

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

Application No.: PDD/CA-2022-00192
Application Name: Reserve at Atlantic
Control No./Name: 2021-00058 (Reserve at Atlantic)
Applicant: Taheri Grandchildrens Trust
Mina Property Group LLC
Owners: Taheri Grandchildrens Trust
Mina Property Group LLC
Agent: JMorton Planning & Landscape Architecture - Jennifer Morton
JMorton Planning & Landscape Architecture - Lauren McClellan
Telephone No.: (561) 371-9384 , (561) 721-4463
Project Manager: Jerome Ottey, Senior Site Planner

TITLE: an Official Zoning Map Amendment **REQUEST:** to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Agricultural Reserve Multiple Use Planned Development (AGR-MUPD) Zoning District
TITLE: a Class A Conditional Use **REQUEST:** to allow a General Day Care

APPLICATION SUMMARY: The proposed requests are for the 59.45-acre Reserve at Atlantic development. The site is currently developed with an Agricultural use, as row crops.

The request will modify the zoning from the Agricultural Reserve (AGR) Zoning District to the Agricultural Reserve Multiple Use Planned Development (AGR-MUPD) in order to allow for the development of Multifamily Residential, a General Daycare, and Preserve areas. The requests, are contingent upon a concurrent application for a Large Scale Future Land Use Amendment, LGA-022-00006, to change the future land use designation from Agricultural Reserve (AGR) to Multiple Land Use, with an underlying Institutional, AGR and High Residential, 8 units per acre (MLU, INST/AGR/8), including Text changes to the Plan.

The development includes 31.58 acres of Preserve and 21.06 acres of Development Area. The Preliminary Site Plan (PSP) indicates eight Multifamily buildings (476 units) and one club house, and one structure for a General Day Care, along with other recreation and open space amenities. The plan indicates 873 parking spaces and access will be from the realigned Half Mile Road.

SITE DATA:

Location:	Southeast corner of Atlantic Avenue and Half Mile Road
Property Control Number(s)	00-42-46-17-01-000-0470; 00-42-46-19-01-000-0050; and, 00-42-46-19-01-000-0251
Existing Future Land Use Designation:	Agricultural Reserve (AGR)
Proposed Future Land Use Designation:	Multiple Land Use, with an underlying Institutional, Agricultural Reserve and High Residential, 8 units per acre (MLU, INST/AGR/8)
Existing Zoning District:	Agricultural Reserve District (AGR)
Proposed Zoning District:	AGR-MUPD
Total Acreage:	59.46 acres
Tier:	AG Reserve
Overlay District:	N/A
Neighborhood Plan:	N/A
CCRT Area:	N/A
Municipalities within 1 Mile	N/A
Future Annexation Area	N/A
Commission District	District 5, Commissioner Maria Sachs

RECOMMENDATION: Staff recommends approval of the request subject to the Conditions of Approval in Exhibit C.

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

PROJECT HISTORY: The site is currently under agricultural production and has not received any prior public hearing approvals

SURROUNDING LAND USES:

NORTH:

FLU Designation: Industrial, with an underlying AGR (IND/AGR)
Zoning District: Light Industrial District (IL)
Supporting: Industrial (Helena Chemical, Control 1982-00136)

FLU Designation: Commercial Low with underlying AGR (CL/AGR)
Zoning District: Multiple Use Planned Development (MUPD) District
Supporting: Vacant, approved for Commercial (Legent Delray Beach MUPD, Control 2015-00118)

FLU Designation: Agricultural Reserve (AGR)
Zoning District: Agricultural Reserve (AGR) District
Supporting: Vacant, approved for Commercial (Angel Boarding Kennel II, Control 2013-00315)

SOUTH:

FLU Designation: Agricultural Reserve (AGR)
Zoning District: Agricultural Reserve District (AGR)
Supporting: Row Crops and Wholesale Nurseries (AGR Rezoning, Control 1997-00120)

EAST:

FLU Designation: Agricultural Reserve (AGR)
Zoning District: Agricultural Reserve District (AGR)
Supporting: Single Family Home & Agriculture Row Crops (AGR Rezoning, Control 1997-00120)

WEST:

FLU Designation: Industrial, with an underlying AGR (IND/AGR)
Zoning District: Light Industrial District (IL)
Supporting: Industrial, (Hanlon Manufacturing, Control 1973-00242)

FLU Designation: Agricultural Reserve (AGR)
Zoning District: Agricultural Reserve District (AGR)
Supporting: Institutional (Our Lady Queen of Peace, Control 1994-00087)

FLU Designation: Agricultural Reserve (AGR)
Zoning District: Agricultural Reserve Planned Unit Development District (AGR-PUD)
Supporting: Residential (Sussman AGR-PUD, Control 2000-00032)

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 (WHF), 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.*
 - o **Concurrent Land Use Amendments:** The site is the subject of a concurrent Large Scale Amendment known as Reserve at Atlantic (LGA 2022-006). The request seeks to amend the land use from Agricultural Reserve (AGR) to Multiple Land Use (MLU) containing Agricultural Reserve, Institutional and 8 units per acre Future Land uses (INST/AGR/8) on 38.88 acres with additional density from offsite preserve if conditions are met. The Board of County Commissioners voted 5-1 to Transmit the item to the DEO November 3, 2021 with the following conditions:
 - 1. Development of the site is limited to a total maximum net daily trips of 3,191 and a maximum net pm peak hour trips of 283, and shall include the realignment of Smith Sundry and Half Mile Roads.
 - 2. Residential dwelling units shall be limited to a maximum of 480 units with no further density increases through density bonus programs.

3. The zoning development order shall require a minimum of 25% of the total dwelling units (including density bonus) to be built as workforce housing units. These workforce housing units shall be for household incomes from 60 to 120% of area median income and built onsite pursuant to the Workforce Housing Program in the ULDC.
4. ~~At a minimum, 5% of the property must be committed to useable open space (as defined by the Introduction and Administration Element). Open space must functionally integrate the project's land uses and may not be applied to the recreation and/or parks requirements or other required civic dedication of land during the development review/re-zoning process, excluding right of way dedication. Any water bodies, including but not limited to, water retention, lakes, drainage, and canals shall not be considered usable open space.~~

The request is consistent with the above conditions as follows: the daily traffic generation is 2,834 trips with peak PM of 256 trips; 476 total units; 119du (25%) ($476 \times .25 = 119$) restricted for WHP and 1.05ac of Usable Open Space ($21.05\text{ac development area} \times 0.05 = 1.05$). The Board of County Commissioners at the same public hearing shall consider the proposed future land use amendment and rezoning, for adoption.

- *Relevant Comprehensive Plan Policies:* The subject Future Land Use Amendment also has a companion Comprehensive Plan Text amendment that created new Future Land Use Element policies and amended others to accommodate the request. The request is also subject to the AGR MUPD Design Standards and Multiple Land Use Policies.

- *Essential Housing Residential MLU Option*

1. **NEW Policy 1.5.1-s:** The County shall foster the provision of workforce housing in the Agricultural Reserve Tier by allowing densities greater than one unit per acre for planned developments utilizing the Essential Housing Residential (EHR) Option for projects with the Multiple Land Use future land use designation (FLUE 4.4.2-a). The EHR Option is a 60/40 planned development (MUPD) that is subject to the following:

1. **Acreage.** The total land area, consisting of the Development area and Preserve area, shall be a minimum of **35** acres. The minimum acreage for the Preserve Area is **21** acres.
2. **Density.** The base density is up to 1 unit per acre for the total land area, clustered onto the Development Area. Additional density may be assigned to the Development Area by ordinance provided that a minimum of 25% percent of the total units are built on-site as workforce housing units for household incomes from 60 to 140% of area median income up to a maximum of 8 units per acre for the total land area.
3. **Location.** The Development Area is limited to sites located east of State Road 7, fronting on Atlantic Avenue and within $\frac{1}{4}$ mile of an AgR-TMD or IND future land use designation.
4. **Design Features.** A development with no commercial uses is not considered mixed use, and is not subject to the Usable Open Space Requirements for Multiple Use Planned Development (MUPD) in the ULDC.

The request is utilizing 8 du per acre to attain 476 units on a total land area of 59.45 acres ($59.45 \times 8 = 475.6$ or 476 rounded up), with a 25% WHP obligation to be provided as rental units onsite. ($476 \times 0.25 = 119$). The site is located at the intersection of Atlantic Avenue and Smith Sunday Road east of State Road 7.

2. **REVISE Policy 1.5-h:** Residential uses shall be permitted within the Agricultural Reserve Tier as further regulated by the Unified Land Development Code. Consistent with the provisions of Future Land Use Policy 2.1-b and Table 2.2.1-g.1, Residential Future Land Use Designation Maximum Density, the land shall be allowed to develop as follows:

1. Within the Agricultural Reserve future land use designation with Agricultural Reserve zoning, the maximum density is ~~at a density of~~ one dwelling unit per five acres;
2. Within the Agricultural Reserve Tier with a Planned Development zoning, the maximum future land use densities are as follows, with density calculated for the total land area and clustered onto the development area of the projects.
 - a. Agricultural Reserve future land use designation with AgR-PUD zoning, the maximum density is up to one dwelling unit per acre;
 - b. Commercial Low future land use designation with TMD or MUPD zoning, the maximum density is up to one dwelling unit per acre;
 - c. Multiple Land Use future land use designation with MUPD zoning, the underlying future land use density pursuant to Policy 1.5.1-s.

The request is utilizing the Multiple Land Use Future land use designation consistent with the criteria outlined within new FLUE Policy 1.5.1-s as stated above.

- *Transportation Element Policy 1.4-q #2*, the Lyons Road segment from Atlantic Avenue to Boynton Beach Boulevard is a designated Rural Parkway. The request includes Preserve 2 as Rural Parkway. To ensure compliance with the 100-foot rural parkway requirement along the Lyons Road frontage, conditions of approval are proposed that address the maintenance, timing and construction of the parkway.
- *Density & AGR Preserves*: the request is proposing 476 units which is less than the maximum of 480 permitted by condition 2 of the companion land use amendment. The subject request has no prior approvals and is a new 59.45ac AGR-PUD with three (3) preserves containing 31.59 total acres of preserve area. In addition, none of the proposed preserves are associated with the Nursery with Landscape Services (Ordinances ORD. 2020-16 & 2021-04) or have Farm Residence letters.
- *60/40 Development Option*: Per new FLUE Policy 1.5.1-s., requests providing Essential Housing are required to provide a minimum of 60% of preserve area and 40% maximum developable area. The Preserve areas are not required to be contiguous with the development area. The 60/40 breakdown is as follows:

Total acreage: 59.45 acres
Less ROW: 6.81 acres
Net acreage = 52.64 acres

Net acreage x 60%: 52.64 ac x 60% = 31.58 acres (applicant proposes 3 preserves totaling 31.59 acres or 60%)

Net acreage x 40%: 52.64 ac x 40% = 21.06 acres (applicant proposes 21.05 acres in the development area or 40%)

- *Workforce Housing Program (WHP)*: Condition 4 of the amendment requires that 25% or 119 units(476du x .25 = 119) 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.

The subject request was submitted and deemed sufficient February 16, 2022, when the 2021 price schedule was still in effect. In Palm Beach County, the 2021 area Median Family Income (MFI) is \$80,200 for a family of four (per HUD). The following are the current sales and rental prices per income category for 2021 in Palm Beach County. The income categories are the same for both programs. These homes cannot be sold or rented at a higher rate than the designated price, as adjusted annually. For all WHP Sales and rental pricing information please visit:
<https://discover.pbcgov.org/pzb/planning/Projects-Programs/WorkforceHousingProgram.aspx>

While the subject request is a rental project, the figures below show price ranges for both types.

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

WHP Income Category			2021 (WHP) Sales Prices
Low	60 -80%) of MFI	\$48,120 - \$64,160	\$168,420
Moderate 1	>80 -100%) of MFI	>\$64,160 - \$80,200	\$216,540
Moderate 2	>100 -120%) of MFI	>\$80,200 - \$96,240	\$264,660
Middle*	>120 -140%) of MFI	>\$96,240 - \$112,280	\$312,780

**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. The following are the 2021 Rental Prices for projects approved under the Workforce Housing code that was adopted August 22, 2019.

WHP Income Category 2021			1 BR	2 BR	3BR	4BR
Low	60-70% of MFI	\$48,120 – \$56,140	\$963 - \$1,124	\$1,156 - \$1,349	\$1,335 - \$1,558	\$1,489 - \$1,738
	>70-80% of MFI	>\$56,140 - \$64,160	\$1,124 - \$1,285	\$1,349 - \$1,542	\$1,558 - \$1,781	\$1,738 - \$1,986
Moderate 1	>80-90% of MFI	>\$64,160 – \$72,180	\$1,285 - \$1,446	\$1,542 - \$1,735	\$1,781 - \$2,004	\$1,986 - \$2,235
	>90-100% of MFI	>\$72,180 - \$80,200	\$1,446 - \$1,606	\$1,735 - \$1,928	\$2,004 - \$2,226	\$2,235 - \$2,483
Moderate 2	>100-110% of MFI	>\$80,200 – \$88,220	\$1,606 - \$1,767	\$1,928 - \$2,121	\$2,226 - \$2,449	\$2,483 - \$2,731
	>110-120% of MFI	>\$88,220 - \$96,240	\$1,767 - \$1,927	\$2,121 - \$2,313	\$2,449 - \$2,671	\$2,731 - \$2,979

Middle	>120-130% of MFI	>\$96,240 – \$104,260	\$1,927 - \$2,088	\$2,313 - \$2,506	\$2,671 - \$2,894	\$2,979 - \$3,227
	>130-140% of MFI	>\$104,260 - \$112,280	\$2,088 - \$2,248	\$2,506 - \$2,698	\$2,894 - \$3,116	\$3,227 - \$3,475

- *Special Overlay District/ Neighborhood Plan/Planning Study Area:* The site is not located within any neighborhood plans, overlays or plan study areas as identified in the Comprehensive Plan.
- 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 AGR-MUPD Zoning District and a Conditional Use to allow a General Day Care. The Comprehensive Plan and ULDC were 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 Agricultural Reserve FLU from AGR to MLU with an underlying INST, AGR and HR-8. The Zoning application also includes a 476 unit Multifamily development with a base density of 1 unit per acre for the total land area which includes 38.88 acres of development area and 20.57 acres of off-site preserve. Additional density, up to a maximum of 8 units per acre, has been assigned to the development area as 25% of the units are proposed to be on-site Workforce Housing, contingent upon the decision of approval for the Future Land Use and the text changes to the Plan. Also included in the application is 1.49 acres dedicated to a 10,000 square foot General Day Care that will accommodate a maximum of 120 students through the Class A Conditional Use approval process.

