

2022 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

Part 1. Amendment Data

A. Amendment Data

Round	24-B	Intake Date	November 8, 2023
Application Name	Tenderly Reserve	Control No.	
Acres	61.19 acres	Concurrent Zoning application?	Yes
		Text Amend?	Yes
PCNs	00-42-46-17-01-000-0690, 00-42-46-17-01-000-1020, 00-42-46-17-02-000-0370, and 00-42-46-20-01-000-0070		
Location	North and South side of Atlantic Avenue, west of Florida Turnpike and east of Starkey Rd.		
	Current	Proposed	
Tier	Agricultural Reserve	Agricultural Reserve	
Use	Agriculture, Nursery	+/- 734 multi-family units, +/- 150 room hotel, and +/- 200,000 SF of commercial uses	
Zoning	Agricultural Reserve (AGR)	Multiple Use Planned Development (MUPD)	
Future Land Use Designation	Agricultural Reserve (AGR)	Mixed Use Center (MUC) MLU, Commercial Low (CL), Residential High 12 units per acre (HR12), and Commerce (CMR)	
Underlying Future Land Use Designation	None	None	
Conditions	None	To be Determined	
Density Bonus	None	None	
Total Number of Units	10 units	+/- 734 units	

B. Development Potential

	Current FLU	Proposed FLU
Density/Intensity:	1 du/5 acres or 0.15 FAR for ag uses	12 du/ac
Maximum Dwelling Units¹ (residential designations)	1 du/5 acres x 50.99 ac. = 10 dwelling units	12 du/acre x 61.19 ac. = 734 dwelling units
Maximum Beds (for CLF proposals)	Not applicable	Not applicable

Population Estimate	10 max du x 2.39 = 24 people	734 max du x 2.39 = 1,755 people
Maximum Square Feet 2,4 (non-residential designations)	0.15 FAR x 61.19 ac. = 399,815 sf of agriculture uses	0.2 FAR x 61.19 ac. = 533,087 SF of commercial uses
Proposed or Conditioned Potential 3,4	----	+/- 734 dwelling units, +/- 300,000 SF of commercial uses (including +/- 150 room hotel), and 66 self storage units
Max Trip Generator	<i>Provide the ITE Use Name & the trip generation rate</i>	<i>Provide the ITE Use Name & the trip generation rate for maximum and proposed potential</i>
Maximum Trip Generation	<i>Provide the trip generation for the maximum potential</i>	<i>Provide the trip generation for the maximum potential AND the proposed potential</i>
Net Daily Trips:	_____ (maximum minus current) _____ (proposed minus current)	
Net PH Trips:	_____ AM, _____ PM (maximum) _____ AM, _____ PM (proposed)	

1. Maximum units per acre see Future Land Use Element;
2. Maximum FAR see FLUE. If the site's acreage is large enough to be a planned development, utilize the PDD maximum whether or not a PDD is proposed. If the site's acreage does not meet the minimum PDD thresholds, the non-PDD maximum may be utilized.
3. For applications with a voluntary condition for a maximum development potential and use which will become binding in the adopting ordinance;
4. FLUA Amendments with a concurrent zoning application must calculate maximum development potential at the typical use & trip generation (eg. General Retail for Commercial future land uses) and in addition, calculate the trip generation for the actual proposed zoning application.

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Part 2. Applicant Data

A. Agent Information

Name	Jennifer Morton & Lauren McClellan & Alex Ahrenholz
Company Name	JMorton Planning & Landscape Architecture
Address	3910 RCA Boulevard, # 1015
City, State, Zip	Palm Beach Gardens, Florida 33410
Phone Number	(561) 500-5060 & (561) 721-4463 & (561) 721-4461
Email Address	jmorton@jmortonla.com & lmcclellan@jmortonla.com & aahrenholz@jmortonla.com

B. Applicant Information

Name	Paul Okean
Company Name	Morningstar Nursery, Inc.
Address	203 Via Vizcaya
City, State, Zip	Palm Beach, Florida 33480
Phone / Fax Number	
Email Address	pzo@okeanholdings.com
Interest	Owner

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Part 6. Attachments

- A. **PCN's, Legal Description and Warranty Deed** (include Legal in PDF & Word)
- B. **Agent Consent Form**
- C. **Applicant's Ownership Affidavit**

