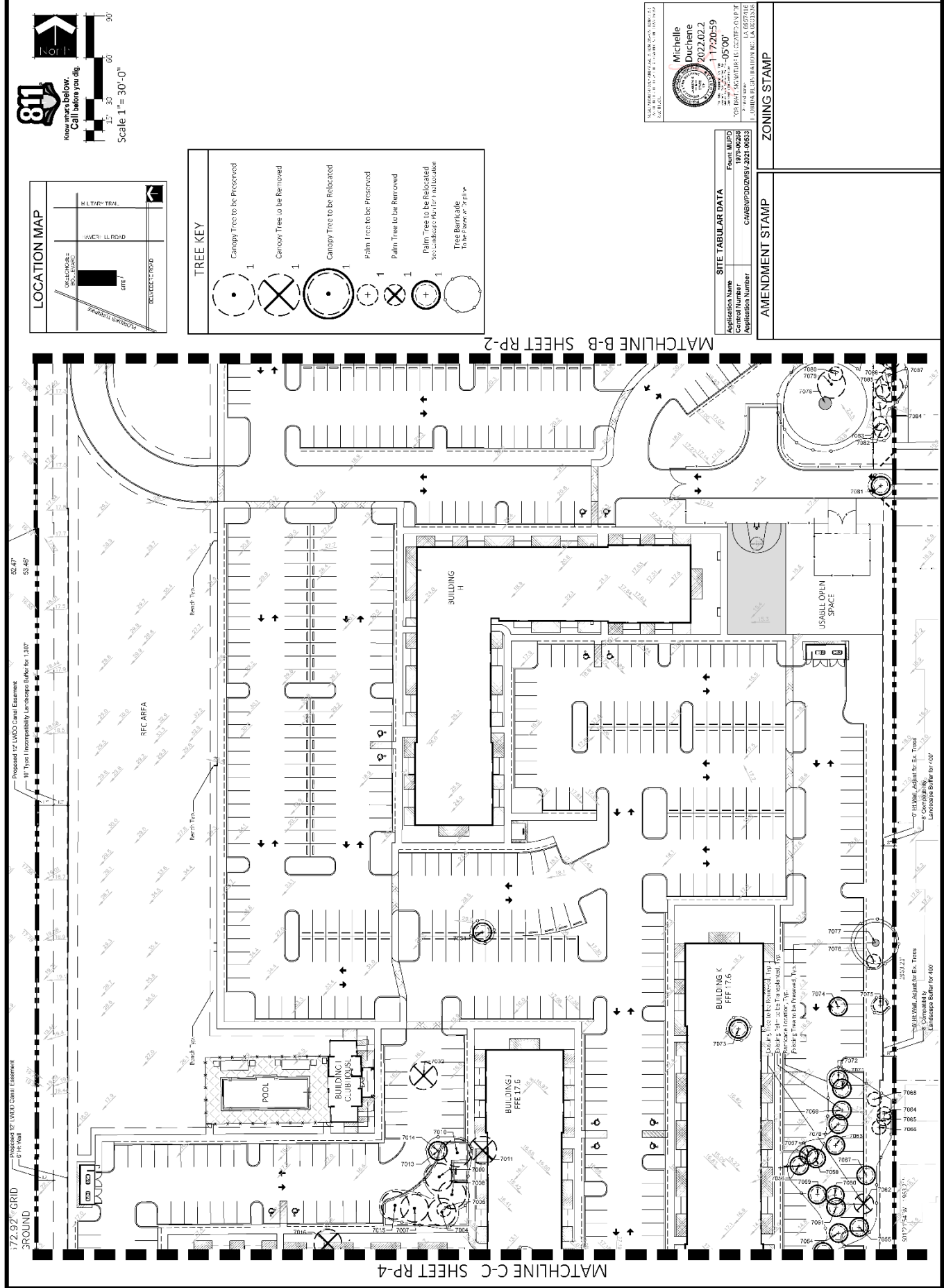


Figure 5 Preliminary Regulating Plan dated February 22, 2022 page 4 of 7



Fount MUPD

Palm Beach County, Florida

DATE: 2/27/22
SCALE: 1" = 30'-0"
DESIGNED BY: AMI
CHECKED BY: ES
PROJECT NO.: 2022.022
JOB NO.: 19-73

REVISIONS / SUBMISSIONS	
02/27/22	Revised
02/27/22	Revised
02/27/22	Revised
02/27/22	Revised
02/27/22	Revised
02/27/22	Revised
02/27/22	Revised
02/27/22	Revised
02/27/22	Revised
02/27/22	Revised

Preliminary Regulating Plan: Disposition
PRP-4-of-7

LOCATION MAP

Scale 1" = 30'-0"

UNIQUE ID	TYPE	STATUS
1	Canopy Tree to be Preserved	OK
2	Canopy Tree to be Preserved	OK
3	Canopy Tree to be Preserved	OK
4	Canopy Tree to be Preserved	OK
5	Canopy Tree to be Preserved	OK
6	Canopy Tree to be Preserved	OK
7	Canopy Tree to be Preserved	OK
8	Canopy Tree to be Preserved	OK
9	Canopy Tree to be Preserved	OK
10	Canopy Tree to be Preserved	OK
11	Canopy Tree to be Preserved	OK
12	Canopy Tree to be Preserved	OK
13	Canopy Tree to be Preserved	OK
14	Canopy Tree to be Preserved	OK
15	Canopy Tree to be Preserved	OK
16	Canopy Tree to be Preserved	OK
17	Canopy Tree to be Preserved	OK
18	Canopy Tree to be Preserved	OK
19	Canopy Tree to be Preserved	OK
20	Canopy Tree to be Preserved	OK
21	Canopy Tree to be Preserved	OK
22	Canopy Tree to be Preserved	OK
23	Canopy Tree to be Preserved	OK
24	Canopy Tree to be Preserved	OK
25	Canopy Tree to be Preserved	OK
26	Canopy Tree to be Preserved	OK
27	Canopy Tree to be Preserved	OK
28	Canopy Tree to be Preserved	OK
29	Canopy Tree to be Preserved	OK
30	Canopy Tree to be Preserved	OK
31	Canopy Tree to be Preserved	OK
32	Canopy Tree to be Preserved	OK
33	Canopy Tree to be Preserved	OK
34	Canopy Tree to be Preserved	OK
35	Canopy Tree to be Preserved	OK
36	Canopy Tree to be Preserved	OK
37	Canopy Tree to be Preserved	OK
38	Canopy Tree to be Preserved	OK
39	Canopy Tree to be Preserved	OK
40	Canopy Tree to be Preserved	OK
41	Canopy Tree to be Preserved	OK
42	Canopy Tree to be Preserved	OK
43	Canopy Tree to be Preserved	OK
44	Canopy Tree to be Preserved	OK
45	Canopy Tree to be Preserved	OK
46	Canopy Tree to be Preserved	OK
47	Canopy Tree to be Preserved	OK
48	Canopy Tree to be Preserved	OK
49	Canopy Tree to be Preserved	OK
50	Canopy Tree to be Preserved	OK
51	Canopy Tree to be Preserved	OK
52	Canopy Tree to be Preserved	OK
53	Canopy Tree to be Preserved	OK
54	Canopy Tree to be Preserved	OK
55	Canopy Tree to be Preserved	OK
56	Canopy Tree to be Preserved	OK
57	Canopy Tree to be Preserved	OK
58	Canopy Tree to be Preserved	OK
59	Canopy Tree to be Preserved	OK
60	Canopy Tree to be Preserved	OK
61	Canopy Tree to be Preserved	OK
62	Canopy Tree to be Preserved	OK
63	Canopy Tree to be Preserved	OK
64	Canopy Tree to be Preserved	OK
65	Canopy Tree to be Preserved	OK
66	Canopy Tree to be Preserved	OK
67	Canopy Tree to be Preserved	OK
68	Canopy Tree to be Preserved	OK
69	Canopy Tree to be Preserved	OK
70	Canopy Tree to be Preserved	OK
71	Canopy Tree to be Preserved	OK
72	Canopy Tree to be Preserved	OK
73	Canopy Tree to be Preserved	OK
74	Canopy Tree to be Preserved	OK
75	Canopy Tree to be Preserved	OK
76	Canopy Tree to be Preserved	OK
77	Canopy Tree to be Preserved	OK
78	Canopy Tree to be Preserved	OK
79	Canopy Tree to be Preserved	OK
80	Canopy Tree to be Preserved	OK

Tree ID	Type	Status	Mitigation
1	Canopy Tree to be Preserved	OK	
2	Canopy Tree to be Preserved	OK	
3	Canopy Tree to be Preserved	OK	
4	Canopy Tree to be Preserved	OK	
5	Canopy Tree to be Preserved	OK	
6	Canopy Tree to be Preserved	OK	
7	Canopy Tree to be Preserved	OK	
8	Canopy Tree to be Preserved	OK	
9	Canopy Tree to be Preserved	OK	
10	Canopy Tree to be Preserved	OK	
11	Canopy Tree to be Preserved	OK	
12	Canopy Tree to be Preserved	OK	
13	Canopy Tree to be Preserved	OK	
14	Canopy Tree to be Preserved	OK	
15	Canopy Tree to be Preserved	OK	
16	Canopy Tree to be Preserved	OK	
17	Canopy Tree to be Preserved	OK	
18	Canopy Tree to be Preserved	OK	
19	Canopy Tree to be Preserved	OK	
20	Canopy Tree to be Preserved	OK	
21	Canopy Tree to be Preserved	OK	
22	Canopy Tree to be Preserved	OK	
23	Canopy Tree to be Preserved	OK	
24	Canopy Tree to be Preserved	OK	
25	Canopy Tree to be Preserved	OK	
26	Canopy Tree to be Preserved	OK	
27	Canopy Tree to be Preserved	OK	
28	Canopy Tree to be Preserved	OK	
29	Canopy Tree to be Preserved	OK	
30	Canopy Tree to be Preserved	OK	
31	Canopy Tree to be Preserved	OK	
32	Canopy Tree to be Preserved	OK	
33	Canopy Tree to be Preserved	OK	
34	Canopy Tree to be Preserved	OK	
35	Canopy Tree to be Preserved	OK	
36	Canopy Tree to be Preserved	OK	
37	Canopy Tree to be Preserved	OK	
38	Canopy Tree to be Preserved	OK	
39	Canopy Tree to be Preserved	OK	
40	Canopy Tree to be Preserved	OK	
41	Canopy Tree to be Preserved	OK	
42	Canopy Tree to be Preserved	OK	
43	Canopy Tree to be Preserved	OK	
44	Canopy Tree to be Preserved	OK	
45	Canopy Tree to be Preserved	OK	
46	Canopy Tree to be Preserved	OK	
47	Canopy Tree to be Preserved	OK	
48	Canopy Tree to be Preserved	OK	
49	Canopy Tree to be Preserved	OK	
50	Canopy Tree to be Preserved	OK	
51	Canopy Tree to be Preserved	OK	
52	Canopy Tree to be Preserved	OK	
53	Canopy Tree to be Preserved	OK	
54	Canopy Tree to be Preserved	OK	
55	Canopy Tree to be Preserved	OK	
56	Canopy Tree to be Preserved	OK	
57	Canopy Tree to be Preserved	OK	
58	Canopy Tree to be Preserved	OK	
59	Canopy Tree to be Preserved	OK	
60	Canopy Tree to be Preserved	OK	
61	Canopy Tree to be Preserved	OK	
62	Canopy Tree to be Preserved	OK	
63	Canopy Tree to be Preserved	OK	
64	Canopy Tree to be Preserved	OK	
65	Canopy Tree to be Preserved	OK	
66	Canopy Tree to be Preserved	OK	
67	Canopy Tree to be Preserved	OK	
68	Canopy Tree to be Preserved	OK	
69	Canopy Tree to be Preserved	OK	
70	Canopy Tree to be Preserved	OK	
71	Canopy Tree to be Preserved	OK	
72	Canopy Tree to be Preserved	OK	
73	Canopy Tree to be Preserved	OK	
74	Canopy Tree to be Preserved	OK	
75	Canopy Tree to be Preserved	OK	
76	Canopy Tree to be Preserved	OK	
77	Canopy Tree to be Preserved	OK	
78	Canopy Tree to be Preserved	OK	
79	Canopy Tree to be Preserved	OK	
80	Canopy Tree to be Preserved	OK	

AMENDMENT STAMP

ZONING STAMP

SITE TABULAR DATA

Application Name	Fount MUPD
Control Number	1970-00285
Application Number	CA2021PDD/ZV/SV/ABN/2021-00533

Zoning Commission Application No. ZV/SV/ABN/PDD/CA-2021-00533 May 5, 2022 Page 31 Fount MUPD



Fount MUPD

Palm Beach County, Florida

Date: 01/27/21
 Scale: 1" = 30'-0"
 Design By: AM
 Drawn By: AM
 Checked By: JES
 File No.: 888.03
 Job No.: 19 / 71

REVISIONS / SUBMISSIONS	
01/27/21	Revised
01/27/21	Revised
01/27/21	Revised
01/27/21	Revised
01/27/21	Revised
01/27/21	Revised
01/27/21	Revised
01/27/21	Revised
01/27/21	Revised
01/27/21	Revised

**Preliminary Regulating Plan:
 Vegetation Disposition
 PRP-6 of 7**

Michelle Duchene
 2022.02.2
 1172741-0500
 1000 N. US HWY 1
 SUITE 200
 WEST PALM BEACH, FL 33411
 TEL: 561-858-6141
 FAX: 561-858-6143
 WWW.SCHMIDTNICHOLS.COM

01/27/21
 AM
 AM
 JES
 888.03
 19 / 71

Application Name: Fount MUPD
 Control Number: 1975-00280
 Application Number: CAASUPDDZ/VS/2021-00533

First Date: 5/11/2018
 Second Date: 5/11/2018
 Third Date: 5/11/2018
 Fourth Date: 5/11/2018
 Fifth Date: 5/11/2018
 Sixth Date: 5/11/2018
 Seventh Date: 5/11/2018
 Eighth Date: 5/11/2018
 Ninth Date: 5/11/2018
 Tenth Date: 5/11/2018

SITE TABULAR DATA

Application Name	Fount MUPD
Control Number	1975-00280
Application Number	CAASUPDDZ/VS/2021-00533

ZONING STAMP

AMENDMENT STAMP

ZONING STAMP



VEGETATION NOTES

1. Use notes on this sheet to be made and in conjunction with any other notes on any other sheets to be made, and to be made in accordance with the applicable provisions of the applicable codes and regulations.
2. All trees and shrubs to be removed shall be removed by the contractor within the time period specified on the drawing.
3. All trees and shrubs to be removed shall be removed by the contractor within the time period specified on the drawing.
4. All trees and shrubs to be removed shall be removed by the contractor within the time period specified on the drawing.
5. All trees and shrubs to be removed shall be removed by the contractor within the time period specified on the drawing.
6. All trees and shrubs to be removed shall be removed by the contractor within the time period specified on the drawing.
7. All trees and shrubs to be removed shall be removed by the contractor within the time period specified on the drawing.
8. All trees and shrubs to be removed shall be removed by the contractor within the time period specified on the drawing.
9. All trees and shrubs to be removed shall be removed by the contractor within the time period specified on the drawing.
10. All trees and shrubs to be removed shall be removed by the contractor within the time period specified on the drawing.

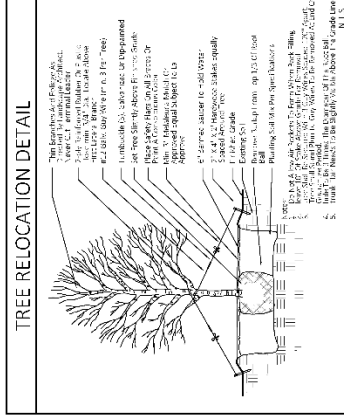
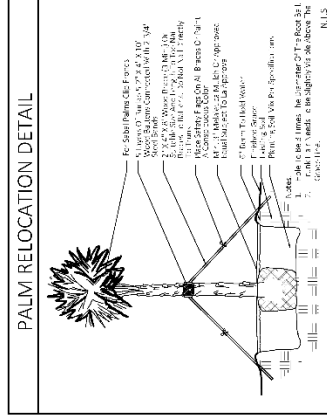
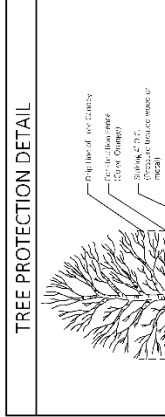
TREE LOG

Quantity	Quantity
100	100
88	88
47	47
30	30
70	70
164	164
371	371

ERM MITIGATION

Code	Quantity	Value	Total
1	100	100	100
2	88	88	88
3	47	47	47
4	30	30	30
5	70	70	70
6	164	164	164
7	371	371	371
8	0	0	0
9	0	0	0
10	0	0	0
11	0	0	0
12	0	0	0
13	0	0	0
14	0	0	0
15	0	0	0
16	0	0	0
17	0	0	0
18	0	0	0
19	0	0	0
20	0	0	0
21	0	0	0
22	0	0	0
23	0	0	0
24	0	0	0
25	0	0	0
26	0	0	0
27	0	0	0
28	0	0	0
29	0	0	0
30	0	0	0
31	0	0	0
32	0	0	0
33	0	0	0
34	0	0	0
35	0	0	0
36	0	0	0
37	0	0	0
38	0	0	0
39	0	0	0
40	0	0	0
41	0	0	0
42	0	0	0
43	0	0	0
44	0	0	0
45	0	0	0
46	0	0	0
47	0	0	0
48	0	0	0
49	0	0	0
50	0	0	0
51	0	0	0
52	0	0	0
53	0	0	0
54	0	0	0
55	0	0	0
56	0	0	0
57	0	0	0
58	0	0	0
59	0	0	0
60	0	0	0
61	0	0	0
62	0	0	0
63	0	0	0
64	0	0	0
65	0	0	0
66	0	0	0
67	0	0	0
68	0	0	0
69	0	0	0
70	0	0	0
71	0	0	0
72	0	0	0
73	0	0	0
74	0	0	0
75	0	0	0
76	0	0	0
77	0	0	0
78	0	0	0
79	0	0	0
80	0	0	0
81	0	0	0
82	0	0	0
83	0	0	0
84	0	0	0
85	0	0	0
86	0	0	0
87	0	0	0
88	0	0	0
89	0	0	0
90	0	0	0
91	0	0	0
92	0	0	0
93	0	0	0
94	0	0	0
95	0	0	0
96	0	0	0
97	0	0	0
98	0	0	0
99	0	0	0
100	0	0	0

*All quantities are subject to change based on field conditions.





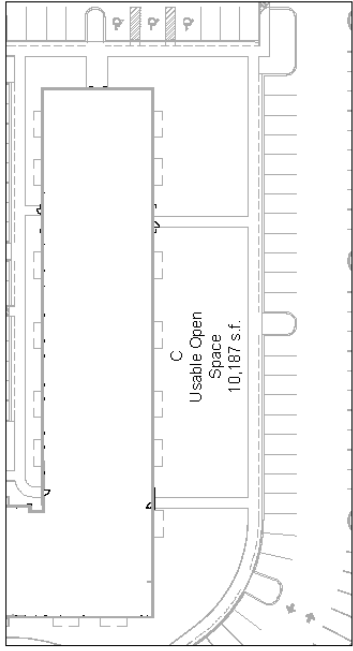
Fount MUPD
Palm Beach County, Florida

Date: 04/05/21
Scale: 1" = 100'-0"
Design By: CWP
Drawn By: CWP
Checked By: JLN
Job No.: 08-03
Job Title: 13-77

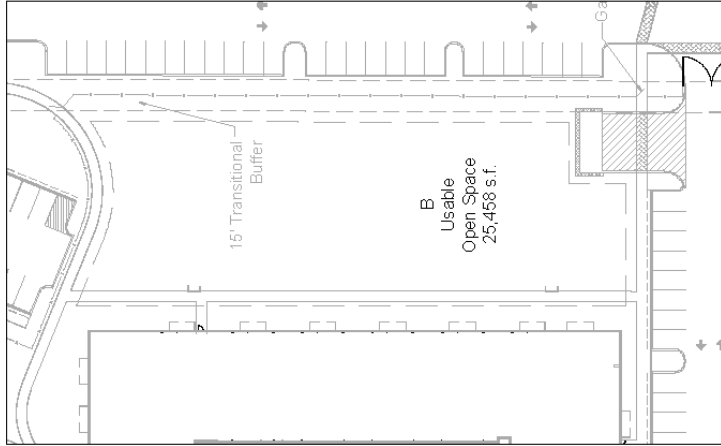
REVISIONS / SUBMISSIONS

02/22/21	Resubmitted
03/05/21	Resubmitted
10/27/21	Resubmitted
12/23/21	Resubmitted
03/26/22	Resubmitted
02/27/22	Resubmitted

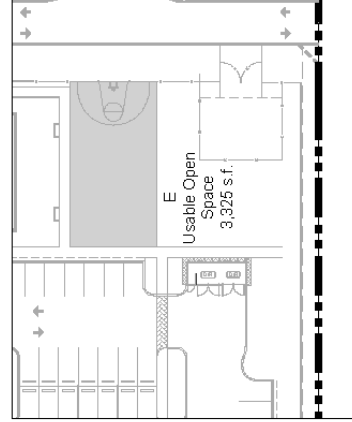
Preliminary
Regulating
Plan: Usable Open
Space Exhibit



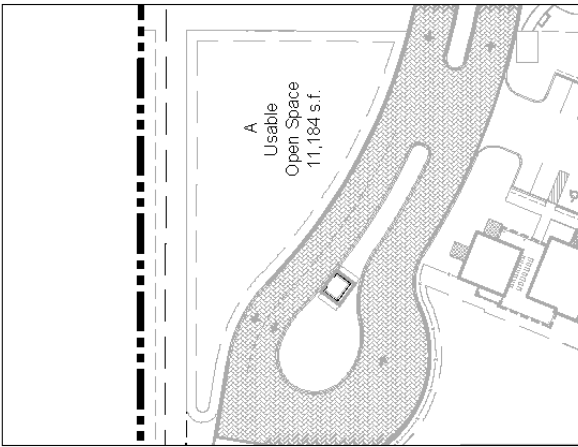
"C" Usable Open Space



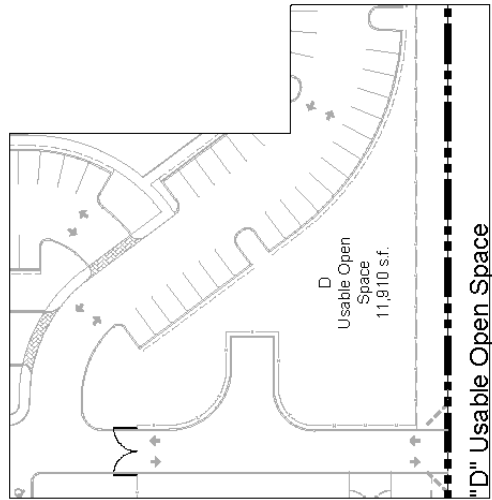
"B" Usable Open Space



"E" Usable Open Space



"A" Usable Open Space



"D" Usable Open Space

SITE TABULAR DATA

Application Name	Fount MUPD
Control Number	1979-00268
Application Number	CA/ABN/PDD/ZV/SV/2021-00633

USABLE OPEN SPACE TABULAR DATA

Required Usable Open Space (per Art.3E.3B.2E.4)	1.38 ac. (60,248 s.f.)
27.66 ac. (1,204,959 s.f.) x 5% =	60,248 s.f.
Proposed Usable Open Space	
A	1.42 ac. (62,064 s.f.)
B	0.26 ac. (11,194 s.f.)
C	0.58 ac. (25,458 s.f.)
D	0.23 ac. (10,187 s.f.)
E	0.27 ac. (11,910 s.f.)
F	0.07 ac. (3,325 s.f.)

AMENDMENT STAMP

ZONING STAMP



Fount MUPD

Palm Beach County, Florida

Date: 04/05/21
Scale: N.T.S.
Design By: CMP
Drawn By: JES
Checked By: JES
File No.: 888.03
Job No.: 13-73

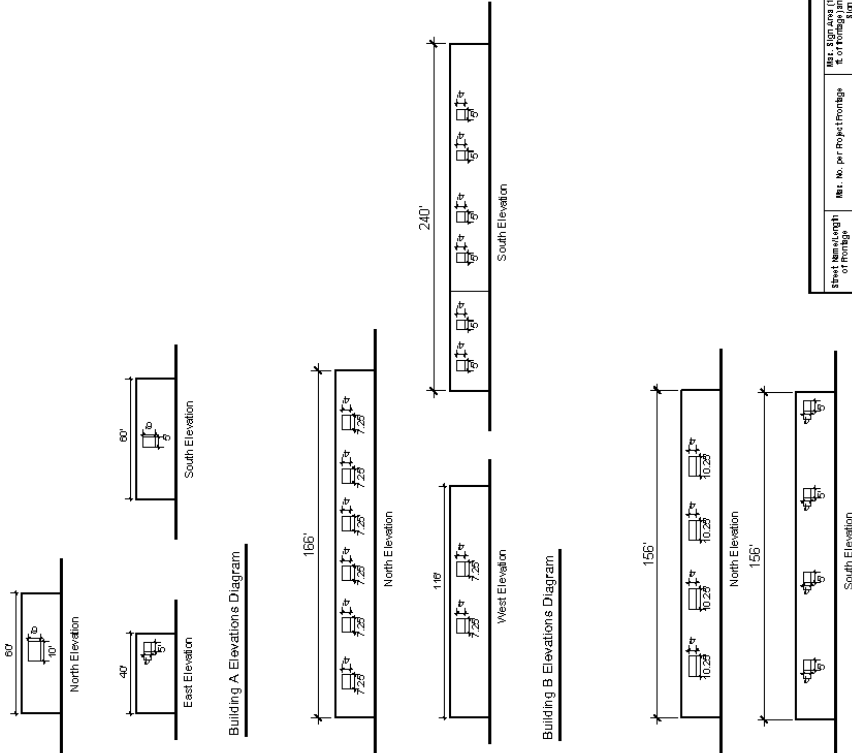
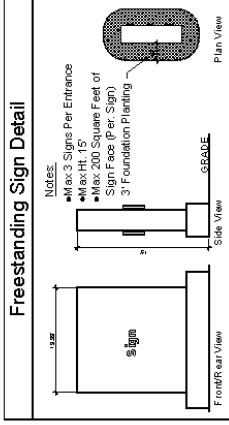
REVISIONS / SUBMISSIONS

07/25/21	Resubmittal
09/02/21	Resubmittal
10/27/21	Resubmittal
01/26/22	Resubmittal
04/27/22	Resubmittal

Preliminary Master Sign Plan PMSP-1

SITE TABULAR DATA

Application Name	Fount MUPD
Control Number	1979-00268
Application Number	CA/ABN/PDD/ZV/SV-2021-00533

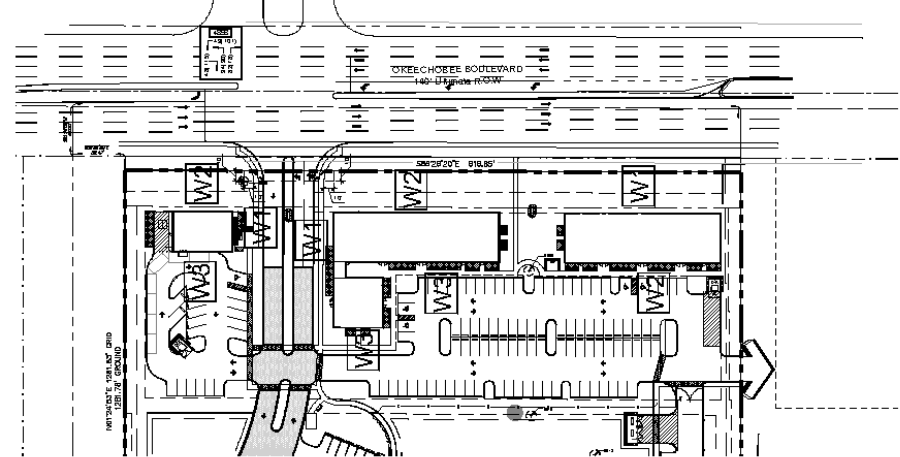


Plan View

Sign Placement	Max Sign Area (sq. ft.)	Max Sign Height (ft.)	Min. Spacing
Proposed	2000	15	5'
Approved	2000	15	5'

AMENDMENT STAMP

ZONING STAMP



ULCC Requirement (per Title 22, Ch. 1A - Bill Sign)	Proposed Sign Dimensions, Separation	Sign Height	Sign Quantity	Sign Spacing
Minimum Sign Area (per linear ft. of the wall to which the sign is attached)	10 sq. ft. for each side of the building	10 ft.	100	24 ft.
Maximum Sign Area (per linear ft. of the wall to which the sign is attached)	100 sq. ft. for each side of the building	10 ft.	100	24 ft.
Minimum Sign Height (per linear ft. of the wall to which the sign is attached)	24 equal feet	10 ft.	100	24 ft.
Minimum Horizontal and Vertical Separation Between Signs	3 ft.	10 ft.	100	24 ft.
Minimum Projection from Curbs of the Building	24 ft.	10 ft.	100	24 ft.
Minimum Separation Between Signs and Roof Lines	6 ft.	10 ft.	100	24 ft.
Minimum Separation Between Signs and Roof Lines	6 ft.	10 ft.	100	24 ft.

