



COMPREHENSIVE PLAN AMENDMENT STAFF REPORT AMENDMENT ROUND 25-A2

STATE REVIEW TRANSMITTAL REPORT, FEBRUARY 5, 2025

A. Application Summary

I. General Data

Project Name: West End Crossing MUPD (LGA 2024-002)
FLUA Summary: RR-2.5 to CL/RR-2.5
Acres: 5.93 acres
Location: Southeast corner of Northlake Boulevard and Seminole Pratt Whitney Rd
Project Manager: Bryce Van Horn, Senior Planner
Applicant/Owner: ~~PB Rez, LLC (Peter Brock, MGR) – Contract Purchaser~~
West End Crossing, LLC (Derek Brock, MGR)
Owner: Northlake Seminole Property LLC (Chantal C. Segurola, AR)
Agent: Jeanne Ducharme, Cotleur & Hearing
Staff Recommendation: Staff recommends *denial* based upon the findings and conclusions contained within this report

II. Assessment & Conclusion

The 5.93 acre subject site is located at the northern edge of The Acreage, in the Exurban Tier. The proposed amendment is a request to change the future land use designation from Rural Residential, 1 unit per 2.5 acres (RR-2.5) to Commercial Low with an underlying 1 unit per 2.5 acres (CL/RR-2.5). A concurrent zoning application includes requests for retail gas and fuel sales (12 positions), convenience store, and car wash, a restaurant with drive through, and a retail building, totaling almost 11,900 square feet.

The site meets the commercial location criteria for the Tier in order for an applicant to request a FLUA amendment. However, the applicant has not provided adequate justification to change the land use on this site nor is the proposal compatible with the surrounding uses. Although the site may be suitable for some neighborhood-serving nonresidential uses, the proposed high traffic generating use of retail gas and fuel sales, convenience store, car wash as well as a restaurant with drive through located directly adjacent to existing residential is not consistent with Tier policies that requires the County to protect and maintain the semi-rural residential, equestrian, and agricultural communities by ensuring development is compatible with the scale, mass, intensity of use, height, and character of the community. The applicant has not provided adequate justification and staff does not concur that this amendment is suitable, appropriate, or compatible.

In addition, the site is within the Acreage Neighborhood Plan (ANP) and does not meet the minimum size recommendations and includes a use (gas station) that is recommended to be prohibited. The site is also within the Western Northlake Corridor Land Use Study (WNCLUS) and is not consistent with the recommendations related to commercial as the existing commercial approvals already exceed the commercial demand findings of the Study. In conclusion, the proposed amendment is therefore inconsistent with the Comprehensive Plan.

III. Hearing History

Local Planning Agency: *Deny*, motion by Rick Stopek, seconded by Glenn Gromann, passed in an 8 to 4 vote (with Varisa Lall Dass, Angella Vann, Michael Cuevas, and John Carr dissenting) at the January 10, 2025 public hearing. Commission discussion included comments that generally Commercial Low for some types of neighborhood commercial may be suitable. However the discussion focused on a lack of need for more gas stations, roadway capacity at the intersection, the recommendations of Acreage Neighborhood Plan, conflicts with the resident's desires, incompatibility of the types of proposed uses adjacent to residential, and potential contamination to groundwater and adjacent drainage system. Two members of the public spoke in opposition, citing enough commercial to serve residents, inconsistency with the Acreage Neighborhood Plan, lack of infrastructure and environmental impacts.

Subsequent to the Planning Commission hearing, staff was notified by the agent that the property was sold. Therefore, the new owner is reflected on page 1 of the staff report and Exhibit 7 (Disclosures of Ownership Interest).

Board of County Commissioners Transmittal Public Hearing: *Transmit*, motion by Vice Mayor Baxter, seconded by Commissioner Woodward, passed in a 6 to 1 vote (with Commissioner Powell dissenting) at the February 5, 2025 public hearing. The motion included the condition in Exhibit 1 requiring the concurrent adoption hearing of the land use and zoning applications. The Board emphasized that the applicant needs to address compatibility issues related to intensity of uses. Board discussion included comments related to whether recommendations of the Acreage Neighborhood Plan (ANP) and Western Northlake Corridor Land Use Study (WNCLUS) reflected current conditions, and focused on the inappropriateness of residential on the site given its location, and the appropriateness of the proposed future land use as opposed to the specific uses proposed in the concurrent zoning application. The Board asked for clarification on the types of uses considered to be neighborhood serving as well as inquired about the recommendations in the ANP related to gas stations. One member of the public spoke in support, supporting commercial for local jobs, and to reduce drive times for residents. Three members of the public spoke in opposition, citing inconsistency with recommendations of the ANP and WNCLUS, potential impacts to potable water wells and adjacent drainage facilities, the already existing and approved unbuilt gas stations, increases in traffic, incompatibility with adjacent residential, and the lack of support by the Acreage Land Owners Association.