- E. **Disclosure of Ownership Interests**

- G. **Consistency with the Comprehensive Plan and Florida Statutes** (include in PDF & Word)

P. **Survey**

Q. **Text Amendment Application** (Part 7, if applicable, in PDF & Word)

Forms for Attachments B, C, D, and E are located on the web at:

<http://www.pbcgov.org/pzb/planning/Pages/Comprehensive-Plan-Amendment-Applications.aspx>

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2022 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

Part 7. Text Amendment Application

A. Proposed Text Amendment Summary

Elements & Policies to be revised	Future Land Use Element, Revised Policies: 1.5-h, 1.5-k, 1.5-m, 1.5-n, 1.5.1-d, and 3.5-d. Revised Table: III.C. Proposed new policy: 1.5.1-v.
Purpose	<p>Currently, the Comprehensive Plan only allows for the development of one Multiple Land Use (MLU) project to be developed within the Agricultural Reserve (Reserve at Atlantic). The Comprehensive Plan also limits the amount of commercial square footage and locations where commercial can be developed. The proposed amendment will allow for another mixed use project which includes commercial and multi-family residential to be developed at the intersection of the Florida Turnpike and Atlantic Avenue. The request will increase the allowable density within the Tier to get a truly mixed use project that will allow the commercial to be supported by pedestrian accessible residential.</p>
Justification	<p>In 1980, Palm Beach County adopted the Managed Growth Tier System as part of a Comprehensive Planning effort. The purpose of the Tier System is to protect viable existing neighborhoods and communities while directing the location and timing of future development. A significant objective of the Tier System is to “provide development timing and phasing mechanisms in order to prioritize the delivery of adequate facilities and services to correct deficiencies in existing communities and accommodate projected growth in a timely and cost effective manner.” The population of Palm Beach County continues to grow as retirees continue to relocate to South Florida, existing businesses expand operations and hire additional workforce, and new companies relocate to Palm Beach County bringing new residents to the area. FLUE Policy 1.1-a states, the County shall develop and implement strategies for each unique community and/or geographic area based upon common characteristics, including physical development patterns and service provision.” To date residential development within the Agricultural Reserve has predominantly been single family residential development. Limited neighborhood commercial uses have been developed primarily at the commercial nodes.</p> <p>The Agricultural Reserve Tier is 22,000 acres. The Agriculture Master Plan was adopted in 2000. To date, approximately 13,000 acres have been preserved through the County’s Bond Referendum, government ownership, and clustering options for AgR Planned Developments. The Bond Referendum allowed for the purchase of approximately 2,400 acres. Approximately 7,500 acres are preserved as part of approved AgR Planned Developments.</p> <p>Since 2000, several large farming families have ceased operations and no longer farm, 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. Until last year, residential development within this Tier had been limited to a density of 1 dwelling unit per acre thus, the area is still very homogeneous. With the approval of the first Essential Housing project, additional housing options are planned and anticipated to be constructed within the next year.</p> <p>The recently adopted Essential Housing Future Land Use designation allows for higher density while providing critically needed workforce housing units. Mixed use developments are an efficient use of land and development pattern. However, as the County continues to approve more single family and multi-family residential</p>