Figure 7 – Preliminary Architectural Elevations dated February 22, 2022 Building A

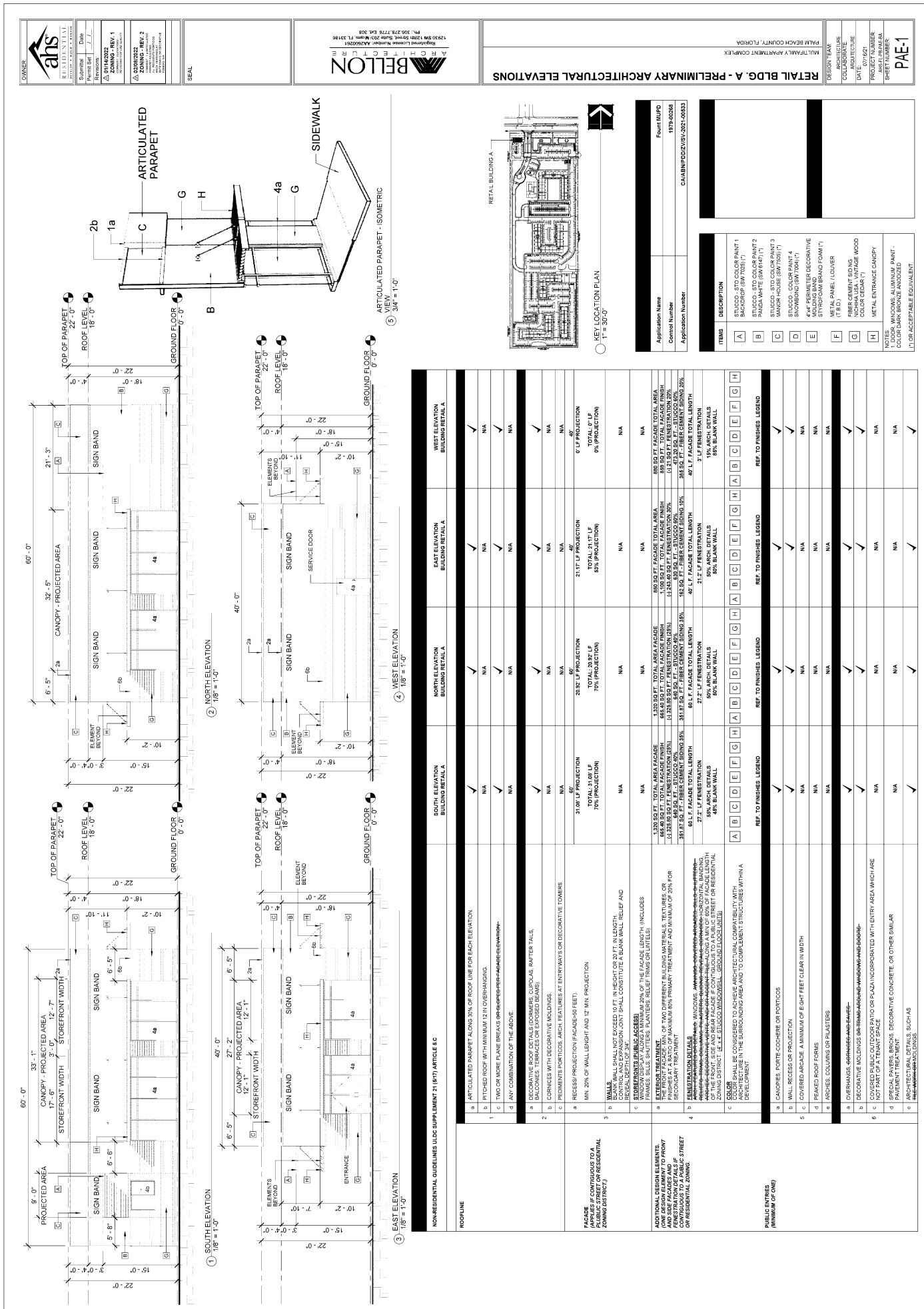


Figure 8 – Preliminary Architectural Elevations dated February 22, 2022 Building B page 1 of 2

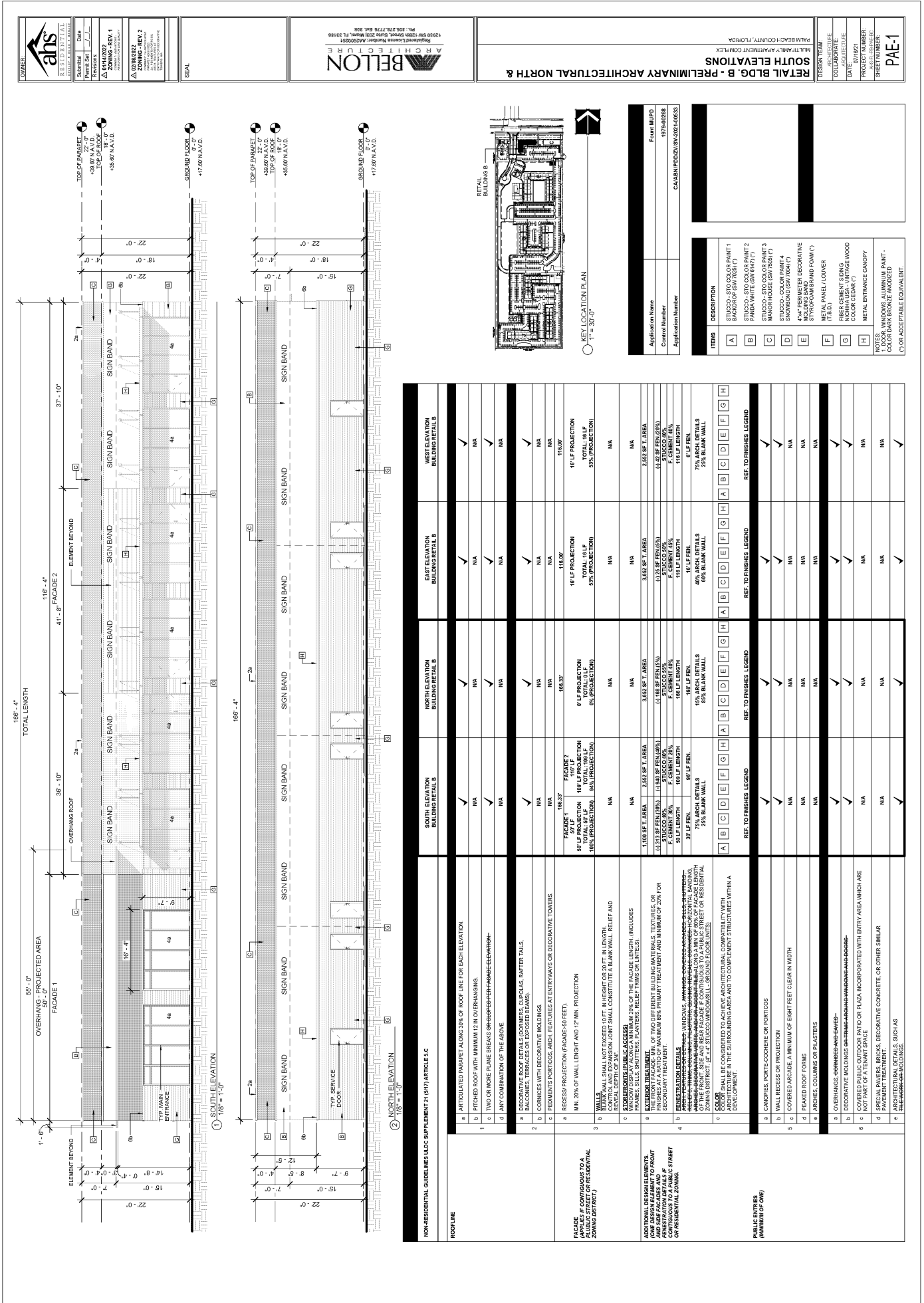


Figure 9 – Preliminary Architectural Elevations dated February 22, 2022 Building C page 1 of 2

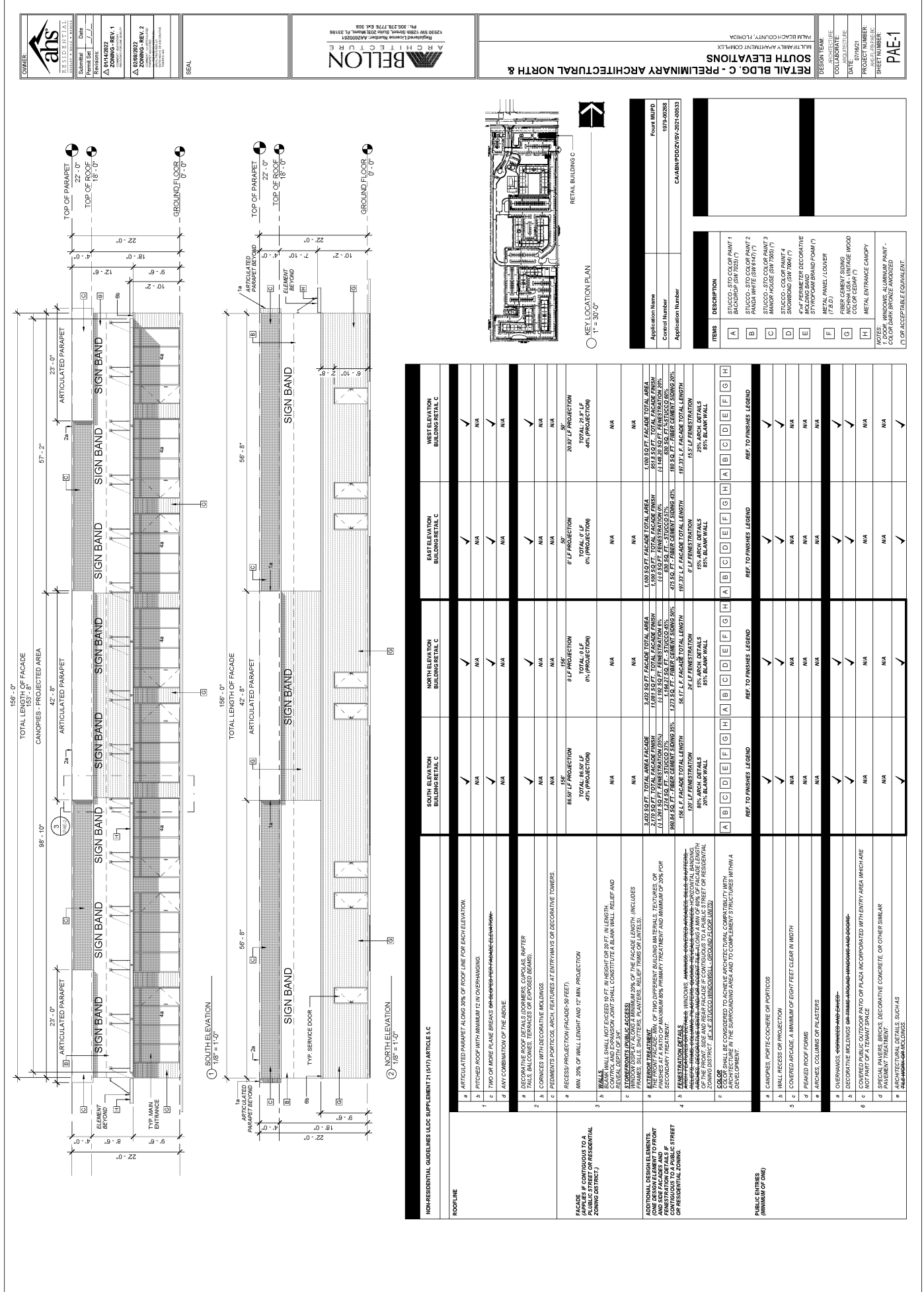


Figure 9 – Preliminary Architectural Elevations dated February 22, 2022 Building C page 2 of 2

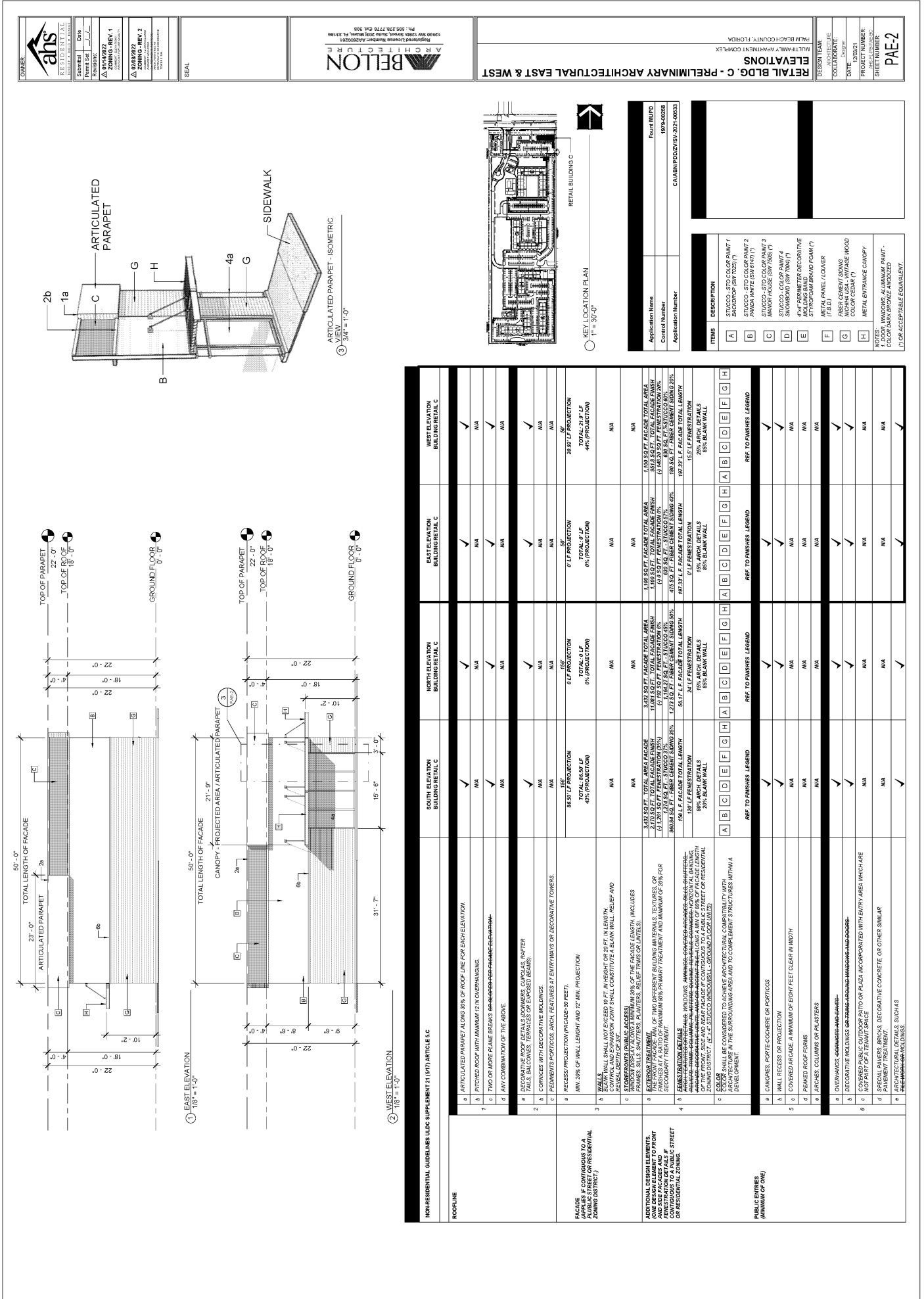


Figure 10 – Preliminary Architectural Elevations dated January 24, 2022 Building E page 1 of 7

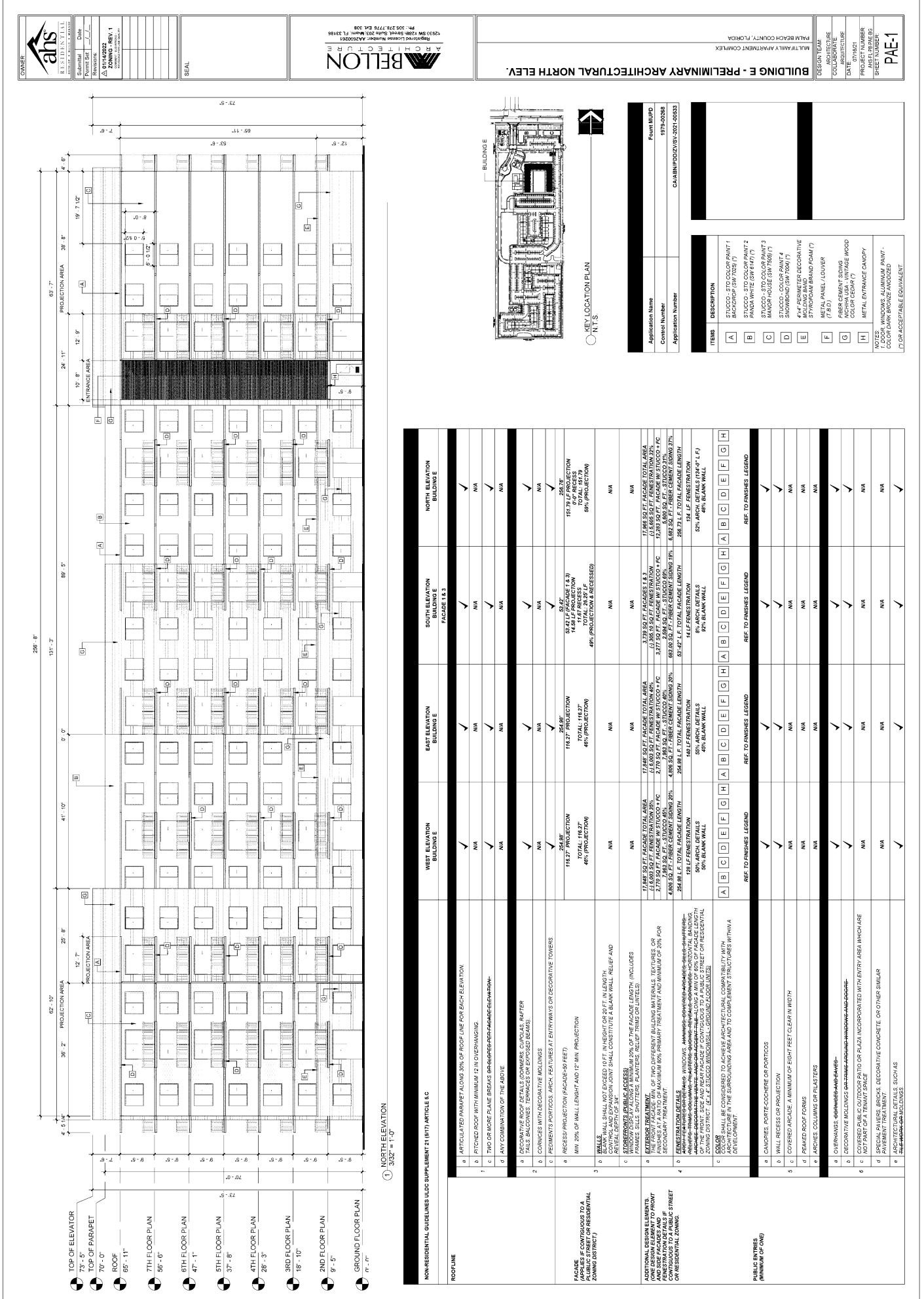


Figure 10 – Preliminary Architectural Elevations dated January 24, 2022 Building E page 2 of 7

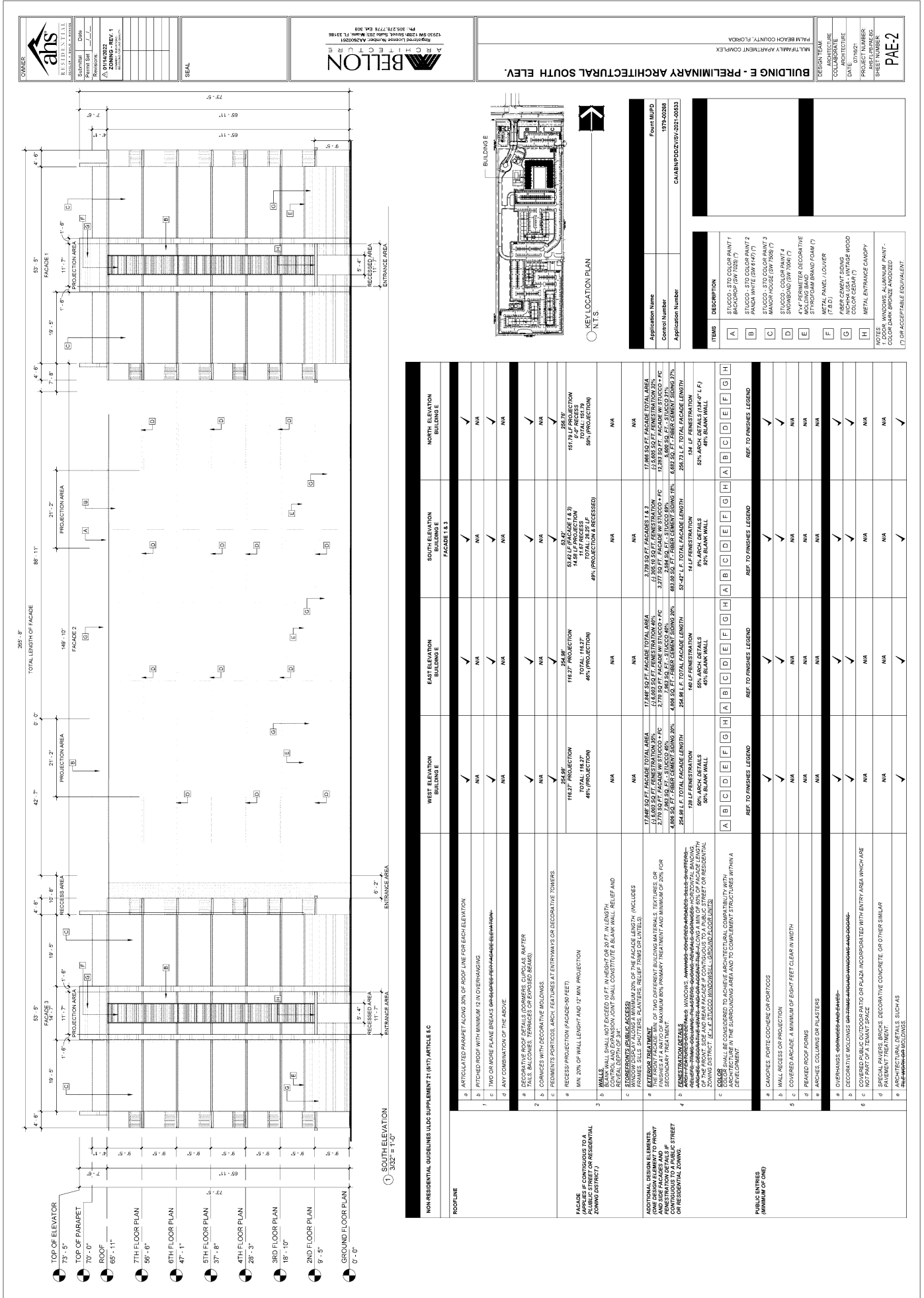


Figure 10 – Preliminary Architectural Elevations dated January 24, 2022 Building E page 3 of 7

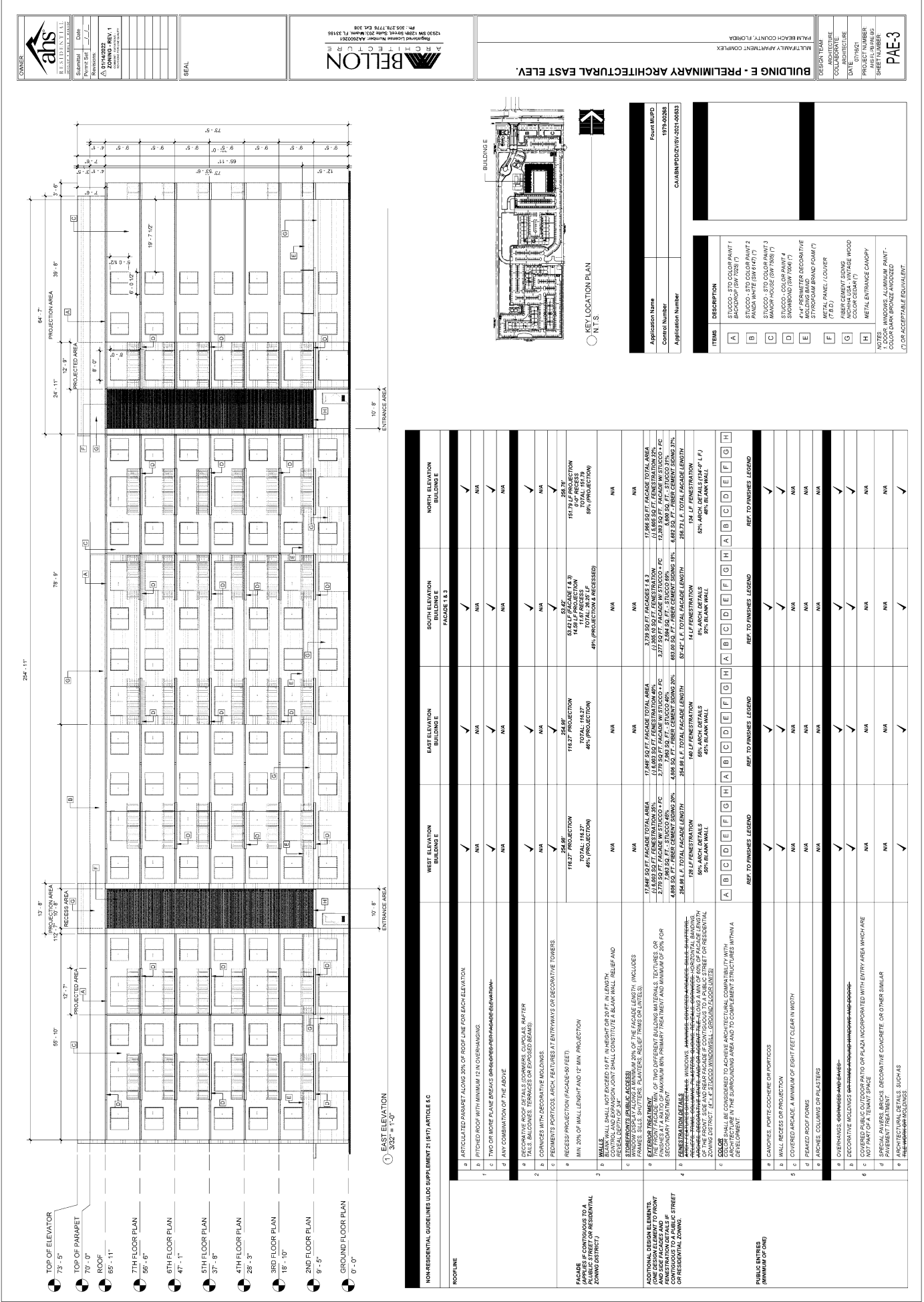


Figure 10 – Preliminary Architectural Elevations dated January 24, 2022 Building E page 4 of 7