State Review Comments:

Board of County Commissioners Adoption Public Hearing:

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B. Petition Summary

I. Site Data

Current Future Land Use

Current FLU:	Rural Residential, 1 unit per 2.5 acres (RR-2.5)
Existing Use:	Vacant
Current Zoning:	Agricultural Reserve (AGR)
Current Dev. Potential Max:	Residential, 3 dwelling units

Proposed Future Land Use Change

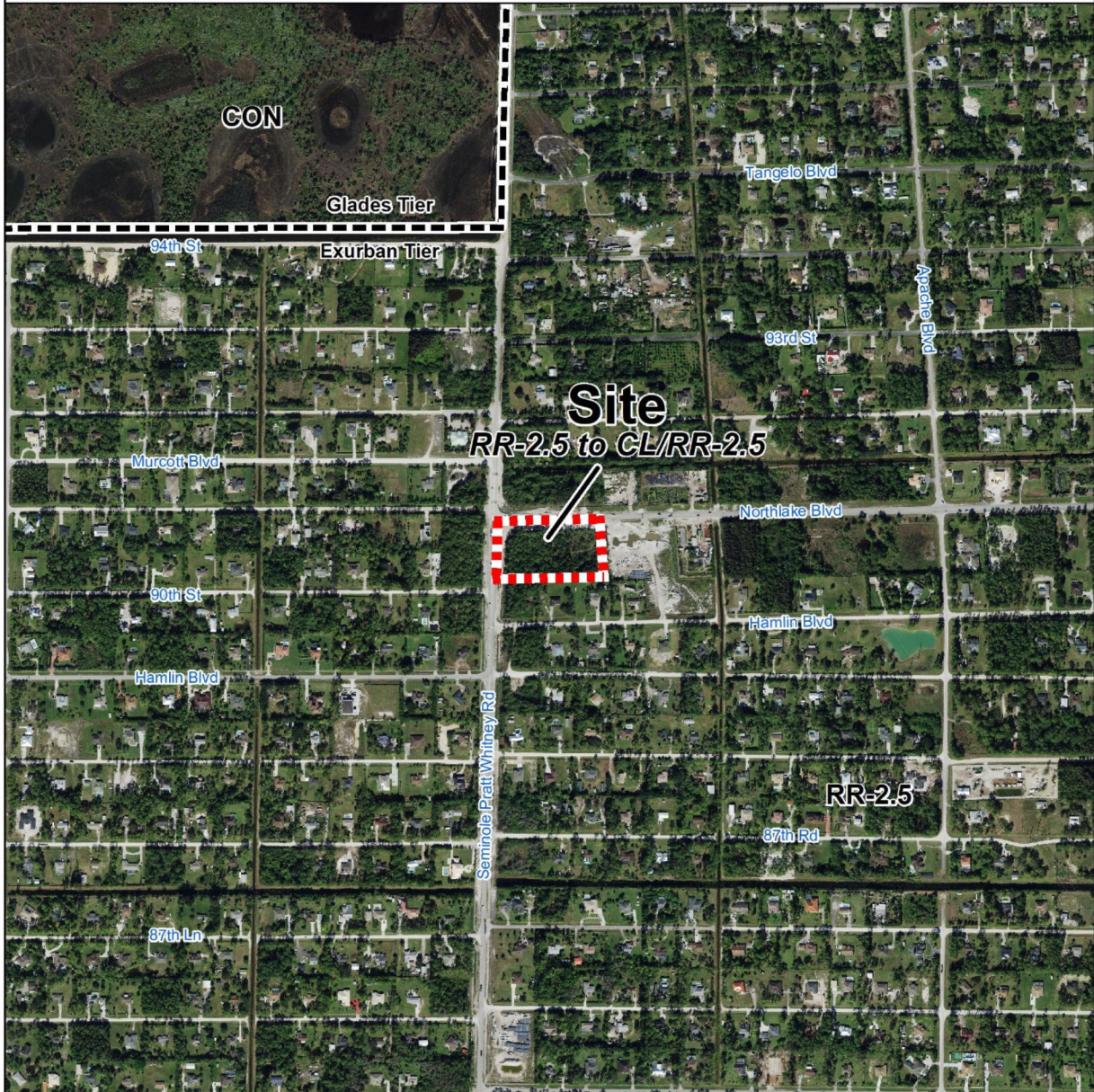
Proposed FLU:	Commercial Low with an underlying 1 unit per 2.5 acres (CL/RR-2.5)
Proposed Use:	Retail Gas and Fuel Sales, Convenience Store, Car Wash, Restaurant Type 1 with Drive Through, and Retail
Proposed Zoning:	Multiple Use Planned Development (MUPD)
Dev. Potential Max/Conditioned:	Commercial uses, up to 25,831 square feet (0.10 FAR)

General Area Information for Site

Tier:	Exurban Tier
Utility Service:	Palm Beach County Water Utilities Department
Overlay/Study:	Acreage Neighborhood Plan & Western Northlake Corridor Land Use Study
Comm. District:	Vice Mayor Sara Baxter, District 6

Future Land Use Atlas Amendment

West End Crossing MUPD (LGA 2024-002)



Site Data

Size: 5.93 acres
 Existing Use: Vacant
 Proposed Use: Commercial
 Current FLU: Rural Residential, 1 unit/2.5 acres (RR-2.5)
 Proposed FLU: Commercial Low with underlying Rural Residential, 1 unit/2.5 acres (CL/RR-2.5)

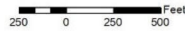
Future Land Use Designations

RR-2.5 Rural Residential, 1 unit/2.5 acres
 CON Conservation

Date: 6/17/2024
 Contact: PBC Planning
 Filename: T.Planning/Amend/24-B2/SiteSpecific
 Note: Map is not official, for presentation purposes only.