- *Design Objectives and Performance Standards:* As the subject site is being rezoned to AGR-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, usable open space, and other land improvements that meet the intent of this section of the code, as described in Figure 4, Preliminary Site Plan.

- *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 proposed to be rezoned to the AGR-MUPD Zoning District with a FLU designation of MLU with an underlying Institutional and Public Facilities, Agricultural Reserve and High Residential, 8 units per acre (MLU, INST/AGR/8) on 38.88 acres of development area. The ULDC requires that an MUPD with underlying FLU designations utilize the density and/or intensity for either FLU Designations. The PDRs for minimum lot dimensions, setbacks, and building coverage of the MUPD Zoning District are utilized for both the General Day Care and the Multifamily use. The proposed development meets and exceeds all minimum PDRs, as outlined in the PDR chart on the PSP.

- *Access:* Access to the subject site is proposed to be off Half Mile Rd, fronting Atlantic Avenue. Half Mile Road is a Collector street and Atlantic Avenue is an Arterial street, which satisfies the requirement of Art. 3. E.1.C.2.a., Access and Circulation. Once the road is realigned, the development will have legal access and a minimum 200 feet of frontage along the proposed collector street.

- *Parking:* The proposed AGR-MUPD requires a total of 1,014 spaces for the mix of Residential and Institutional uses, of which 12 parking spaces are for the institutional portion of the AGR-MUPD and 1,002 parking spaces for the proposed multifamily residential development. The Applicant will request the administrative DRO approval of a Type 1 Waiver in order to reduce the parking by 13.9% or 141 spaces. The Type 1 Waiver process allows for a parking reduction of a maximum 15% of the required parking spaces. 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 873 parking spaces, of which 856 are for the Multifamily use and 17 spaces dedicated to the General Day Care. Parking for the Multifamily use will include a mix of garage and surface parking.

- *Recreational Amenities:* The proposed development is required to provide a total of 2.86 acres of recreation area. The recreation area is, however, proposed to be 2.15 acres as the Applicant seeks a reduction of a maximum 25%. This reduction is allowed per Art. 5.D.2.B.4, Reduction in Recreation Area Land Requirement, through approval from the Parks and Recreation Department. The main 1.85 acre recreation area will include a 13,000 sq. ft. clubhouse with amenities including a fenced pool area. This proposal was reviewed by Parks and Recreation Staff and deemed to be sufficient. The total provided recreation area also includes passive recreation lawns, a meandering walking path, a gazebo and an outdoor picnic area. A 5,076 Play Ground is also proposed to satisfy the recreation requirement for the General Day Care.

- *Building Height:* The proposed maximum height shown on the PSP is 47 feet. 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 (47 feet) to provide an additional 12 feet from the property lines.

- **Landscape/Buffering:** The Preliminary site plan indicates a 30 foot right-of-way (R-O-W) buffer along the north property line, for the area dedicated to the General Day Care, and a 10 foot reduced R-O-W buffer for the area dedicated to the Multifamily development, with both along Atlantic Avenue. Pursuant to Art. 7.C.2.A.3.a, Width Reduction, a R-O-W buffer may be reduced by 50 percent where the development is separated from a R-O-W by a minimum 80 foot canal. Abutting the development to the north is a 102 foot canal. Along the realigned Half Mile Rd., 15 foot R-O-W buffers are proposed for both the Multifamily and General Day Care. The Applicant has also proposed a 15 foot R-O-W buffer along the west property line adjacent to the 30 foot R-O-W. A condition has been added to the Resolution for the hedge within the 15 foot buffer along the west property line of the General Day Care to be planted at six feet in height. Staff believes this height requirement will allow for additional protection of the General Day Care use from the Industrial use to the west. Along the south property line, there are no buffers being proposed as the 11.47 acre onsite preserve will occupy the southern portion of the development. A 20 foot Type 3 Incompatibility buffer is proposed by the Applicant along the east property line.

- **Useable Open Space:** The Preliminary Site Plan indicates 1.05 acres of useable open space located between the Multifamily and the canal to the north and to the east of Buildings F, G and H. A condition has been added to the Resolution for trees and benches to be implemented along the proposed walking path of the proposed 0.42 acre usable open space. Staff believes this will allow for additional shading and general usability of the walking path.

- **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 Project Identification Signs along Atlantic Avenue with a maximum height of 6 feet and 24 sq. ft. of sign area. Furthermore, the PMSP also indicates 60 sq. ft. Entrance Signs for the Multifamily and a 20 sq. ft. Outparcel Identification sign. All proposed signage is consistent with Art. 8, Signage, as well as Technical Manual Requirements outlined in Title 5, Signage. Conditions have been added to the Resolutions for the proposed sign types to be revised in order to be consistent with the correct sign types per Article 8. The location of the proposed Project Identification signs are inconsistent with Article 8.G.3.E, where these types of signs are permitted only at the corners of projects. The Applicant will be required to update the two signs fronting on Atlantic Avenue to Entrance Signs, at the time of Final Development Review Officer Approval. A Condition has also been added for the proposed Outparcel Sign for the General Day Care to be updated to a standard freestanding, monument sign with restrictions on the height and square footage. Staff believes that this update is necessary as the 1.47 acre area dedicated to the General Day Care utilizes the INST FLU, therefore, is not be considered an outparcel.

- **Workforce Housing Program:** A total of 25 percent of all units (119) will be utilized for on-site Workforce Housing. Additional analysis of this request can be found under the Standard “a”, Consistency with the Plan.

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 AGR to AGR-MUPD, which includes residential and institutional uses, is consistent with the surrounding zoning districts and uses. There is a variety of uses surrounding the property with industrial and institutional uses to the west, residential to the south west, and commercial uses to the northwest. North of the subject site is a vacant lot within the MUPD Zoning District, which is proposed to be developed with a Hospital and a Medical Office. To the northeast is the Delray Marketplace which is developed within the Traditional Marketplace Development Zoning District and currently has an approval for a Multifamily use which has not yet been developed.

The proposed General Day Care is generally compatible with the institutional uses to the west, residential uses to the southwest and commercial uses to the northwest, and the proposed commercial and institutional uses to the north.

The amendment to modify the Future Land Use has a recommendation for approval by Planning Staff, subject to conditions of approval and adoption of the text changes to the Plan. The Institutional and Multifamily uses, including the amenities provided for the residents fits in line with the existing and future changes being proposed to the area. The layout of the MUPD with the preserve area to the south and the realignment of Half Mile Rd. occupying the southwest of the site, provide a buffer and transition from the lower density residential use to the southwest and the agricultural uses to the south and west. Additional protection is provided for the Single-Family use to the west, with the increased separation distance from the Multifamily structures and the 20 foot landscape buffer.

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 increase the separation distance between the Single-Family dwelling to the east and the proposed Multifamily buildings. The current side setback being proposed from the nearest Multifamily building is 81 feet from the property line, which is 51 additional feet to the minimum required. A 20 foot landscape buffer is also being proposed to further reduce impacts. The clustering of the residential portion of the development on 40 percent of the land area also allows for a reduction in the impacts on adjacent uses. The Applicant proposes 11.47 acres of land to the south to be set aside as preserve area, which acts a buffer between the agricultural uses to the south. The layout and clustering with the preserve to the south are critical components of the development to achieve the density approved by the BCC, four-story buildings had to be utilized, especially as the 40 percent development area had to also include accommodations for drainage, parking and buffers.

The location of the General Day Care to the northeast of the site, closer to the more intense commercial uses to the north and institutional uses to the west allows for minimal impact in the existing residential uses to the southwest. The layout of the General Day Care has also been modified throughout the application review process to relocate the cross access to the south, minimizing the effects of traffic travelling through the parking area. The proposed Condition to increase the hedge height to six feet for the landscape buffer along the west property line will also reduce visual impacts.

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:

- o *Vegetation Protection:* The site currently supports an agricultural operation and is cleared of all native vegetation.
- o *Wellfield Protection Zone:* The property is not located within a Wellfield Protection Zone.
- o *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. 2022-007. 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.
- o *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 to the MUPD for Residential and institutional uses, along with the Class A Conditional Use approval for the General Day Care will result in a logical, orderly and timely development pattern. The location of the proposed MUPD development has frontage on Atlantic Avenue which is a logical location and development pattern for the area. The proposed modification to the FLU to modify the Agricultural Reserve Future Land Use in the Land Use Amendment staff report, states that it promotes a sustainable land use pattern in the AGR Tier, as the subject site is surrounded by properties developed with commercial uses to the north, agricultural uses to the south, residential use to the east and southeast of the property and institutional and industrial uses to the west.

The request to rezone to the MUPD Zoning District, with the development of Multifamily and the Daycare provides for additional forms of institutional uses and housing opportunities that are contemplated in the Comprehensive Plan, and supported in the proposed Plan amendment. In order to allow for the development, therefore, this pattern of development compliments existing districts and uses, and will not adversely impact the local development pattern or growth trends in the area. The Applicant states that the need for this type of development stems from the continued growth of the Agricultural Reserve Tier, and the increase in services required to satisfy the needs of the residents. This increase in services has created a need for more employees within the Tier which has further resulted in a need for more affordable housing solutions. The Applicant also states that improved water and sewer systems have been installed along Atlantic Avenue in preparation of the expected population growth within the Agricultural Reserve Tier.

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

ENGINEERING COMMENTS:
TRAFFIC IMPACTS

The proposed 476 Multifamily dwelling units and the 120-student Day Care is expected to generate 2,834 net daily trips, 218 net AM peak hour trips, and net 256 PM peak hour trips. The build out of the project is expected to happen by 2026.

Some of the link segments of Atlantic Ave, Lyons Rd, and SR-7 are projected to fail adopted level of Service with background traffic, without the proposed project traffic. Improvements required for meeting the adopted Level of Service for some of those link segments have already been programmed for construction by the County and the FDOT. Similarly, the intersections of Atlantic Ave and SR-7 and Atlantic Ave and Lyons Rd have background deficiencies. Both intersections are also programmed for improvement by FDOT/County.

As part of the development of this project, Half Mile Road south of Atlantic Ave will be realigned through the project boundaries and eventually connect to Smith Sundry Rd, north of Atlantic Ave. The project will only receive certificate of occupancy only after this roadway has been realigned.

ADJACENT ROADWAY LEVEL OF SERVICE (PM PEAK)

Segment: Atlantic Ave from SR-7 to Lyons Rd
Existing count: Eastbound=753, Westbound=784
Background growth: Eastbound=441, Westbound=345
Project Trips: Eastbound=69, Westbound=98
Total Traffic: Eastbound=1263, Westbound=1227
Present laneage: 1 in each direction
Assured laneage: 2 in each direction
LOS “D” capacity: 880//1960 (present/assured) per direction
Projected level of service: Better than LOS D in both directions with assured lanes

The Property Owner shall dedicate ROW to be consistent with the PBC Thoroughfare Identification Map, dedicate right-of-way for the realigned Half Mile Road, take in the storm drainage runoff from the realigned Half Mile Road and plat the property prior to the issuance of the building permit.

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 476 high-rise apartment units had been approved on April 12, 2022 (SCAD Case #22032903D). The subject property is located in SAC 295C.

This project is estimated to generate approximately fourteen (14) public school students. The schools currently serving this project area are: Sunrise Park Elementary School, Eagles Landing Middle School and Olympic Heights 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 elementary, middle and high school levels. The additional seven (7) elementary school students generated by this proposal will increase the utilization percentage of Sunrise Park Elementary School to 136%. The additional three (3) middle school students generated by this proposal will increase the utilization percentage of Eagles Landing Middle School to 144%. The additional four (4) high school students generated by this proposal will increase the utilization percentage of Olympics Heights Community School to 122%.

The revised Preliminary Site Plan (dated 5/11/22) 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:

The required recreation is 2.86 acres. (ULDC Art 5.D.2.B.4) 25% reduction to recreation requirement acceptable due to inclusion of 11.47 acre preserve parcel with trails, making minimum requirements 2.15 acres. Proposed recreation is 2.15 acres, therefore project meets minimum recreation requirements.

- 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 and Class A Conditional use, is contingent upon the modifications to the Future Land Use, and the text changes to the Plan. If those are approved, these requests are necessary to bring the zoning into compliance, and support the multiple uses for the FLU. . As indicated by the Applicant’s Justification Statement, the subject site is currently being utilized for agricultural activities. The subject site is proposed to be

converted for residential and institutional uses to satisfy the growing need within the Tier. The Applicant has satisfactorily demonstrated changed circumstances that necessitate the proposed requests.

CONCLUSION: Staff has evaluated the standards listed under Article 2.B and determined that there is a balance between the need for change and the potential impacts generated by the change. Therefore, Staff is recommending approval of the requests. Staff has determined that any of the potential impact and incompatibility issues will be adequately addressed subject to the recommended Conditions of Approval as indicated in Exhibits C-1 and C-2.

CONDITIONS OF APPROVAL

EXHIBIT C-1: PDD- Residential Planned Development District

ALL PETITIONS

1. The approved Preliminary Site, Regulating and Master Sign Plans are dated May 12, 2022. 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)

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 construct i) left turn lane north approach on Half Mile Rd at southern project entrance to the residential development ii) right turn lane west approach on Atlantic Ave at Half Mile Rd iii) left turn lane east approach on Atlantic Ave at Half Mile Rd.