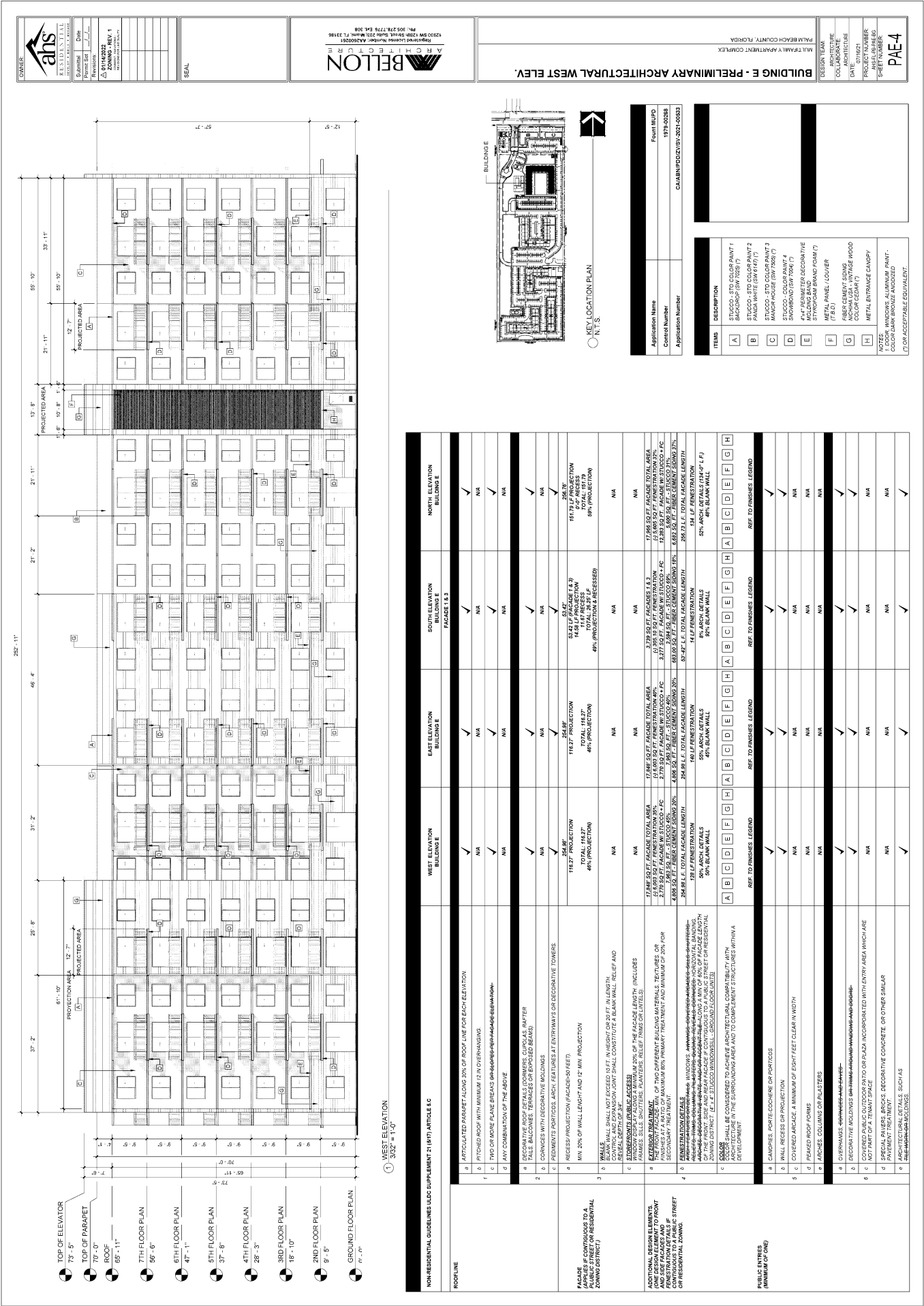


Figure 10 – Preliminary Architectural Elevations dated January 24, 2022 Building E page 5 of 7

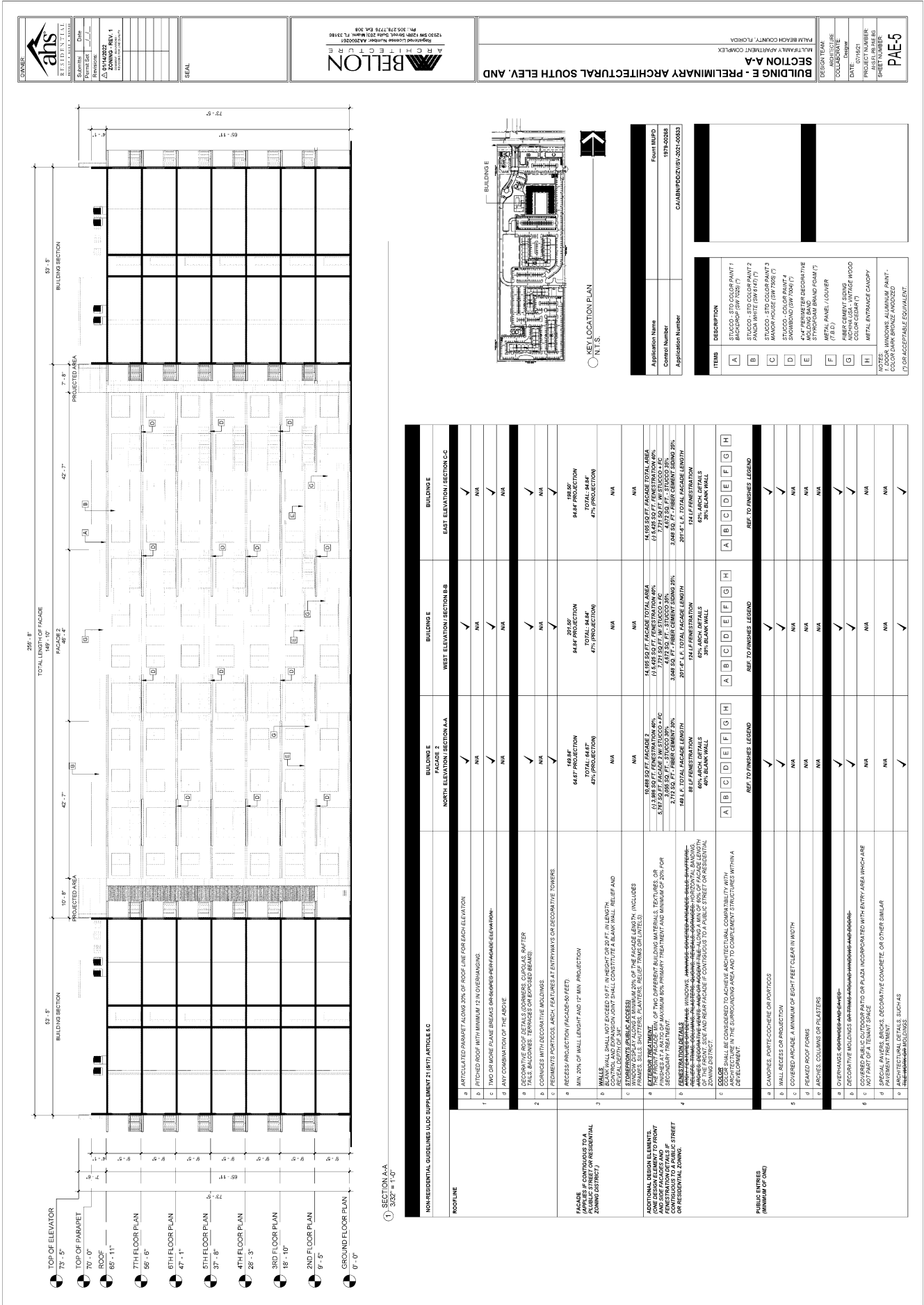


Figure 10 – Preliminary Architectural Elevations dated January 24, 2022 Building E page 6 of 7

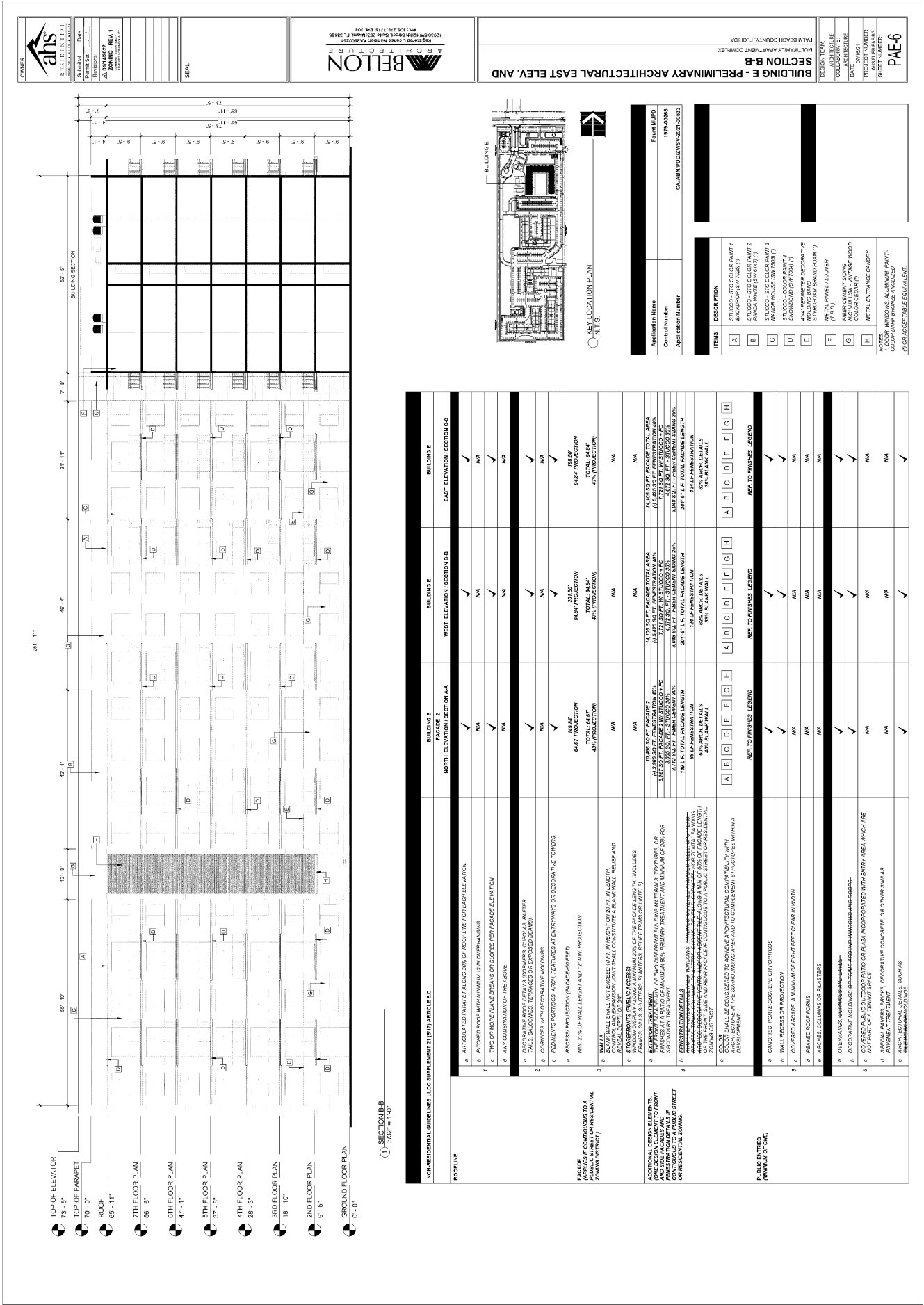


Figure 10 – Preliminary Architectural Elevations dated January 24, 2022 Building E page 7 of 7

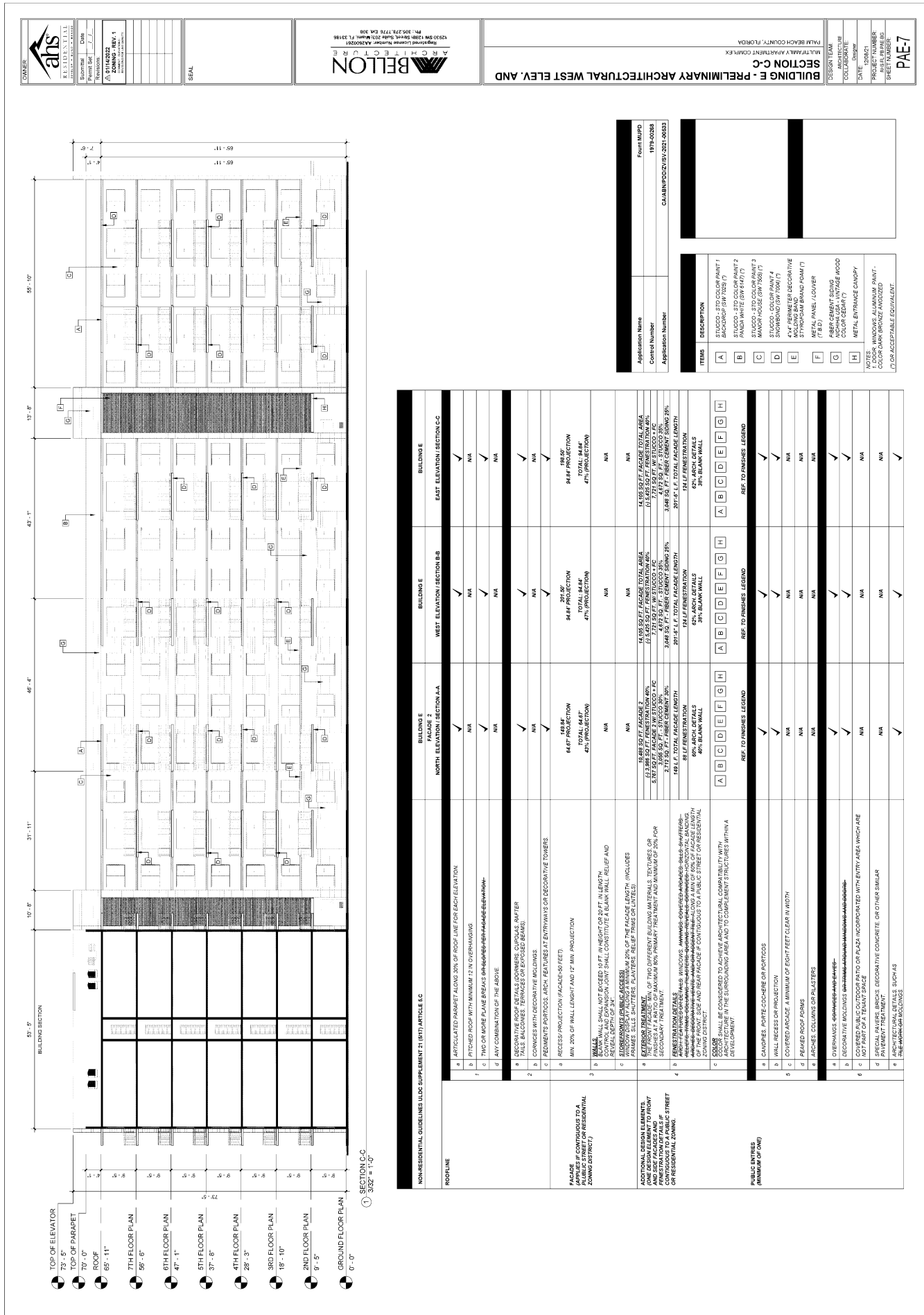


Figure 11 – Preliminary Architectural Elevations dated January 24, 2022 Building G page 1 of 7

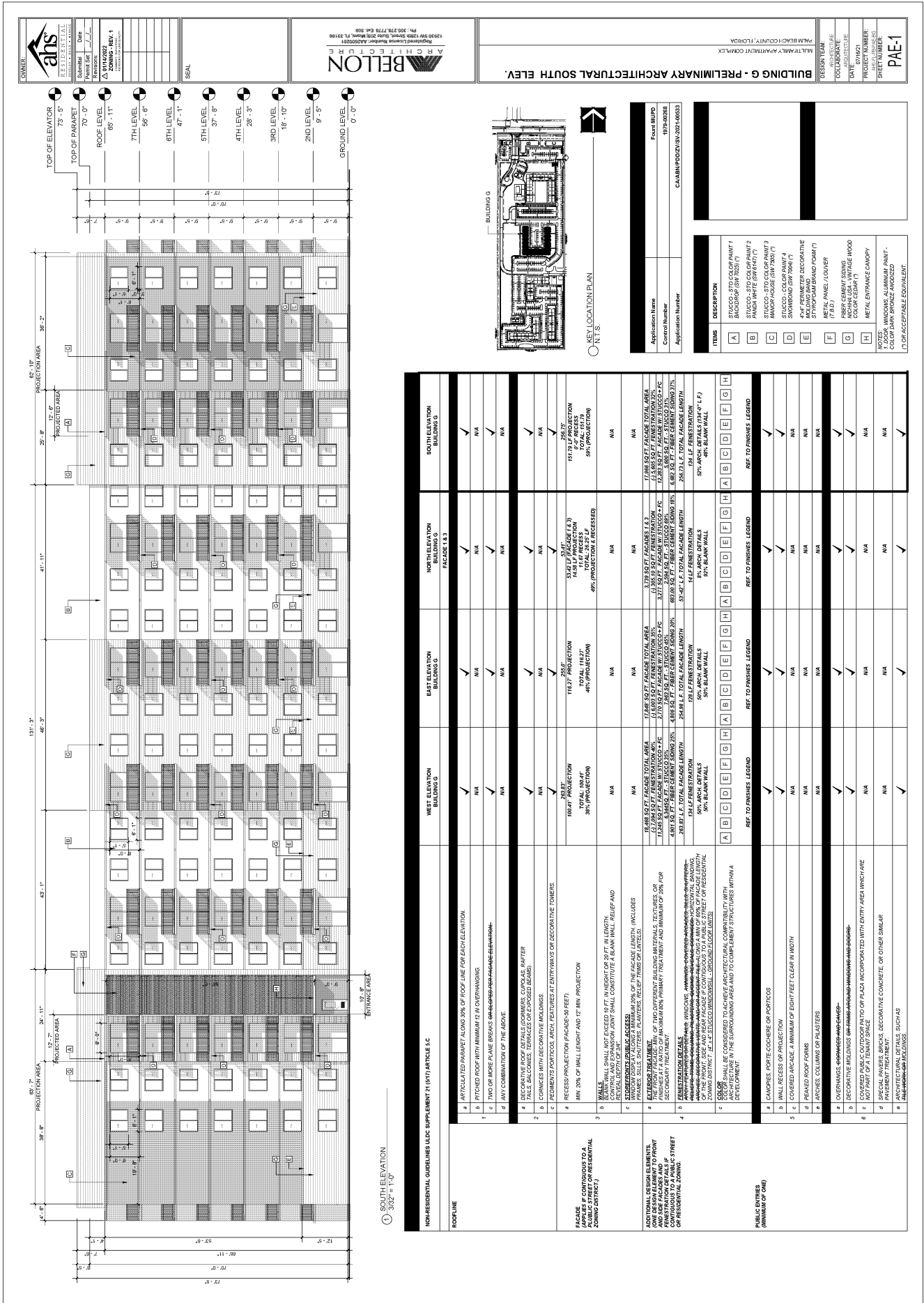


Figure 11 – Preliminary Architectural Elevations dated January 24, 2022 Building G page 2 of 7

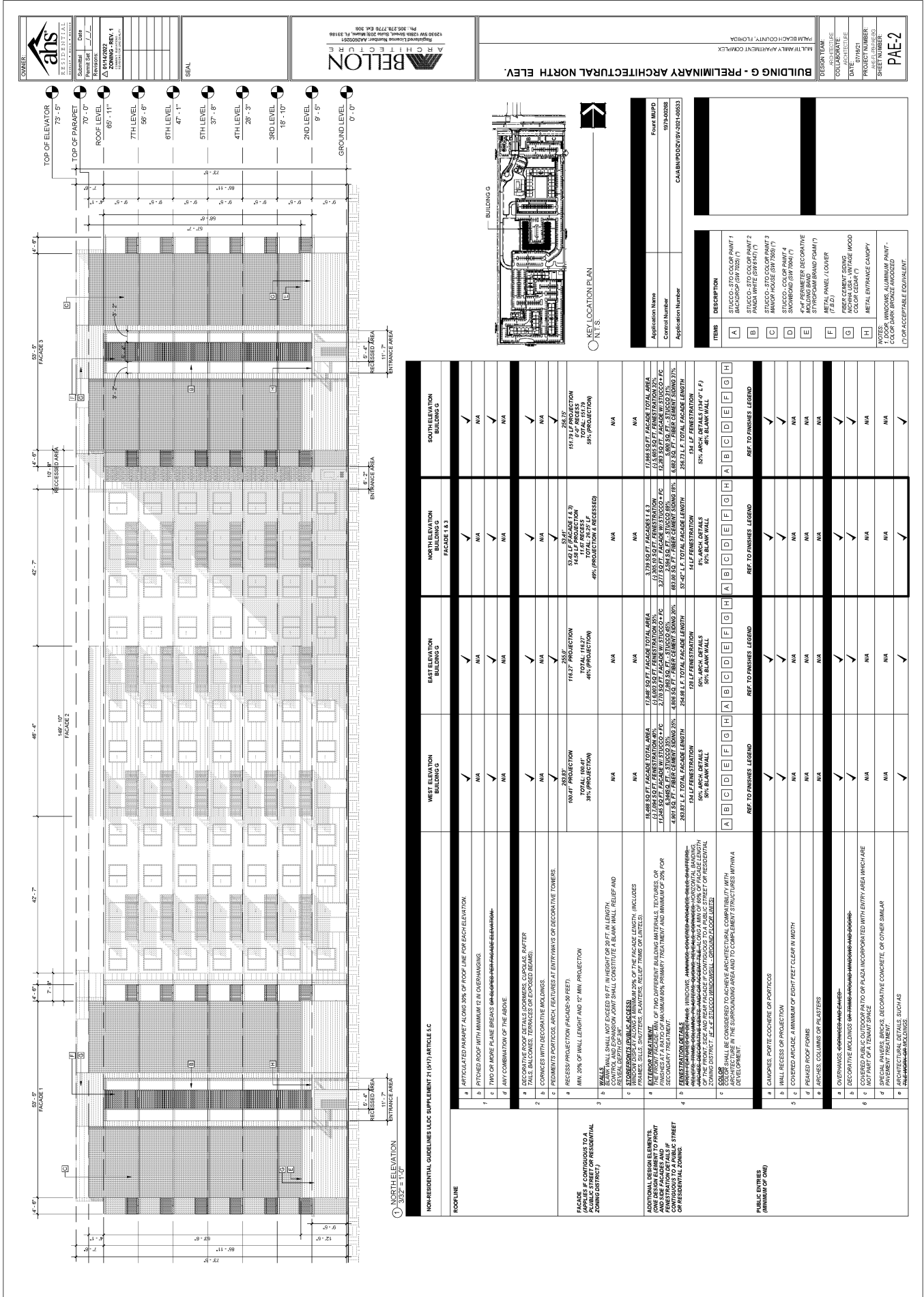


Figure 11 – Preliminary Architectural Elevations dated January 24, 2022 Building G page 4 of 7

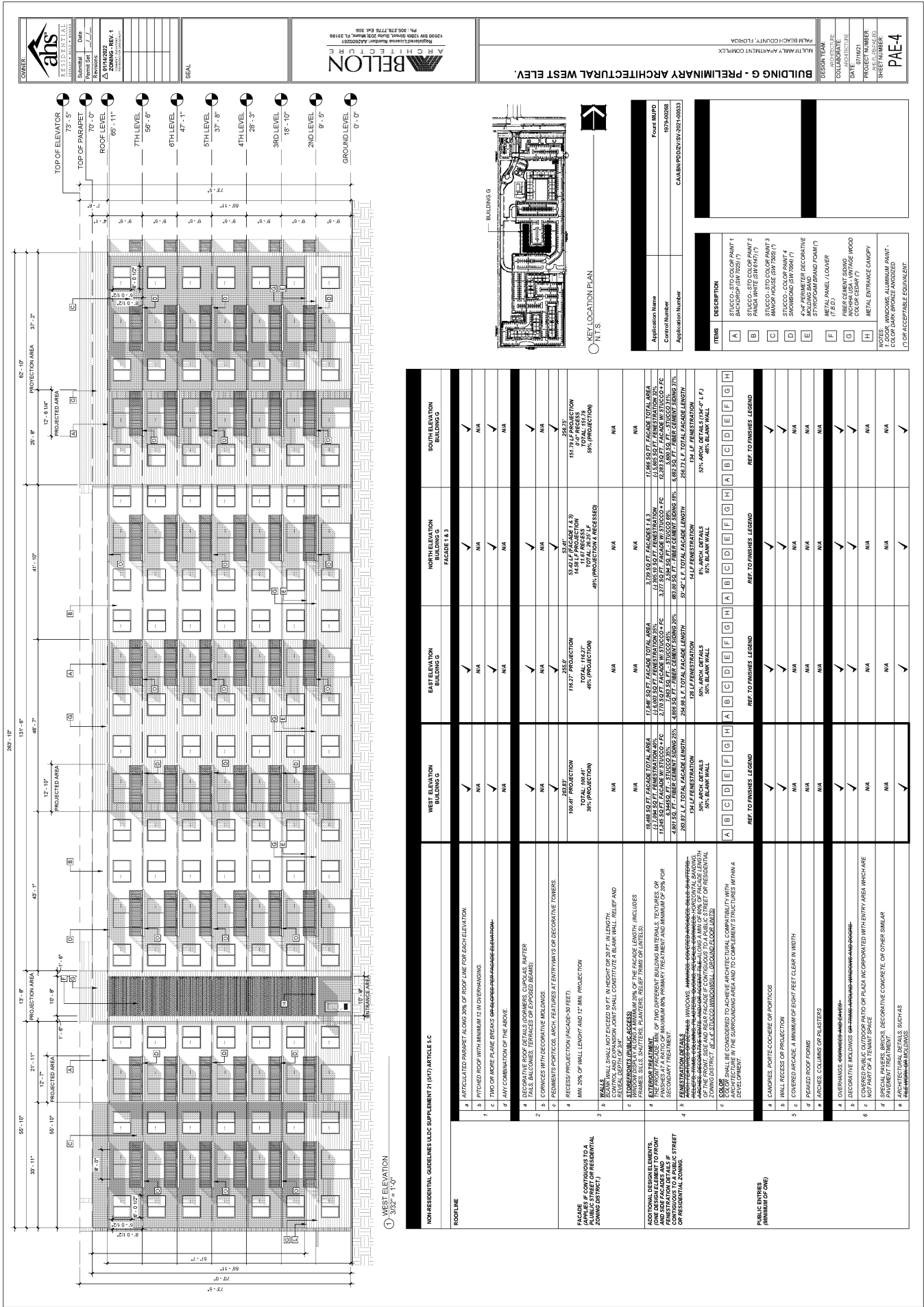


Figure 11 – Preliminary Architectural Elevations dated January 24, 2022 Building G page 5 of 7