	<p>developments in the Agricultural Reserve Tier the limitation on the amount of commercial uses that can be developed has negative impacts on the area. Residents have limited options for services and often have to travel outside of the Tier to obtain these services, including access to hotels. The addition of neighborhood serving commercial uses will complement the existing TMD's and reduce the amount of roadway trips to neighborhood serving commercial uses further away in the eastern part of the County.</p> <p>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, several private and charter schools have been approved, developed, and even expanded along the Boynton Beach Boulevard corridor. These institutional uses serve the residents in the area as well as drawing in others from outside of the Agricultural Reserve Tier.</p> <p>It is not uncommon for hospital patients to travel from outside of the area, region, or even state in order to obtain good healthcare. Access to a hotel within close proximity and within the Agricultural Reserve Tier would complement the existing hospital as well as the residents in the area that have visitors. The commercial cap is proposed to be exempted for this new land use designation to provide approximately 300,000 square feet of commercial uses within the proposed project. This amount could be decreased or adjusted based upon the final design of the project.</p> <p>The proposed commercial mixed use center will provide for preserve consistent with the intent of the Tier. The proposed Mixed-Use MLU option will require 20% of the land to be allocated on site for preservation.</p> <p>The proposed exemption for Policy 3.5-d is being requested as a precaution as the Florida Department of Transportation is currently in process of widening various links of Atlantic Avenue. The timing of this expansion project for the portion of Atlantic Avenue east of the Florida Turnpike is currently unknown. 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. Reducing travel times also benefits the environment as it reduces carbon dioxide gas emissions.</p>
<p>Consistency</p>	<p>This proposed Comprehensive Plan Text Amendment is consistent with the intent, objectives and policies of the Comprehensive Plan and Agricultural Reserve Master Plan, as follows:</p> <p>Objective 1.5 Agricultural Reserve Tier - "Create a functional sustainable development pattern" and "minimize costs/impacts to County taxpayers".</p> <p><i>Response: As mentioned above, if additional housing options were available within the Ag Reserve Tier, much of the workforce would have the opportunity to live close to their place of employment. Additionally, the increase in residential units will create a need for additional services in the area. A need for a hotel has existed in the area according to several residents. By adding more housing options and services to the Agricultural Reserve Tier, travel distance and time is reduced as many people travel outside of the Tier. 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. All property owners with frontage along Atlantic Avenue were required to pay assessments for the extension of these water and</i></p>

sewer lines. Allowing development of the Property with a commercial mixed use project would be an efficient use of these existing public facilities. Another contribution to a sustainable development pattern would be the reduction of carbon dioxide gas emissions as travels times are reduced.

Sub-Objective 1.5.1 Planned Developments – “To achieve the goal of farmland protection and agricultural perpetuation, unique planned development options, which ensure the preservation of significant open space may be permitted.”

Response: The proposed text language still will allow for the development of an additional mixed use project with additional housing options and more services within the Ag Reserve while still requiring a preservation set aside similar to other planned developments in the AGR Tier.

Policy 1.5.1-b: A residential AgR-PDD shall require the following:

1. That the development area be compact, contiguous, and arranged as a unified whole and appropriately buffered so as not to interfere with the continued or future function of the preserve area.
2. That the development area be situated adjacent to other existing, planned, or projected development areas.
5. That preserve areas be used only for agriculture or open space uses.

Response: The proposed development will provide the appropriate percentage of preserve area similar to other planned developments within the AGR Tier. The proposed project is located on Atlantic Avenue. The proposed project will accommodate the future planned road alignment for Starkey Road and Persimmon Road which will contribute to better access to all area properties with existing development approvals and future development projects.

County Goals.

Balanced Growth and Land Planning. Balanced growth is one of the key elements for good land use planning. Balanced growth refers to the amount, distribution and inter-relationships of appropriate land uses, which provide for the physical, social, cultural and economic needs of a community within the constraints of environmental conditions.

Response: Allowing additional housing opportunities and services within the Agricultural Reserve will encourage balanced growth. The Agricultural Reserve is comprised of affluent residents living in single family homes, most of which are planned gated communities. This is a homogeneous development pattern with little to no economic diversity. The recent changes to the Agricultural Reserve Master Plan have allowed increased housing options and services to be developed to support the increasing amount of residential development. However, few opportunities to accommodate more housing and services for those working in the service, education, and healthcare industries has been provided.

County Directions

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

Response: Development in the Agricultural Reserve is comprised mainly of exclusive gated communities developed with single family homes. This homogeneous development pattern does not contribute to smart growth or an efficient use of land. Incorporating various housing types and more services ensures that those who work in