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 and FDOT, as applicable, for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering)

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

3. The Property Owner shall fund the cost of signal installation, if warranted, as determined by the FDOT/County Engineer at Atlantic Ave and Half Mile Road. Signalization shall be a mast arm structure installation. The cost of signalization shall also include all design costs and any required utility relocation and right of way or easement acquisition.

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. (BLDGPMT: MONITORING - Engineering)

b. In order to request release of the surety for the traffic signal at the above intersection, the Property Owner shall provide written notice to the Traffic Division stating that the final certificate of occupancy has been issued for this development and requesting that a signal warrant study be conducted at the intersection. The Traffic Division shall have 24 months from receipt of this notice to either draw upon the monies to construct the traffic signal or release the monies. 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 issuance of the first building permit, the Property Owner shall plat the subject property in accordance with provisions of Article 11 of the Unified Land Development Code, or as otherwise approved by the County Engineer. (BLDGPMT: MONITORING - Engineering)

5. The Property Owner shall provide to the Palm Beach County Right of Way Section of Roadway Production Division a warranty deed for road right of way and all associated documents as required by the County Engineer for the proposed Half Mile Road relocation. The dedication is 80 feet in width, plus any required right-of-way for the expanded intersection, on an alignment approved by the County Engineer.

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

shall not record these required deeds or related documents. The Property Owner shall provide to the Right of Way Section a tax pro-ration. A check, made payable to the Tax Collector s Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDGPMT/ONGOING: MONITORING - Engineering)

6. The Property Owner shall fund the construction plans and construction or construct the relocated Half Mile Road from Atlantic Avenue to the project entrance to be consistent with Palm Beach County standards for a non-plan collector roadway. 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. 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: MONITORING - Engineering)

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

7. Prior to issuance of the first building permit, the Property Owner shall provide to Palm Beach County sufficient public road drainage easement(s) through the project's internal drainage system, as required by and approved by the County Engineer, to provide legal positive outfall for runoff from those segments of the proposed Half mile Road alignment with the property; and a maximum of an additional 800 feet of these adjacent roadway(s), with an assumed impervious area of 95-percent, unless otherwise approved by the County Engineer. The limits of this additional 800 feet of drainage shall be determined by the County Engineer. Said easements shall be no less than 20 feet in width. Portions of such system not included within roadways or waterways dedicated for drainage purposes will be specifically encumbered by said minimum 20 foot drainage easement from the point of origin, to the point of legal positive outfall. The drainage system within the project shall have sufficient water quality, water quantity and, when necessary, compensating storage capacity within this project s system as required by all permitting agencies, as well as conveyance capacity to meet the storm water discharge and treatment requirements of Palm Beach County, the applicable Drainage District, and the South Florida Water Management District, for the combined runoff from the project to accommodate the ultimate Thoroughfare Plan Road Section(s) of the included segment. Specifically, one through lane must be open during the 25-year, 3-day storm and the elevation for the 3-year, 1-day storm event shall provide sufficient freeboard to allow for efficient roadway drainage system design. If required and approved by the County Engineer, the Property Owner shall construct within the proposed drainage easements a minimum of 24 inch closed piping system and appropriate wingwall or other structures as required by and approved by the County Engineer. Elevation and location of the entire drainage system shall be approved by the County Engineer. Any and all excess fill material from excavation by Palm Beach County within said easements shall become the property of Palm Beach County which at its discretion may use this fill material. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPMT: MONITORING - Engineering)

8. Prior to the approval of the Final Site Plan by the Development Review Officer, the Property Owner shall update the site plan to reflect the expanded intersection, roadway alignment and any turn lanes. (DRO: MONITORING - Engineering)

9. 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 Atlantic Avenue, 16 feet in width over the west approximately 640 feet and tapering down over the east approximate 660 feet 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. (BLDGPMT: MONITORING - Engineering)

PLANNING

1. Per LGA 2022-006 condition 1, Development of the site is limited to a total maximum net daily trips of 3,191 and a maximum net pm peak hour trips of 283, and shall include the realignment of Smith Sundry and Half Mile Roads. (ONGOING: PLANNING - Planning)

2. Per LGA 2022-006 condition 2, residential dwelling units shall be limited to a maximum of 480 units with no further density increases through density bonus programs. (ONGOING: PLANNING - Planning)

3. Per LGA 2022-006 condition 3, the Zoning Development Order shall require a minimum of 25% of the total dwelling units (including density bonus) to be built as Workforce Housing units. These Workforce Housing units shall be for household incomes from 60 to 120% of area median income and built onsite pursuant to the Workforce Housing Program in the ULDC. (ONGOING: PLANNING - Planning)

4. 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)

5. Prior to final site plan approval by the Development Review Officer (DRO), the Applicant shall provide a Rural Parkway Landscape Plan, to include a minimum of 60% native shrubs and a minimum of 90% native trees and palms for the minimum required trees, palms and shrubs subject to approval by the Planning Division. (DRO: PLANNING - Planning)

6. Prior to final approval by the Development Review Officer (DRO), submit an AGR Rural Parkway Management Plan and AGR Preserve Management Plans to be approved by the Planning and Zoning Divisions for both the Rural Parkway and Agricultural Preserve areas. (DRO: PLANNING - Planning)

7. The Master Plans shall contain the following "Preservation Area/Proposed Uses" notes section and include the following:

a. The preservation areas shall be restricted to preservation uses as follows, with the exception of areas designated as environmentally sensitive in the conservation easement:

PERMITTED USES:

- 1) Crop production, pasture, or equestrian purposes or may be retained as fallow land;
- 2) Accessory structures such as barns and pump structures are permitted;
- 3) Regional water storage areas to serve as water management functions or to serve as a Water Preserve Area if designated by the South Florida Water Management District: to serve regional water management purposes as certified by either Lake Worth Drainage District or South Florida Water management District, or for water management purposes not directly related to the 60/40 AgR-PDD if approved by the Department of Environmental Resources Management and managed for environmental resource values;
- 4) Wetland or bona fide agricultural uses per the ULDC;
- 5) Other uses as permitted by the required conservation easements;
- 6) Other uses as may be permitted within the protected area of an AGR-PDD consistent with the Comprehensive Plan and the Unified Land Development Code,

NOT PERMITTED:

7) Agricultural support uses such as processing facilities, farmworker housing and the like shall not be accommodated in the protected or preservation area of the AGR-PUD; nor shall new residential uses, other than security/caretakers quarters and grooms quarters, be accommodated thereon.

8) No residential units or farm residences (whether existing or proposed) shall be allowed within the preserve area. (DRO: PLANNING - Planning)

8. Prior to the recordation of the 1st Plat for the Development Area, all of the conservation easements for all of the Preservation parcels shall be recorded, as approved by the County Attorney's Office and the Planning Division.

a. The conservation easements for all of these preserve parcels shall contain:

- 1) a legal description, site location, including the address of the parcel and a sketch including the area subject to the easement depicting reference points such as main streets and showing the location of the preserve within the context of the Ag Reserve;
- 2) a list of permitted uses, uses not permitted, and prohibited activities.

b. Title insurance for these easements shall be provided to Palm Beach County subject to approval by the County Attorney and in an amount acceptable to the Planning Division.

(PLAT: MONITORING - Planning)

9. Prior to the issuance of a Building Permit for the 119th unit(25%), the Property Owner shall commence construction of the Rural Parkway. (BLDGPM: MONITORING - Planning)

10. Prior to Certificate of Occupancy for the 238th unit(50%), the Property Owner shall complete construction of the Rural Parkway. (CO: MONITORING - Planning)

11. Prior to the recordation of the 1st Plat for the Development area, the conservation easement for the 100-foot Lyons Road Rural Parkway Preserve Area shall be recorded, as approved by the County Attorney's Office, the Engineering Department, and the Planning Division. The conservation easement for the 100-foot Lyons Road Rural Parkway Preserve Area shall contain:

a. A Rural Parkway Landscape Plan that conforms with the approved Rural Parkway Landscape Plan, but not be limited to the following items:

- 1) 90% percent native trees and palms, and 60 percent native shrubs for the minimum required trees, palms and shrubs;
- 2) A multipurpose path and an equestrian path;
- 3) Undulating berms, no taller than five feet;
- 4) Benches/pedestrian gathering area. At least one (1) pedestrian gathering area shall be provided within the 100-foot wide Lyons Road Rural Parkway along this project frontage.

b. The Rural Parkway easement shall not include:

- 1) Walls, signs;
- 2) Structures, with the exception of a bus shelter, benches/pedestrian gathering area, and water fountains.

c. The Rural Parkway easement may include:

- 1) A ten (10) foot utility easement located adjacent to Lyons Road Right of Way and a bus stop easement,
- 2) Other drainage/utility easements may only be permitted which transverse (run perpendicular to) the Lyons Road Rural Parkway Easement to place drainage/utilities in the developable portion of the PUD, and
- 3) Other drainage easements may be permitted in the Rural Parkway Easement for the purposes of draining the Rural Parkway, subject to approval by the County Engineering Department and the Planning Division.

d. A maintenance agreement for continual maintenance of the Rural Parkway that will contain language allowing for the transfer of maintenance to the Homeowners Association or a deed to the County for the County's ownership and maintenance.

e. Title insurance for this easement shall be provided to Palm Beach County subject to approval by the County Attorney and in an amount acceptable to the Planning Division.

(PLAT: MONITORING - Planning)

12. Prior to the release of the 238th (50%) Certificate of Occupancy, an "as-built" Rural Parkway Landscape Plan shall be submitted to the Planning Division. These plans may only be modified from the plans approved at Final DRO with prior written permission from Planning. (CO: MONITORING - Planning)

13. The subject request for 476 units with a 119-unit Workforce Housing Program (WHP) obligation was calculated based on Condition 3 within LGA 2022-006 requiring 25% of the total units for WHP, with the WHP units to be rental and will be provided onsite. Should any change occur to the calculation, the site shall require resubmittal and recalculation in whatever process it originated. (ONGOING: PLANNING - Planning)

14. The Developer shall notify the Planning Division and The Department of Housing and Economic Sustainability (DHES) at the commencement of leasing. (ONGOING: PLANNING - Planning)

15. 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, 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. (BLDGPMPT: MONITORING - Planning)

16. Prior to the release of the first Building Permit, the Developer shall provide documentation demonstrating compliance with the required design standards: compatible exteriors, provision of a dry model. (BLDGPMPT: PLANNING - Planning)

17. Prior to the release of the 3rd Building Permit (154 units), Fifty percent of WHP units (60) must receive certificates of occupancy. (BLDGPMPT: MONITORING - Planning)

18. Prior to the release of the 6th Building Permit (405 units), All WHP units (119) must receive Certificates of Occupancy. All Plans and covenants must be consistent with what has been constructed, and shall be amended if necessary. (BLDGPMPT: 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. (CO: MONITORING - School Board)

SIGNS

1. Prior to final Development Review Officer approval, the Applicant shall modify the Preliminary Master Sign Plan to correct the sign types. (ONGOING: ZONING - Zoning)

COMPLIANCE

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

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

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

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

DISCLOSURE

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

CONDITIONS OF APPROVAL

EXHIBIT C-2: Class A Conditional Use

ALL PETITIONS

1. The approved Preliminary Site, Regulating and Master Sign Plans are dated May 12, 2022. 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)

LANDSCAPE - GENERAL

1. The required shrubs within the fifteen (15) foot right of way buffer along the west property line of the General Day Care shall be planted at a minimum six (6) feet in height. (ONGOING: BUILDING DIVISION - Zoning)

SIGNS

1. Prior to final Development Review Officer approval, the Applicant shall modify the Preliminary Master Sign Plan to correct the sign types. (ONGOING: ZONING - Zoning)

2. Ground Mounted Freestanding signs fronting on Half Mile Road shall be limited as follows:

- a. maximum sign height - 10 feet, measured from finished grade to highest point;
- b. maximum sign face area per side - 100 square feet;
- c. maximum number of signs - one (1); and,
- d. style - monument style only. (ONGOING: BUILDING DIVISION - Zoning)