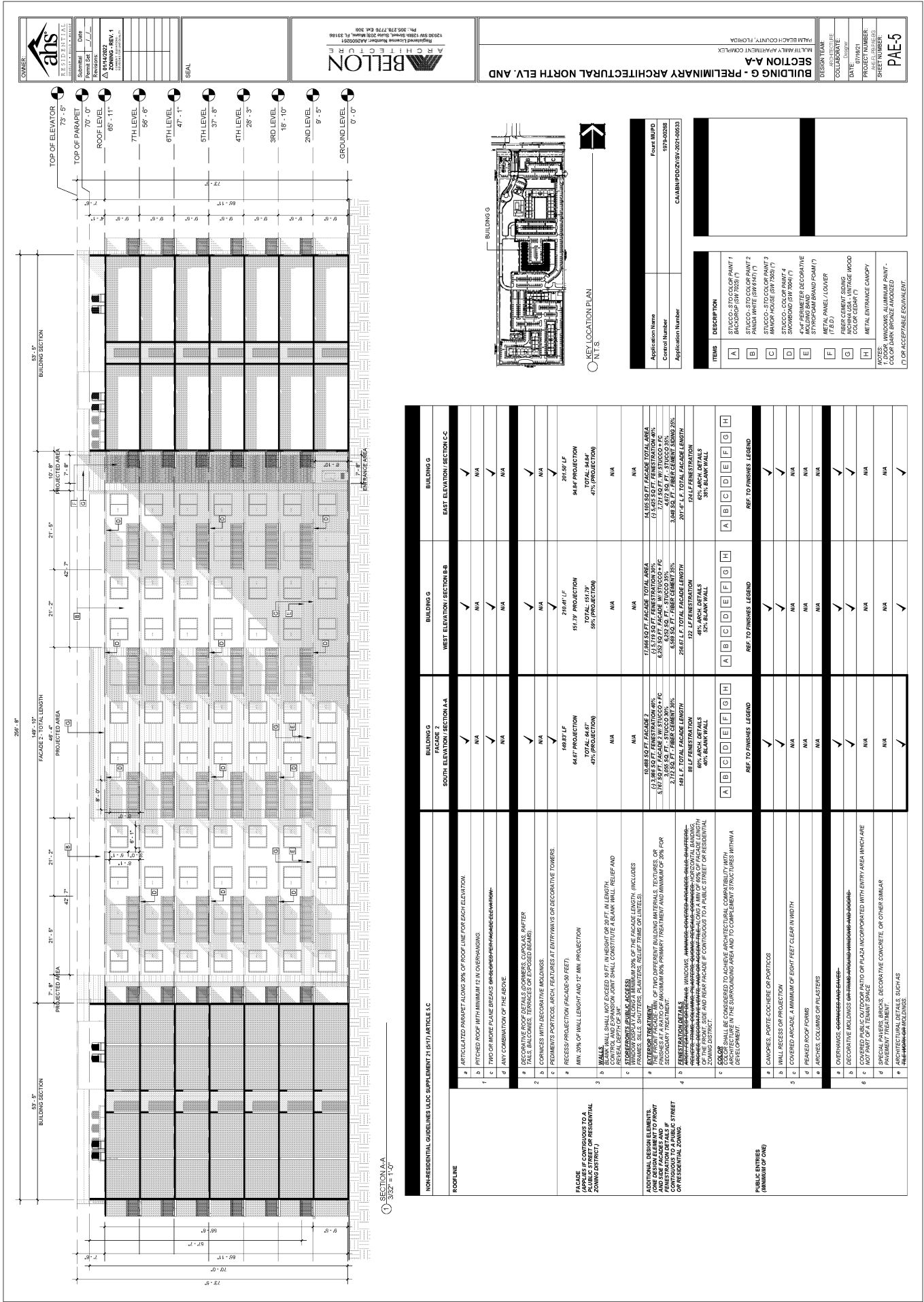


Figure 11 – Preliminary Architectural Elevations dated January 24, 2022 Building G page 6 of 7

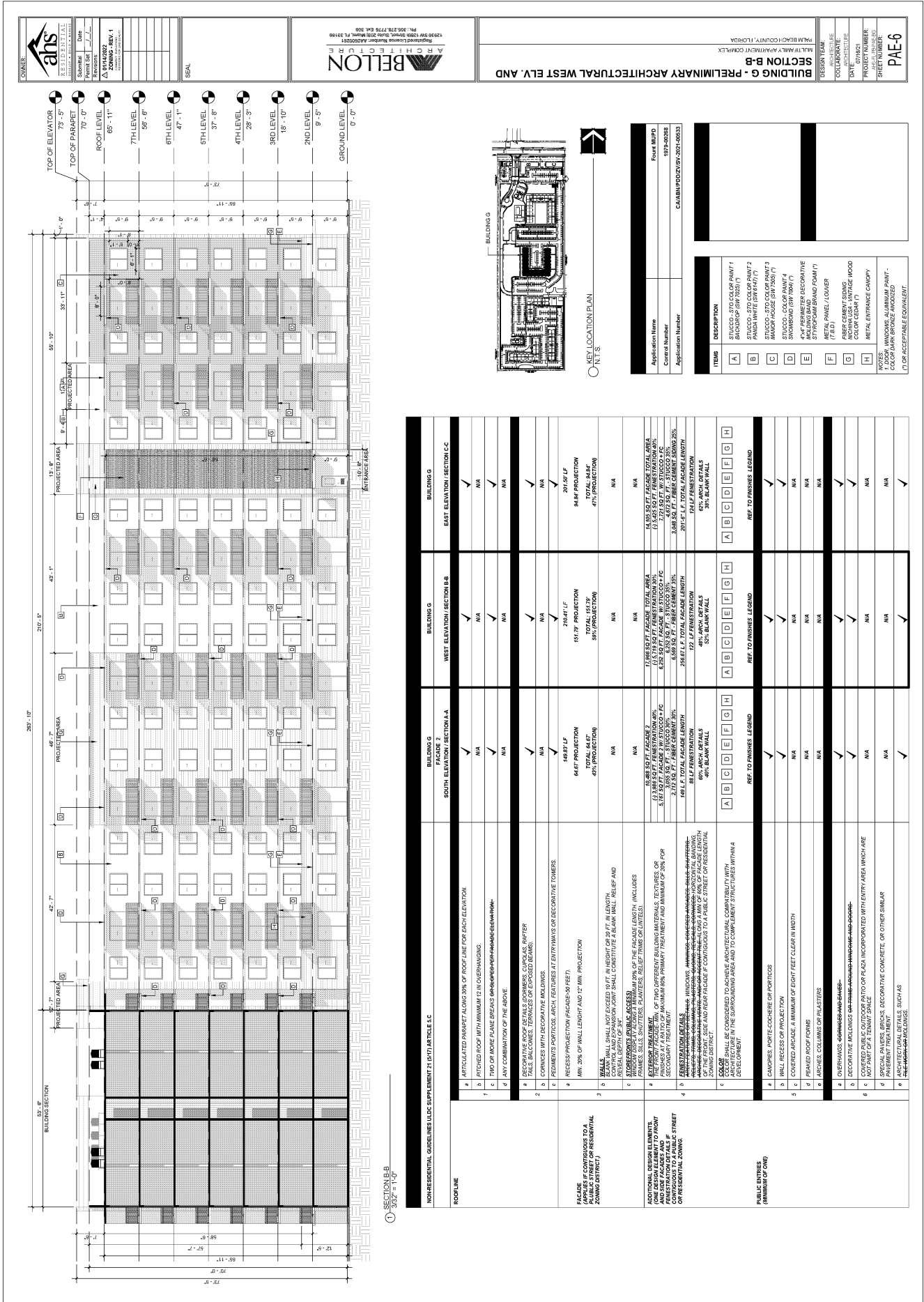


Figure 11 – Preliminary Architectural Elevations dated January 24, 2022 Building G page 7 of 7

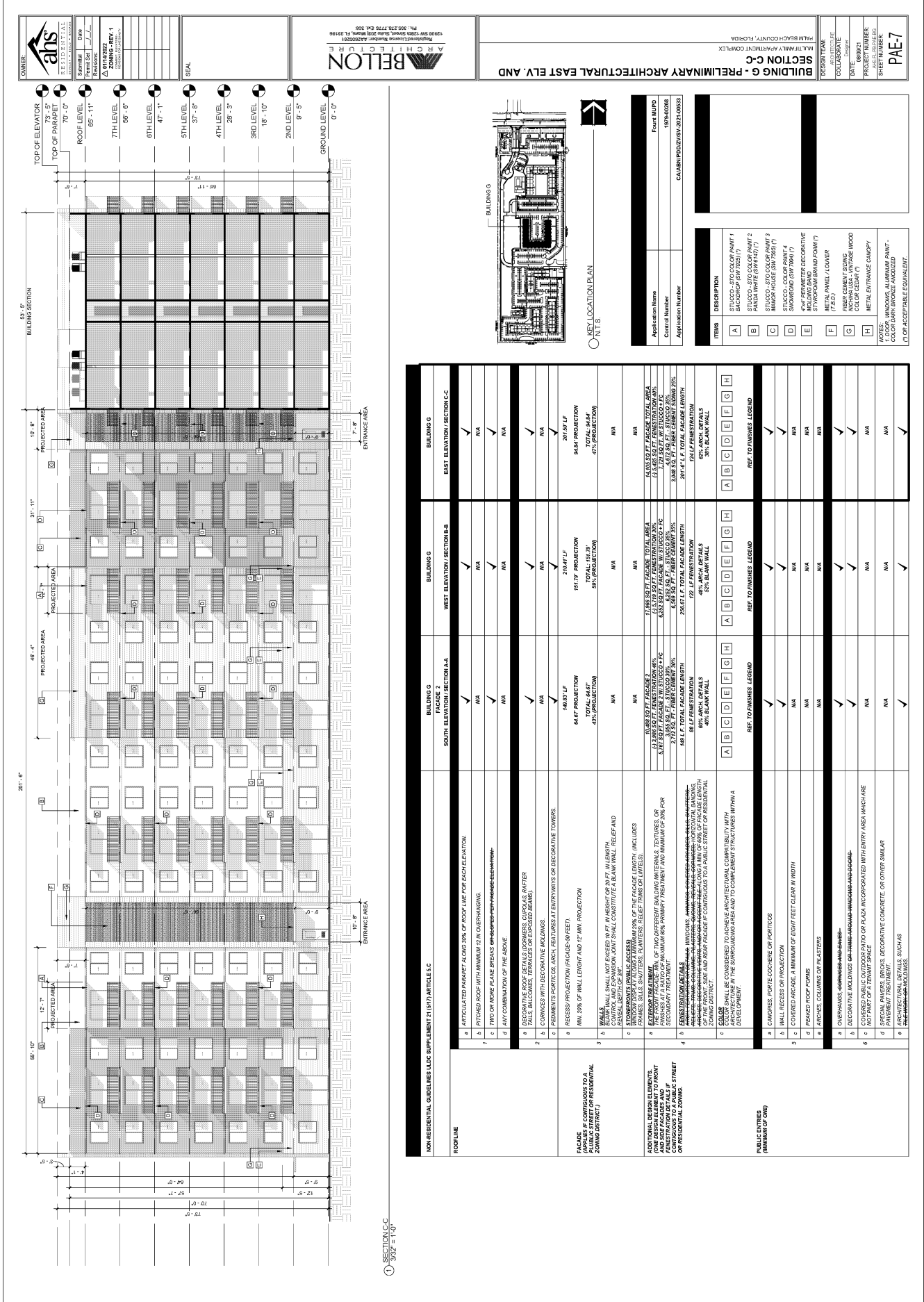


Figure 12 – Preliminary Architectural Elevations dated January 24, 2022 Building H page 2 of 3

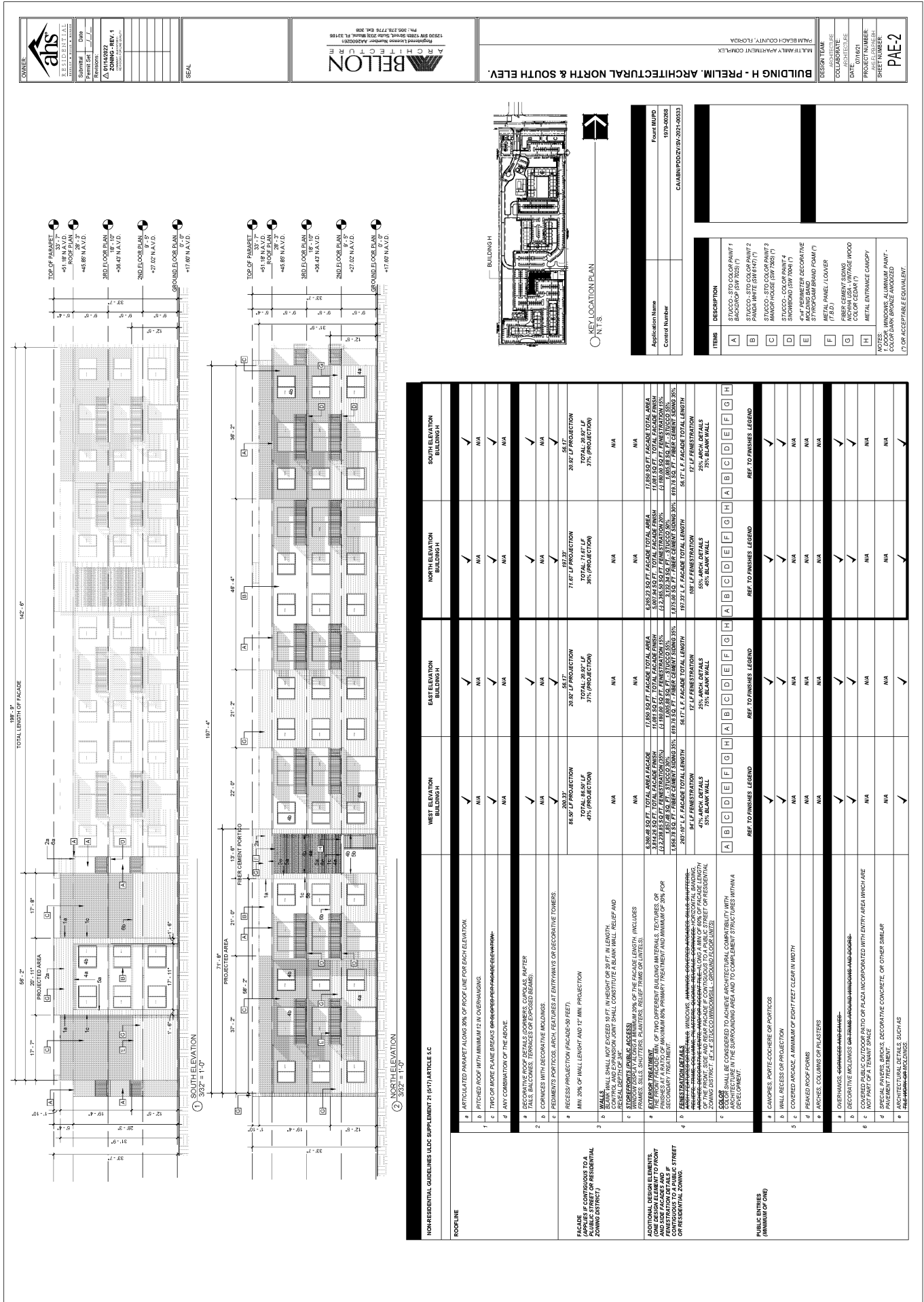


Figure 13 – Preliminary Architectural Elevations dated January 24, 2022 Building J page 1 of 3

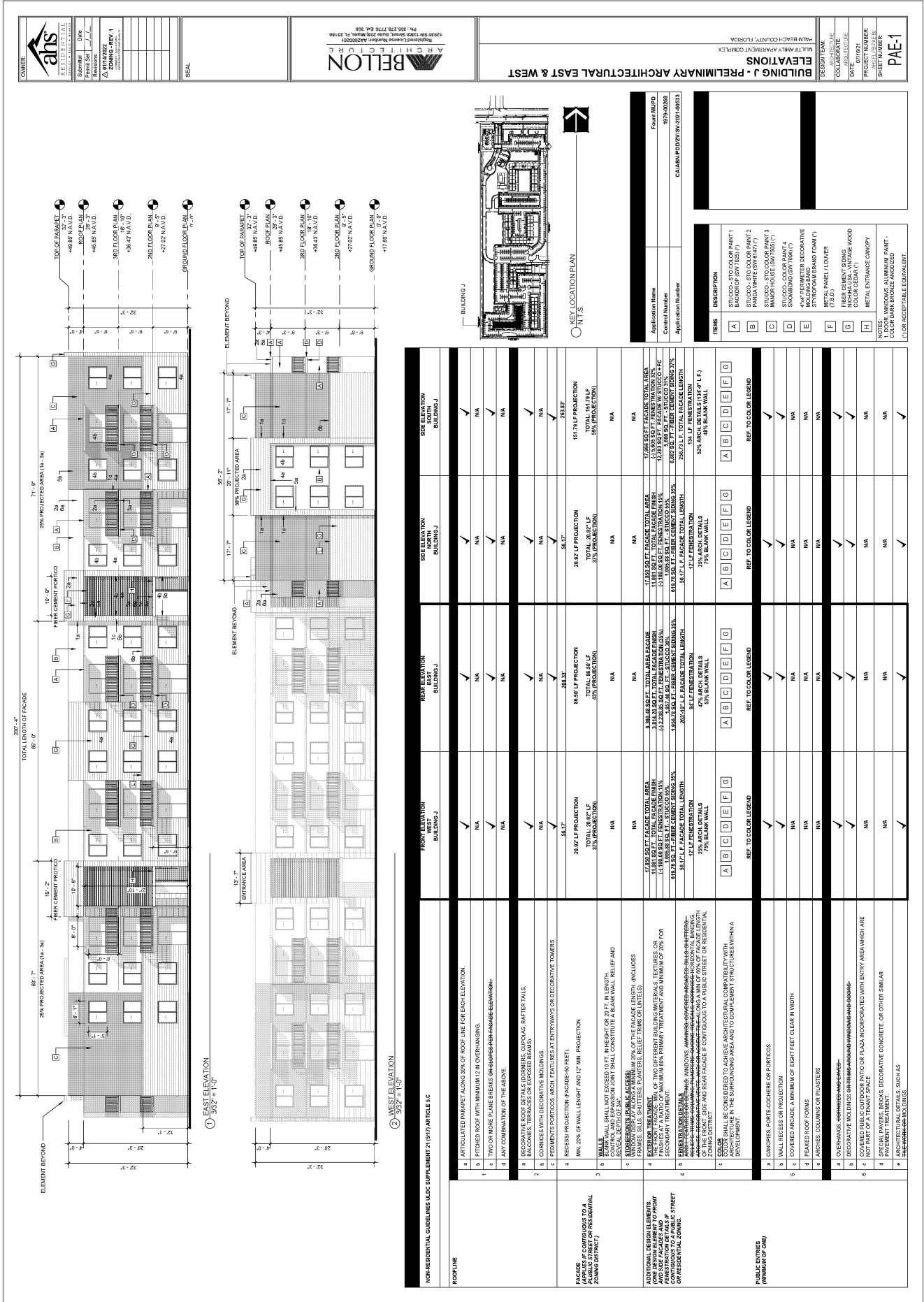


Figure 13 – Preliminary Architectural Elevations dated January 24, 2022 Building J page 2 of 3

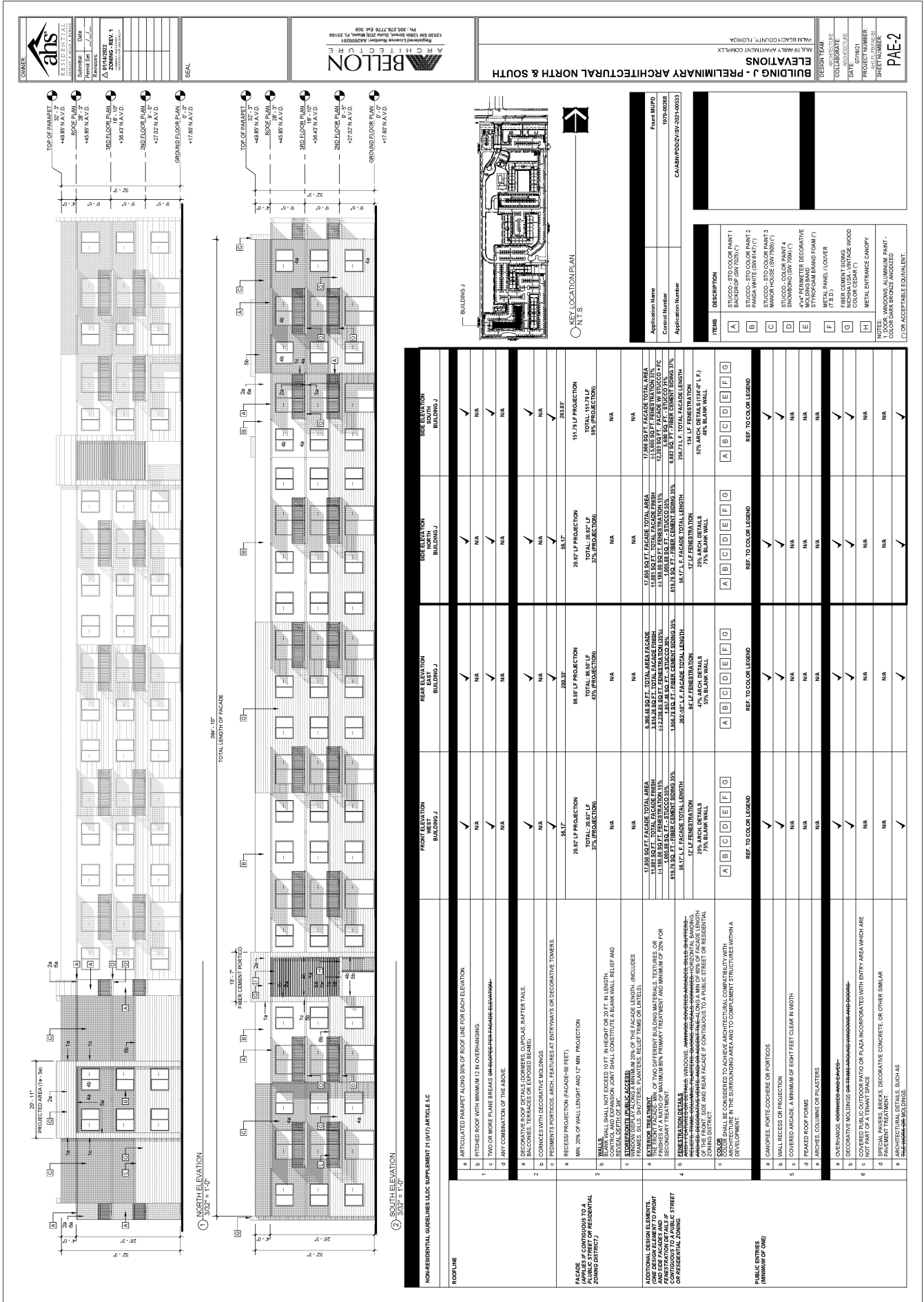


Figure 13 – Preliminary Architectural Elevations dated January 24, 2022 Building J page 3 of 3

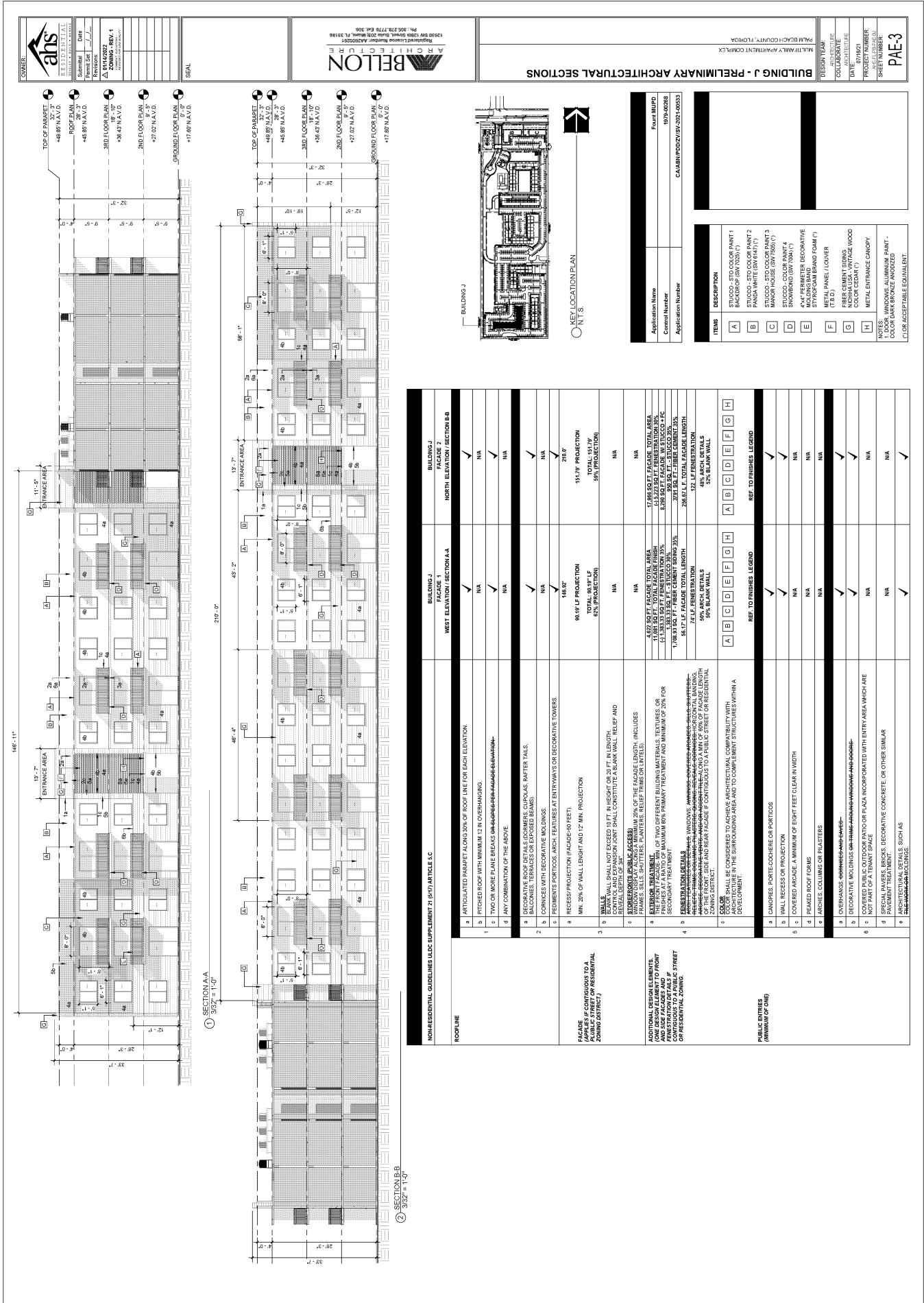


Figure 14 – Preliminary Architectural Elevations dated January 24, 2022 Building K page 1 of 2