	<p><i>the service, education, and healthcare industries are able to live close to their employment. Additionally, by providing additional restaurants, retail establishments and a hotel ensure that fewer people have to leave the Tier in order to obtain varied consumer products and services that are demanded.</i></p> <p>Agricultural Reserve Master Plan</p> <p>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. The Consultant recommended that the County permit density bonuses as a means of encouraging vertical integration and ensuring a greater diversity of housing types.</p> <p>The Master Plan originally intended for development to be concentrated and radiate outward from two nodes (Boynton Beach Boulevard and Lyons Road and Atlantic Avenue and Lyons Road). Preservation parcels were anticipated to be located west of State Road 7 and within the core of the Agricultural Reserve. The proposed text amendment will allow for development to occur along Atlantic Avenue in an area originally designated by the Master Plan as a location for development.</p> <p><i>Response: Until recently, multi-family was only approved within the two approved TMDs. Now with the creation of the Essential Housing Future Land Use category, the opportunities to create a sustainable Tier have been increased. The proposed text amendment changes will further a sustainable development pattern by creating an additional mixed-use development option. The proposed project will provide additional housing options and services within the AGR Tier that were originally contemplated but were never able to be developed. The proposed project location at the previously identified Economic Development Center location of the Turnpike and Atlantic Avenue will ensure the intent of the AgR Master Plan is realized.</i></p>
<p>Text Changes</p>	<p>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:</p> <ol style="list-style-type: none"> 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. <ol style="list-style-type: none"> 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 an underlying AGR FLU and 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 designation pursuant to Policy 1.5.1-s and Policy 1.5.1-v; and d. Essential Housing future land use designation with 60/40 AgR-PUD, MUPD or TMD zoning, the maximum density is 8 units per acre. <p>Policy 1.5-k: Commercial and mixed uses in the Agricultural Reserve Tier shall be located central to the Tier <u>or at the intersection of the Florida’s Turnpike and Atlantic Avenue</u> and-designed at a neighborhood or community scale in order to be limited to serving the needs of the farmworker community, existing residents, and future residents the Tier.</p>

Policy 1.5-m: In order to facilitate community growth, reduce traffic, and maintain open space, the County shall limit the locations of new commercial and mixed use future land use designations within the Agricultural Reserve Tier to within ~~two~~ three commercial-mixed use centers. These centers are ~~central to the Tier and~~ intended to combine neighborhood shops, community commercial, offices, civic institutions, and housing opportunities. The ~~two~~ three commercial-mixed use centers define the areas within ¼ mile of the intersection of Lyons Road and Boynton Beach Boulevard, ~~and the intersection of Lyons Road and Atlantic Avenue, and the intersection of the Florida's Turnpike and Atlantic Avenue.~~ In addition, the pre-existing commercial properties identified in Policy 1-5-i are allowed, and the County may consider future lands use amendments for sites that share a common property line with pre-existing commercial properties identified in Policy 1.5-i to square off those location.

Policy 1.5-n: The County shall ensure a sustainable development pattern is achieved in the Agricultural Reserve by allowing commercial uses while ensuring that the supply of commercial square footage does not exceed the demand of the farm workers and residents of the Tier. The County may approve a maximum of 1,015,000 square feet of commercial uses (retail, service, and office) within the Tier. Self-storage uses and office uses allowed within the Commerce future land use designation are not subject to the commercial cap. The Mixed-Use Center MLU specified in Policy 1.5.1.v shall be exempt from this square footage cap.

Policy 1.5.1-d: Agricultural Reserve Planned Development 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 and 1.5.1-q; ~~and~~
4. MUPD, 20 percent of the total land area pursuant to Policy 1.5.1-v.

Mixed-Use Center (MUC) MLU Option

Policy 1.5.1-v: The Mixed-Use Center (MUC) MLU Option is intended to provide for a sustainable development that will meet the needs of the existing and future community to ensure that the Agricultural Reserve is livable and supportive of economic, social and ecological resilience in the face of a changing natural environment. The County shall foster the provision of mixed uses including workforce housing in the Agricultural Reserve Tier by allowing densities greater than one unit per acre for planned developments with the Multiple Land Use future land use designation (FLUE 4.4.2-a). This option is subject to the following:

1. **Location.** The Development Area is limited to sites with frontage on Atlantic Avenue east of Starkey Road, and within one quarter (1/4) mile of Florida's Turnpike.
2. **Acreage.** The total land area, consisting of the Development area and Preserve area, shall be a minimum of 60 acres.
3. **Preserve.** Notwithstanding the requirements of Policy 1.5.1-q, the following regulations shall apply to preservation areas of the MUC:
 - a. The Preserve Area shall consist of at least 20 percent of the gross acreage less right-of-way identified on the Thoroughfare Identification Map.
 - b. The preserve area of an MUC shall be subject to an agricultural conservation easement in favor of Palm Beach County or deeded to the County.
 - c. Community vegetable gardens, as defined in the Unified Land Development Code, shall be permitted in the preserve area.