Site



Planning, Zoning & Building
 2300 N. Jog Rd, WPB, FL 33411
 Phone (561) 233-5300



C. Introduction

I. Intent and Background

This is a privately proposed future land use amendment on a 5.93 acre site located in the Exurban Tier at the southeast corner of Northlake Boulevard and Seminole Pratt Whitney Road. The subject site is located in the Exurban Tier and comprised of three lots as shown on the Royal Palm Beach Colony unrecorded plot plan dated April 1970, also known as The Acreage. The site is also within the boundaries of The Acreage Neighborhood Plan as well as the boundaries of the Western Northlake Corridor Land Use Study.

Proposed FLUA Amendment. The intent of the amendment is to change the Rural Residential, 1 unit per 2.5 acres (RR-2.5) future land use designation, to Commercial Low with an underlying 1 unit per 2.5 acres (CL/RR-2.5). The proposed amendment would change the current development potential from three residential homes (or non-residential uses allowed in the AR zoning district), to up to a maximum of 25,831 square feet (0.10 FAR) of commercial uses. The site was not the subject of any prior private Future Land Use Amendment requests or have any prior Zoning development order approvals or development permits.

Concurrent Zoning Application. The applicant submitted a concurrent Zoning application (PDD/CA-2023-00843) for the subject site which includes:

- A request for an Official Zoning Map Amendment to rezone from the Agricultural Residential (AR) to the Multiple Use Planned Development (MUPD) zoning district;
- A request for a Class A Conditional Use to allow Retail Gas and Fuel Sales (12 fueling positions) and Convenience Store; and
- A request for a Class A Conditional Use to allow a Type 1 Restaurant with drive through.

A preliminary site plan includes retail gas and fuel sales (12 positions), a convenience store, a car wash, a restaurant with drive thru, and a retail building, totaling almost 11,900 square feet.

II. Data and Analysis Summary

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

Overview of Area. The subject site is located on Seminole Pratt Whitney Road and Northlake Boulevard. Both of these roadways are designated as Urban Minor Arterial roadways and are currently under construction for expansion and drainage improvements. The site abuts three residential lots to the south, and County owned land to the east that is also under construction with a roadway drainage retention pond.

All of the adjacent properties and properties immediately surrounding the subject site are designated with a Rural Residential, 1 unit per 2.5 acres (RR-2.5) future land use designation. The residential lots within The Acreage all have an RR-2.5 designation and are comprised of single family homes on lots generally ranging from just over 1 acre to 2.5 acres. The predominant residential lot size is approximately 1.25 acres. The area allows for agricultural uses such as but not limited to equestrian and nurseries, with other non-residential uses allowed within the

residential category such as places of worship and daycare uses. Some properties in the immediate area have ongoing agricultural uses with some institutional type uses (i.e. day care).

There are no other properties with commercial future land use designations at this intersection or in the immediate surrounding area. The closest commercial approved properties along Northlake Boulevard are approximately 3.25 miles to the east at the intersection of Coconut Boulevard and within the City of Palm Beach Gardens. The nearest commercial along Seminole Pratt Whitney Road is approximately two miles to the south at the intersection of Orange Boulevard.

Compatibility. The proposed amendment could potentially introduce commercial uses up to 25,831 square feet (.10 FAR) which is the maximum square footage by floor area ratio (FAR) allowed. The concurrent zoning application and preliminary site plan includes proposed uses such as Type 1 restaurant with drive through, and convenience store with gas sales and car wash. These uses are high trip generating vehicular based uses. Although the square footage needed for such uses is generally lower, the vehicular activity of these uses is higher than other commercial uses. In addition, the subject site is unique in that it is far smaller, less than half the size, of any of the other commercial sites approved in the area, narrower in depth, shares common property lines directly adjacent to residentially developed property to the south, with no other canal or roadway along the property lines to further buffer the proposed uses from residential uses or properties. Should the BCC decide to transmit and adopt the proposed amendment, staff is recommending a condition of approval requiring that the adoption of the future land use amendment and zoning application are held on the same date in order to ensure the opportunity for any potential incompatibility issues to be addressed in coordination with the Zoning Division.