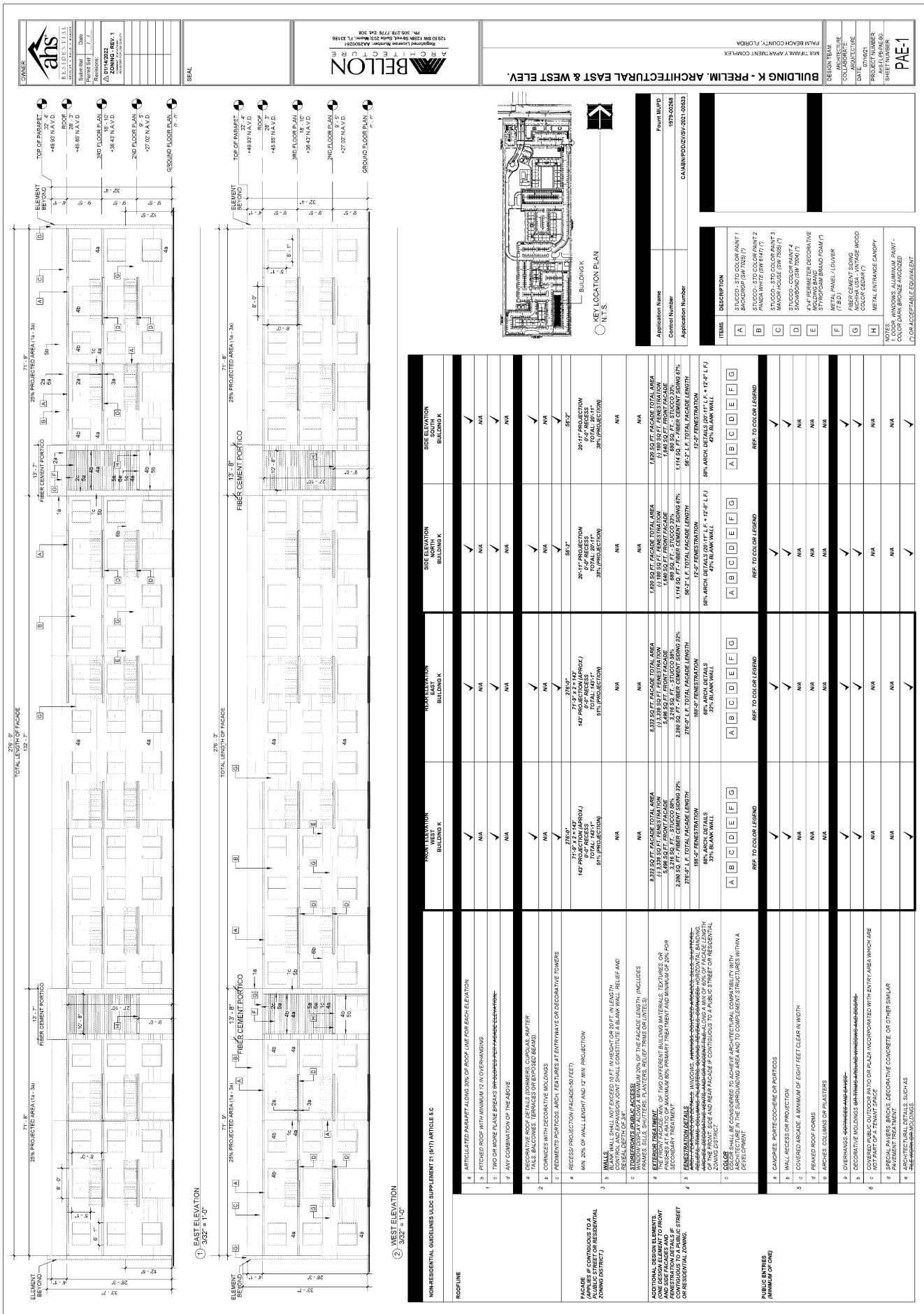


Figure 14 – Preliminary Architectural Elevations dated January 24, 2022 Building K page 2 of 2

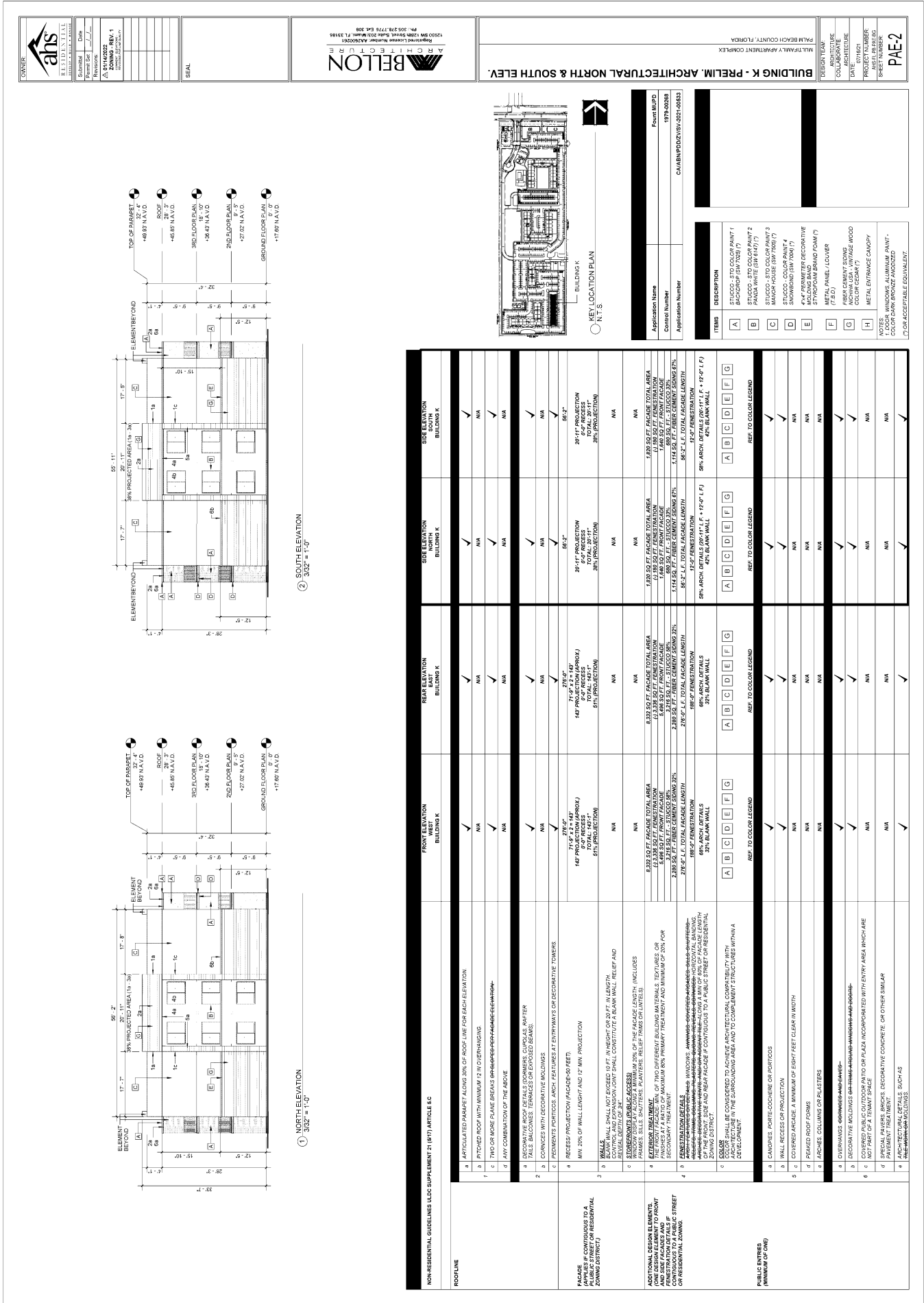


Exhibit D – Disclosure of Ownership Applicant

PALM BEACH COUNTY - ZONING DIVISION

FORM # 8

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 Carlos Gonzalez, 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] AR CRE Fund at Okeechobee Boulevard, LLC [position—e.g., president, partner, trustee] of [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: 12895 SW 132nd Street, Unit 202, Miami, FL 33186
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.



Carlos Gonzalez, Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of physical presence or
 online notarization, this 12 day of March, 2021 by
CARLOS E GONZALEZ (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).

Clara C. Rodriguez 
(Name - type, stamp or print clearly) (Signature)

My Commission Expires on: April 17, 2023

NOTARY'S SEAL OR STAMP



EXHIBIT "A"

PROPERTY

THE WEST (W 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) AND THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 26, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

LESS THE LANDS CONVEYED PURSUANT TO THE COUNTY DEED TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION DISTRICT OFFICE RECORDED APRIL 12, 1989 IN OFFICIAL RECORDS BOOK 6029, PAGE 1155 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

BEING MORE PARTICULARITY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LYING IN THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA: BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

- 1) COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 26
- 2) THENCE SOUTH 1° 24' 53" WEST, ALONG THE WEST LINE OF THE SAID NORTHEAST QUARTER A DISTANCE OF 64.02 FEET;
- 3) THENCE SOUTH 88° 26' 20" EAST, A DISTANCE OF 52.47 FEET TO THE POINT OF BEGINNING;
- 4) THENCE CONTINUE SOUTH 88° 26' 20" EAST, ALONG A LINE 64.02' SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID SECTION 26, SAID LINE ALSO BEING THE THE SOUTH LINE OF THE CHANCERY CASE 407 AS RECORDED IN OFFICIAL RECORD BOOK 6495 PAGE 761 PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA, A DISTANCE OF 616.83 FEET;
- 5) THENCE SOUTH 1° 21' 54" WEST, ALONG THE EAST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 26 A DISTANCE OF 1949.12 FEET;
- 6) THENCE NORTH 88° 57' 19" WEST, ALONG THE SOUTH LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER A DISTANCE OF 617.53 FEET;
- 7) THENCE NORTH 1° 24' 53" EAST, ALONG THE EAST LINE OF THE LAKE WORTH DRAINAGE DISTRICT E-3 CANAL PER OFFICIAL RECORD BOOK 6495 PAGE 761 PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 672.90 FEET;
- 8) THENCE NORTH 88° 47' 00" WEST, AND CONTINUE ALONG THE SAID E-3 CANAL A DISTANCE OF 0.99 FEET;
- 9) THENCE NORTH 1° 24' 53" EAST, AND CONTINUE ALONG THE SAID E-3 CANAL A DISTANCE OF 1281.78 FEET TO THE POINT OF BEGINNING,

SAID PARCEL BEING 1204958.69SQFT OR 27.662 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, partnership, or 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	
AHS Residential, LLC	12895 SW 132nd Street, Unit 202, Miami, FL 33186	100% of CRE Fund at Oklawaha Blvd, LLC
AHS Development Group, LLC	12895 SW 132nd Street, Unit 202, Miami, FL 33186	95.8% of AHS Residential, LLC
MRV (US) Holding Corporation, a Delaware Corporation	95.8% of AHS Development Group, LLC	

Exhibit D – Disclosure of Ownership Property Owner

PALM BEACH COUNTY - ZONING DIVISION

FORM # 9

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

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

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Kirk Blouin, 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] Town Manager [position - e.g., president, partner, trustee] of Town of Palm Beach, a political sub-division of the State of Florida [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
2. Affiant's address is: P.O. Box 2029, Palm Beach, FL 33480
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.

[Signature]
KIRK BLOWN, Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 25th day of MARCH, 2021 by KIRK BLOWN (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).

NINA M. TOSCANO
(Name - type, stamp or print clearly)

[Signature]
(Signature)

My Commission Expires on: MAY 12, 2021

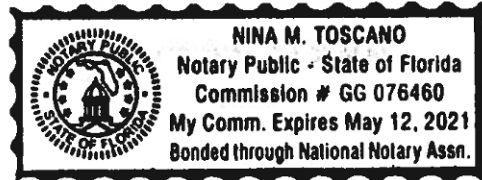


EXHIBIT "A"

PROPERTY

THE WEST (W 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) AND THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 26, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

LESS THE LANDS CONVEYED PURSUANT TO THE COUNTY DEED TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION DISTRICT OFFICE RECORDED APRIL 12, 1989 IN OFFICIAL RECORDS BOOK 6029, PAGE 1155 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

BEING MORE PARTICULARITY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LYING IN THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA: BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

- 1) COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 26
- 2) THENCE SOUTH 1° 24' 53" WEST, ALONG THE WEST LINE OF THE SAID NORTHEAST QUARTER A DISTANCE OF 64.02 FEET;
- 3) THENCE SOUTH 88° 26' 20" EAST, A DISTANCE OF 52.47 FEET TO THE POINT OF BEGINNING;
- 4) THENCE CONTINUE SOUTH 88° 26' 20" EAST, ALONG A LINE 64.02' SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID SECTION 26, SAID LINE ALSO BEING THE SOUTH LINE OF THE CHANCERY CASE 407 AS RECORDED IN OFFICIAL RECORD BOOK 6495 PAGE 761 PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA, A DISTANCE OF 616.83 FEET;
- 5) THENCE SOUTH 1° 21' 54" WEST, ALONG THE EAST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 26 A DISTANCE OF 1949.12 FEET;
- 6) THENCE NORTH 88° 57' 19" WEST, ALONG THE SOUTH LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER A DISTANCE OF 617.53 FEET;
- 7) THENCE NORTH 1° 24' 53" EAST, ALONG THE EAST LINE OF THE LAKE WORTH DRAINAGE DISTRICT E-3 CANAL PER OFFICIAL RECORD BOOK 6495 PAGE 761 PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 672.90 FEET;
- 8) THENCE NORTH 88° 47' 00" WEST, AND CONTINUE ALONG THE SAID E-3 CANAL A DISTANCE OF 0.99 FEET;
- 9) THENCE NORTH 1° 24' 53" EAST, AND CONTINUE ALONG THE SAID E-3 CANAL A DISTANCE OF 1281.78 FEET TO THE POINT OF BEGINNING,

SAID PARCEL BEING 1204958.69SQFT OR 27.662 ACRES MORE OR LESS.



**Department of Planning,
Zoning & Building**
2300 North Jog Road
West Palm Beach, FL 33411-2741
(561) 233-5000

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

**Palm Beach County
Board of County
Commissioners**

Dave Kerner, Mayor

Robert S. Weinroth, Vice Mayor

Maria G. Marino

Gregg K. Weiss

Maria Sachs

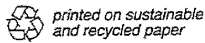
Melissa McKinlay

Mack Bernard

County Administrator

Verdenia C. Baker

*"An Equal Opportunity
Affirmative Action Employer"*



October 12, 2021

Jordan Sperling
Schmidt Nichols
1551 N Flager Dr., Suite 102
West Palm Beach, FL 33401
Email: jsperling@snlandplan.com

Dear Jordan,

This revised letter of determination is in response to your request, and is required for sufficiency in the zoning approval process.

This information provided in this letter is based on the project information you provided:

PCN:	00-42-43-26-05-004-0000, 00-000-1300 & 1340
Acreage:	27.66 total acres (Agent)
FLU:	CH/12 & HR-12 (Hypothetical)
Request:	708 units requested
Subject Development unit type(s) (SF, TH, MF)	MF - Apartments
Subject Development: Rental or Sale?	Rental
WHP units: to be provided on or off-site?	On-site
WHP units: for-sale or rental?	Rental
WHP unit type:	MF - Apartments
Full Incentive or Limited Incentive Option	Full Incentive Option

You have requested a letter of determination based on your application for 708 units. As explained previously, the staff calculated a total potential of 708 units, using an 80% density bonus and all 111 available TDRs. The WHP obligation would be 157 units. This total is based on the two-step point system and compatibility review used by staff to review requests for density bonuses greater than 50%.

Summary of Staff Review and Basis for Staff Recommendation: Per the WHP process for density bonuses greater than 50%, staff applied the point system to determine the percentage of density bonus "earned" by the project's proposed approach to meeting its workforce housing obligation. Second, the total potential density for the project, including the bonus identified through the point system, was then reviewed for compatibility and appropriateness for the site. The result of this two-step process is summarized below, and forms the basis for staff's recommendation.

Step 1: Density Bonus Earned Through Application of WHP Points System

The project earned an 80% density bonus based on meeting its WHP obligation through the provision of multi-family rental units, on-site, in an area with a low concentration of households in the workforce income ranges. Additional points and potentially a higher percentage of density bonus would be earned if the WHP units provided were for-sale units and/or were provided as single-family or townhome units.



Step 2: Compatibility and Site-suitability Considerations:

A prior staff assessment indicated that existing residential uses should be considered when determining the placement and height of buildings along the south boundary and the southern 1/3 of the east boundary, in order to minimize impacts on existing residents.

The associated proposed future land use amendment (LGA 2020-011) includes a proposed condition of approval to require that structures located on the portion of the site south of a line extending west from Elmhurst Road be limited to a maximum of 3 stories in height. This condition will satisfy the staff-identified concern regarding compatibility of the density bonus.

In considering this information, please be aware of the following:

- o *Density bonuses greater than 50% are available only under the Full Incentive Option.*
- o *All WHP unit exteriors are required to be compatible with market rate units, if any, and models are required.*
- o *TDR units purchased shall proportionally reflect the unit mix of the non TDR units. Thirty-four percent (34%) of any TDR units used must be provided as WHP units, subject to WHP requirements. If any of the remaining, TDRs are purchased at TDR WHP prices, those units must be provided in the Low Income category. All TDRs must be built on site.*
- o *For proposed future land use amendments increasing residential density, the staff recommendation to the Board of County Commissioners typically includes conditions that TDRs be utilized, and for multi-family projects, that 25% of the total units be required as on-site workforce housing units. (The 25% includes required WHP TDRs, but does not include any additional TDRs that the applicant elects to purchase at WHP prices.) Should the Board approve the requested amendment with such a condition, a revised letter of determination and calculations will be required.*

In addition, note that the recommendation provided herein does not guarantee a certain number of units, and does not create additional property rights for a landowner. The actual number of dwelling units that may be built on a parcel may be further limited by the zoning district's property development regulations and other considerations in the development review process.

Sincerely,

A handwritten signature in cursive script that reads "M Bello".

Maria Bello, Principal Planner

T:\Planning\CURRENT\WHP\Okeechobee Housing (Fount)\2021\Okeechobee_FI_100821.docx

Exhibit E – Workforce Housing Planning Analysis to Request for Density Bonus page 3 of 3

**Workforce Housing Program Analysis
Greater Than 50% Density Bonus (Full Incentive Only)
Date: 10/18/21**

Property Information:

Property or PCN:	Okeechobee Housing (Fount MUPD), 00-42-43-26-05-004-0000, 00-000-1300 & 1340			
Acreage:	27.66 acres total (Agent)			
Future Land Use Designation:	3.5 acres CH/12 (Hypothetical) & 24.16 acres HR-12 (Hypothetical)			
Request:	Maximum Density, Full Incentive Option			
Part of PUD/Golf Course?	No	Existing LOD? Out of date	CHHA? No	CCRT Area? Yes
Surrounding Land Uses:	N	S	E	W
Existing:	Office/Com/Civic	Residential	Com/Residential	Com/Residential
Future:	CH/8	MR-5	CH/8, HR-8, HR-12	CH/8, CHX/5, MR-5
Potential FLU Density: (27.66 x 12 = 331.92 units)				

Density Bonus Determination:

Part 1: Point system based on proposed approach to meeting WHP obligation											
Proposed method to meet WHP obligation	WHP Objectives & Points										
	Delivers units?	Onsite?	WHP Unit type?			WHP Rental/ For-sale?		WHP Concentration in Census tract? CT 31.02 (30.1% Con)		POINTS EARNED	POTENTIAL DENSITY BONUS
	(1) to (6)	(10)	MF (1)	TH (3)	SF (10)	R (1)	FS (10)	>34% (0)	<34% (6)		
	6	10	1			1		6		24	80%
Part 2: Compatibility and Other Site Considerations: Future Land Use Amendment condition to address height of buildings along the portion of the site south of a line extending west from Elmhurst Road will satisfy the staff-identified concern regarding compatibility of the density bonus.											
Staff Recommendation for Density Bonus: 80%											

TDR Units, if applicable:

TDR Density: should Transfer of Development Rights be used, the following would apply:	
TDR Eligibility: 4 TDRs/acre	Haverhill West Area, CCRT #12
TDR Units permitted: 111	27.66 x 4 = 110.64 or 111
<i>TDR units purchased shall proportionally reflect the unit mix of the non TDR units. The applicant may elect to purchase some or all of the non-WHP TDRs at TDR WHP prices; if purchased at WHP prices, those units must be restricted as Low Income category WHP units.</i>	

WHP Obligation:

Density Component:	Required Percentage		Calculations	
	Rental WHP	For Sale WHP	Possible Units	WHP Obligation
Standard Density:	5%	4.375%	(27.66 x 8 = 221.28)	221.28 x 5% = 11.06
Maximum Density:	16%	14%	(27.66 x 4 = 110.64)	110.64 x 16% = 17.70
Density Bonus:	34%	29.75%	(331.92 x 80% = 265.54)	265.54 x 34% = 90.28
Multiplier for For-Sale projects providing WHP as off-site rentals: 1.5x obligation (Not applicable to TDRs)				xxx
Discount for on-site, For Sale WHP units: 20% for SF, 10% for TH				xxx
TDRs, if any:	34%		(27.66 x 4 = 110.64 or 111)	111 x 34% = 37.74
TOTALS			708.46 or 708	156.78 or 157 WHP obligation

Alternative Unit Specific Calculation, if Requested: XXXX Units

Density Component:	Required WHP Percentage		Calculations	
	Rental WHP	For Sale WHP	Units	WHP Obligation
Standard Density:	5%	4.375%		
Maximum Density:	16%	14%		
Density Bonus (XX%):	34%	29.75%		
1.5x Multiplier – For-Sale projects providing WHP as off-site rentals (Not applicable to TDRs)				
TDRs, if any:	34%		(ac x TDRs per acre)	TDRs x required %
TOTALS			Xxx units	Xxx obligation

The estimates provided in this worksheet do not guarantee a certain number of units, and do not create additional property rights for a landowner; the actual number of dwelling units that may be built on the parcel may be further limited by compatibility considerations, property development regulations and other factors in the development review process. Any hypothetical land use employed in the calculations is subject to the Comprehensive Plan amendment process, and may not be approved.

Exhibit F – Applicant’s Justification Statement dated February 22, 2022



**Justification Statement
Fount MUPD
Palm Beach County (PBC) Type II Variance (Concurrent)
Subdivision Variance (Concurrent)
Rezoning to MUPD,
Class A Conditional Use,
and Development Order Abandonment Application
Original Submittal: April 5, 2021
Resubmittal: July 12, 2021
Resubmittal: October 12, 2021
Resubmittal: November 8, 2021
Resubmittal: December 13, 2021
Resubmittal: January 24, 2022
Resubmittal: February 22, 2022
Resubmittal: April 20, 2022**

Request

On behalf of the property owner, CRE Fund at Okeechobee Boulevard, LLC (“Applicant”), Schmidt Nichols respectfully requests your consideration of these applications for Rezoning, Class A Conditional Use, Type II Variance (Concurrent), Subdivision Variance (Concurrent), and Development Order Abandonment applications for the project formerly known/approved as Town of Palm Beach Government Services and Recreation. A concurrent Future Land Use Amendment (Fount MUPD LGA 2020-011) is also in process to amend the land use to CH/12 and HR-12, enabling this application to proceed. Please refer to pages 2 and 3 for further details. As part of this application, the property owner is requesting a Control Name Change Request from the current Control Name, Town of Palm Beach Government Services and Recreation (Control No. 1979-00268) to the proposed control name, Fount MUPD. The 27.66-acre subject property is composed of 3 parcels (00-42-43-26-05-004-0000; 00-42-43-26-00-000-1300; 1340) and is located on the south side of Okeechobee Boulevard, approximately 1/3 mile west of Haverhill Road in unincorporated Palm Beach County. (“subject property”). The site is currently developed with a 5,000 square foot, one-story clubhouse building. The proposed plan of development is to consist of 708 multifamily dwelling units, two retail sales building consisting of 19,439 s.f., 3-Story open parking structure consisting of 138,111 s.f., and a 2,400 s.f. (57 Seats) Type I Restaurant with a build-out year of 2026. Site access is proposed via a full access driveway connection to Okeechobee Boulevard and Elmhurst Road, which is the subject of the concurrent subdivision variance.

The Applicant requests consideration of the following:

Request 1: Rezoning Application from Residential High (RH) to Multiple Use Planned Development (MUPD) District on 27.66 acres

1551 N FLAGLER DR, STE 102, WEST PALM BEACH, FL 33401 ■ T: 561.684-6141 | E: WWW.SNLANDPLAN.COM

Request 2 & 3: Class A Conditional Use to allow a Transfer of Development Rights And Workforce Housing Density Bonus greater than 50 percent for 708 proposed dwelling units

Request 4: Type 2 Variance Request

1. To allow a variance for the reduction of 218 parking spaces to 1,239 proposed parking spaces (1.75 spaces/unit) from the Code required 1,457 parking spaces
2. To allow a variance for a 12' overlap of an easement into a 20' R-O-W Landscape Buffer

Request 5: Type 2 Subdivision Variance for the increase in 2,232 Projected Daily Trips from the 1,500 ADT threshold for a 60' ROW (Elmhurst Road)

Request 6: Development Order Abandonment (ABN) of Resolution No. 1973-0618 and 1980-0375, which allowed a Special Exception to allow a fraternal organization and club facilities and a Special Exception to allow governmental service and accessory buildings and structures, including recreation and club facilities



Site Aerial

Concurrent Application:

- Large Scale Future Land Use Amendment (LGA 2020-00011) from 3.5 acres as Commercial High (CH) and 24.16 acres as Utilities and Transportation (U/T) with an underlying 3.5 acres as High Residential, 8 dwelling units per acre (HR-8) to 3.5 acres as Commercial High (CH), 24.16 acres as High Residential, 12 dwelling units per acre (HR-12) with an underlying 3.5 acres as High Residential, 12 dwelling units per acre (HR-12) submitted to the Planning Division on November 4, 2019. The applicant has worked with County Planning

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

staff and has provided a postponement request from Round 20-B2 to Round 21-B2 due to the applicant running into environmental concerns, which impacted the site layout that required additional review. The applicant has provided an updated FLUA application due to a minor acreage change on April 29, 2021.