COMPLIANCE

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

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

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

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

DISCLOSURE

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

Figure 1 - Land Use Map

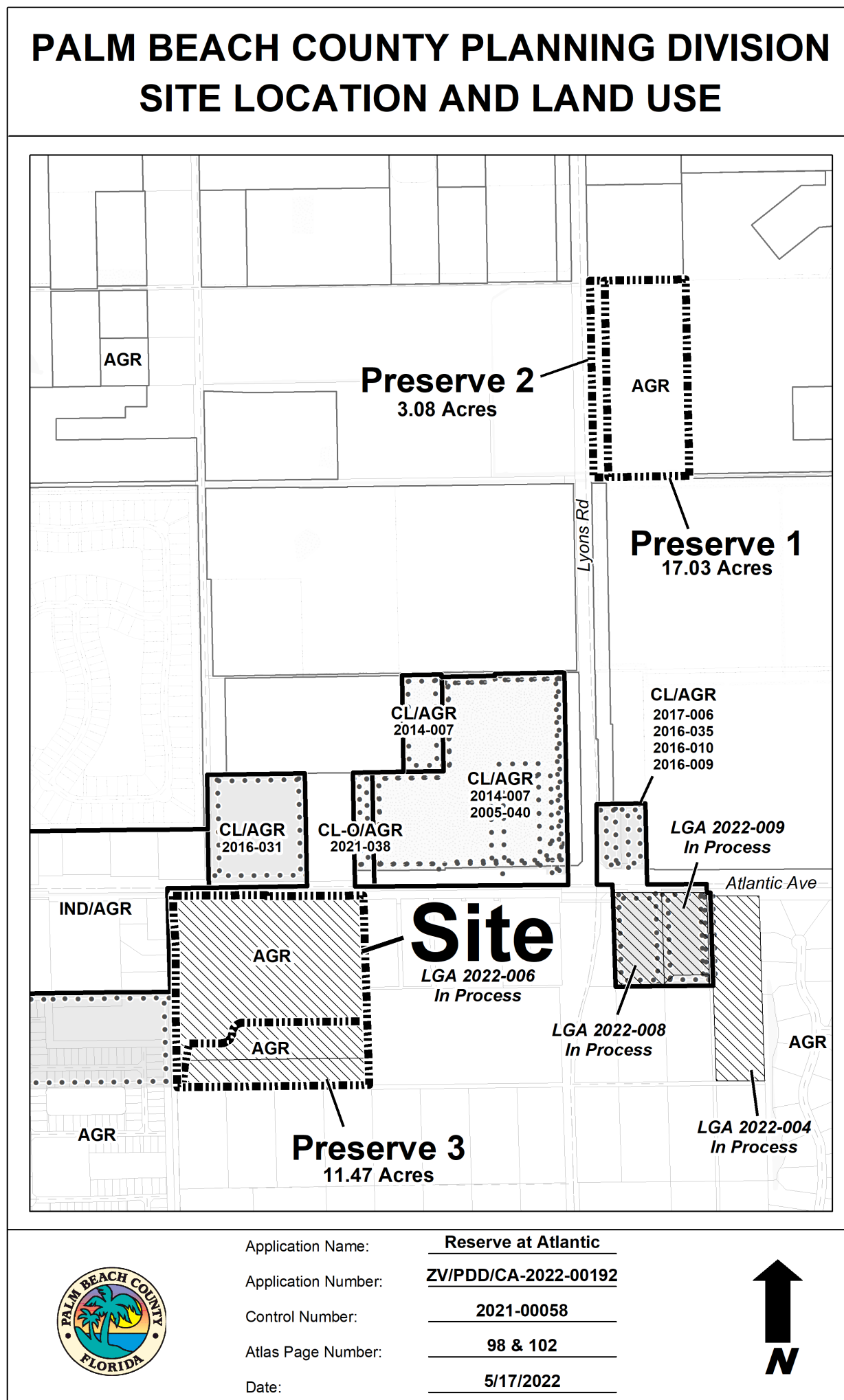


Figure 2 - Zoning Map

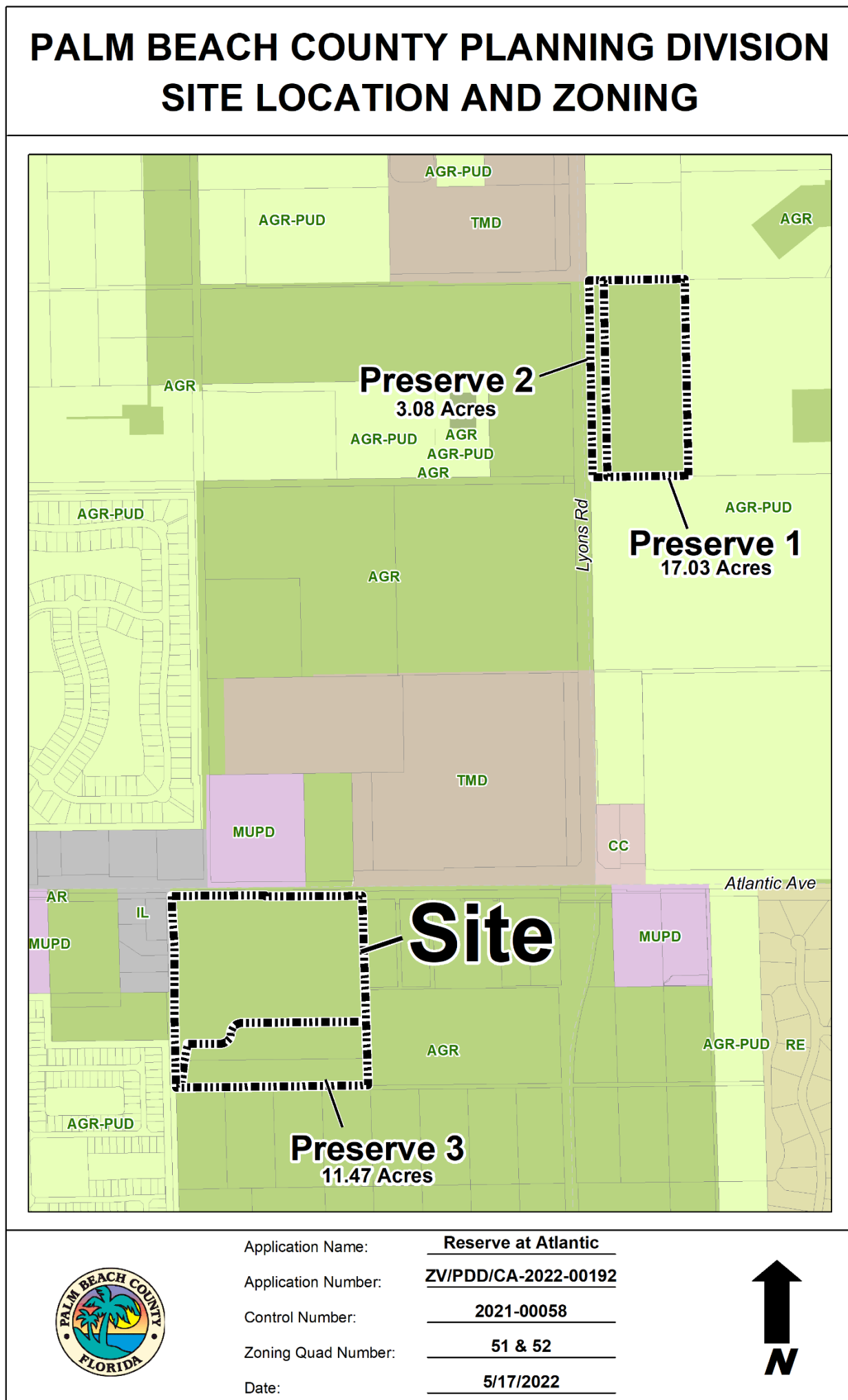


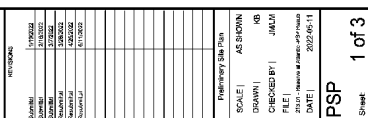
Figure 3 - Aerial

PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION

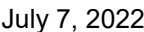


Application Name:	<u>Reserve at Atlantic</u>
Application Number:	<u>ZV/PDD/CA-2022-00192</u>
Control Number:	<u>2021-00058</u>
Atlas Page Number:	<u>98 & 102</u>
Date:	<u>5/17/2022</u>

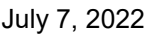


Page 19
Reserve at Atlantic

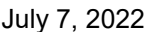
Zoning Commission
Application No. PDD/CA-2022-00192



Zoning Commission
Application No. PDD/CA-2022-00192



Zoning Commission
Application No. PDD/CA-2022-00192



Zoning Commission
Application No. PDD/CA-2022-00192

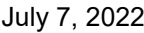
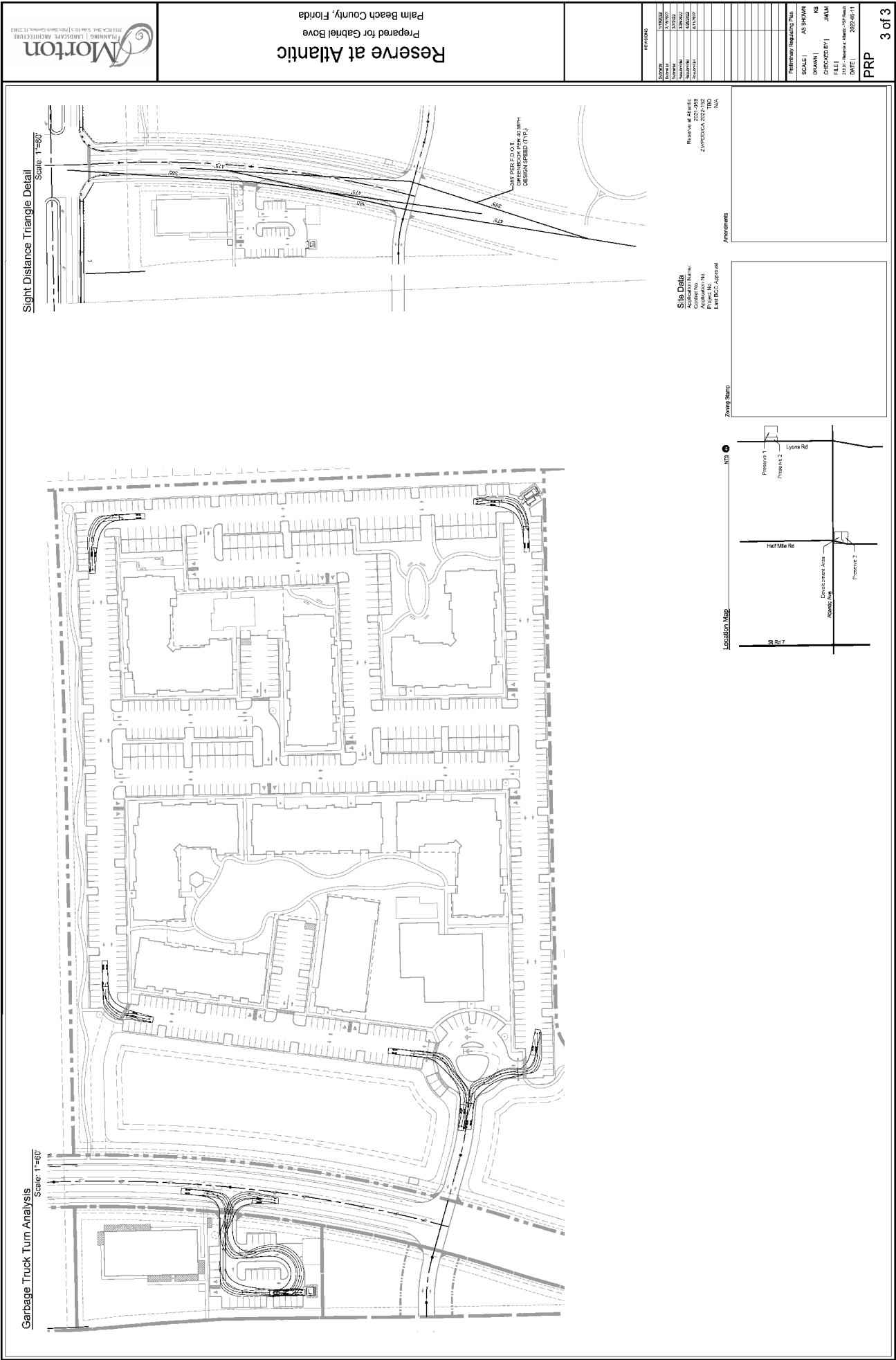


Figure 5 – Preliminary Regulating Plans dated May 11, 2022 page 3 of 3



Zoning Commission
Application No. PDD/CA-2022-00192

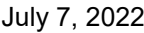


Exhibit D – Disclosure of Ownership

DISCLOSURE OF OWNERSHIP INTERESTS – APPLICANT

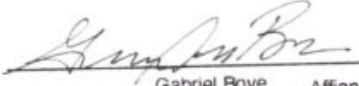
[TO BE COMPLETED AND EXECUTED ONLY WHEN THE APPLICANT IS NOT THE OWNER OF THE SUBJECT PROPERTY]

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
Gabriel Bove, 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] Managing Member [position—e.g., president, partner, trustee] of Bove Investment Holdings, LLC [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: 354 Royal Tern Road South
Ponte Vedra Beach, FL 32082
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.



Gabriel Bove, 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 30th day of December, 2021 by
Gabriel Bove (name of person acknowledging). He/she is personally
known to me or has produced DL (type of identification) as
identification and did/did not take an oath (circle correct response).

Emily Stouffer
(Name - type, stamp or print clearly)


(Signature)

My Commission Expires on: 11/06/2024

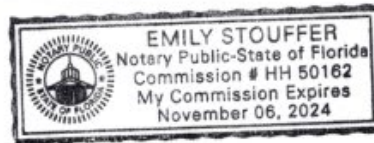


EXHIBIT "A"

PROPERTY

TRACTS 5, 6, 7, 8, 25, 26, 27 AND 28 IN SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST, THE PALM BEACH FARMS COMPANY PLAT No. 1, AS SAID PLAT IS RECORDED IN PLAT BOOK 2 AT PAGES 26,27 AND 28, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPTING THEREFROM THE NORTH TEN FEET OF SAID TRACTS 7 AND 8 LESS AND EXCEPTING THEREFROM THE NORTH THIRTY-ONE FEET OF SAID TRACTS 5 AND 6.

ALSO, LESS AND EXCEPT THAT PORTION OF TRACTS 7 & 8, LYING NORTH OF CHANCERY CASE 407, AS SHOWN ON STATE ROAD MAPS 806, SECTION #, 93030-2502. ALSO, LESS THAT PORTION OF TRACTS 8 & 25, AREA AS SHOWN ON ROAD BOOK 7, PAGE 169, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AS MAINTENANCE FOR HALF MILE ROAD.

SAID PARCEL BEING 1693512.52± SQ.FT. OR 38.878± ACRES MORE OR LESS.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

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

[illegible]

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
Linda T. Woodworth, hereinafter referred to as "Affiant," who
being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the ☐ individual or ☒ Manager [position -
e.g., president, partner, trustee] of Mina Property Group, LLC [name
and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an
ownership interest in real property legally described on the attached Exhibit "A" (the
"Property"). The Property is the subject of an application for Comprehensive Plan
amendment or Development Order approval with Palm Beach County.
2. Affiant's address is: 1700 South Dixie Highway, Suite 300
Boca Raton, FL 33432
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.

Linda T. Woodworth
 Linda T. Woodworth, 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 13th day of January, 2022 by Linda Woodworth (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).