Justification for the Amendment. This site is located at one of the few intersections eligible to meet the Exurban Tier commercial location criteria in the County's Comprehensive Plan. However, the applicant has not provided any justification as to the suitability and appropriateness of the site for commercial other than its location with frontage on two arterial roadways with each currently built with two lanes and each under construction for six lanes. Although this site meets the commercial location criteria for Commercial Low future land use and may be suitable for development of commercial in general, the proposed high trip generating vehicular based uses proposed by the applicant does not further the Exurban Tier objective and policies to ensure development is compatible with the intensity of use and character of the Exurban Tier. Therefore this amendment is not suitable nor is it consistent with the Comprehensive Plan for this specific site.

Neighborhood Plans and Special Studies. The site is within the Acreage Neighborhood Plan (ANP), completed by the Acreage Land Owners Association, formally received by the BCC by resolution in 1996 and updated in 2008. The proposed amendment site does not meet the minimum size recommendations and includes a use (gas station) that is recommended to be prohibited within the boundaries of the ANP area. The site is also within the Western Northlake Corridor Land Use Study (WNCLUS), acknowledged by the BCC in 1998 by resolution as a policy and growth management guide and updated in 2010. The proposed amendment is not consistent with the recommendations related to commercial as the existing commercial approvals already exceed the commercial demand findings of the Study.

Assessment and Recommendation. The 5.93 acre subject site is located at the northern edge of the The Acreage, in the Exurban Tier. The proposed amendment is a request to change the future land use designation from Rural Residential, 1 unit per 2.5 acres (RR-2.5) to Commercial Low with an underlying 1 unit per 2.5 acres (CL/RR-2.5). A concurrent zoning application includes requests for retail gas and fuel sales (12 positions), a convenience store, car wash, a restaurant with drive thru, and a retail building, totaling almost 11,900 square feet.

The site meets the commercial location criteria for the Tier in order for an applicant to request a FLUA amendment. However, the applicant has not provided adequate justification to change the land use on this site nor is the proposal compatible with the surrounding uses. Although the site may be suitable for some neighborhood-serving nonresidential uses, the proposed high traffic generating use of retail gas or fuel sales (12 positions), convenience store, car wash, and restaurant with drive thru directly adjacent to existing residential is not consistent with Tier Policy that requires that the County to protect and maintain the semi-rural residential, equestrian, and agricultural communities by ensuring development is compatible with the scale, mass, intensity of use, height, and character of the community. Staff does not concur that this site is suitable, appropriate, or compatible nor has the applicant provided adequate justification.

In addition, the site is within the Acreage Neighborhood Plan (ANP) and does not meet the minimum size recommendations and includes a use (gas station) that is recommended to be prohibited. The site is also within the Western Northlake Corridor Land Use Study (WNCLUS) and is not consistent with the recommendations related to commercial as the existing commercial approvals already exceed the commercial demand findings of the Study. In conclusion, the proposed amendment is therefore inconsistent with the Comprehensive Plan.

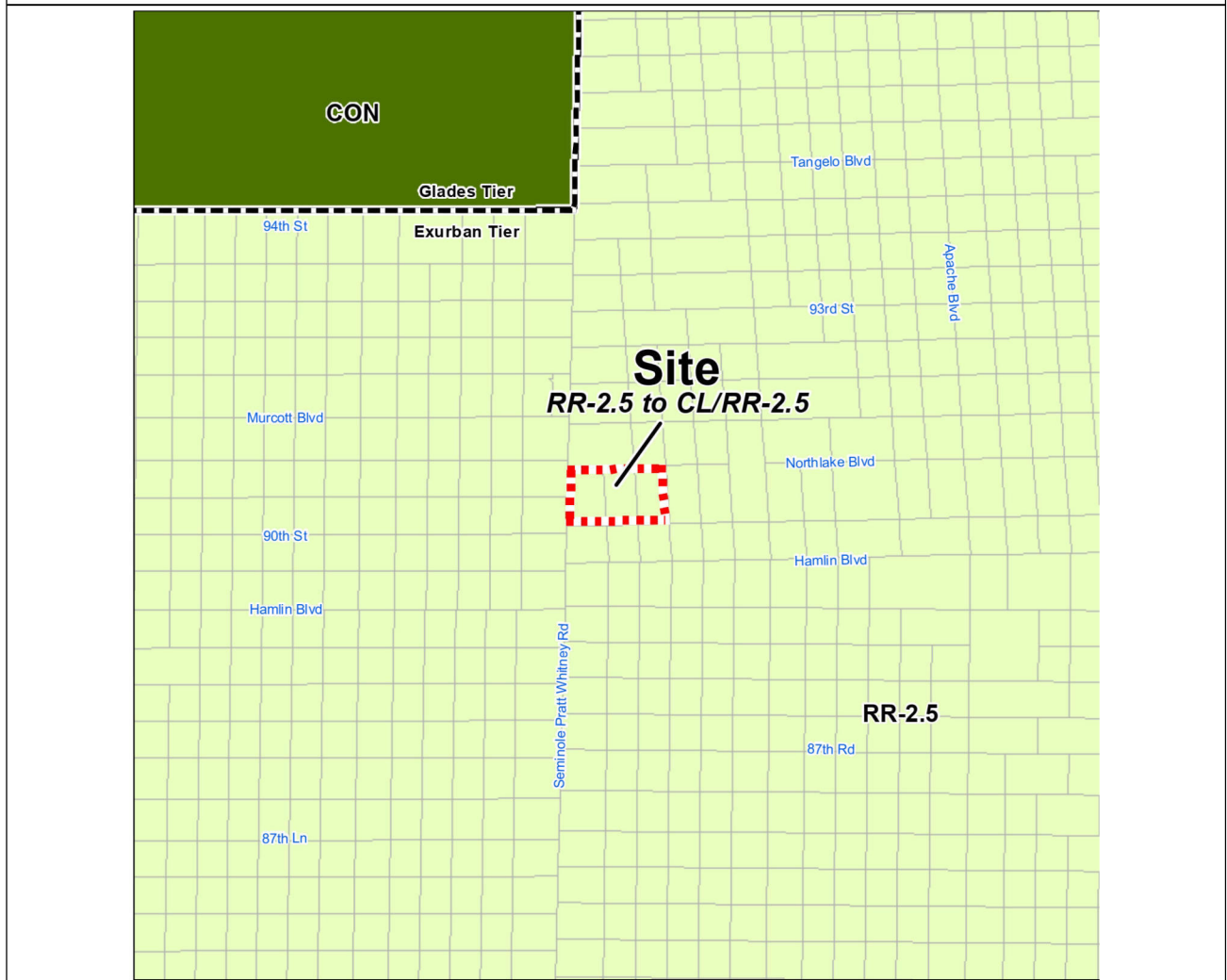
Exhibits	Page
1. Future Land Use Map & Legal Description	E-1
2. Consistency with Comprehensive Plan	E-3
3. Applicant's Justification/Consistency with Comprehensive Plan and Florida Statutes	E-14
4. Applicant's Public Facility Impacts Table	E-18
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Exhibit 1