- **October 15, 2021** – The Planning Commission recommended approval w/ conditions to transmit the proposed FLUA amendment (LGA 2020-00011). A motion was made by Lori Vinikoor and was seconded by Spencer Siegel and passed in a 13 to 0 vote. Under discussion, Commission members expressed support for the construction of onsite workforce housing units and the opportunity for the environmental cleanup of the site. Commission members also asked questions regarding the location and proposed uses of the “brownfield” area on the site, and what contaminants were identified during environmental monitoring. One member of the public spoke in support of workforce housing, stating that the increased density is appropriate given the location but also expressed concerns regarding potential environmental issues on the site. One comment card in opposition was read into the record with concerns related to increased traffic and impacts to fire rescue service.
- **November 3, 2021** – The Board of County Commissioners (BCC) transmitted the proposed FLUA amendment (LGA 2020-00011) in a unanimous vote (13-0)

Staff has proposed the conditions of approval as detailed below at the BCC Transmittal Public Hearing on November 3, 2021 with the requirement for the purchase of the requested TDRs and that the adoption of the amendment and the zoning application are held concurrently.

The BCC Transmitted the request with the following conditions of Approval:

*Development of the site is subject to the following Conditions of Approval of LGA 2022-001, Ordinance (2022-tbd):

1. Residential dwelling units shall be limited to a maximum of 708 units with no further density increases through density bonus programs.

Response: The proposed development consists of 708 residential dwelling units.

2. Structures located on the portion of the site south of a line extending west from Elmhurst Road, are limited to a maximum of 3 stories in height.

Response: The proposed structures, Buildings H, J and K, located on the portion of the site south of a line extending west from Elmhurst Road, are a maximum of 3 stories in height.

3. A total of 111 Transfer of Development Rights (TDR) units shall be purchased and constructed. The 34% of TDRS required to be provided as WHP per the Unified

Land Development Code shall apply to the minimum number of workforce housing units required by this ordinance

Response: The proposed development includes the purchase and construction of one-hundred and eleven (111) Transfer of Development Rights (TDR) units. One hundred (100) percent of the TDR funds will be received by PBC prior to technical compliance of the plat or issuance of first residential Building Permit, whichever occurs first. The 34% of TDR's required to be provided as WHP (111 TDR Units x 34% = 38 units) per the Unified Land Development Code will be provided onsite.

4. The zoning development order shall require a minimum of 25% of the total dwelling units to be built as onsite workforce housing units.

Response: A minimum of 177 (25%) of the total dwelling units will be built as onsite workforce housing units (Total WHP required/provided onsite as rentals: 25% per Ord. 2022-TBD; Cond. 4 = 177 units)

Below is a summary of surrounding properties:

Adjacent Lands	Uses	FLU	Zoning
Subject Property (Proposed)	Multifamily Residential, Retail Sales, Type I Restaurant	CH w/ an underlying HR-12 (3.5 acres) & HR-12 (24.16 acres)	MUPD
North	Fire Station, Funeral Home, Office, Residential Condominiums	CH/8	CG, RS
South	Single Family Residential	MR-5	RH
East	Vehicle or Equipment Sales & Rental; Single Family Residential, Townhomes	CH/8, HR-12, HR-8	MUPD, RH
West	Vehicle Sales, Single Family Residential	CH/8; MR-5, CHX/5	CG, RM

Compatibility & Site Suitability Considerations:

County Planning Staff informed the applicant to consider the height and placement of the proposed residential structures (Buildings H, J, K) in relation to the existing

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

residential units along the south boundary and the southern 1/3 of the east boundary, in order to minimize impacts on existing residents.

The applicant has voluntarily proposed a condition of approval to limit the proposed residential structures (Buildings H, J, K) located on the portion of the site south of a line extending west from Elmhurst Road be limited to a maximum of 3 Stories in height. The applicant has updated the site plan accordingly to satisfy County staff's concerns regarding compatibility with the adjacent residential uses.

Parking Structure (Article 6.B.2.E)

1. General

A parking structure may be constructed as a garage with or without a parking lift, and may be used to meet parking requirements for any use or combination of uses. Such structures shall be considered accessory to the principal use and shall be designed to meet or exceed the following standards.

Response: Complies. The proposed parking structure is accessory to the principal use and has been designed to meet or exceed the following standards.

a. Parking Garage

Shall comply with the standards for surface parking lots with regard to marking, signage, striping, and minimum number of spaces to be provided.

Response: The proposed parking structure complies with the standards for surface parking lots with regard to marking, signage, striping, and identifies the number of proposed parking spaces on the site plan.

1) Design Layout

The Applicant shall submit a Site Plan that shows interior traffic circulation, access use of ramps, parking space and aisle dimensions, traffic control signs and pavement marking, safe and efficient vehicular and pedestrian operation, location of entrances and exits, sight distances at entrances and exits, and screening of the cars located in or on the parking structure from adjoining lands and from public streets.

Response: As shown on Sheet PSP-1, the proposed parking structure complies with the above design layout requirements consisting of interior traffic circulation, access use of ramps, parking space and aisle dimensions, traffic control signs and pavement marking, safe and efficient vehicular and pedestrian operation, location of entrances and exits, sight distances at entrances and exits, and screening of the cars located in or on the parking structure from adjoining lands and from public streets.

a) Floor Width

The unobstructed distance between columns or walls measured at any point between the ends of the parking aisle shall be as indicated in Table 6.B.2.E, Minimum Floor Width.

Response: Complies. The proposed parking structure is in compliance with the minimum floor width requirements for 90-degree parking spaces per Table 6.B.2.E.

b) Minimum Space Width

The minimum parking space width shall be nine feet.

Response: Complies. The proposed parking spaces within the parking structure have a minimum space width of 9 feet.

Parking Structure Lighting Concerns:

As discussed with County Planning staff and as shown on Sheet PAE-2 (Building E – South Elevation), there are no windows on the south façade of Building E, which will remove any lighting issues of concern. Furthermore, the site plan has been updated to indicate there is a 23-26’ separation from the south façade of Building E to the proposed parking structure.

Parking Reduction

In order to determine (or verify) the adequacy of the proposed parking supply at the subject property, parking observations were performed at five (5) similar (i.e. in terms of unit mix and demographics) residential apartment communities in south Florida. The communities selected for this analysis are as follows:

- The Village at Lake Worth, Lake Worth (216 units)
- “The Village II” at Lake Osborne, 2340 Lake Worth Road, Lake Worth (118 units)
- Village at Mangonia Lake, West Palm Beach (228 units)
- Banyan Ridge, Palm Beach County (228 units)
- AHS Pine Ridge, Palm Beach County (288 units)

Project Name	Municipality	Number of Units	Code Required Parking	Provided Parking (Resident/ Guest)	Parking Ratio	% Reduction
Village at Lake Worth	City of Lake Worth	216	458	312	1.44 spaces per dwelling unit	32%
“The Village II” at Lake	City of Lake Worth	118	250	170	1.44 spaces per dwelling	32%

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

Osborne					unit	
Village at Mangonia Lake	City of West Palm Beach	228	461	344	1.51 spaces per dwelling unit	25.38%
Banyan Ridge	Palm Beach County	228	515	398	1.75 spaces per dwelling unit	23%
AHS Pine Ridge PUD	Palm Beach County	288	650	*490	1.70 spaces per dwelling unit	24.62%
Fount MUPD (Subject Property)	Palm Beach County	708	1,457	1,239	1.75 spaces per dwelling unit	14.96%

Parking Inventory Analysis: In summary, the parking rate for the Village at Lake Worth during the study period was 1.23 spaces per unit. The Village at Lake Osborne community counts resulted in 1.27 spaces per unit. Both communities were at almost 100% occupancy during the testing times. Fount MUPD is proposed to provide 1.75 spaces per unit, which far exceeds the parking utilization rates tested on properties owned and operated by the same applicant which have also implemented the same parking policies for tenants and guests that would be implemented at the Fount MUPD community.

“The Village II” at Lake Osborne: The subject parcel is generally located between 2nd Avenue North and Lake Worth Road approximately ½ mile east of Congress Avenue in the City of Lake Worth, Florida and contains approximately 4.8 acres. Proposed site development on the currently unimproved parcel consists of 118 multi-family apartment units. The required number of parking spaces for this community is 250 parking spaces and the parking supply is 170 parking spaces (32% reduction). This parking count of 170 parking spaces translates to 1.44 spaces per unit. In addition to the above, the ITE Parking Generation Manual (3rd Edition) states that the average peak parking demand for multi-family apartments units (Land Use #221) is approximately 1.2 spaces per dwelling unit. Applying the methodology from ITE, a total of 149 parking spaces would be adequate for the development.

Village at Mangonia Lake: The Village at Mangonia Lake consists of 228 rental apartments, all of which are workforce housing units. The site is located on the west side of Australian Avenue, north of Palm Beach Lakes Boulevard in the City of West Palm Beach. The City of West Palm Beach code requires a total of 461 parking spaces and the space count is 344 parking spaces (25.38% reduction). The 344 parking spaces translates to 1.51 spaces per unit. Given the nature of the proposed workforce housing development and the location, actual parking demands are anticipated to be less than the City’s parking code requirements. The projected demographics of this development consist of lower income families and single people. Therefore, the majority of the dwelling units will have only vehicle. Using the ITE Parking Generation rate results in a demand of 274 spaces. Based on the
 1551 N Flagler Drive, Suite 102, West Palm Beach, FL 33401 | T: 561.684.6141 | www.snlandplan.com

development's location, demographics, and proximity to mass transit, the proposed parking is anticipated to be adequate to meet the demands of the development.

Banyan Ridge PUD: Banyan Ridge is located on the southwest corner of Belvedere Road and Cleary Road in unincorporated Palm Beach County. The required number of parking spaces for this community is 515 parking spaces and the proposed parking supply is 398 parking spaces (22.72% reduction). The proposed parking supply is 398 parking spaces which would translate to 1.75 spaces per unit. The proposed unit breakdown consists of 144 two-bedroom units and 84 one-bedroom units. Based on that unit breakdown, the parking demand for the proposed development is 372 spaces

AHS Pine Ridge PUD: AHS Pine Ridge is located on the northeast corner of 1st Street and Southern Boulevard (westbound exit ramp to Jog Road) in unincorporated Palm Beach County. The required number of parking spaces for this community is 650 parking spaces and the proposed parking supply based on the proposed parking reduction variance request is 490 parking spaces (24.62% reduction) to provide flexibility and design during the permitting process. However, the applicant is currently depicting 501 parking spaces (1.74 spaces/unit) on the site plan. Based upon the four (4) similar (i.e. in terms of unit mix and demographics) residential apartment communities in south Florida, the subject property is requesting nearly the least amount of parking reduction (24.62%) compared to the local residential apartment communities in south Florida. The proposed unit breakdown consists of 114 one-bedroom units and 174 two-bedroom units.

Fount MUPD (Subject Property): Fount MUPD is located on the south side of Okeechobee Boulevard, approximately 1/3 mile west of Haverhill Road in unincorporated Palm Beach County. The required number of parking spaces for this community is 1,457 parking spaces and the proposed parking supply based on the proposed parking reduction variance request is 1,239 parking spaces (14.96% reduction). Based upon the five (5) similar (i.e. in terms of unit mix and demographics) residential apartment communities in south Florida, the subject property is requesting nearly the least amount of parking reduction (14.96%) compared to the local residential apartment communities in south Florida.

Given the nature of the proposed development and the location, actual parking demands are anticipated to be significantly less. Based on the projected demographics for the residents targeted for the development, it is anticipated that the majority of the residents will have only one vehicle. Consequently, a high demand for vehicle parking is not anticipated. That said, an adequate number of guest parking spaces has been provided and the applicant has provided a parking policy statement which discusses the assignment of parking spaces, guest parking protocol, and requirements for registration of resident and guest vehicles.

Based on Palm Beach County Unified Land Development Code, the proposed 708 multifamily dwelling units requires 1,457 parking spaces. However, only 1,250 spaces are proposed as shown on the Site Plan. The ITE Parking Generation Manual, 5th

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

Edition was reviewed for Land Use 221 (Multifamily Housing Mid Rise) as part of this study to determine the anticipated actual demand. The ITE Parking Generation Manual shows that the average parking demand for a multifamily development is 1.31 parking spaces per dwelling unit and the 85th percentile parking demand is 1.47 spaces per dwelling unit. Therefore, the anticipated average parking demand for the proposed 708 dwelling units is 927 parking spaces and the 85th percentile parking demand is 1,041 parking spaces. Therefore, the proposed 1,239 parking spaces will be 198 spaces greater than the conservative 85th percentile calculation and will be sufficient for the proposed development.

Based on the nature of the proposed development as a targeted workforce housing lease priced community, the proposed parking as shown is anticipated to be adequate to meet the demands of the development. This has been not only detailed through the other similar properties controlled by the applicant, ITE and other parking methodologies, and parking protocols that the proposed parking reduction is in line with other projects within a variety of local municipalities.

History:

- **October 1, 1979** - Final site plan approval for the existing landscaping disposal site and 5,000 square foot, one-story clubhouse building.

Request 1: Rezoning Request Standards:

Pursuant to Article 2.B.7.B.2, when considering a DO application for a Rezoning to a PDD or a TDD, or a Conditional Use, excluding Conditional Use requests for Density Bonus pursuant to Art. 5.G.1, Workforce Housing Program (WHF), the BCC or ZC shall utilize the Standards a through h indicated below. An application which fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved. An amendment which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved. The applicant is requesting to rezone approximately 27.66 acres of land from the Residential High (RH) zoning district to the Multiple Use Planned Development (MUPD) zoning district.

A. Consistency with the Plan – The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.

Response: The proposed use is consistent with the Goals, Objectives and Policies of the Comprehensive Plan densities and intensities of use subject to the proposed concurrent future land use amendment. The proposed 708 dwelling units is within the limitations of the concurrent Future Land Use Amendment. Please refer to pages 2-3 for a full analysis and consistency with the amendment conditions.

Consistency with County Overlays, Plans, and Studies:

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

The subject property is located and is consistent with the Comprehensive Plan's 1992 Haverhill Area Neighborhood Plan, Urban Redevelopment Area (URA) Overlay, Revitalization and Redevelopment Infill Overlay (RRIO), and the Countywide Community Revitalization Team (CCRT) #12 Haverhill West Area. Based on previous approvals and the proposed dynamics of the site, the proposal is consistent with each of the overlays. The overlays applicable to the property include:

Urban Redevelopment Area (URA): The Urban Redevelopment Area (URA) is an 11,467-acre portion of Central Palm Beach County that is the focus of revitalization and redevelopment activities. The designation was the result of the Infill and Redevelopment Study presented to the Board of County Commissioners in 2004. The URA boundaries are generally: Community Drive to the North; the Lake Worth Drainage District L-14 Canal to the South; I-95 to the East; and extends to points as far west as Jog Road. As part of this proposed application, the applicant is encouraging redevelopment and infill through the proposed development that will include 708 multifamily dwelling units, two retail sales building consisting of 19,439 s.f., 3-Story open parking structure consisting of 138,111 s.f., and a 2,400 s.f. (57 Seats) Type I Restaurant bringing the subject property into compliance with the Palm Beach County Unified Land Development Code.

The proposed development seeks to add needed workforce housing units to the market while maximizing the use of the land to avoid the need to develop additional properties in a sprawling manner elsewhere in the County. This location within the urban/suburban tier along with the exceptional access provides a unique opportunity to not only allocate HR-12 but seek to add workforce units to an area where the workforce can seek transit routes to employment centers. This overlay promotes the redevelopment of infill properties which support the necessary existing public infrastructure for higher intensity redevelopment projects. The proposed development is designed in such a way to create a compact walkable community with pedestrian connections to Okeechobee Boulevard and Elmhurst Road. The site has been designed to create large recreational opportunities within the center and western property line of the project. This specific portion of the County has been identified as a park desert, therefore, over an acre of recreational land has been provided on-site to offset voids in the availability of parks in the vicinity of the project.

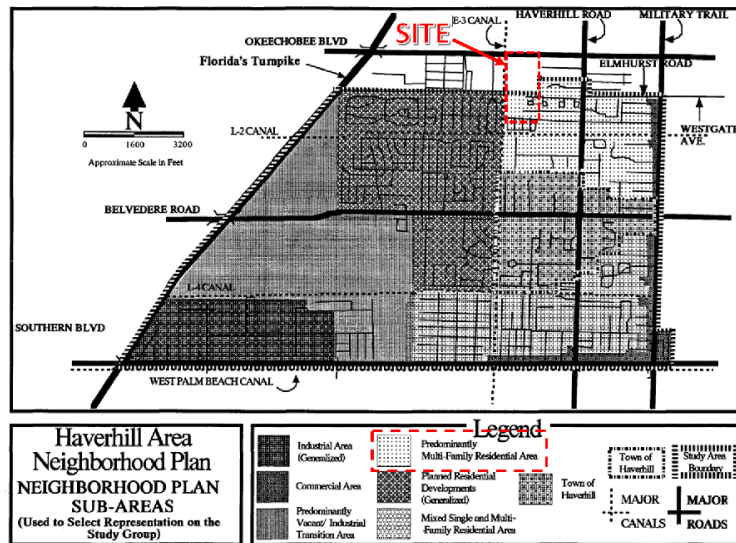
1551 N Flagler Drive, Suite 102, West Palm Beach, FL 33401 | T: 561.684.6141 | www.snlandplan.com

Countywide Community Revitalization Team (CCRT) Area: The property is located within the CCRT#12 Haverhill-West Neighborhood Area. The Office of Community Revitalization (OCR) serves as the CCRT neighborhood liaison office for Palm Beach County.

- **September 16, 2021** - The applicant had a meeting with Audley Reid, Senior Planner, from the Palm Beach County Office of Community Revitalization (OCR) regarding this proposed project. 5 people from the public attended and there were no comments.
- Audley started this meeting with providing a brief overview indicating the subject site is in the CCRT Haverhill-West area and that the BCC requires the applicant to have a CCRT community meeting to discuss proposed development within local CCRT communities.
- The applicant provided an overview of the conceptual site plan, current and proposed zoning and FLU Designation, required WHP units, and a brief historical background of the subject site. Eric McClellan, Director of Facilities Development & Operations Strategic Planning, asked about the full mast-arm signalization on Okeechobee Blvd in regard to the alignment of the proposed access driveway with the fire station to the north. Josh further confirmed that full mast-arm signalization will likely be implemented at the cost of the applicant and that Eric will be suggesting a condition of approval to this effect.
- The applicant then discussed that, due to the latest environmental discovery, the vegetative debris mounds along the west property line will be taken down to grade level and the applicant will be doing a capping of the municipal waste that was previously there prior to the vegetative mounds. The applicant also mentioned the reasoning why the Town of Palm Beach is retaining ownership of the subject site and that the Town is an long-term lease that will likely need this subject site for a future purpose.
- Overall, Eric is happy with the proposed development and indicated that he believes it is a good idea to repurpose the current landfill and to put this public land into an economically productive purpose.

Haverhill Area Neighborhood Plan (HANP) Area: The HANP was completed in 1992 by the PBC Planning Division and Haverhill representatives. The intent of this neighborhood plan was to address land use, airport noise, code enforcement issues and transportation in the Haverhill area. The Neighborhood Plan Sub-area map indicates that the subject property is predominately a multi-family residential area. This would indicate that the subject parcels could be utilized for residential uses as seen in the map below. As shown on the site plan, the applicant plans to develop this project as a high density, multifamily residential development which increases housing opportunities and targets members of the workforce with market or just below market rate units.

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



Revitalization, Redevelopment, and Infill Overlay (RRIO): The goal of the RRIO is to establish incentives and make resources available, when feasible, to encourage revitalization, redevelopment, and infill in areas identified as a RRIO that are in need of assistance. Furthermore, the goal of the RRIO is for the County to work closely with residents, businesses, property owners, governmental agencies, and stakeholders to advance concepts and strategies that guide future revitalization, redevelopment, and infill activities in these areas. The subject property is located in an ideal area for high-density residential development. With frontage along Okeechobee Boulevard, a Major Urban Arterial thoroughfare, and close proximity to major centers of employment along Okeechobee Boulevard near the City of West Palm Beach. The requested high density residential development would be ideal to meet demand for housing. The Applicant plans to develop this project as a high density, multifamily residential development which targets members of the workforce with market or just below market rate units. As part of this proposed application, the applicant is encouraging revitalization, redevelopment, and infill through the proposed development that will include 708 multifamily residential units, bringing the subject property into compliance with the Palm Beach County Unified Land Development Code, and proposing site access via a full access driveway connection to Okeechobee Boulevard and Elmhurst Road to incorporate a safer traffic flow.

Pursuant to FLUE **Policy 1.2.1-e and 1.21-e**, the applicant is proposing 111 TDR units within the URA and RRIO supporting infill in these areas targeted for redevelopment. The TDR program is designed to redistribute population densities or development potential, and to encourage the most appropriate and efficient use of resources, services and facilities. Within this overlay, TDR units may be provided from the County TDR bank at no cost or at a discounted rate.

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

Proposed Density Calculation (HR-12 + WHP + TDR):

The request for 708 dwelling units was achieved utilizing the proposed HR-12 Future Land Use designation and both of the available Density Bonus Programs. Planning staff issued a Density letter dated October 18, 2021 illustrating that the request could be achieved with the Full Incentive Development Option, an 80% WHP Bonus and the purchase of 111 TDR's. The 708 units would be required to obligate 157 of those units as Workforce Housing. However, condition #4 of the companion amendment requires that 25% (177units), of the 708 total units, to be deed restricted as WHP (708 x 25% = 177). The applicant is in agreement with the condition and will provide the units onsite.

Density Increase through TDRs: The applicant's request for HR-12 designation would allow for 332 units on the site. For this site, located just on the on the south side of Okeechobee Boulevard, approximately 1/3 mile west of Haverhill Road, is eligible for up to four TDRs per acre to increase density. The applicant is requesting 111 available TDRs. The cost for a market rate TDR is established as 10% of the County's median home sales price; workforce housing TDR units are prices at 5% of the market rate TDR price; TDRs are required to set aside 34% as WHP units and must be provided on site. The subject request is consistent with the requirements by deed restricting 38 (34%) of the TDRs as WHP which will be constructed onsite.

Density Increase through WHP Optional Density Bonus: Density increases are also permitted through the County's Workforce Housing Program (WHP) Density Bonus option, which allows a density bonus in exchange for a percentage of the bonus units being dedicated as workforce housing. For MR-5 and above, the maximum bonus is determined through a pre-application process, which considers census data, area amenities, and other factors. For this project, the available density bonus as determined through a required pre-application process is 80%, which would result in an additional 266 units. The applicant has indicated the intent to use all of the 266 density bonus units available through the WHP density bonus full-incentive election.

Combined Density Increases: The following table summarizes the maximum development potential for this site, under current conditions, and under the proposed designation with TDRs and WHP density bonus. Based on the applicant's intent to develop 708 units, the HR-12 category is the lowest future land use which, in combination with the available TDRs and WHP, would yield the intended number of units.

The 708 units on the 27.66 acre site is achieved as follows:

HR-12:	12 x 27.66 =	331.92
WHP Bonus:	80% x 331.92=	265.54
TDR's:	4 x 27.66=	<u>110.64 or 111(rounded up)</u>

Total units: 708

However, Per Condition 4 of the concurrent amendment, the request for 708 dwelling units is subject to a 25% WHP obligation resulting in a total WHP obligation of 177du (708 x 0.25 = 177)

WHP Obligation: The County's WHP program requires all developments of 10 or more units in the Urban Suburban Tier to provide a percentage of units as workforce housing. The program also requires a percentage of any WHP density bonus units to be provided as WHP units. Finally, a portion of any TDRs used must also be provided as WHP units. WHP units are to be provided as for-sale or rental housing, at prices affordable to households having 60% to 140% of area median income. (The 2020 Area Median Income in Palm Beach County was \$79,100 for a family of four.) For all WHP except those stemming from the use of TDRs, developers also have the option to provide the units offsite or pay an in-lieu fee. However, the applicant intends to construct all of the WHP onsite as a Multifamily Rental product.

The subject request for 708 multifamily rental units was submitted when the 2020 WHP pricing was in effect as follows:

2020 WHP Rental Prices:

Income %	Income, \$	1 BR	2 BR	3 BR	4 BR
60-70%	\$47,460 -	\$ 988 -	\$1,186 -	\$1,370 -	\$1,528 -
	\$55,370	1,153	\$1,384	\$1,598	\$1,783
>70-80%	>\$55,370 -	\$1,153 -	\$1,384 -	\$1,598 -	\$1,783 -
	\$63,280	\$1,318	\$1,582	\$1,827	\$2,038
>80-90%	>\$63,280 -	\$1,318 -	\$1,582 -	\$1,827 -	\$2,038 -
	\$71,190	\$1,483	\$1,780	\$2,056	\$2,293
>90-100%	>\$71,190 -	\$1,483 -	\$1,780 -	\$2,056 -	\$2,293 -
	\$79,100	\$1,648	\$1,978	\$2,284	\$2,548
>100-110%	>\$79,100 -	\$1,648 -	\$1,978 -	\$2,284 -	\$2,548 -
	\$87,010	\$1,813	\$2,176	\$2,512	\$2,803
>110-120%	>\$87,010 -	\$1,813 -	\$2,176 -	\$2,512 -	\$2,803 -
	\$94,920	\$1,977	\$2,373	\$2,740	\$3,057
>120-130%	>\$94,920 -	\$1,977 -	\$2,373 -	\$2,740 -	\$3,057 -
	\$102,830	\$2,142	\$2,571	\$2,969	\$3,312
>130-140%	>\$102,830 -	\$2,142 -	\$2,571 -	\$2,969 -	\$3,312 -
	\$110,740	\$2,306	\$2,768	\$3,197	\$3,566

B. Consistency with the Code – The proposed use or amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.

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

Response:

Article 2: ULDC Article 2.B.7.A.2. Provides the standards for applications requesting rezoning. The responses below relate to the zoning request.

Article 3: Overlays and Zoning Districts – Pursuant to ULDC Article 3 and the proposed zoning designation of MUPD, the following code provisions have been analyzed:

Commercial Planned Development: The proposed development meets the intent of ULDC Table 3.E.3.D, MUPD Property Development Regulations in that the site plan:

- Meets the minimum lot size of 5 acres (3.5 acres provided)
- Meets the minimum width and frontage of 300 feet (616 feet provided)
- Meets the minimum depth of 300 feet (1,950 feet of depth provided) for the MUPD zoning district;
- Meets the maximum building coverage of 30% for MUPD (14% building coverage provided);
- Meets the maximum FAR of .85 for CH FLU (0.14 FAR provided);
- Meets the minimum setbacks for CC as follows:
 - Front: 30 feet (41 feet provided);
 - Side: 15 feet (20 feet provided);
 - Side Street: 30 feet (N/A feet provided); and
 - Rear: 20 feet (1,795 feet provided).

Residential Planned Development: The proposed development meets the intent of ULDC Table 3.D.1.A, Property Development Regulations in that the site plan:

- Meets the minimum lot size (24.16 acres provided)
- Meets the minimum width of 65 feet (616 feet provided)
- Meets the minimum frontage of 65 feet (616.85 feet provided)
- Meets the minimum depth of 75 feet (1,950 feet of depth provided) for the MUPD zoning district;
- Meets the maximum building coverage of 40% (19% building coverage provided);
- Meets the minimum setbacks for MUPD as follows:
 - Front: 25 feet (343 feet provided);
 - Side: 15 feet (80 feet provided);
 - Side Street: 25 feet (N/A feet provided); and
 - Rear: 15 feet (95 feet provided).