Lauren McClellan
 (Name - type, stamp or print clearly)

Lauren L. McClellan
 (Signature)

My Commission Expires on: 2/28/25

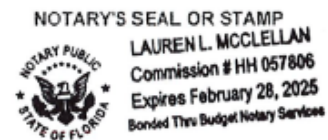


EXHIBIT "A"

PROPERTY

TRACTS 5, 6, 7, 8, 25, 26, 27 AND 28 IN SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST, THE PALM BEACH FARMS COMPANY PLAT No. 1, AS SAID PLAT IS RECORDED IN PLAT BOOK 2 AT PAGES 26,27 AND 28, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPTING THEREFROM THE NORTH TEN FEET OF SAID TRACTS 7 AND 8 LESS AND EXCEPTING THEREFROM THE NORTH THIRTY-ONE FEET OF SAID TRACTS 5 AND 6.

ALSO, LESS AND EXCEPT THAT PORTION OF TRACTS 7 & 8, LYING NORTH OF CHANCERY CASE 407, AS SHOWN ON STATE ROAD MAPS 806, SECTION#, 93030-2502. ALSO, LESS THAT PORTION OF TRACTS 8 & 25, AREA AS SHOWN ON ROAD BOOK 7, PAGE 169, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AS MAINTENANCE FOR HALF MILE ROAD.

SAID PARCEL BEING 1693512.52± SQ.FT. OR 38.878± ACRES MORE OR LESS.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

Name	Address
David Taheri	14874 Kernite Court, Nevada City, CA 95959
Linda Woodworth	703 Berkshire Road, Ann Harbor, MI 48104

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 Linda T. Woodworth, 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 ☒ Trustee *[position - e.g., president, partner, trustee]* of The Taheri Grandchildren's Irrevocable Trust dated 12/28/92 *[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: 1700 South Dixie Highway, Suite 300
Boca Raton, FL 33432
- 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.

Linda T. Woodworth
Linda T. Woodworth, 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 4th day of January, 2022 by Linda Woodworth (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).

Lauren McClellan
(Name - type, stamp or print clearly)

Lauren McClellan
(Signature)

My Commission Expires on: 2/28/25



EXHIBIT "A"

PROPERTY

TRACTS 5, 6, 7, 8, 25, 26, 27 AND 28 IN SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST, THE PALM BEACH FARMS COMPANY PLAT No. 1, AS SAID PLAT IS RECORDED IN PLAT BOOK 2 AT PAGES 26,27 AND 28, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPTING THEREFROM THE NORTH TEN FEET OF SAID TRACTS 7 AND 8 LESS AND EXCEPTING THEREFROM THE NORTH THIRTY-ONE FEET OF SAID TRACTS 5 AND 6.

ALSO, LESS AND EXCEPT THAT PORTION OF TRACTS 7 & 8, LYING NORTH OF CHANCERY CASE 407, AS SHOWN ON STATE ROAD MAPS 806, SECTION #, 93030-2502. ALSO, LESS THAT PORTION OF TRACTS 8 & 25, AREA AS SHOWN ON ROAD BOOK 7, PAGE 169, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AS MAINTENANCE FOR HALF MILE ROAD.

SAID PARCEL BEING 1693512.52± SQ.FT. OR 38.878± ACRES MORE OR LESS.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

[illegible]

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

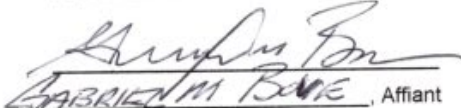
STATE OF FLORIDA
COUNTY OF PALM BEACH

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

1. Affiant is the ☒ individual or ☒ Manager [position - e.g., president, partner, trustee] of Atlantic Holo, LLC [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
2. Affiant's address is: 354 Royal Tern Rd. S.
Ponte Vedra, FL 32082.
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.


GABRIEL M BOVE, 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 28th day of March, 2022 by Gabriel Bove (name of person acknowledging). He/she is personally known to me or has produced PK (type of identification) as identification and did not take an oath (circle correct response).

Emily Stouffer
(Name - type, stamp or print clearly)


(Signature)

My Commission Expires on: 11/06/2024

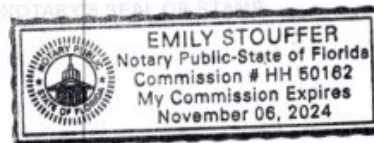


EXHIBIT "A"
PROPERTY

A portion of Tracts 25, 26, 27 and 28 in Section 19, Township 46 South, Range 42 East, the Palm Beach Farms Company Plat No. 1, as recorded in Plat Book 2, pages 26, 27 and 28, of the Public Records of Palm Beach County, Florida, being more particularly described as follows:

Beginning at the Southeast corner of said Tract 28; thence South 89 degrees 19 minutes 31 seconds West along the South line of said Tracts 25 through 28, a distance of 1,309.39 feet to a point of intersection with the East right of way line of Half Mile Road, as recorded in Road Plat 7, Page 169 of said public records; thence North 01 degree 38 minutes 28 seconds West along said East right of way line, a distance of 63.54 feet; thence North 01 degree 24 minutes 45 seconds West along said East right of way line, a distance of 100 feet; thence North 01 degree 17 minute 50 seconds West along said East right of way line, a distance of 36.14 feet to a point of intersection with a line lying 199.67 feet North of and parallel with said South line of Tracts 25 through 28; thence North 89 degrees 19 minutes 31 seconds East along said parallel line, a distance of 1,308.34 feet to a point of intersection with the East line of said Tract 28; thence South 01 degree 45 minutes 58 seconds East along said East line, a distance of 199.60 feet to the Point of Beginning.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

Name

Address

Agentic Invest LLC 354 Royal Tern Road South
Ponte Vedra FL 32082

Bove Investment Holdings LLC 354 Royal Tern Road South
Ponte Vedra FL 32082

Gabriel Bove 354 Royal Tern Rd S
Ponte Vedra, FL 32082

Phyllis Bove 354 Royal Tern Rd S
Ponte Vedra, FL 32082

Gelsomino Holding, LLC 4200 SW 131st Avenue
Davie, FL 33330

Brett Gelsomino 4200 SW 131st Avenue
Davie, FL 33330

Kelly Gelsomino 4200 SW 131st Avenue
Davie FL 33330



JUSTIFICATION STATEMENT

Reserve at Atlantic
Rezoning to Multiple Use Planned Development (MUPD), and Conditional Use Requests
Initial Submittal: January 19, 2022
Resubmittal: February 16, 2022
Resubmittal March 7, 2022
Resubmittal: March 28, 2022
Resubmittal: April 25, 2022
Resubmittal: May 11, 2022

REQUEST

On behalf of the Applicant, JMorton Planning & Landscape Architecture is requesting the following:

- Rezoning to Multiple Use Planned Development (MUPD);
- Class A Conditional Use Approval of a General Daycare;
- Type I Waiver to allow for elimination of required Type 2 Incompatibility buffer between recreation use and multi-family buildings; and
- Type I Waiver for reduction of 141 parking spaces.

SITE CHARACTERISTICS

The development and on-site preserve area is 38.88 acres and is located at the southeast corner of Atlantic Avenue and Half Mile Road (“Property”). The Property is currently utilized for agricultural purposes. The Property has frontage on Atlantic Avenue and Half Mile Road. The Property is located within the Agricultural Reserve Tier. The development area of the Property is identified by PCN 00-42-46-19-01-000-0050 and is currently designated with a Future Land Use and Zoning designation of Agricultural Reserve (AGR).

The off-site preserve area (Preserve 1 & Preserve 2) of the Property is located on the east side of Lyons Road, south of Happy Hollow Road. This off-site preserve area is identified by PCN 00-42-46-17-01-000-0470 and is 20.57 acres in size. The off-site preserve area is designated with a Future Land Use and Zoning designation of Agricultural Reserve (AGR). The off-site preserve property will be affected by the proposed rezoning application but will not be included in the proposed Future Land Use Atlas Amendment to MLU, rather referenced by conditions of approval.

The total development area of the proposed MUPD is 21.06 acres and the total preserve area of the MUPD is 31.58 acres. The total gross acreage of the Property (Development and Preserve Areas) is 59.45 acres. All 59.45 acres will be rezoned to MUPD with this application. As part of the development approvals a significant portion of the property is proposed to be dedicated for right-of-way purposes (6.81 acres). This area has been lessed out of the 60/40 calculations leaving a total net acreage of 52.64 acres.

Within the Development Area of the Property, 19.57 acres is proposed for the development of 476 multi-family dwelling units and a 13,000 square foot clubhouse. Recreation and amenities on-site may include a fitness center, business center, children’s play area, resort-style pool and pool deck, meandering walking trails with benches, passive lawn areas, outdoor picnic areas, pedestrian plazas, as well as access to the 11.47 acre preserve parcel to the south of the development parcel that may include a two mile walking trail loop and passive green space. There is also a 1.49 acre institutional area proposed for a 120 student (10,000 SF) day care. The following tabular information is provided for clarification of acreage for the entire project:

Total Gross Area	59.45
Atlantic Avenue Property	38.88
Lyons Road Property	20.57

Density

Total Dwelling Units (59.45 X 8 = 475.6)	476 du
------------------------------------------	--------

60/40 Acreage Calculation

Gross Area	59.45
Less Atlantic Avenue ROW	0.33
Less Half Mile Road ROW	2.26
Less Half Mile Road Drainage	6.90
Lwss LWDD ROW	2.86
Less Lyons Road ROW	0.46
Net Area	52.64

Net Area (100%)	52.64
Preserve Area Required (60%)	31.58
Preserve Area Proposed	31.58
Development Area Permitted (40%)	21.06
Development Area Proposed	21.06

<u>Development Area Proposed</u>	21.06
Multifamily Area	19.57
Day Care Area	1.49

The Property is currently the subject of a concurrent Future Land Use Amendment (Reserve at Atlantic, LGA2022-006) to change the Future Land Use designation to Multiple Land Use with Institutional & Public Facilities, Agricultural Reserve, and an underlying 8 units per acre (MLU, INST/AGR/8) with conditions. Additionally, a comprehensive plan text amendment application has been submitted to allow the development of multi-family residential within the Agricultural Reserve Tier. Both the Comprehensive Plan Text and Future Land Use Map Amendments were transmitted by the Board of County Commissioners at the November 3, 2021 BCC Hearing. The proposed conditions associated with the comprehensive plan amendment are:

1. Development of the site is limited to a total maximum net daily trips of 3,191 and a maximum net pm peak hour trips of 283, and shall include the connection between Smith Sundry and Half Mile Roads.
2. Residential dwelling units shall be limited to a maximum of 480 units with no further density increases through density bonus programs.
3. The zoning development order shall require a minimum of 25% of the total dwelling units (including density bonus) to be built as workforce housing units. These workforce housing units shall be for household incomes from 60 to 120% of area median income and built onsite pursuant to the Workforce Housing Program in the ULDC.
4. At a minimum, 5% of the property must be committed to usable open space (as defined by the Introduction

and Administration Element). Open space must functionally integrate the project's land uses and may not be applied to the recreation and/or parks requirements or other required civic dedication of land during the development review/re-zoning process, excluding right-of-way dedication. Any water bodies including but not limited to, water retention, lakes, drainage, and canals shall not be considered usable open space.

5. The adoption of the text and future land use amendments and zoning application shall be held on the same date.

Surrounding Properties

The Atlantic Avenue corridor of the Agricultural Reserve is developed with a variety of uses including commercial uses at the intersection of Atlantic Avenue and Lyons Road. To the west of the property is the industrial corridor of the Agricultural Reserve. A breakdown of the surrounding uses of the development and on-site preserve parcel is provided below.

Adjacent Property	Land Use Designation	Zoning Designation	Existing Use	Control Number	Resolution Number
North	IND CL/AGR AGR AGR	IL CG & AGR AGR TMD	Self-Storage Facility (+/-49,391 SF) Current – Agriculture; Proposed Medical Office/Hospital Kennel and Veterinary Clinic (35,090 SF) Vacant (Preserve Parcel)	1982-136 2015-118 2013-315 2004-616	R-1983-143 R-3-Y-60 ZR-2015-008 R-2011-1110
South	AGR	AGR	Agricultural uses	N/A	N/A
East	AGR AGR	AGR AGR	Single Family Home Agriculture Row Crops	N/A N/A	N/A N/A
West	IND AGR AGR	IL AGR AGR-PUD	Contractor Storage Yard Place of Worship Residential Planned Unit Development (743 Single Family & Zero Lot Line Units)	1973-242 & 1976-077 1994-087 2000-032	R-1976-561, R-1974-066, R-3-B-65, & R-3-LL-65 R-2009-1219 R-2017-1641

A breakdown of the surrounding uses of the off-site preserve parcel is provided below.

Adjacent Property	Land Use Designation	Zoning Designation	Existing Use	Control Number	Resolution Number
North	AGR	AGR-PUD (Preserve)	Agricultural uses	2004-616	R-2015-531
South	AGR	AGR-PUD (Preserve)	Agricultural uses	2004-369	R-2015-531
East	AGR	AGR-PUD (Preserve)	Agricultural uses	2004-206	R-2004-2037
West	AGR	AGR	Agricultural uses	N/A	N/A

REZONING TO PLANNED DEVELOPMENT STANDARDS

As part of this application, the Applicant is requesting a rezoning to the Multiple Use Planned Development (MUPD). Article 2.B.7.B. requires that eight (8) standards are addressed prior to approval by the Board of County Commissioners. The Applicant is in compliance with all eight (8) criteria standards, as provided below.