Amendment No:	West End Crossing MUPD (LGA 2024-002)
FLUA Page No:	28
Amendment:	From Rural Residential, 1 unit per 2.5 acres (RR-2.5) to Commercial Low, with an underlying Rural Residential, 1 unit per 2.5 acres (CL/RR-2.5)
Location:	Southeast corner of Northlake Boulevard and Seminole Pratt Whitney Rd
Size:	5.93 acres approximately
Property No:	00-41-42-18-00-000-7930, 00-41-42-18-00-000-7920, 00-41-42-18-00-000-7910

Conditions:

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



Legal Description

PARCEL 1

THE NORTH 389.49 FEET OF THE SOUTH 638.49 FEET OF THE WEST 209 FEET OF THE EAST 4838 FEET OF SECTION 18, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA.

PCN:00-41-42-18-00-000-7910

PARCEL 2

THE NORTH 389.49 FEET OF THE SOUTH 638.49 FEET OF THE WEST 209 FEET OF THE EAST 5047 FEET OF SECTION 18, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA.

PCN:00-41-42-18-00-000-7920

PARCEL 3

THE NORTH 389.49 FEET OF THE SOUTH 638.49 FEET, LESS THE EAST 5047 FEET OF SECTION 18, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA.

PCN:00-41-42-18-00-000-7930

SAID LANDS LYING IN SECTION 18, TOWNSHIP 42 SOUTH, RANGE 41 EAST OF PALM BEACH COUNTY, FLORIDA.

LANDS CONTAINING 258,213 SQUARE FEET/5.9278 ACRES, MORE OR LESS.

Exhibit 2

Consistency with Comprehensive Plan

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

A. Consistency with the Comprehensive Plan - General

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

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

The applicant provides a Justification Statement (Exhibit 3). The applicant's justification is summarized as follows:

- The proposed use is suitable and appropriate given the site's frontage on Northlake Boulevard and Seminole Pratt Whitney Road, that the roadways are under construction as six lane roadways, and that this corner is suitable for a "commercial node". In addition, a "corresponding increase in population and development has caused an escalating increase in the demand for services."
- The proposed amendment is warranted due to changes in FLU designations on adjacent properties or properties in the immediate area have associated impacts on the subject site. The Northlake Blvd., Exurban Tier, development pattern is seeing a new trend of "sprouted" commercial development with future land use amendments to Commercial Low.
- Changes in the access characteristics of the general area and associated impacts on the subject site warrant the proposed amendment due to adjacent roadways under construction with major improvements that will accommodate the proposed type of commercial development.
- There is new information or changed circumstances which affect the subject site given the "sprouted commercial development" along Northlake Blvd. and Seminole Pratt Whitney Road, roadway improvements that under construction, the intersection has

become a major one, and is the site is appropriate for commercial uses at a “commercial node”.

- The adopted future land use designation of RR-2.5 is inappropriate given that “since 2012, development along Northlake Boulevard and Seminole Pratt Whitney Road has sprouted from the new city of Westlake and the mixed-use Avenir development”. In addition these roadways have become “commercial corridors”. With the changes in development patterns, the RR-2.5 future land use is no longer appropriate.
- The proposed amendment is compatible with surrounding areas to north and west due to major roadways and the site plan and design of the site will ensure compatibility and appropriate buffering to the adjacent residential to the south.
- The site meets the Exurban Tier commercial location criteria given it has frontage on two arterial roadways as depicted on the Comprehensive Plan Map Series Map TE 3.1, Federal Functional Classification of Roads.