Article 3.E.1.C.1 a-i PDD Design Objectives:

PDD Objectives and Standards:

a. Contain sufficient depth, width, and frontage on a public street, or appropriate access thereto, as shown on the PBC Thoroughfare Identification Map to adequately accommodate the proposed use(s) and design;

Response: Complies. The applicant is in compliance with the minimum depth, width, and frontage for Okeechobee Boulevard and Elmhurst Road pursuant to Table 3.E.3.D, MUPD Property Development Regulations.

b. Provide a continuous, non-vehicular and pedestrian circulation systems which connect uses, public entrances to buildings, recreation areas, amenities, usable open space, and other land improvements within and adjacent to the PDD;

Response: The proposed site plan provides a continuous, non-vehicular and pedestrian pathways to the project entrance as well as to each of the proposed residential buildings (E, G, H, J, K).

c. Provide pathways and convenient parking areas designed to encourage pedestrian circulation between uses;

Response: The proposed site plan provides a continuous, non-vehicular and pedestrian pathways to the project entrance as well as to each of the proposed residential buildings (E, G, H, J, K).

d. Preserve existing native vegetation and other natural/historic features to the greatest possible extent;

Response: According to historic aerials, the subject property was drained and cleared of natural vegetation. The topography and soils remain relatively unchanged since the clearing of the site. Therefore, there will be minimal impact to the natural environment if the site is developed as intended

e. Screen objectionable features (e.g. mechanical equipment, loading/delivery areas, storage areas, dumpsters, compactors) from public view and control objectionable sound;

Response: The proposed site plan is providing ten (10) dumpsters for the proposed development (one to the south of Building A, two to the north of Building E, one to the south of the Building C, two to the southwest of Building G, two to the east of Building H, and two to the northwest of Building J. The proposed dumpsters will be in compliance with Article 5.B.1.A.8

f. Locate and design buildings, structures, uses, pathways, access, landscaping, water management tracts, drainage systems, signs and other primary elements to minimize the potential for any adverse impact on adjacent properties;

Response: The proposed site plan is proposing 4.52-acres of recreational area as well as a 8' compatibility landscape buffer along the east and west property line and a 10-foot Type I incompatibility landscape buffer along the east, south, and west property line. Additionally, Sheet PSP is proposing a 15-foot Type II Incompatibility landscape buffer along the east and west property lines to provide an additional setback to buffer the proposed development from the existing single-family residences to the north, east, south, and west of the subject site and commercial development to the east and west.

g. Minimize parking through shared parking and mix of uses;

Response: The proposed site plan is requesting a variance for the reduction of 218 parking spaces to 1,239 proposed parking spaces from the Code required 1,457 parking spaces for the proposed multifamily residential development. The proposed parking supply based on the proposed parking reduction variance request is 1,239 parking spaces which would translate to 1.75 spaces per unit. Based upon the five (5) similar (i.e. in terms of unit mix and demographics) residential apartment communities in south Florida, the subject property is requesting nearly the least amount of parking reduction (14.96%) compared to the local residential apartment communities in south Florida.

h. Creation of a strong pedestrian system through the design and placement of buildings connected to a common public space or usable open spaces; and,

Response: The proposed site plan provides a continuous, non-vehicular and pedestrian pathways to the project entrance as well as to each of the proposed residential buildings (E, G, H, J, K). Please refer to Sheet PRP-7 for details.

i. For PDDs with nonresidential uses, a minimum of one pedestrian amenity for each 100,000 square feet of non-residential GFA, or fraction thereof, shall be incorporated into the overall development to create a pedestrian friendly atmosphere. Suggested amenities include, but are not limited to:

- 1) public art;
- 2) clock tower;
- 3) water feature/fountain;
- 4) outdoor patio, courtyard or plaza; and
- 5) tables with umbrellas for open air eating in common areas and not

associated with tenant use (i.e. restaurant) or outdoor furniture

Response: The applicant is proposing a focal point specimen tree to the northeast of Building H.

Article 3.E.1.C.2 PDD Performance Standards

The majority of the criteria in Article 3.E.1.C.2 is not applicable to the proposed development. Please refer to the applicable criteria as listed below.

Article 3.E.1.C.2.A. Access and Circulation

- PDDs shall have a minimum of 200 linear feet of frontage on an arterial or collector street
 - The subject site provides 616.82 linear feet of frontage on Okeechobee Boulevard, which is an arterial or collector street.

Article 3.E.1.C.2.B. Street Lighting

- Streetlights will be in compliance with the maximum 25 feet in height and will be installed along all streets 50 feet in width or greater (Okeechobee Boulevard and Elmhurst Road). The proposed light fixture will be designed to direct light away from residences and onto the sidewalk and street and will be in compliance with Art. 5.E, Performance Standards.
- The site plan has been updated to include a note that decorative street lights will be provided at the entrance to the site. Since the applicant doesn't show street lights on the site plan, the applicant has provided the note and these lights will be provided on the photometric plan at time of building permit.

Article 3.E.1.C.2.F. Mass Transit

- The nearest Palm Tran Route is Route 43 (Okeechobee Boulevard) and Route 44 (Belvedere Road). The nearest palm Stop is Bus Stop 3285, which is located on the south side of Okeechobee Boulevard approx. 2,010' west of the intersection of Okeechobee Blvd. & Haverhill Road located on the subject site's frontage on Okeechobee Boulevard.

Article 3.E.1.C.2.H.1 Parking

- Residential Uses
 - Parking is in compliance with Art. 6, Parking

Article 6: Parking

Multifamily uses are required to provide parking at a ratio of 1.75 spaces per unit (one bedroom or more) and 1 guest parking space per 4 units with common parking area. The proposed site plan indicates 1,355 proposed parking spaces.

Parking Required: 1,573 Spaces

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

Commercial: 116 Spaces

Type I Restaurant - 1 space/3 seats @ 57 seats = 19
Retail Sales - 1 space/200 s.f. @ 19,439 s.f. = 97

Residential: 1,457 Spaces

Multifamily – 1.75 Spaces/unit @ 708 units = 1,239
+1 guest space/4 units @ 708 units = 177
+1 space/300 s.f. of a/c & pool @ 11,044 s.f. = 37
+2 Maintenance Service Spaces for Clubhouse/Pool x 2 = 4 Spaces

Required Residential Parking: 1,457 Spaces

Proposed Residential Parking (1.75 spaces/Unit): 1,239 Spaces (See Variance #1 on page 37)

Handicap Spaces Required: 30 Spaces (Commercial: 5 Spaces, Residential: 25 Spaces)

Handicap Spaces Provided: 33 Spaces (Commercial: 5 Spaces, Residential: 28 Spaces)

Bicycle Spaces Required: 15 Spaces

Bicycle Spaces Provided: 30 Spaces

Article 3.E.1.C.2.H.6 Distance

- All parking spaces will be located within 600 linear feet of a public entrance of the proposed development.

Article 3.E.3.B.1 MUPD Design Objectives

An MUPD shall comply with the following objectives:

- a) Allow for both residential and non-residential uses within a project that is designed in a manner to foster compatibility within and adjacent to the project

Response: This project is consistent with this standard as the applicant is proposing a new multifamily residential development with a variety of commercial uses that allow future residents to meet multiple daily needs within the MUPD.

- b) Provide innovative building location and orientation

Response: The project is consistent with this standard as the applicant is proposing to incorporate a new residential community. The proposed locations of the multifamily buildings are harmonious with the proposed commercial development along Okeechobee Boulevard. The multifamily buildings have been oriented in an effort to create a natural transition between the commercial and residential uses with the focus on building form and site/design characteristics in the form of pedestrian

connections, open space and landscaping.

- c) Protect adjacent residential uses from potential adverse impacts

Response: The proposed development is surrounded by residential and commercial uses and the location of the new residential and commercial uses establishes a transition between the adjacent residential communities to the north, east, south, and west, and the more intense commercial uses to the east and west.

- d) Provide interconnection between uses in and adjacent to the project

Response: Interconnectivity is provided within the proposed development.

- e) Allow for landscape design that enhances the appearance of the project; and

Response: The applicant is proposing an 8' compatibility landscape buffer along the east and west property line, a 10-foot Type I incompatibility landscape buffer along the east, south, and west property line, and a 15-foot Type II Incompatibility landscape buffer along the east and west property lines to setback to provide an additional buffer from the adjacent uses to the proposed development. Additionally, the applicant is proposing a 15' transitional landscape buffer between the proposed residential and commercial uses. These elements will soften the transition and increase coherence between the proposed residential and commercial development.

- f) An MUPD with an EDC FLU designation shall be primarily utilized by office and research parks, which may also include manufacturing and processing, research and development, wholesale distribution, and storage of products.

Response: This standard is not applicable as the subject site is proposing a CH w/ an underlying HR-12 (3.5 acres) & HR-12 (24.16 acres) FLU designation.

Article 3.E.3.B.2 MUPD Performance Standards

- a) Freestanding Buildings

Response: This section does not apply to mixed use or residential structures, such as that proposed by the DOA.

- b) Non-vehicular Circulation: A MUPD shall be designed to provide for pedestrian and bicycle-oriented circulation system throughout the development.

Response: Appropriate pedestrian and bicycle connections are proposed for the project as shown on the site plan. Both the residential and commercial uses provide safe connectivity between the uses and the adjacent Okeechobee Boulevard and Elmhurst Road rights-of-way for pedestrians and bicyclist alike.

1. Sidewalks: Where sidewalks cross vehicular use areas, they shall be constructed of pavers, brick, decorative concrete, or similar pavement treatment.

Response: All crosswalks are proposed to be constructed of pavers, brick, decorative concrete or similar material as shown on the site plan.

- c) Landscape Buffers - A Type 3 incompatibility buffer shall be provided in any area of an MUPD adjacent to a residential use type or undeveloped land with a residential FLU designation. The applicant may request for an alternative buffer subject to a Type 2 Waiver process.

Response: The applicant is proposing an 8' compatibility landscape buffer along the east and west property line, a 10-foot Type I incompatibility landscape buffer along the east, south, and west property line, and a 15-foot Type II Incompatibility landscape buffer along the east and west property lines to setback to provide an additional buffer from the adjacent uses to the proposed development. These design features include a 6' chain link fence, and tree/shrub plantings.

- d) Cross Access - Parking lots and vehicular circulation areas shall be designed to facilitate cross access directly to adjacent parcels. Cross access shall be provided between a MUPD and adjacent land with a non-residential FLU designation, if required by the DRO. The cross access shall be in a location and manner acceptable to the DRO.

Response: The applicant is providing proposed vehicular and pedestrian cross access to the parcel to the east.

- e) Parking – Off-street parking areas shall comply with Art. 6, Parking, Art. 7, Landscaping, and the following:

1. Parking Areas

- a. Groundcover or small shrubs 18 to 24 inches in height at installation and maintained to achieve a maximum of 30 inches in height shall be planted in all landscape islands and divider medians. The internal parking lot and vehicular use areas will be landscaped in accordance with Article 7, Landscaping.]

Response: The internal parking lot and vehicular use areas will be landscaped in accordance with Article 7, Landscaping.

- b. Where pedestrian access ways cross landscape islands or are provided within divider medians, they shall consist of brick, decorative concrete, or similar paving treatment.

Response: The proposed development will comply with this standard as shown on the site plan.

2. Loading Area Screening- Internally oriented loading areas shall provide an opaque wall of a height necessary to screen vehicles from view. Foundation planting shall be provided on the exterior side of the wall.

Response: The plans have been updated to ensure that all internally oriented loading areas are properly screened with a lush landscape buffer, and foundation planting will be provided to comply with the applicable standards in the ULDC and will be subject to review at the time of building permit.

- f) Residential - An MUPD with residential uses shall comply with the following additional performance standards:

Ordinance No. 2019-005, which codified amendments to the ULDC related to residential uses within a MUPD, included Performance Standards applicable to residential uses within a MUPD. The Project complies with these required Performance Standards as follows:

1. *Proximity of Uses:* **All proposed residential units are located within a recreation area or useable open space. The applicant is proposing a 1.34-acre recreation area to the west of Building H and a 0.11-acre recreation area to the east of Building H, 1.28-acre recreation area to the west of Building G, 1.21-acre recreation area to the west of Building E, and 0.58-acre recreation area to the north of the proposed parking structure. Additionally, the applicant is proposing two state-of-the-art clubhouses and pools within the residential parcel.**
2. *Pedestrian Circulation:* **The proposed site plan is providing a continuous, non-vehicular and pedestrian pathways to the project entrance as well as to each of the proposed residential buildings (E, G, H, J, K).**
3. *Compatibility:* **The proposed residential uses provide a transition between the commercial uses along the north property line. The applicant is proposing an 8' compatibility landscape buffer along the east and west property line, a 10-foot Type I incompatibility**

landscape buffer along the east, south, and west property line, and a 15-foot Type II Incompatibility landscape buffer along the east and west property lines to setback to provide an additional buffer from the adjacent uses to the proposed development. These design features include a 6' chain link fence and tree/shrub plantings. The proposed landscape elements provide adequate screening, enhancing the compatibility between uses within the MUPD.

County Planning Staff informed the applicant to consider the height and placement of the proposed residential structures (Buildings H, J, K) in relation to the existing residential units along the south boundary and the southern 1/3 of the east boundary, in order to minimize impacts on existing residents.

The applicant has voluntarily proposed a condition of approval to limit the proposed residential structures (Buildings H, J, K) located on the portion of the site south of a line extending west from Elmhurst Road be limited to a maximum of 3 Stories in height. The applicant has updated the site plan accordingly to satisfy County staff's concerns regarding compatibility with the adjacent residential uses.

4. *Useable Open Space:* Article 3.E.3.B.2.F.4 of the County's ULDC requires five percent (5%) of the total development area. Specifically, the plan complies with the minimum usable open space requirement of 5% of the total development area. Article 3.E.3.B.2.F.4 of the County's ULDC requires trees be installed within the useable open space areas situated between the residential and non-residential uses at one (1) tree for each one thousand square feet (1,000 sf) of useable open space. The proposed multifamily development complies with the ULDC's useable open space requirements. Please refer to Sheet PRP-7 (Usable Open Space Exhibit) that has been provided.

**Total Usable Open Space Required: 1.38 ac. (60,248 s.f.)
(Total Development Area: 27.66 ac. or 1,204,959 s.f. x 5%)
Total Usable Open Space Provided: 1.42 ac. (62,064 s.f.)**

USABLE OPEN SPACE TABULAR DATA	
Required Usable Open Space (per Art.3.E.3.B.2.E.4)	1.38 ac. (60,248 s.f.)
27.66 ac. (1,204,959 s.f.) x 5% = 60,248 s.f.	
Proposed Usable Open Space	1.42 ac. (62,064 s.f.)
A	0.26 ac. (11,184 s.f.)
B	0.58 ac. (25,458 s.f.)
C	0.23 ac. (10,187 s.f.)
D	0.27 ac. (11,910 s.f.)
E	0.07 ac. (3,325 s.f.)

Article 4: Use Regulations:

Multifamily: The use of a structure designed for two or more dwelling units which are attached or the use of a lot for two or more dwelling units. The number of units is based on the land use designation.

Typical Uses:

Typical uses include apartments and residential condominium

HR-8, HR-12 or HR-18 FLU Designation

Multifamily units on parcels with an HR-8, HR-12 or HR-18 FLU designation, may be Permitted by Right unless Development Thresholds in Art. 4.A.9 are triggered.

Type 1 Restaurant

a. Definition

An establishment equipped to sell food and beverages in one of the following methods: drive-thru sales to patrons in automobiles for takeout who place orders through a window or remote transmission device; or sales to patrons for takeout or dining in, that includes three or more of the following: food or beverage choices are advertised on a menu board; countertop sales where payment is made prior to consumption; disposable containers and utensils; limited service dining facilities with no hostess or waiters; and self-service or prepackaged condiments.

b. Approval Process

1) DRO Approval

A Type 1 Restaurant without a drive-through where the use is allowed provided the GFA including outdoor dining areas does not exceed 5,000 square feet. **Response: Complies. The proposed 2,400 s.f. Type I Restaurant falls within the 5,000 s.f. threshold. The applicant will proceed with a DRO use approval for the proposed Type I Restaurant.**

2) Permitted by Right

A Type 1 Restaurant without a drive-through or located in an out parcel, may be Permitted by Right in any PDD or TDD with a commercial or institutional FLU designation, or Pod; the commercial or recreational pod of a PUD,

MHPD or RVPD; and all commercial zoning districts, provided the GFA including outdoor dining areas does not exceed 1,500 square feet.

Response: Not applicable as the proposed 2,400 s.f. Type I Restaurant exceeds the 1,500 s.f. threshold.

c. Tier Specific - Exurban and Rural

A Type 1 Restaurant shall comply with the following:

- 1) Shall not be the sole use on the property;
- 2) Shall be located in a MUPD or TDD;
- 3) Shall not have direct ingress/egress to an adjacent Arterial or Collector Street. Ingress/egress shall be from the interior of the overall vehicular circulation system for the development or interior streets, whichever is applicable; and,
- 4) Shall comply with the design requirements outlined under Article 4.B.2.C.32.f.3), Exceptions. **Response: Not applicable as the subject property is in the Urban/Suburban Tier.**

d. Zoning Districts – TMD and LCC

A Type 1 Restaurant shall be limited to:

- 1) 5,000 square feet of indoor dining area, for a maximum of 6,500 square feet of GFA.
- 2) Located in an outparcel or freestanding building; or
- 3) A drive-thru, unless it is located in the rear of a building, with access from an alley or the interior of a parking area, and is covered by a canopy or the second story of a building. **Response: Not applicable as the subject property is located in the proposed MUPD Zoning District.**

e. Accessory Alcohol Sales

A Type 1 Restaurant may include the on-premises sale, service and consumption of alcoholic beverages as an accessory use. **No alcohol is being proposed in the Type 1 Restaurant.**

f. Location Criteria

A Type 1 Restaurant with a drive-through shall be subject to the following:

- 1) Intersection Criteria
A maximum of two Type 1 Restaurants shall be permitted at an intersection in accordance with Art. 5.E.2.B, Intersection Criteria. **Response: Not applicable as the applicant is not proposing a drive-through with the Type I Restaurant.**
- 2) Separation Criteria
A Type 1 Restaurant shall be separated from any other Type 1 Restaurant in accordance with Art. 5.E.2.C.2
Response: Not applicable as the applicant is not proposing a drive-through with the Type I Restaurant.
- 3) Exceptions
 - a. **Design Criteria**

A Type 1 Restaurant may be exempt from the location criteria if the site is designed to: address the additional trips associated with a drive-through restaurant; as well as enhance pedestrian circulation, safety and accessibility while limiting vehicular circulation using exemplary site design, and architectural treatment that incorporates the following described in ULDC Article 4.B.2.C.33.F.3

Response: Not applicable as the applicant is not proposing a drive-through with the Type I Restaurant.

b. MUPD

A Type 1 Restaurant located within an MUPD may be exempt from the Location Criteria of 1) Intersection Criteria, and 2) Separation Criteria, where in compliance with the following:

(1) Required Perimeter Landscape Buffers, where located between all Type 1 Restaurant areas, including ingress/egress, and any R-O-W or parcel of land with a residential FLU designation or use, unless obstructed from view by other existing structures; and,

(2) Direct access from any perimeter R-O-W abutting the MUPD shall be prohibited. All access shall be from entrances established for the overall MUPD, and comply with minimum standards for ingress/egress, stacking, turn-lanes, and pedestrian connectivity. **Complies.**

g. Major Intersection Criteria for CL FLU

A Type 1 Restaurant with a CL FLU designation shall comply with Art. 5.E.1, Major Intersection Criteria, unless the restaurant meets the requirements of one or more of the following: Art. 4.B.2.C.33.b.1), DRO Approval, Art. 4.B.2.C.33.b.2), Permitted by Right, is located within a TMD, or complies with the design requirements outlined under Art. 4.B.2.C.33.e.3), Exceptions.

Response: Not applicable as the subject site has a proposed CH w/ an underlying HR-12 (3.5 acres) & HR-12 (24.16 acres) FLU designation.

h. Outdoor Dining

Shall comply with the principal structure setbacks. **Complies as no outdoor dining is currently proposed.**

Article 5: Supplemental Regulations:

The applicant is proposing to utilize the Transfer of Development Rights program to increase the units on the subject property. The applicant is requesting 4 du per acre for a total of 111 TDR units.

Article 5.c: Architectural drawings consistent with Article 5.c have been provided per the applicant's TDR request pursuant to Article 5.G.3.K.4

Article 6: Parking

Multifamily uses are required to provide parking at a ratio of 1.75 spaces per unit (one bedroom or more) and 1 guest parking space per 4 units with common parking area. The proposed site plan indicates 1,355 proposed parking spaces.

Parking Required: 1,573 Spaces

Commercial: 116 Spaces

Type I Restaurant - 1 space/3 seats @ 57 seats = 19
Retail Sales - 1 space/200 s.f. @ 19,439 s.f. = 97

Residential: 1,457 Spaces

Multifamily – 1.75 Spaces/unit @ 708 units = 1,239
+1 guest space/4 units @ 708 units = 177
+1 space/300 s.f. of a/c & pool @ 11,044 s.f. = 37
+2 Maintenance Service Spaces for Clubhouse/Pool x 2 = 4 Spaces

Required Residential Parking: 1,457 Spaces

Proposed Residential Parking (1.75 spaces/Unit): 1,239 Spaces (See Variance #1 on page 37)

Handicap Spaces Required: 30 Spaces (Commercial: 5 Spaces, Residential: 25 Spaces)

Handicap Spaces Provided: 33 Spaces (Commercial: 5 Spaces, Residential: 28 Spaces)

Bicycle Spaces Required: 15 Spaces

Bicycle Spaces Provided: 30 Spaces

Article 7: The proposed Rezoning is consistent with Article 7 Landscaping, specifically the following:

The proposed development meets the standards listed in ULDC Art.7, Landscaping, as follows:

- Per ULDC Table 7.C.2.C.3, Incompatibility Buffer Landscape Requirements, the project will provide:
 - Minimum of a 10-foot Type I Incompatibility landscape buffer:
 - Along the western 1,307 linear feet along the west property line and
 - Along the southeastern 256 linear feet of the east property line
 - Along the south property line
 - Minimum of a 15-foot Type II Incompatibility landscape buffer:

- Along the western 420 linear feet along the west property line
- Along 952 linear feet of the east property line
- 68 linear feet of the northeast property line
- Per ULDC Table 7.C.2.B, Compatibility Buffer Landscape Requirements, the project will provide a:
 - Minimum of an 8-foot compatibility landscape buffer:
 - Along the western 242 linear feet of the west property line
 - Along the northeastern 242 linear feet of the east property line
 - Along the southeastern 400 linear feet of the east property line
- Per ULDC Table 7.C.2.A, Width of R-O-W Buffer, the site design also incorporates a 5' right-of-way landscape buffer along Okeechobee Boulevard (See Variance #2 on page 23)

Foundation Planting: Per Table 7.C.3.B. Foundation Planting and Dimensional Requirements, foundation planting shall be provided for 40% of the front and side facades of non-residential and residential buildings:

- **Building A (Type I Restaurant)**
 - **East (Front) Building Façade (40)'**
 - Required: 40' x 40% = 16'
 - Provided: 21'
 - **West (Rear) Building Façade (40)'**
 - Required: 40' x 40% = 16'
 - Provided: 35'
 - **North (Side) Building Façade (60)'**
 - Exempt where required planting area overlaps the required 20' ROW landscape buffer per Article 7.C.3.B.2.D
- **Building B (Retail Sales)**
 - **South (Front) Building Façade (240)'**
 - Required: 240' x 40% = 96'
 - Provided: 148'
 - **East (Side) Building Façade (50)'**
 - Required: 50' x 40% = 20'
 - Provided: 20'
 - **West (Side) Building Façade (116)'**
 - Required: 116' x 40% = 46'
 - Provided: 50'
- **Building C (Retail Sales)**

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

- **South (Front) Building Façade (156')**
 - Required: $156' \times 40\% = 62'$
 - Provided: 111'
- **West (Side) Building Façade (50')**
 - Required: $50' \times 40\% = 20'$
 - Provided: 20'
- **Building D (Leasing Office)**
 - **North (Front) Building Façade (51')**
 - Required: $51' \times 40\% = 20'$
 - Provided: 20'
 - **East (Side) Building Façade (33)'**
 - Required: $33' \times 40\% = 13'$
 - Provided: 13'
 - **West (Side) Building Façade (24)'**
 - Required: $24' \times 40\% = 10'$
 - Provided: 10'
- **Building E**
 - **East (Front) Building Façade (254')**
 - Required: $254' \times 40\% = 102'$
 - Provided: 154'
 - **North (Side) Building Façade (256)'**
 - Required: $256' \times 40\% = 102'$
 - Provided: 163'
 - **West (Rear) Building Façade (251)'**
 - Required: $251' \times 40\% = 100'$
 - Provided: 144'
 - **South (Side) Building Façade (258)'**
 - Required: $258' \times 40\% = 103'$
 - Provided: 327'
- **Building F (Clubhouse #1)**
 - **South (Front) Building Façade (61')**
 - Required: $61' \times 40\% = 24'$
 - Provided: 24'
 - **East (Side) Building Façade (30)'**
 - Required: $30' \times 40\% = 12'$
 - Provided: 12'
 - **West (Side) Building Façade (30)'**
 - Required: $30' \times 40\% = 12'$
 - Provided: 12'
- **Parking Structure**
 - **North Building Façade (362')**
 - Required: $362' \times 40\% = 145'$

- Provided: 145'
- **South Building Façade (362')**
 - Required: $362' \times 40\% = 145'$
 - Provided: 145'
- **West Building Façade (127')**
 - Required: $127' \times 40\% = 51'$
 - Provided: 51'
- **East Building Façade (126')**
 - Required: $126' \times 40\% = 50'$
 - Provided: 50'
- **Building G**
 - **East (Front) Building Façade (254')**
 - Required: $254' \times 40\% = 102'$
 - Provided: 155'
 - **North (Side) Building Façade (669')**
 - Required: $669' \times 40\% = 268'$
 - Provided: 342'
 - **West (Rear) Building Façade (262')**
 - Required: $262' \times 40\% = 105'$
 - Provided: 155'
 - **South (Side) Building Façade (256')**
 - Required: $256' \times 40\% = 102'$
 - Provided: 162'
- **Building H**
 - **South (Front) Building Façade (347')**
 - Required: $347' \times 40\% = 139'$
 - Provided: 177'
 - **North (Rear) Building Façade (197')**
 - Required: $197' \times 40\% = 79'$
 - Provided: 114'
 - **East (Side) Building Façade (56')**
 - Required: $56' \times 40\% = 22'$
 - Provided: 22'
 - **West (Side) Building Façade (199')**
 - Required: $199' \times 40\% = 80'$
 - Provided: 125'
- **Building I (Clubhouse #2)**
 - **East (Front) Building Façade (58')**
 - Required: $58' \times 40\% = 23'$
 - Provided: 26'
 - **North (Side) Building Façade (19')**
 - Required: $19' \times 40\% = 8'$

- Provided: 10'
- **South (Side) Building Façade (19)'**
 - Required: $19' \times 40\% = 8'$
 - Provided: 10'
- **Building J**
 - **North (Front) Building Façade (415)'**
 - Required: $415' \times 40\% = 166'$
 - Provided: 219'
 - **East (Side) Building Façade (199)'**
 - Required: $199' \times 40\% = 80'$
 - Provided: 125'
 - **West (Side) Building Façade (56)'**
 - Required: $56' \times 40\% = 22'$
 - Provided: 22'
 - **South (Rear) Building Façade (264)'**
 - Required: $264' \times 40\% = 106'$
 - Provided: 155'
- **Building K**
 - **West (Front) Building Façade (275)'**
 - Required: $275' \times 40\% = 110'$
 - Provided: 164'
 - **East (Rear) Building Façade (275)'**
 - Required: $275' \times 40\% = 110'$
 - Provided: 158'
 - **North (Side) Building Façade (56)'**
 - Required: $56' \times 40\% = 22'$
 - Provided: 22'
 - **South (Side) Building Façade (56)'**
 - Required: $56' \times 40\% = 22'$
 - Provided: 22'

Article 8: The proposed Rezoning is consistent with Article 8 Signage, specifically the following:

Per ULDC Table 8.G.2.A, Freestanding Sign Standards, the project is currently proposing two (2) entrance signs along Okeechobee Boulevard and will comply with the standards for the U/S Tier:

- Maximum Number: 3 signs per entrance
- Maximum Sign Face Area Per Sign: 200 sq. ft.
- Maximum Height: 15'

Per ULDC Table 8.G.1.A-4, Wall Sign Standards, the project is proposing wall signage along the north façade and west facade, which is in compliance with

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

the standards for the U/S Tier:

- Building A (Type I Restaurant):
 - Maximum Sign Area:
 - 1.0 square feet for each lineal foot of the front wall to which the sign is attached;
 - North Façade Length = 60 l.f. (Max 60 s.f.)
 - 0.5 square feet for each lineal foot of the side and rear wall to which the sign is attached; or
 - East Façade Length = 20 l.f. (Max 40 s.f.)
 - South Façade Length = 31 l.f. (Max 62 s.f.)
 - Allowable facades: Front, Side and Rear
- Building B (Retail Sales):
 - Maximum Sign Area:
 - 1.0 square feet for each lineal foot of the front wall to which the sign is attached;
 - North Façade Length = 166 l.f. (Max 166 s.f.)
 - 0.5 square feet for each lineal foot of the side and rear wall to which the sign is attached; or
 - West Façade Length = 58 l.f. (Max 116 s.f.)
 - South Façade Length = 120 l.f. (Max 240 s.f.)
 - Allowable facades: Front, Side and Rear
- Building C (Retail Sales):
 - Maximum Sign Area:
 - 1.0 square feet for each lineal foot of the front wall to which the sign is attached;
 - North Façade Length = 156 l.f. (Max 156 s.f.)
 - 0.5 square feet for each lineal foot of the side and rear wall to which the sign is attached; or
 - South Façade Length = 78 l.f. (Max 156 s.f.)
 - Allowable facades: Front, Side and Rear

C. Compatibility with Surrounding Uses – The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development

Response: The proposed development will be compatible with both the residential and serve as a transitional use to the non-residential uses that surround the subject property. The subject properties are exceptionally situated for the proposed multifamily residential apartments and commercial uses as the immediate uses surrounding the subject property are residential uses to the north, south, east, and west, and commercial uses to the east and west.