A. Consistency with the Plan

The proposed rezoning to Multiple Use Planned Development (MUPD) is consistent with the proposed future land use designation of Multiple Land Use with Institutional & Public Facilities, Agricultural Reserve, with an underlying 8 units per acre (MLU, INST/AGR/8). The Board of County Commissioners transmitted the concurrent future land use amendment and comprehensive plan text amendment at the November 3, 2021 BCC hearing. Several conditions of approval were placed on the proposed future land use amendment. Consistency with these conditions are indicated below:

1. Development of the site is limited to a total maximum net daily trips of 3,191 and a maximum net peak hour trips of 283, and shall include the connection between Smith Sundry and Half Mile Roads.
Response: The proposed development is consistent with the trip restrictions. A connection has been provided between Half Mile and Smith Sundry Roads with the dedication of an 80 foot right-of-way that will provide for the alignment of the two roads. The proposed project generates a maximum of 2,834 average daily trips and 256 peak hour trips per the traffic analysis.
2. Residential dwelling units shall be limited to a maximum of 480 units with no further density increases through density bonus programs.
Response: The total number of units proposed for the project is 476 units.
3. The zoning development order shall require a minimum of 25% of the total dwelling units (including density bonus) to be built as workforce housing units. These workforce housing units shall be for household incomes from 60 to 120% of area median income and built onsite pursuant to the Workforce Housing Program in the ULDC.
Response: The Application is proposing to provide a total of 119 units ($476 \times 25\% = 119$) as workforce units between the income range of 60%-120% AMI.
4. At a minimum, 5% of the property must be committed to usable open space (as defined by the Introduction and Administration Element). Open space must functionally integrate the project's land uses and may not be applied to the recreation and/or parks requirements or other required civic dedication of land during the development review/re-zoning process, excluding right-of-way dedication. Any water bodies including but not limited to, water retention, lakes, drainage, and canals shall not be considered usable open space.
Response: The minimum open space required for the property is 1.05 acres ($21.06 \text{ acres} \times 5\% = 1.05 \text{ acres}$). A total of 1.05 acres (5%) of the project has been dedicated to usable open space. Within the usable open space area, the Applicant has provided this usable open space around the residential buildings. In addition to the clubhouse and pool areas, the anticipated uses within these areas may include a pet park, walking trails (with distance markers), open lawn for games (bocce ball, frisbee golf, etc.), and other similar uses.
5. The adoption of the text and future land use amendments and zoning application shall be held on the same date.
Response: Condition noted. Site plan and zoning anticipated to be approved with adoption of Comprehensive Plan Amendment.

Preserve 1 (portion of PCN 00-42-46-17-01-000-0470) is a total of 17.03 acres and meets the minimum lot size, depth, and frontage for a preserve parcel. Preserve 1 is anticipated to be utilized for farming operations (row crops) in the future. Preserve 2 (portion of PCN 00-42-46-17-01-000-0470) is a total of 3.08 acres in lot size and is anticipated to be utilized as a Rural Parkway abutting Lyons Rd. Preserve 3 (portion of PCN 00-42-46-19-01-000-0050) is a total of 11.47 acres and meets the minimum lot size, depth and frontage for a preserve parcel. Preserve 2 is anticipated to be utilized for a passive park including walking trails and other passive uses.

The proposed MUPD is consistent with the proposed Comprehensive Plan text language that was

transmitted by the BCC on November 3, 2021 as follows:

NEW Policy 1.5.1-s: The County shall foster the provision of workforce housing in the Agricultural Reserve Tier by allowing densities greater than one unit per acre for planned developments utilizing the Essential Housing Residential (EHR) Option for projects with the Multiple Land Use future land use designation (FLUE 4.4.2-a). The EHR Option is a 60/40 planned development (MUPD) that is subject to the following:

1. **Acreage.** The total land area, consisting of the Development area and Preserve area, shall be a minimum of 35 acres. The minimum acreage for the Preserve Area is 21 acres.
2. **Density.** The base density is up to 1 unit per acre for the total land area, clustered onto the Development Area. Additional density may be assigned to the Development Area by ordinance provided that a minimum of 25% percent of the total units are built on-site as workforce housing units for household incomes from 60 to 140% of area medium income up to a maximum of 8 units per acre for the total land area.
3. **Location.** The Development Area is limited to sites located east of State Road 7, fronting on Atlantic Avenue and within ¼ mile of an AgR-TMD or IND future land use designation.

Response: The total acreage of the project is 59.45 gross acres. The proposed development area will be 21.06 acres and the proposed preserve area will be 31.58 acres. The proposed density of the project is 8 dwelling units per acre calculated as follows: (59.45 acres x 8 du/ac) which would allow a maximum of 476 units. The location of the development area is at the southeast corner of Atlantic Avenue and Half Mile/Smith Sundry Road, east of State Road 7.

REVISED Policy 1.5-h: Residential uses shall be permitted within the Agricultural Reserve Tier under the Agricultural Reserve land use designation as further regulated by the Unified Land Development Code. Consistent with the provisions of Future Land Use Policy 2.1-b and Table 2.2.1-g.1, Residential Future Land Use Designation Maximum Density, the land shall be allowed to develop as follows:

1. Within the Agricultural Reserve future land use designation with Agricultural Reserve zoning, the maximum density is one dwelling unit per five acres;
2. Within the Agricultural Reserve Tier with a Planned Development zoning, the maximum future land use densities are as follows, with density calculated for the total land area and clustered onto the development area of the projects.
 - a. Agricultural Reserve future land use designation with AgR-PUD zoning, the maximum density is up to one dwelling unit per acre;
 - b. Commercial Low future land use designation with TMD or MUPD zoning, the maximum density is up to one dwelling unit per acre;
 - c. Multiple Land Use future land use designation with MUPD zoning, the underlying future land use density pursuant to Policy 1.5.1-s.

Response: The total acreage of the project is 59.45 gross acres. The proposed development area will be 21.06 acres and the proposed preserve area will be 31.58 acres. The proposed density of the project is 8 dwelling units per acre calculated as follows: (59.45 acres x 8 du/ac) which would allow a maximum of 476 units.

REVISED Policy 1.5.1-d: Agricultural Reserve Planned Developments shall be subject to the following minimum preserve area requirements:

1. 80/20 AgR-PUD, 75 percent of the total land area;
2. 60/40 AgR-PUD, 60 percent of the total land area; and
3. TMD or MUPD, 60 percent of the total land area pursuant to Policy 1.5.1-s.

Response: The total site area of the project is 59.45 gross acres. Following the right-of-way dedication the total net acreage is 52.64 acres. The Preserve area (60%) of this net acreage is 31.58 acres and the Development area (40%) of this net acreage is the remaining 21.06 acres.

The proposed rezoning to MUPD is also consistent with various goals, objectives, and policies in the Palm Beach County Comprehensive Plan as detailed below.

The proposed MUPD is also consistent with FLUE Policy 1.5.1-r as follows:

Policy 1.5.1-r: Ag Reserve Design Elements. In order to maintain the character of the Tier and quality of life for farm workers and residents, all new commercial and mixed use development the Ag Reserve Tier must demonstrate consistency with the following Ag Reserve Design Elements during the development review process. Conditions of approval to further define compliance with these elements may be adopted as part of the associated future land use amendment ordinance and/or zoning resolution:

1. A minimum of 5% usable open space as defined by the Introduction and Administration Element, prominently located within the project to act as a community gathering place;
Response: The minimum open space required for the property is 1.05 acres (21.06 acres x 5% = 1.05 acres). The proposed project provides for 1.05 acres of usable open space. This usable open space will include 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. This open space will be used for passive or active recreation as well as formal and informal gatherings as defined in the Introduction & Administration Element of the Comprehensive Plan.
2. Landscaped, pervious surfaces that incorporate native landscape species in the site design, with an emphasis along roadway frontages, at entry features, and the provision of exceptional landscape buffers to ensure compatibility with adjacent residential or agricultural properties;
Response: The proposed MUPD provides for a right-of-way buffer along Atlantic Avenue which will incorporate native vegetation and a meandering pathway. The proposed entrance for the MUPD is off of the re-aligned Smith Sandy Road and Half Mile Road. This entrance is set between two large water management tracts which will provide for an exception entry into the community. The on-site preserve area is situated between the development area and the agricultural land to the south. This area will act as an additional buffer between the two uses. Additionally, the proposed building height is comparable to the existing commercial within the Delray MarketPlace which is also adjacent to agricultural land.
3. Interconnected, well landscaped pedestrian systems that link buildings with useable open space, sidewalks and other trail systems, to promote pedestrian circulation and encourage pedestrians to walk between uses;
Response: The proposed MUPD provides an interconnected pedestrian system connecting to all of the proposed buildings as well as to the pedestrian network within the adjacent right-of-way. The Applicant is also proposing a pedestrian pathway through the preserve area for the future residents of the community to enjoy.
4. Building placement designed to foster pedestrian connectivity with surrounding parcels;
Response: The buildings are located within the project to foster connectivity between the buildings as well as to the proposed daycare located on the west side of the new road alignment. The adjacent parcels to the south and east are agriculture properties.
5. Compatible building heights consistent with the character of the community; and
Response: The proposed 4 story buildings are proposed to be located towards the right-of-way and within proximity of the intense industrial uses to the west and commercial uses to the north. The proposed building height is comparable to the existing commercial within the Delray MarketPlace which is also adjacent to agricultural land.
6. Public amenities such as sidewalks, lighting, seating, signage, gathering space, water features, landscaping, public art, and provisions for outdoor dining and merchant displays.
Response: As previously mentioned, the proposed MUPD is providing a pedestrian network throughout the entire project which will be an amenity for the community. This project does not propose commercial development, therefore there is not a purpose for providing usable open space accessible to the public. The Applicant is proposing a landscape buffer with meandering pathway along Atlantic Avenue which will provide a visual enhancement for the right-of-way. The proposed MUPD will have benches in appropriate areas along the pedestrian network.

The proposed MUPD is consistent with FLUE Policy 4.4.2 as follows:

Policy 4.4.2-a: The Multiple Land Use (MLU) future land use designation is established for multiple and mixed use projects proposed through the amendment process. The MLU is an umbrella category which requires a minimum of two different future land use designations at least one of which shall be residential. The allowable underlying land uses are identified in 2.2-e.1. The MLU is project specific is subject to the following:

1. **Uses, Intensity, and Density.** The application for a proposed future land use amendment to MLU shall identify the proposed uses, maximum intensity, and maximum density which shall be affixed in the adopting ordinance. The use of the Workforce Housing Program and/or Transfer of Development Rights program is required as part of the concurrent zoning application for proposed MLU amendments seeking an increase in density. The MLU adopting ordinance shall identify the underlying land uses, and include conditions of approval identifying whether the site may also utilize these programs following adoption for additional density, or whether the site is prohibited from future density increases.

Response: The proposed MUPD contains two different future land use designations. The Institutional designation has been utilized for the proposed daycare on the west side of the road alignment. The High Residential, 8 units per acre designation has been utilized for the remaining portion of the Property. The concurrent ordinance that will be adopted with the project indicates that a maximum of 480 units is allowed to be developed on the Property. The Applicant is not able to utilize the IDR or WHP program as the Property is located within the Agricultural Reserve Tier.

2. **Concurrent Zoning Application.** The proposed amendment for an MLU requires the processing and adoption with a concurrent zoning application. The zoning application shall include a site plan or master plan depicting the functional integration of the proposed uses, and the maximum intensities and densities. The MLU adopting ordinance shall include conditions of approval as necessary to reflect the concurrent zoning application and may include the adoption of a conceptual site plan depicting the location of the various land uses, open space, and linkages which functionally integrate the different land use categories.

Response: Comprehensive Plan Amendments and MUPD will be adopted/approved at the same BCC hearing.

3. **Usable Open Space.** At a minimum, 5% of the property must be committed to usable open space (as defined by the Introduction and Administration Element). Open space must functionally integrate the project's land uses and may not be applied to the recreation and/or parks requirements or other required civic dedication of land during the development review/re-zoning process, excluding right of way dedication. Water retention, lakes, drainage, and canals shall not be considered usable open space. The usable open space requirement is not required for projects for which the residential use is limited to a congregate living facility.

Response: The minimum open space required for the property is 1.05 acres (21.06 acres x 5% = 1.05 acres). The proposed project provides for 1.05 acres of usable open space.

4. **Applicability.** Proposed amendments for multiple and mixed use projects requesting an increase in residential density and a non-residential future land use in the Urban Suburban Tier are required to apply for the MLU designation. Exceptions to this requirement are proposed amendments described as follows:

- a. Amendments seeking a traditional development designation;
- b. Amendments for which the residential use limited to a congregate living facility.

Response: The Property is not located within the Urban/Suburban Tier, therefore this provision is not applicable.

B. Consistency with the Code

The proposed rezoning to Multiple Use Planned Development (MUPD) for the proposed Reserve at Atlantic is consistent with the stated purpose and intent of the County Unified Land Development Code.

The Property meets the minimum frontage and access requirements for an MUPD located within the Institutional Future Land Use. The 38.9 acre Property has frontage on Atlantic Avenue and Half Mile Road. Access is proposed from Half Mile Road. The Applicant is proposing to align Smith Sundry Road and Half Mile Road as part of this proposed project. Several zoning code amendments will be required to bring the ULDC into conformance with the proposed Comprehensive Plan text Amendments. These ULDC amendments will include allowing multi-family residential uses within an MUPD with an underlying Institutional or Multiple Land Use Future Land Use designation.

The proposed MUPD meets the objectives and standards as described in Art. 3.E.3.B. The project contains both residential and non-residential uses that have been designed in a manner to foster compatibility internal to the project as well as with the adjacent residential uses to the south and east. Pedestrian connections have been provided between all buildings within the project as well as to Half Mile Road/Smith Sundry Road. A crosswalk with pavers has been provided across the proposed Half Mile Road alignment to provide pedestrian access between the residential uses and daycare within the MUPD.

In conformance with Art. 3.E.3.B.2.f. the proposed residential units are located within 1,320 feet of a recreation area and/or usable open space. As mentioned above, the pedestrian circulation network connects all of the residential units to one another as well as to the adjacent right-of-way. The proposed multi-family units will provide a transitional use between the intense industrial uses on the west side of Half Mile Road/Smith Sundry Road and the commercial uses to the north and the existing farmland and proposed single family residential in the area.

A minimum of 5% of the project is dedicated for usable open space. The usable open space includes additional vegetation area excluded from the required preserve area and the open common area spaces around the residential buildings that can be utilized for dog walking or congregation of residents. Usable open space areas throughout the site will be consistent with other MUPDs approved in the AgR Tier such as CobbleStone Plaza. The recreation areas will be accessible to all units within the development and will be programmed for a variety of recreation uses, including but not limited to pool, courts, pet park, trails, etc. Pedestrian connections are provided to the proposed recreation area to ensure that it is accessible to the entire development area of the MUPD.