Staff Analysis: This policy is the umbrella policy over the entire FLUA amendment analysis and many of the items are addressed elsewhere in this report as identified above. With regard to justification, there are several themes presented by this amendment that are discussed individually.

The proposed amendment would change the current development potential of three residential homes (or non-residential uses allowed in RR-2.5) to up to a maximum of 25,831 square feet (.10 FAR) of commercial uses.

Although this site meets the commercial location criteria for Commercial Low future land use and may be suitable for development of commercial in general, there is no data and analysis provided by the applicant to support why the specific proposed high intensity vehicular based uses are suitable and appropriate for this specific site. Staff does not agree with the assessment by the applicant that Northlake Boulevard and Seminole Pratt Whitney Road in the Exurban Tier have become commercial corridors. The vast majority of parcels along these corridors have been developed residentially, some are vacant, fewer are institutional uses such as school and daycare uses or agricultural uses such as nurseries. In fact significant portions of properties along the south side of Northlake Boulevard have wetlands areas with conservation easements to the South Florida Water Management District.

The applicant’s assessment that this “T” intersection where the subject site is located, is a “commercial node” is not accurate. The Comprehensive Plan Introduction and Administration (I&A) Element defines a node as a *“collection of similar land uses clustered immediately around a central feature, such as an intersection or a public space. Most often associated with commercial development.”* There are no similar land uses clustered at this intersection. Some properties such as the subject site may be eligible to request a Commercial Low future land use due to the Exurban Tier commercial location criteria requiring frontage on either one arterial and one collector or two arterial roads, but this intersection is not established as commercial node as there are no commercial designated properties at this intersection. Should this proposed amendment be adopted, this intersection may set the changed circumstances, the development pattern, and context, for other properties to request commercial, and in that case, if adopted, a “commercial node” would theoretically become established.

Given the justification statement provided, the applicant has not provided any adequate justification for the proposed amendment.

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

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

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

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

Staff Analysis: The County's Managed Growth Tier System is the primary vehicle by which the County Directions are realized. As previously mentioned, the Tier System identifies distinct geographic areas, which together offer lifestyle choices for all residents, and allow for sustainable communities. The associated Comprehensive Plan policies and land development regulations to implement each Tier also reflect the County Directions. As further described in the Compatibility and Consistency with Exurban Tier Requirements for the Specific FLU sections of the report, the proposed amendment to change the land use designation on the subject does not further the above County Directions.

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

Staff Analysis: There are no parcels under the same or related ownership and no residual parcels that would be created. This proposed amendment would not encourage piecemeal development as defined in the Introduction and Administration Element of the Comprehensive Plan which describes 'piecemeal' as the development of "small portions of a larger, undeveloped property is developed in a sequential manner, such that land use decisions are being made for individual sub-areas of the original parent tract independent from the whole." Therefore the amendment is consistent with this policy.

4. **Strip Commercial – FLUE Policy 2.2.2-d:** The County shall not designate additional commercial areas on the Future Land Use Atlas that would result in or encourage the proliferation of strip commercial development.

Introduction & Administration Element Strip Commercial Development definition:
"A form of development that is designed primarily for vehicular access and is hazardous or inconvenient for pedestrians to use. Strip commercial development may include any of the following:

1. *intense, largely non-residential development, which is shallow in depth, and lies along a length of roadway*
2. *poorly coordinated site plan, with buildings organized in a linear pattern or in isolated "islands"*
3. *separate driveways or curb cuts from adjacent properties*
4. *separate parking lots from adjacent properties*
5. *inadequate accessibility and circulation for pedestrians and bicycles"*

Staff Analysis: The subject site proposes to add a commercial site at an intersection which currently does not include any other commercial. The three parcels that comprise the subject site are proposed to be developed under one unified and coordinated site plan as a Multiple Use Planned Development and not as separate development parcels each with its own access and parking. Therefore, the proposed amendment is not considered strip commercial development as it does not meet the definition in the Comprehensive Plan's Introduction and Administration Element.

B. Consistency with Exurban Tier Requirements for the Specific FLU

Future Land Use Element (FLUE) Objective 1.1, Managed Growth Tier System, states that *"Palm Beach County shall implement the Managed Growth Tier System strategies to protect viable existing neighborhoods and communities and to direct the location and timing of future development within 5 geographically specific Tiers...."* The Comprehensive Plan contains several policies addressing future land uses in the Exurban Tier.