D. Design Minimizes Adverse Impact– The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent land

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

Response: *The proposed site plan has been designed to provide a 4.52-acre recreational area to setback the new development further from the existing single-family residences and vehicle sales uses to the west. The applicant will be constructing the proposed development utilizing building materials to mitigate the noise from Okeechobee Boulevard in accordance with the Florida Building Code.*

E. Design Minimizes Environmental Impact - The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment

VEGETATION PROTECTION: The Preliminary Tree Disposition Plan provides a total of 73 trees to be preserved on site in their existing location. All other vegetation will be removed or relocated.

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.

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

Response: *The subject site is surrounded by properties developed with commercial uses to the east and west and residential uses to the north, south, east, and west. Therefore, the proposed rezoning to MUPD is consistent with the developed pattern of the community. The applicant is proposing an 8' compatibility landscape buffer along the east and west property line, a 10-foot Type I incompatibility landscape buffer along the east, south, and west property line, and a 15-foot Type II Incompatibility landscape buffer along the east and west property lines to setback to provide an additional buffer from the adjacent uses to the proposed development. The proposed use is consistent with the logical, orderly and timely development pattern for the subject property.*

G. Adequate Public Facilities – The proposed amendment complies with Art. 2.F, Concurrency.

Response: Potable water and wastewater lines run within the right-of-way of Okeechobee Boulevard. Utility service will be provided by Palm Beach County utilities. The proposed development has been estimated to generate 5,051 trips per day, 304 AM peak hour trips, and 398 PM peak hour trips at project build-out in 2026. A review of the links within the project's radius of development influence reveals that the project meets the requirements of the Palm Beach County Traffic Performance Standards. Please refer to the applicant's Traffic Statement prepared by Simmons & White for further information regarding the traffic associated with the proposed development.

PALM BEACH COUNTY HEALTH DEPARTMENT: This project meets the requirements of the Florida Department of Health.

SCHOOL IMPACTS: In accordance with the adopted Coordinated Planning Interlocal Agreement, a School Capacity Availability Determination (SCAD) for 288 high-rise residential units had been approved on April 22, 2021 (SCAD Case #21042201F- FLU & 21042201D – D.O.). The subject property is located in SAC 137A. The schools currently serving this project area are: Hope Centennial Elementary School, Bear Lakes Middle School and Palm Beach Lakes High School. The Preliminary Site Plan shows one (1) 10' by 15' public school bus shelter location.

PARKS AND RECREATION: Proposed project has 708 dwelling units, requiring 4.28 acres of onsite recreation, 4.52 acres of onsite recreation is provided, therefore the recreational requirement is satisfied.

H. Changed Conditions or Circumstances – There are demonstrated changed conditions or circumstances provided by the Applicant's Justification Statement that necessitate the amendment.

Response: The basis for the proposed development is based upon changed circumstances within the vicinity of the proposed development. The subject site was previously cleared and currently contains an existing landfill use for landscaping waste on the site. The subject site is proposed to be converted and remediated for residential uses and, therefore would not have an impact on natural resources or ecosystems. The site is easily serviced by existing infrastructure, more specifically, Okeechobee Boulevard is a major urban arterial roadway which has the ability to handle additional traffic generated by the proposed use, water and wastewater capacity exists for the site, and legal positive outfall can be achieved. The subject site creates a balance of uses in the area as the applicant is proposing residential and commercial use designations similar to what exists in the immediate area surrounding the site.

Request 2 & 3: Class A Conditional Use Standards:

Pursuant to Article 2.B.7.B.2, When considering a DO application for a Conditional Use or a Rezoning to a PDD or a TDD, the BCC or ZC shall utilize the standards a

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

through h indicated below. An application which fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved. The applicant is proposing 708 multifamily residential apartments and Transfer of Development Rights.

A. Consistency with the Plan – The proposed use or amendment is consistent with the purposes, goals, objectives, and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.

Response: The proposed use is consistent with the Goals, Objectives and Policies of the Comprehensive Plan densities and intensities of use subject to the proposed concurrent future land use amendment. The proposed 708 dwelling units is within the limitations of the concurrent Future Land Use Amendment. Please refer to pages 2-3 for a full analysis and consistency with the amendment conditions. The proposed use and use of the TDR program is consistent with the surrounding residential properties. The surrounding uses are residential in nature and the proposed use is consistent with these uses.

B. Consistency with the Code – The proposed use or 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 use and implementation of the TDR program are consistent with the ULDC and more specifically Articles 4 and 5. The supplemental standards for Multifamily in Article 4 have been evaluated and incorporated into the proposed site plan. The proposed development fronts on and gains access from Okeechobee Boulevard & Elmhurst Road.

C. Compatibility with Surrounding Uses – The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.

Response: The proposed development will be compatible with both the residential and serve as a transitional use to the non-residential uses that surround the subject property. The subject properties are exceptionally situated for the proposed multifamily residential apartments and commercial uses as the immediate uses surrounding the subject property are residential uses to the north, south, east, and west, and commercial uses to the east and west.

D. Design Minimizes Adverse Impact – The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

Response: The proposed site plan has been designed to provide a 4.52-acre

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

recreational area to setback the new development further from the existing single-family residences and vehicle sales uses to the west. The applicant will be constructing the proposed development utilizing building materials to mitigate the noise from Okeechobee Blvd in accordance with the Florida Building Code.

E. Design Minimizes Environmental Impact – The proposed use and design minimizes environmental impact, including, but not limited to, water, air stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.

Response:

VEGETATION PROTECTION: The Preliminary Tree Disposition Plan provides a total of 73 trees to be preserved on site in their existing location. All other vegetation will be removed or relocated.

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.

F. Development Patterns – The proposed use or amendment will result in a logical, orderly and timely development pattern.

Response: *The subject site is surrounded by properties developed with commercial uses to the east and west and residential uses to the north, south, east, and west. Therefore, the proposed Class A Conditional Use is consistent with the developed pattern of the community. The applicant is proposing an 8' compatibility landscape buffer along the east and west property line, a 10-foot Type I incompatibility landscape buffer along the east, south, and west property line, and a 15-foot Type II Incompatibility landscape buffer along the east and west property lines to provide an additional buffer from the existing single-family residences to the north, east, south, and west of the subject site and commercial development to the east and west. The proposed use is consistent with the logical, orderly and timely development pattern for the subject property.*

G. Adequate Public Facilities – The extent to which the proposed use complies with Art. 2.F, Concurrency.

Response: Potable water and wastewater lines run within the right-of-way of Okeechobee Boulevard. Utility service will be provided by Palm Beach County utilities. The proposed development has been estimated to generate 5,051 trips per day, 304 AM peak hour trips, and 398 PM peak hour trips at project build-out in 2026. A review of the links within the project's radius of development influence reveals that the project meets the requirements of the Palm Beach County Traffic Performance Standards. Please refer to the applicant's Traffic Statement prepared by Simmons & White for further information regarding the traffic associated with the proposed development.

H. Changed Conditions or Circumstances – There are demonstrated changed site conditions or circumstances provided by the Applicant's Justification Statement that necessitate a modification.

Response: The basis for the proposed development is based upon changed circumstances within the vicinity of the proposed development. The subject site was previously cleared and currently contains an existing landfill use for landscaping waste on the site. The subject site is proposed to be converted and remediated for residential uses and, therefore would not have an impact on natural resources or ecosystems. The site is easily serviced by existing infrastructure, more specifically, Okeechobee Boulevard is a major urban arterial roadway which has the ability to handle additional traffic generated by the proposed use, water and wastewater capacity exists for the site, and legal positive outfall can be achieved. The subject site creates a balance of uses in the area as the applicant is proposing residential and commercial use designations similar to what exists in the immediate area surrounding the site.

Request 4: Type II Variance Request:

TYPE 2 ZONING VARIANCE					
	ULDC ARTICLE	REQUIRED	PROPOSED	VARIANCE	APPROVAL DATE/RESOLUTION NO.
V1	Art.6.A.1.B	1.75 spaces per unit (one bedroom or more) @ 708 units = 1,239 Total Spaces, 1 guest parking space per 4 units with common parking area @ 708 units = 177 Spaces, + 1 space per 300 s.f. of a/c & pool @ 11,044 s.f. = 37 Spaces + 2 Maintenance Service Spaces for Clubhouse/Pool x 2 = 4 Spaces Total: 1,457 Spaces	1,239 parking spaces (Residential Only)	To allow a variance for the reduction of 218 parking spaces to 1,239 spaces (1.75 spaces/unit) from the Code required 1,457 parking spaces (Residential Only)	TBD
	Minimum Off-Street Parking and Loading Requirements				
V2	Table 7.C.5.A	Easements may overlap a maximum of 5', provided there remains 5' clear for planting	20' R-O-W Landscape Buffer (Okeechobee Blvd) w/ 12' overlap	To allow for a 12' overlap of an easement into a 20' R-O-W Landscape Buffer	TBD

Per Unified Land Development Code (ULDC) Art.2. B.7.E.6, Standards for Zoning or Subdivision Variance, The ZC shall consider and find that all seven criteria listed below have been satisfied by the Applicant prior to making a motion for approval, of a zoning or subdivision variance:

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

VIII. VARIANCE INFORMATION:

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.

TYPE II VARIANCE SEVEN (7) STANDARDS

A. 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:

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.

Furthermore,

V1: The special conditions and circumstances are due to the nature and location of the proposed development with regard to the demographics of prospective tenants. The configuration of the site lends itself to more of a multifamily design, however, due to the suburban site design regulations the parking code prohibits the ability to seek viable densities and also provide the code prescribed parking spaces. The proposed development is entirely developed at the workforce housing price point, therefore, not every unit will require two parking spaces per unit.

The Applicant provided a Traffic Statement to demonstrate actual parking demand for similar developments targeting both a similar clientele and providing the same ratio of parking accommodations. Similar developments are projects with reduced parking with multi-family rental units targeting work-force housing occupants.

Data collection was performed at two developments located within the City of Lake Worth, the Village of Lake Worth and the Village at Lake Osborne, at 30 minutes intervals during a period of three days, as follows: on Thursday, January 3, 2019 from 5:00 a.m. to 7:00 a.m.; Wednesday, January 2, 2019 from 9:00 p.m. to 11:00 p.m.; and, Sunday, and January 6, 2019, from 9:00 p.m. to 11:00 p.m. The Applicant also provides parking demand for two other developments, Banyan Ridge, located in Palm Beach County and Village at Mangonia Lake, located in the City of West Palm Beach.

The Village of Lake Worth has a total of 216 units consisting of 48 three-bedroom units, 144 two-bedroom units, and 24 one-bedroom units, with a 98 percent resident occupancy at the time of the data collection. Minimum required number

of parking spaces for this development is 458, and actual provided is 312 (-146), a 32 percent reduction. The Village at Lake Osborne has a total of 118 units with 78 two-bedroom units and 40 one-bedroom units, with a 99.15 percent resident occupancy at the time of data collection. The subject project proposes 708 units. Minimum required number of parking spaces is 1,457, and proposed is 1,239 (-218), a 14.96 percent reduction.

The data collected resulted in a peak demand of 1.23 parking spaces/unit for the Village of Lake Worth, and 1.27 parking spaces/unit for the Village at Lake Osborne, at almost full resident capacity. The parking demand for the subject project is 1.75 parking spaces/unit. In addition, the parking reduction for this project is approximately 14 percent, a 17 percent lower percent reduction when compared with the other two existing developments (32 percent.)

V2: The special conditions and circumstances are due to the fact that LWDD has a recorded 50' drainage easement along the north property line, which makes it unfeasible for the applicant to be in compliance with the maximum 5' overlap of an easement into a R-O-W landscape buffer. If there was not such a substantial recorded easement along the north property line, a variance for the 12' overlap of an easement into a 20' R-O-W Landscape Buffer would not be required. This is the least impactful resolution to reasonably develop the property.

B. 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: The ULDC requirements for number of parking spaces is intended for typical projects within the County. In the case of the subject project, the Applicant has provided data that demonstrates actual peak demand for built developments similar to the subject project. In this regard, the Applicant has presented the special circumstances and conditions that justify the variance.

V2: The special conditions and circumstances are due to the fact that LWDD has a recorded 50' drainage easement along the north property line, which makes it unfeasible for the applicant to be in compliance with the maximum 5' overlap of an easement into a R-O-W landscape buffer. If there was not such a substantial recorded easement along the north property line, a variance for the 12' overlap of an easement into a 20' R-O-W Landscape Buffer would not be required. This is the least impactful resolution to reasonably develop the property.

C. 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 the 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.

Furthermore,

V1: The ULDC Article 2.B.7.E.8.b. Conforming, approval of a variance shall render a parcel of land, building or structure to be conforming. The ZC has granted Variances for parking reduction to other parcels, structures and buildings for residential zoned projects. The applicant has provided additional actual peak demand data for built developments similar to the subject project to support the parking reduction. Therefore, the granting of the variance would not confer any special privilege to the Applicant.

V2: The granting of the variance would not confer any special privilege to the Applicant. LWDD has a recorded 50' drainage easement along the north property line, which makes it unfeasible for the applicant to be in compliance with the maximum 5' overlap of an easement into a R-O-W landscape buffer. If there was not such a substantial recorded easement along the north property line, a variance for the 12' overlap of an easement into a 20' R-O-W Landscape Buffer would not be required. This is the least impactful resolution to reasonably develop the property.

D. 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.

Furthermore,

V1: ULDC Art 6.A.1.A, Purpose and Intent, states that the purpose and intent of the standards is to ensure the provision of off-street parking is in proportion to the

demand created by each use. In this regard, literal interpretation of Table 6.A.1.B -Minimum Off-Street Parking and Loading Requirements, would work an unnecessary and undue hardship and would deprive the Applicant of rights commonly enjoyed by similar projects

V2: Literal interpretation of the code requires a maximum 5' overlap of an easement into a R-O-W landscape buffer. If there was not such a substantial recorded easement along the north property line, a variance for the 12' overlap of an easement into a 20' R-O-W Landscape Buffer would not be required. This is the least impactful resolution to reasonably develop the property. This is the minimum variance necessary to not impose an undue hardship on the applicant and all that is necessary to reasonably develop the subject property.

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

RESPONSE: Granting these variances are the minimum needed for the reasonable use of the property.

Furthermore,

V1: The granting of the 218-parking space reduction is the minimum needed to make reasonable use of the property. The applicant is requesting the reduction of 218 parking spaces to 1,239 proposed parking spaces from the Code required 1,457 parking spaces. The applicant is proposing 1,239 parking spaces (1.75 spaces/unit) based on the proposed parking reduction variance request. Based on the nature of the proposed development with regard to demographics, the location of the development, the proposed parking as shown is anticipated to be adequate to meet the demands of the development. The developer of the proposed project has completed similar successful developments and has found that parking provided as follows has been adequate to meet the parking demands of the development.

The ITE Parking Generation Manual, 5th Edition was reviewed for Land Use 221 (Multifamily Housing Mid Rise) as part of this study to determine the anticipated actual demand. The ITE Parking Generation Manual shows that the average parking demand for a multifamily development is 1.31 parking spaces per dwelling unit and the 85th percentile parking demand is 1.47 spaces per dwelling unit. Therefore, the anticipated average parking demand for the proposed 708 dwelling units is 927 parking spaces and the 85th percentile parking demand is 1041 parking spaces. Therefore, the proposed 1,239 parking spaces will be 198 spaces greater than the conservative 85th percentile calculation and will be sufficient for the proposed development and will be sufficient for the proposed development. As shown on the proposed Site Plan, a total of 1,239 parking

spaces are provided, 28 of which are handicapped spaces. The applicant is proposing 1,239 parking spaces (1.75 spaces/unit) based on the proposed parking reduction variance request.

V2: The granting of a 12' overlap of an easement into a 20' R-O-W Landscape Buffer is the minimum needed to make reasonable use of the property. This is the least impactful resolution to reasonably develop the property.

F. GRANTING 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.

Furthermore,

V1: The variance request is consistent with the ULDC by providing safe, efficient circulation and traffic flow throughout the site. Granting the applicant the reduction of 218 parking spaces to 1,239 proposed parking spaces from the Code required 1,457 parking spaces will be consistent with the purposes, goals, objectives and policies of the comprehensive plan and the ULDC. The applicant is proposing 1,239 parking spaces (1.75 spaces/unit) based on the proposed parking reduction variance request.

V2: The variance request is consistent with the ULDC by providing safe, efficient circulation and traffic flow throughout the site. Granting the applicant a 12' overlap of an easement into a 20' R-O-W Landscape Buffer will be consistent with the purposes, goals, objectives and policies of the comprehensive plan and the ULDC.

G. GRANTING 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.

Furthermore,

V1: The proposed variance will not be injurious to the area involved or detrimental to the public welfare as the applicant is requesting the reduction of 218 parking spaces to 1,239 proposed parking spaces from the Code required


1,457 parking spaces. The applicant is proposing 1,239 parking spaces (1.75 spaces/unit) based on the proposed parking reduction variance. Based on the projected demographics for the residents targeted for the development, it is anticipated that the majority of the residents will have only one vehicle. Consequently, a high demand for vehicle parking is not anticipated.

V2: The proposed variance will not be injurious to the area involved or detrimental to the public welfare as the applicant is requesting to allow for a 12' overlap of an easement into a 20' R-O-W Landscape Buffer.

Request 5:

Subdivision Type 2 Variance

Pursuant to Table 11.E.2.A-2 in Article 11 of the Unified Land Development Code (ULDC), the number of ADT is limited to 1,500 on local residential streets. The applicant is requesting a subdivision variance to allow additional trips on Elmhurst Road, a County-maintained 60-foot ROW local residential street

ZONING SUBDIVISION VARIANCE					
	ULDC ARTICLE	REQUIRED	PROPOSED	VARIANCE	APPROVAL DATE/RESOLUTION NO.
	Art. 11.E.2.A.2 & Art. 11.E.2.A-2 Minimum Legal Access/Chart of Minor Streets (Gutters)	1,500 ADT threshold for a 60' ROW	3,732 projected daily trips	To allow a variance for the increase in 2,232 Projected Daily Trips from the 1,500 ADT threshold for a 60' ROW (Elmhurst Road)	TBD

When considering a Development Order application for a Subdivision Variance, the Zoning Commission shall consider Standards a through g listed under Article 2.B.7.E.6 of the ULDC. The Standards and Staff Analyses are as indicated below. A Subdivision Variance which fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved:

A. Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of and, structures or buildings in the same district

Response: Special conditions and circumstances exist which are peculiar to the subject site and are not applicable to other lands, structures, or buildings in the same zoning district. The existing Elmhurst Road is approximately 20 feet in width and has a 5' sidewalk on one side of the road. Land Development engineering standards for an 80-foot non-plan collector roadway require a 28' roadway and either a 5' sidewalk on both sides of the road or an 8' sidewalk on

one side of the roadway. Elmhurst Road is projected to operate at 3,732 daily trips despite the 1,500 ADT threshold for a 60' ROW. Additionally, from a health, safety, welfare standpoint and fire access standards perspective, having access to multiple ROW's creates an efficient means of ingress and egress to the site as well as fire protection and emergency access. Furthermore, the Future Land Use Element of the Comprehensive Plan encourages multiple access points when available.

B. Special circumstances and conditions do not result from the actions of the applicant

Response: Special circumstances and conditions do not result from the actions of the applicant. The subject site currently has an existing access point from Okeechobee Road. The existing Elmhurst Road is approximately 20 feet in width and has a 5' sidewalk on one side of the road. Land Development engineering standards for an 80-foot non-plan collector roadway require a 28' roadway and either a 5' sidewalk on both sides of the road or an 8' sidewalk on one side of the roadway. Additionally, Okeechobee Boulevard, by way of traffic volume, is 3x higher than Elmhurst Road, which is why Okeechobee Boulevard is the main frontage and access to the subject site. Due to the Okeechobee Boulevard traffic volume, this necessitates a need for a secondary access point to allow for an efficient means of ingress and egress to the site.

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

Response: Granting this variance would allow the property owner to develop this property consistent with the current Zoning District and Future Land Use. There is no special privilege granted as a result of the variance, the applicant is simply requesting to develop the subject parcel in similar fashion to the other multifamily lots along the same ROW. Additionally, from a health, safety, welfare standpoint and fire access standards perspective, having access to multiple ROW's creates an efficient means of ingress and egress to the site as well as fire protection and emergency access.

D. 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 district, and would work an unnecessary and undue hardship

Response: Literal interpretation would limit the access to only Okeechobee Blvd and would cause an undue hardship since full access could not be permitted to Elmhurst Road as proposed. Additionally, literal interpretation would deprive the applicant of rights commonly enjoyed by other parcels of land in the same Zoning District. The applicant would be deprived of developing the

property at what is allowed under its current zoning and FLU designations as the projected ADT on Elmhurst Road exceeds what is allowed for its current width by 2,232 trips.

E. Granting 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 is the minimum needed for the reasonable use of the property. The granting of the proposed subdivision variance is the minimum variance necessary to not impose an undue hardship on the applicant and all that is necessary to adequately provide a secondary access point to the subject property. The applicant is requesting to allow for a variance for the increase in 2,232 project daily trips from the 1,500 ADT threshold for a 60' ROW.

F. Granting the variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code

Response: Granting of this variance for the increase in 2,311 project daily trips from the 1,500 ADT threshold for a 80' ROW will allow this property to be developed in a manner consistent with the Comprehensive Plan and the ULDC. Additionally, from a health, safety, welfare standpoint and fire access standards perspective, having two access points creates an efficient means of ingress and egress to the site.

G. Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Response: The proposed subdivision variance will not be injurious to the surrounding properties as they are primarily residential in nature. Additionally, from a health, safety, welfare standpoint and fire access standards perspective, having access points to two ROW's creates an efficient means of ingress and egress to the site.

Request 6: Development Order Abandonment Request:

Pursuant to ULDC Article 2.B.7.F.6 When considering an ABN application, the BCC and ZC shall consider the standards indicated below:

a) Consistency with the Plan - The proposed abandonment is consistent with the Plan.

Response: The proposed abandonment is consistent with the Plan. All conditions of approval contained within Resolution No. R-1973-0618 and R-1980-0375 are proposed to be deleted. The contract purchaser, CRE Fund at Okeechobee Boulevard, LLC, no longer intends to develop the subject site in

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

accordance with the previously approved development order and instead plans to propose 708 multifamily dwelling units, two retail sales building consisting of 19,439 s.f., 3-Story open parking structure consisting of 138,111 s.f., and a 2,400 s.f. (57 Seats) Type I Restaurant with a build-out year of 2026.

- b) Consistency with the Code - The proposed abandonment, is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code. The abandonment of a DO does not create any new nonconformities.**

Response: The proposed abandonment of all conditions of approval contained within Resolution No. R-1973-0618 and R-1980-0375 is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code. The abandonment of a DO will not create any new nonconformities. There are no other parties which have ownership interest or other uses which are approved on the property

- c) Adequate Public Facilities - The proposed abandonment of the DO shall not impact the approved requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards). When a non-implemented DO is abandoned, all concurrency affiliated with the DO is no longer valid. For implemented DOs, concurrency for the remainder of the non-affected area shall remain. Concurrency for any new uses on the subject property shall be subject to the requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards).**

Response: The proposed abandonment of all conditions of approval contained within Resolution No. R-1973-0618 and R-1980-0375 will not impact the approved requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards).

- d) Changed Conditions or Circumstances - There are demonstrated changed site conditions or circumstances provided by the Applicant's Justification Statement that necessitate the abandonment. Abandonment of the resolution approving the DO will not impact other DOs approved on the same site. There is no reliance by other parties for additional performances, or tasks to be implemented, that were required in the original DO**

Response: All conditions of approval contained within Resolution No. R-1973-0618 and R-1980-0375 are proposed to be deleted. The property was previously approved for a fraternal organization and club facility, but neither of these uses were developed on the site. The proposed development will provide 708 workforce housing units to Palm Beach County, were there is a substantial need for affordable housing as well as two retail sales building consisting of 19,400 s.f., and a 2,400 s.f. (57 Seats) Type I Restaurant. The proposed rezoning

to MUPD and Class A Conditional Uses allow the Applicant the opportunity to develop the site with a residential and commercial development that will enhance the transition between the adjacent Single-Family residences.

On behalf of the property owner, CRE Fund at Okeechobee Boulevard, LLC ("Owner"), Schmidt Nichols respectfully requests your approval of these Rezoning, Class A Conditional Use, Type II Variance, Subdivision Variance, and Development Order Abandonment applications for Fount MUPD.

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