Per Art. 3.E.1.C.1. Planned Developments shall comply with the following objectives:

- 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: The Property has approximately 1,299 feet of frontage on Atlantic Avenue and 1,295 feet of frontage on Half Mile Road.

- 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: A continuous sidewalk has been provided throughout the entire project connecting all residential buildings to one another, to the recreation and usable open space as well as to the adjacent rights-of-way. A pedestrian path is also included linking the residential buildings to the proposed daycare via the sidewalks along the new road alignment and paver crosswalk.

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

Response: As mentioned above, sidewalks are provided throughout the entire project connecting all uses and buildings. Additionally, parking has been provided throughout the project which is convenient to all uses and buildings.

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

Response: A majority of the Property has previously been cleared and utilized for agriculture uses. There is a minimal amount of vegetation along the perimeter of the property that contains mostly invasive materials.

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

Response: Dumpsters, loading areas, etc. have been screened from public view as required. The proposed site design provides for 1 trash compactor located at the southeast corner of the Property. Each individual building will provide for trash chutes and valet trash service.

- 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 project has been designed so as to locate the more intense institutional use at the intersection. The multi-family residential uses are located in the southeast quadrant of the project.

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

Response: The project is a multiple use planned development with both residential and institutional uses, therefore encouraging residents and patrons to walk to the various uses within the project. The Applicant is proposing to request a Type I Waiver for a 141 parking space reduction during the Final DRO process. The proposed project provides surface parking as well as garage parking throughout the development. Per the attached Parking Waiver statement, the typical required parking for multi-family residential uses includes 1.5 spaces per unit. The proposed parking within the residential portion of the project meets this minimum requirement.

- 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: Pedestrian network has been provided throughout the entire project that connects the institutional, residential and recreation uses. Additionally, a meandering mulched pathway is provided to various usable open spaces and throughout the preserve area.

- i. For PDDs with non-residential 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.

Response: There is only 10,000 SF non-residential square footage within the project. There several areas where outdoor seating or other pedestrian amenity is proposed as shown on the proposed site plan.

Per Art. 3.E.1.C.2. Planned Development shall also comply with the following standards:

a. Access and Circulation

1) Minimum Frontage

PDDs shall have a minimum of 200 linear feet of frontage along an Arterial or Collector Street.

Response: The Property has approximately 1,299 feet of frontage on Atlantic Avenue and 1,295 feet of frontage on Half Mile Road.

2) PDDs shall have legal access on an Arterial or Collector Street;

Response: The Property has access on Half Mile Road.

3) Vehicular access and circulation shall be designed to minimize hazards to pedestrians, non-motorized forms of transportation, and other vehicles. Merge lanes, turn lanes and traffic medians shall be required where existing or anticipated heavy traffic flows indicate the need for such controls;

Response: Pedestrian circulation has been designed to avoid conflicts with vehicular traffic as much as possible. Crosswalks have been provided to ensure safety of the pedestrians at various intersections as well as across the new Smith Sundry Road alignment.

4) Traffic improvements shall be provided to accommodate the projected traffic impact;

Response: The Applicant is proposing to dedicate additional right-of-way for the expansion of Atlantic Avenue. This right-of-way is being dedicated to FDOT and LWDD for both the expansion of Atlantic Avenue and relocation of the LWDD Canal. Additionally, the Applicant is proposing

to align Half Mile Road and Smith Sandy Road as discussed with the Engineering Department. This alignment will connect Half-Mile Road to Smith Sandy Road thus addressing Condition # 1 of the concurrent Comprehensive Plan amendment application.

- 5) Cul-de-sacs
The objective of this provision is to recognize a balance between dead end streets and interconnectivity within the development. In order to determine the total number of Local Streets that can terminate in cul-de-sacs, the Applicant shall submit a Street Layout Plan, pursuant to the Technical Manual. The layout plan shall indicate the number of streets terminating in cul-de-sacs, as defined in Art. 1, General Provisions of this Code, and how the total number of streets is calculated. During the DRO certification process, the addressing section shall confirm the total number of streets for the development, which would be consistent with how streets are named. Streets that terminate in a T-intersection providing access to less than four lots, or a cul-de-sac that abuts a minimum 20-foot-wide open space that provides pedestrian cross access between two pods shall not be used in the calculation of total number of cul-de-sacs or dead end streets.
a) 40 percent of the Local Streets in a PDD may terminate in a cul-de-sac or a dead end by right.
Response: No cul-de-sacs are proposed.
- 6) Non-residential PDDs shall provide cross access to adjacent properties where possible, subject to approval by the County Engineer;
Response: Cross-access between the industrial (Our Land Queen of Peace) and residential components of this project are proposed via a connector road south of the proposed daycare. The adjacent properties to the east and south are agriculture properties.
- 7) Streets shall not be designed nor constructed in a manner which adversely impacts drainage in or adjacent to the project; and,
Response: The project will provide appropriate drainage as required by the Engineering Department. Drainage is currently proposed through the provision of exfiltration, vaults and french drains.
- 8) Public streets in the project shall connect to public streets directly adjacent to the project. If no adjacent public streets exist, and the County Engineer determines that a future public street is possible, a connection to the property line shall be provided in a location determined by the County Engineer. This standard may be waived by the BCC.
Response: Half Mile Road is proposed to be realigned with this proposed MUPD. Pedestrian and vehicular access is proposed from that new right-of-way.
- b. Street Lighting
Streetlights shall be a maximum of 25 feet in height and shall be installed along all streets 50 feet in width or greater. The light fixture shall be designed to direct light away from residences and onto the sidewalk and street and shall comply with Art. 5.E, Performance Standards.
Response: Lighting on-site will comply with code requirements.
- c. Median Landscaping
Refer to the most recent Engineering and Public Works Operations – Streetscape Standards available from the PBC Engineering Department.
Response: Required median landscape improvements will be met as required by Engineering.
- d. Street Trees
Street trees shall meet the Canopy tree requirements of Art. 7, Landscaping and planting standards pursuant to Engineering and Public Works Operations – Streetscape Standards, and as follows:
 - 1) Street trees shall be spaced an average of 50 feet on center. Palms meeting the requirements of Art. 7, Landscaping and Engineering and Public Works Operations – Streetscape Standards, may be planted as street trees if spaced an average of 40 feet on center.
 - 2) Street trees shall be located along both sides of all streets 50 feet in width or greater and shall be planted between the edge of pavement and sidewalk. Appropriate root barrier techniques shall be installed where applicable.
 - 3) Street trees shall be installed in accordance with the phasing of the Planned Development pursuant to Art. 7.F.2.B.1, Developments with Phasing. For residential PDDs, planting of street trees shall

be completed prior to the issuance of the final Certificate of Occupancy within that phase or pursuant to Conditions of Approval.

- 4) This requirement may be waived or modified by the County Engineer if the location of the proposed street trees conflict with requirements of Art. 11, Subdivision, Platting, and Required Improvements.

Response: The project will meet the requirement for street trees per the Code requirement.

e. Bike Lanes

Bike lanes shall be provided in all streets 80 feet in width or greater, unless an alternative is approved by the County Engineer in accordance with Art. 11, Subdivision, Platting, and Required Improvements.

Response: Land Development and FDOT will determine if bike lanes are needed within the existing adjacent rights-of-way. Bike racks have been provided throughout the project to accommodate proposed bicyclists.

f. Mass Transit

All non-residential PDDs over five acres and 50,000 square feet, and all PUDs over 50 units, shall comply with the following, unless waived by the DRO:

- 1) The location of a Bus Stop Boarding and Alighting Area shall be shown on the Master Plan and/or Final Site Plan prior to approval by the DRO, unless written conflicts that one is not required. The purpose of this easement is for the future construction of Mass Transit infrastructure in a manner acceptable to Palm Tran;
- 2) Prior to the issuance of the first Building Permit, the Property Owner shall convey to PBC an easement for a Bus Stop Boarding and Alighting Area, in a location and manner approved by Palm Tran. As an alternative, prior to Technical Compliance of the first plat, the Property Owner shall record an easement for a Bus Stop Boarding and Alighting Area in a manner and form approved by Palm Tran. The Property Owner shall construct continuous paved pedestrian and bicycle access compliant with the Americans with Disabilities Act (ADA) to and through the Bus Stop Boarding and Alighting Area; and,
- 3) All PDDs with more than 100 units shall comply with the following requirement:
Prior to the issuance of the Building Permit for the 100th unit, the petitioner shall construct a Palm Tran-approved mass transit shelter with appropriate access lighting, trash receptacle, and bicycle storage. The location of the shelter shall be within an approved Bus Stop Boarding and Alighting Area easement. Any and all costs associated with the construction and perpetual maintenance shall be funded by the petitioner.

Response: Palm Tran currently does not provide service to Atlantic Avenue west of the Florida Turnpike.

g. Utilities

All utility services located in a utility easement, such as telephone, cable, gas, and electric, shall be installed underground or combination/alternative acceptable to the DRO.

Response: Utility easements are provided along the rights-of-way as required to accommodate underground installation.

h. Parking

1) Residential Uses

Parking for residential uses shall comply with Art. 6, Parking, Loading, and Circulation. The DRO may require a covenant to be recorded limiting the affected area to a specific use or uses.

2) Non-Residential Uses

Non-residential uses located within a PDD may apply the parking standards indicated in Table 6.B.1.B, Minimum Parking and Loading Requirements, based on the use or the minimum/maximum parking standards below or a combination of both. The site plan shall clearly indicate which parking standards are being utilized for the entire site.

3) Design

Parking areas open to the public shall be interconnected and provide safe efficient flow of traffic. Parking areas directly adjacent to other parking areas in the same project shall have cross access.

4) Cross Access

Cross access shall be provided to adjacent internal uses/properties, if required by the DRO.

5) Location – Non-Residential PDDs

A ~~minimum~~ of ten percent of the required parking shall be located at the rear or side of each building it is intended to serve.

6) Distance

All parking spaces shall be located within 600 linear feet of a public entrance of the building which it is intended to serve.

Response: Parking has been provided throughout the project which is convenient to all uses and buildings. Parking areas have been designed to provide for safe and efficient flow of traffic as well as proximity to structures to minimize walking distance of site users and residents. Parking is provided on the rear and sides of the non-residential structure within the MUPD as required. Additionally, garages are distributed throughout the residential development. The Applicant intends to request a Type I Waiver for a reduction of 141 parking spaces during the Final DRO process.

i. Way Finding Signs

Off-site directional signs, consistent with the on-site directional sign standards in Art. 8, Signage, may be allowed along internal streets in the R-O-W, subject to approval by the County Engineer.

Response: No way finding signs are proposed as part of the Master Sign Plan included with this application.

j. Emergency Generators

A permanent emergency generator shall be required for all Type 2 and Type 3 CLFs, Nursing or Convalescent Facilities, and PDD clubhouses 20,000 square feet or greater, and shall meet the standards of Art. 5B.1.A.19, Permanent Generators.

Response: No CLF or PDD Clubhouse in excess of 20,000 square feet are proposed, therefore Emergency generators are not required as part of this application.

C. Compatibility with Surrounding Uses

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

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

Several factors lead to the conclusion that the proposed development will be compatible with neighboring uses.

- Access is available to Atlantic Avenue, a right-of-way designated as an Urban Arterial road, thus directing traffic away from local roads in the vicinity.
- Atlantic Avenue is currently developed with a mix of industrial, commercial, residential and agricultural uses. The proposed MLU will provide for additional housing opportunities along this

important east-west corridor of the Agricultural Reserve and Palm Beach County. On this basis, the proposed development concept at this location is determined to be compatible.

- The proposed use is compatible with the existing development pattern and adjacent uses that have occurred along the Atlantic Avenue corridor.

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

The proposed multi-family project will be compatible with the other intense uses that exist at this intersection. The Delray MarketPlace TMD is comprised of various commercial uses as is the commercial project at the southeast corner of Lyons Road and Atlantic Avenue. The proposed multi-family project will provide a transitional use between those intense uses and the single family uses further to the south. The multi-family project will provide for additional housing opportunities to serve the workers within the Ag Reserve within close proximity to the employment centers. This colocation will ensure that intensity is concentrated in one area while tapering down from the central core of intensity.

The proposed 4-story multi-family residential project has been designed to locate the intensity near Atlantic Avenue and the preserve area along the southern portion of the 38 acre Property adjacent to other preserve areas. Keeping the intensity of the multi-family residential units close to Atlantic Avenue where there are other intense commercial and industrial uses ensures compatibility and consistency along this corridor of the Agricultural Reserve. The proposed residential structures are clustered within the Property. A large water retention area has been located to the west of the buildings which will provide an expansive buffer. Additionally, the Applicant is proposing a lush landscape buffer along the Atlantic Avenue right-of-way in addition to the 102 foot dedication to Lake Worth Drainage District. These residential buildings will be similar in height to the approved movie theater to the north within the Delray MarketPlace TMD which is 44 feet tall and also adjacent to an agriculture use.

D. Design Minimized Adverse Impact

The proposed rezoning will minimize adverse effects, including visual impact and intensity of the proposed use on adjacent lands. As shown on the proposed site plan, the layout and design that is proposed will foster the functionality of the overall MUPD. The proposed project is comprised of 4 story buildings that will be located close to Atlantic Avenue and thus close to the other developments on Atlantic Avenue including the Delray Marketplace and medical office to the north. The parcels to the south and east are agriculture properties that will not be impacted by the proposed development as the Preserve area is proposed to be located along the southern portion of the 38 acre portion of the Property. Requirements in Article 5.C will be met. Furthermore, no adverse impacts will occur on adjacent properties, as the site design meets or exceeds all requirements regarding setbacks, buffers and separation.