1. OBJECTIVE 1.3 Exurban Tier

Objective: *Palm Beach County shall plan for the impacts of growth outside of the Urban Service Area in antiquated subdivisions created prior to the adoption of the 1989 Comprehensive Plan with platted densities greater than 1 dwelling unit per 5 acres while protecting the exurban lifestyle. The Exurban Tier shall include The Acreage and Palm Beach Country Estates Subdivisions and shall be provided with a mix of urban and rural services.*

FLUE Policy 1.3-a: *The County shall protect and maintain the semi-rural residential, equestrian, and agricultural communities within the Exurban Tier by:*

1. *Preserving and enhancing the rural landscape, including historic, cultural, recreational, agricultural, and open space resources;*
2. *Allowing services and facilities consistent with the character of the area;*
3. *Preserving and enhancing natural resources; and,*
4. *Ensuring development is compatible with the scale, mass, intensity of use, height, and character of the exurban community.*

Staff Analysis: As further described under the Compatibility section, the proposed uses as a result of the amendment does not ensure development will be compatible with the scale, mass, intensity of use, height, and character of the exurban community.

2. **FLUE Policy 1.3-f:** *The County shall prohibit new commercial future land use designations that do not have frontage on either: 1) one collector and one arterial roadway; or 2) two arterial roadways (as depicted on the Federal Functional Classification of Roads Map TE 3.1), unless it is shown that a vehicular cross connection can be established to an adjacent site with a Commercial Low future land use designation, or such development is planned as a Traditional Marketplace Development (TMD).*

Staff Analysis: This policy provides locational requirements for new commercial FLUs in the Exurban Tier. Northlake Boulevard is depicted as an Urban Minor Arterial on Map TE 3.1 Functional Classification of Roads in the Comprehensive Plan Map Series. Seminole Pratt Whitney Road is depicted as an Urban Minor Arterial on TE 3.1. Therefore, the amendment meets the first criterion of this policy and is consistent.

3. **FLUE Policy 1.3-g:** *Non-residential development shall be designed in the form of a Traditional Marketplace, or the development shall comply with rural design standards to ensure protection of the character of the Tier and to minimize impacts on surrounding uses. Standards for Traditional Marketplace Development shall also be developed to reflect the scale and character of the Exurban Tier.*

Staff Analysis: The concurrent zoning application is required to comply with rural design standards adopted in the ULDC. Should the BCC transmit the amendment staff is proposing a condition requiring that the Zoning application and the FLUA amendment application be heard at the same adoption public hearing to ensure that the development complies with the rural design standards.

C. Compatibility

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

Surrounding Land Uses. Surrounding the subject site are the following:

- **West:** Directly to the west, across Seminole Pratt Whitney Road, are two heavily vegetated vacant parcels under common ownership, each totaling approximately 1.7 acres. These two parcels have an RR-2.5 future land use designation and an Agricultural Residential (AR) zoning district. The sites were the subject of a Comprehensive Plan text initiation request, called CDNK Medical, to allow the site to be eligible for the Commercial Low Office (CL-O) future land use designation. The text initiation was denied by the Board on November 6, 2024.
- **North:** Directly to the north, across Northlake Boulevard, are three heavily vegetated vacant parcels, under separate ownership, totaling about 4.2 acres. These parcels do not have any prior approvals and have an RR-2.5 future land use designation and an Agricultural Residential (AR) zoning district.

- **East:** Adjacent to the east are parcels acquired by Palm Beach County in 2006 and under construction as drainage facilities for drainage for Northlake Boulevard and Seminole Pratt Whitney roadway improvements. These drainage facilities are currently anticipated for completion with the roadway improvements in May of 2025. Further east and on the north and south sides of Northlake Boulevard are properties with a nursery use (C & P Growers and Garden Center). All have RR-2.5 FLU and AR Zoning.
- **South:** Directly adjacent and sharing a common border with the subject site to the south are three parcels, approximately 1.2 acres each. These parcels have frontage and access to Hamlin Boulevard to the south. The western most parcel is adjacent to Seminole Pratt Whitney Road and is vegetated and vacant. The other two properties are each developed with single family homes.

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

Applicant’s Comments: The applicant states in the justification statement (Exhibit 3), the Zoning site plan and design of the site “will ensure compatibility and appropriate buffering to the residential development to the south...” and that the site’s location at an intersection of two roadways designated as arterial roads creates a commercial node.

Staff Analysis: The proposed amendment could potentially introduce commercial uses up to 25,831 square feet (.10 FAR) which is the maximum square footage by floor area ratio (FAR) allowed. The concurrent zoning application and preliminary site plan includes proposed uses such as retail gas or fuel sales (12 positions), a convenience store, a car wash, a Type 1 restaurant with drive through, and a retail building. These uses are high trip generating vehicular based uses. Although the square footage needed for such uses is generally lower, the vehicular activity of these uses is higher than other commercial uses. In addition, the subject site is unique in that it is far smaller, less than half the size, of any of the other commercial sites approved in the area, narrower in depth, shares common property lines directly adjacent to residentially developed property to the south, with no other canal or roadway along the property lines to further buffer the proposed uses from residential uses or property. Should the BCC decide to transmit and adopt the proposed amendment, staff is recommending a condition of approval requiring that the adoption of the future land use amendment and zoning application are held on the same date in order to ensure the opportunity for any potential incompatibility issues to be addressed in coordination with the Zoning Division.