- d. The preserve area requirements shall be based upon the acreage over 16 acres, shall be a minimum of 20% of the total land area over 16 acres, and allow water management tracts in preserve areas contiguous to the development area that provide enhanced environmental features and improved water quality as demonstrated through the future land use amendment process.
- e. Preserve areas shall be provided on-site. The exchange of preserve areas shall be prohibited.
- 4. **Density.** A maximum density is allowed up to 12 units per acre for the total land area.
- 5. **Workforce Housing.** A minimum of 25 percent of the total units are required to be built on-site as workforce housing units for household incomes from 60 to 140% of area median income.
- 6. **Sustainable Design.** In addition to Ag Reserve Design Elements as detailed in Policy 1.5.1-r, elements of a Mixed-Use Center shall be incorporated as conditions of approval and shall include, but not be limited to, block structures, pedestrian and vehicular connectivity within the site, structured parking, and public, usable open spaces. Design shall be compact, connected, and walkable to ensure ease of access to goods, services, and amenities. Vertical integration shall be encouraged, and design shall foster accessibility to and integration of open space, green space and recreation activities. Sustainable materials shall be used when possible, including green walls, green infrastructure, electric vehicle charging stations, and energy efficient systems that reduce carbon footprints.

Policy 3.5-d: The County shall not approve a change to the Future Land Use Atlas which:

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

...This policy shall not be applicable to an Agricultural Enclave adopted pursuant to Policy 2.2.5-d. This policy shall not be applicable to the area designated as Industrial in the Urban Service Area of the Glades Tier amended by FLUA Amendment Inland Logistics Center (LGA 2010-024). This policy shall not be applicable to the Western Communities Residential Overlay. This policy shall not be applicable to the areas designated as Multiple Land Use (MLU) on the southwest corner of Glades Road and 95th Avenue South, Boca Raton, as amended by FLUA Amendment Johns Glades West (LGA 2017-003) Ord. 2017-14. This policy shall not be applicable to the area designated as a Mixed-Use Center MLU, as amended by FLUA Amendment Tenderly Reserve (LGA 2023-xx).

**TABLE III.C
FUTURE LAND USE DESIGNATION BY TIER**

Future Land Use	FLU Category	Tier				
		Urban/Sub & Glades USA	Exurban	Rural	Ag Reserve ³	Glades RSA ¹
Rural Residential	RR-20	---	X	X	---	---
	RR-5	---	X	X	---	---
	RR-2.5	---	X	---	---	---
Western Communities Residential	WCR	---	---	X	---	---

Urban Residential	LR, MR, HR	X	---	---	---	---
Agriculture	AP	---	---	---	---	X
	SA	X	X	X	X	---
	AgR	---	---	---	X	---
	Ag Enclave	---	---	X	---	---
Commercial Low	CL-O	X	X	X	X	---
	CL	X	X	X	X	---
Commercial High	CH-O	X	---	---	---	---
	CH	X	---	---	---	---
Industrial	IND	X	---	---	X	---
	EDC	X	---	---	---	---
Commercial Recreation		X	---	X	X	X
Parks & Recreation		X	X	X	X	X
Conservation		X	X	X	X	X
Institutional & Public Facilities		X	X	X	X	---
Spoil		X	---	---	---	X
Transportation & Utilities		X	X	X	X	X
Traditional Town Development & Multiple Land Use		X	---	---	---	---

- 1) Within the rural towns of Lake Harbor and Canal Point, the following additional future land use designations shall be allowed: Residential from RR-2.5 through MR-5; CL; CL-O; IND; EDC; and INST.
- 2) Within the Glades Area Protection Overlay, 138.21 acres of EDC future land use designation is allowed
- 3) Within the Agricultural Reserve Tier, residential future land use designations are allowed as an underlying density within the Essential Housing Residential MLU Option pursuant to Policy 1.5.1-s and the Mixed-use Center MLU Option pursuant to Policy 1.5.1-v.
- 4) Within the Trotting Center Overlay, the LR-2 future land use designation is allowed for sites that meet Objective 1.4.1 and criteria in Policy 1.4.1-b.

ULDC Changes

Allow Hotel within Multiple Use Planned Development (MUPD) Zoning designation with a Commercial Low (CL) Future Land Use designation. Amendment to Table 4.B.2.A reflecting Hotel as Class A conditional use.