The Board of County Commissioners has given direction to allow a maximum density of 8 dwelling units per acre within the Agricultural Reserve while preserving 60% of the property. The 40% Development area is required to contain the required parking, drainage, and buffers. In order to achieve a design that can accommodate these requirements as well as the required open space, the density must be accommodated in 4 stories. Good design is a critical component of the project as this planned development is the first of its kind in the Agricultural Reserve and will likely be a model for future similar projects.

E. Design Minimizes Environmental Impact

The Property is currently being utilized for active agriculture purposes. Most of the Property has

previously been cleared for agriculture, however the perimeter of the Property appears to contain a number of invasive plant materials. There are no protected species on the Property. The proposed design of the MUPD is clustered on 40% of the total land area, with 60% being set aside for preserve land. The clustering of intensity adjacent to the rights-of-way and near the Delray MarketPlace and industrial corridor of Atlantic Avenue will minimize the overall environmental impacts for existing workers and future residents of the Agricultural Reserve. Ensuring a diversity of housing options and housing prices will ensure that those retail workers, restaurant employees, and tradespeople have an opportunity to live close to their places of employment. Reducing vehicle travel time and travel distance ultimately contributes to a reduction in carbon emissions and an overall environmental impact. In an effort to further reduce carbon emissions, usable open spaces and recreational spaces have been distributed throughout the site to encourage residents to walk or bike to amenities rather than drive. Additionally, the utilization of four-story residential buildings reduces the ground floor area of the structures, reducing the overall impervious area on site.

F. Development Patterns

The proposed MUPD will result in a logical, orderly, and timely development pattern. As previously mentioned, the Property is located on a major east-west corridor of the Ag Reserve. Continued residential growth has created a need for additional services within the Agricultural Reserve Tier. The additional services that have been approved and developed along the Atlantic Avenue corridor require employees. The employees of these retail, restaurant, and other essential services that cater to the growing single family residential development often times cannot afford the expensive single-family housing that is currently being developed in the Agricultural Reserve. These essential service employees often reside within multi-family or townhouse projects as those housing product types are what is typically affordable for those working within the service industry.

The creation of additional housing options within the Ag Reserve Tier will allow the workforce in the area the opportunity to live close to their place of employment. By adding more housing options to the Agricultural Reserve Tier, travel distance and time is reduced. This reduction would lessen the impacts on the major rights-of-way in the Tier, thus decreasing the burden for service provision on County taxpayers. Water and sewer lines have been installed along Atlantic Avenue to serve the various residential projects being developed within the Agricultural Reserve. Allowing development of the Property with a workforce housing project would be an efficient use of these existing public facilities.

G. Adequate Public Facilities

The proposed rezoning to MUPD will not negatively impact public facilities. Traffic impacts of the development have been completed showing adequacy for the proposed project. Other public and private utility infrastructure is already in place along Atlantic Avenue to accommodate the proposed development including the proposed MUPD. The Property is located in the Agricultural Reserve Tier which is a Limited Urban Service Area (LUSA) and within the Atlantic Avenue corridor which is not rural in nature. Urban services such as police, fire rescue and water/wastewater/drainage utilities exist in the immediate area.

H. Changed Conditions or Circumstances

The characteristics of the area have changed significantly since the County ULDC was created and the 1989 Comprehensive Plan was adopted. The Agricultural Reserve Master Plan originally intended that more intense uses and development would occur along the major roadways and at nodes within the Tier. The Master Plan further intended for lower density residential to develop outside of the higher intensity core eventually transitioning to the Agricultural Preserve parcels. This development pattern has not occurred, rather development is disconnected. Contributing factors to this development pattern that were not anticipated include, several large farming families ceasing operations and no longer farming, including Whitworth, Winsberg, Mazzonni, Amestoy, and Dubois. Over the past 20 years, these large tracts of farmland have been converted into single family residential planned developments, thus significantly impacting the development pattern of the Tier. A majority of the residential developments

in the Agricultural Reserve are comprised of single-family homes for the more affluent residents of the County. This Tier has been exempted from the County's mandatory workforce housing program and has limited density of 1 dwelling unit per acre thus, the area has become very exclusive and homogeneous. The development of multi-family residential units will not occur in the AGR Tier unless density rates are increased. Initially, multi-family was intended to locate within the two approved TMDs. The residential units have yet to be constructed within these two projects. The proposed project will provide additional housing options within the AGR Tier that were originally contemplated but were never developed. These units will be located within close proximity of the TMDs to ensure the intent of the AgR Master Plan is realized.

In the twenty years that have passed since the creation of the Agricultural Reserve Master Plan, the population has significantly increased. The 2020 population for Palm Beach County is 1,466,494 which represents a 30% population increase from 2000. The projected 2030 population will be 1,649,079, an increase of 15% over the period of 10 years. The Board of County Commissioners and the County Administrator have stated that Palm Beach County has a housing crisis due to a lack of workforce housing. The County's Workforce Housing Program was recently revised in an attempt to provide more on-site construction of workforce housing and to ensure that units are being constructed and will meet the needs of the workforce population. The average home price in the Agricultural Reserve is approximately \$700,000 which is over 2½ times the \$261,030 home sales price for those in the moderate income category. The need for workforce housing is only being met by those developments within the Urban/Suburban Tier and being further exacerbated by the current development pattern and density limitations within the Agricultural Reserve. The median price of a home in Palm Beach County exceeds \$500,000 according to an article published in the Palm Beach Post on July 22, 2021. The Ag Reserve Master Plan recognized the need for affordable housing within the Ag Reserve by allowing and encouraging vertical and horizontal integration of residential units within the Traditional Marketplace Developments. However, this type of forced design was not affordable, feasible or marketable, especially at a density of 1 dwelling unit per acre.

Other changes to the Agricultural Reserve include increases to the commercial square footage cap in order to meet the demand for retail, restaurants and other services by the residents of the Agricultural Reserve. This has allowed for more commercial parcels to be developed in addition to the originally designated TMDs located at Boynton Beach Boulevard and Lyons Road and Atlantic Avenue and Lyons Road. Other non-residential uses have been developed in the area to support the residents of the Tier. A large regional hospital campus including 135,000 square feet of medical office buildings, several private and charter schools have been approved and developed along the Boynton Beach Boulevard corridor. These institutional uses have numerous employees that are not able to afford the homes within the Agricultural Reserve and are therefore forced to travel into the Tier from the adjacent Urban/Suburban Tier.

Based on the above justification and attached information, the Applicant respectfully requests approval of this rezoning to Multiple Use Planned Development (MUPD).

CONDITIONAL USE APPROVAL STANDARDS (General Daycare)

As part of this application, the Applicant is requesting one Class A Conditional Use Approval for a general daycare. Article 2.B.7.B. requires that eight (8) standards are addressed prior to approval by the Board of County Commissioners. The Applicant is in compliance with all eight (8) criteria standards, as provided below.

A. Consistency with the Plan

The proposed Class A Conditional Use for a general daycare is consistent with the County Comprehensive Plan. The current Future Land Use designation of the portion of the Property where this use is proposed is Institutional. The Institutional Future Land Use designation is intended for such an intense use as the

daycare.

B. Consistency with the Code

The proposed general daycare will meet all supplementary code requirements. The Applicant has met with the Health Department to ensure that the proposed daycare will meet classroom size and play area requirements. Additionally, the proposed daycare design incorporates the required drop off spaces along the front of the building. The proposed daycare is 10,000 square feet which is well above the minimum 4,300 square foot size required for 120 students. The Health Department will review the floor plan for consistency with daycare requirements. A minimum of 4 canopy trees will be provided within the outdoor play area in accordance with the Health Department requirements.

C. Compatibility with Surrounding Uses

The Property is located within close proximity to the Delray Marketplace, the industrial corridor of the Ag Reserve and other area residential projects. These surrounding uses will support the proposed daycare as area residents need such a use within close proximity of their homes. Additionally, area workers may desire to have a daycare located within close proximity of their places of employment. The proposed hours of operation will be similar to other commercial uses and not impact adjacent properties.

D. Design Minimized Adverse Impact

The proposed general daycare is located within the MUPD so as to minimize adverse effects, including visual impact and intensity of the proposed use on adjacent lands. Requirements in Article 5.C will be met at the time of permitted. Furthermore, no adverse impacts will occur on adjacent properties, as the site design meets or exceeds all requirements regarding setbacks, buffers and separation. The daycare is located at the intersection of Atlantic Avenue and Half Mile Road/Smith Sundry Road where it is easily accessible by parents dropping children off and picking them up.

E. Design Minimizes Environmental Impact

The Property is currently being utilized for active agriculture purposes. Most of the Property has previously been cleared for agriculture row crops therefore there is currently no significant vegetation or habitat on the Property.

F. Development Patterns

The proposed Class A Conditional Use will result in a logical, orderly, and timely development pattern. As previously mentioned, the Property is located on a major east west corridor and within close proximity to commercial, industrial and residential development. The Property is appropriate and suitable for such uses as the proposed general daycare. Additionally, residential development has increased in the immediate area. As more dwelling units are developed, more services are needed. These services are best accommodated along major rights-of-way within the Ag Reserve.

G. Adequate Public Facilities

The proposed Class A Conditional Use will not negatively impact public facilities. Traffic impacts of the development have been completed showing adequacy for the proposed project. Other public and private utility infrastructure is already in place along Atlantic Avenue to accommodate the proposed development including the proposed general daycare.

H. Changed Conditions or Circumstances

The Applicant is requesting Class A Conditional Use approval for a general daycare. This area of the County has recently experienced a significant increase in residential, commercial and industrial development. There has been very limited opportunity for the development of a daycare. The proposed MUPD will incorporate multi-family residential units that have previously been excluded from the Ag Reserve. The proposed daycare will not only serve the future residents of the MUPD but also the existing residential developments to the west, north and south that are not age restricted communities. These

communities have been requesting such services to be accommodated by new development. This area of the Ag Reserve is ideally situated for such a use.

Based on the above justification and attached information, the Applicant respectfully requests approval of the Class A Conditional Use request for a general daycare.

TYPE 1 WAIVER – ELIMINATE BUFFER BETWEEN RESIDENTIAL AND RECREATION

The Applicant is requesting to eliminate the buffer between the recreation and residential uses. Specifically, to eliminate the buffer between buildings A,B,C,D,E,H, and G and the abutting recreation areas. The request for this Type 1 Waiver satisfies the general standards as set forth by the ULDC Article 2.C.5.F.3:

1. **The Waiver does not create additional conflicts with the specified Section(s) of the ULDC, and is consistent with the stated purpose and intent and standards;**
The granting of the waiver does not create additional conflicts with other sections of the ULDC and is consistent with the stated purpose, intent, and standards. Allowing the elimination of the buffer will allow for the integration of the recreation space with the proposed multifamily units.
2. **The Waiver will not cause a detrimental effect on the overall design and development standards of the project, and will be in harmony with the general site layout and design details of the development; and,**
The granting of the waiver will not cause a detrimental effect on the overall design and development standards of the project, and will be in harmony with the general site layout and design details of the development. Granting the waiver will allow for the site to meet minimum landscape, open space, preserve and drainage requirements.
3. **The alternate design option recommended as part of the Waiver approval, if granted, will not adversely impact users of the project or adjacent properties.**
If granted, the alternate design will not adversely impact users of the project or adjacent properties. Requiring the proposed buffer would ultimately impact the size of the recreation areas and impact the ability of the residents to enjoy the recreation areas.

Based on the above justification and attached information, the Applicant respectfully requests approval of the Type 1 Waiver.

TYPE 1 WAIVER – 13.9% PARKING REDUCTION

The Applicant is requesting a 13.9% reduction in required parking to reduce the amount of required parking by 141 spaces. The request for this Type 1 Waiver satisfies the general standards as set forth by the ULDC Article 2.C.5.F.3:

1. **The Waiver does not create additional conflicts with the specified Section(s) of the ULDC, and is consistent with the stated purpose and intent and standards;**
The granting of the waiver does not create additional conflicts with other sections of the ULDC and is consistent with the stated purpose, intent, and standards. Allowing the reduction in parking will allow for the required amount of preservation, right-of-way dedication for the alignment of Half Mile Road/Smith Sundry Road, and accommodation of large retention areas required for the proposed development as well as the right-of-way expansion. Retaining this area of the site for preservation, open space and recreation is consistent with the stated purpose and intent of the ULDC as well as contributes to a well-designed project.

The following table summarizes the parking for the MUPD:

<u>Total Parking Provided</u>	<u>873</u>
Multi-Family	850
Garages	80

Tandem Space w/ Garages	80
Daycare	25
Surface Parking	715
Multi-Family	690
Daycare	23
Total Dwelling Units	476
Units with 2 spaces	80
Units with unassigned spaces	396

Based upon the information above, 80 multi-family units have 2 spaces per unit with the garage and tandem spaces provided. The remaining 396 units have an average of 1.74 spaces per unit. This parking allotment meets the typical parking demands for multi-family projects as further discussed in the attached Parking Waiver provided by Simmons & White.

2. **The Waiver will not cause a detrimental effect on the overall design and development standards of the project, and will be in harmony with the general site layout and design details of the development; and,** The granting of the waiver will not cause a detrimental effect on the overall design and development standards of the project and will be in harmony with the general site layout and design details of the development. Granting the waiver will allow for the site to meet minimum landscape and drainage requirements. Recreation areas and Usable Open Space areas have been distributed throughout the site rather than clustered in one location to encourage Residents to walk or bike to amenities, reducing the amount of parking necessary.
3. **The alternate design option recommended as part of the Waiver approval, if granted, will not adversely impact users of the project or adjacent properties.** If granted, the alternate design will not adversely impact users of the project or adjacent properties. Requiring additional parking would significantly reduce the amount of area the Property has available for water retention to meet the minimum drainage requirements. The residential component of this project has been designed where the large water retention area provides an amenity to the residents of the community. Providing parking for multi-family projects at a rate of 1 space/1.75 units is typical industry practice as evidenced by numerous recent approvals for multi-family projects throughout the County.

Based on the above justification and attached information, the Applicant respectfully requests approval of the Type I Waiver for a 13.9% parking reduction.

THIS PAGE LEFT BLANK INTENTIONALLY