D. Consistency with County Overlays, Plans, and Studies

1. **Overlays – FLUE Policy 2.1-k** states *“Palm Beach County shall utilize a series of overlays to implement more focused policies that address specific issues within unique identified areas as depicted on the Special Planning Areas Map in the Map Series.”*

Staff Analysis: The proposed amendment is not located within an overlay.

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

Staff Analysis: The subject site is within the Acreage Neighborhood Plan (ANP), developed in 1996, and is within the Western Northlake Corridor Land Use Study area (WNCLUS), developed in 1998, and updated in 2010. Although not binding, the objectives and recommendations of neighborhood plans/studies recognized by the BCC shall be considered by the County prior to approval of a proposed land use amendment. An analysis of recommendations in the WNCLUS and the ANP which apply to the subject site is provided below.

- a. **Western Northlake Corridor Land Use Study - Policy 1.1-n:** *The Western Northlake Boulevard Corridor Planning Area shall be delineated as part of the Map Series of the 1989 Comprehensive Plan, as amended, as Map ICE 1.1. This area is generally located south of the Beeline Highway; west of the West Palm Beach Water Catchment Area; east of the J.W. Corbett Wildlife Management Area and Seminole Pratt Whitney Road; and north of the southern boundary of Ibis, Rustic Ranches, Bay Hill Estates, and Hamlin Boulevard. Through an Interlocal Agreement, the County, the City of Palm Beach Gardens, and the City of West Palm Beach shall provide for a means of enhanced intergovernmental cooperation in implementing the recommendations of the Western Northlake Corridor Land Use Study, dated June 8, 1998, as amended. The Interlocal Agreement shall also establish a procedure for “heightened review” of plan amendments and development applications.*

Staff Analysis: The subject site is located within the boundaries of the Western Northlake Corridor Land Use Study (WNCLUS), a joint effort between the County and the Cities of Palm Beach Gardens and West Palm Beach and implemented through an interlocal agreement signed in 1999. The purpose of the WNCLUS is to determine appropriate land uses within the western Northlake Boulevard area to preserve and enhance the rural character, while also recognizing and planning for limited urban development. The WNCLUS is listed by reference under Future Land Use Element Policy 4.1-c and as such required to be considered by the County. As part of the implementation of the Study recommendations, the three local governments entered into an interlocal agreement in order *“to ensure efficient and orderly development, intergovernmental coordination and cooperation, and provide heightened review of development proposals”* within the boundaries of the Study.

WNCLUS Update - 2010 Memorandum: Based on direction from the BCC in 2008, a team comprised of staff from the County, the cities of West Palm Beach and Palm Beach Gardens, and the Indian Trail Improvement District, began an effort to update the WNCLUS, in particular to evaluate changed conditions since 1999 and re-evaluate commercial needs. A first amendment to the interlocal agreement was approved by the County and the two municipalities at the same time, adding the ability to update the Study. The update consisted of a memorandum to the BCC dated October 14, 2010 and presented to the BCC on October 25, 2010 which indicated that by 2025 there was projected to be an excess of 75,000 sq. ft. of commercial considering the projected population and built/approved projects. The

total commercial and office approved totaled 587,885 square feet of which 189,463 square feet were built as of 2010 and the complete figure was anticipated to be built by 2025.

Staff Analysis: The proposed amendment is generally consistent with several of the recommendations of the WNCLUS that it will be limited to the uses allowed within the Commercial Low (neighborhood oriented) future land use designation, will be connected to water & sewer, is not considered strip commercial, and has over 100 feet of frontage. The WNCLUS recommendation is for such commercial to be located at a node. However at the time the WNCLUS was completed, this intersection was not considered a node. The landscape buffering recommendation in the WNCLUS is to use the recommendation that is within the Acreage Neighborhood Plan (ANP) for buffering. The ANP recommends buffers of 100 feet minimum and at least a ten acre site. Other sites that have received Commercial Low future land use have been required to exceed the ULDC minimum standards.

The site's location at the intersection of two arterial roadways, the proposed expansion of Northlake to 6 lanes, and compliance with the Exurban Tier commercial location requirements makes the site, on a situational basis, more appropriate for non-residential uses than residential development. Most of the land area within the WNCLUS is on the north side of Northlake Blvd within the City of Palm Beach Gardens with most of it consisting of 4,700 acres known formerly known as the Vavrus Ranch property. This land area was approved as Avenir for a large mixed use project after the 2010 WNCLUS update, for 3,900 dwelling units, 400,000 SF of commercial, 200,000 SF of Medical Office, and 1.8 million SF of Professional Office, and Hotels (300 rooms/80,000 SF). The 2010 WNCLUS Update analysis indicates an excess of commercial of over 75,000 square feet in this area by 2025. The proposed amendment is however, technically inconsistent with the recommendation of the WNCLUS. The findings of the WNCLUS are not adopted policy statements but 'shall be considered' by the County during review of an amendment or development order.

- b. The Acreage Neighborhood Plan:** The ANP was received by the BCC in 1996 and was an independently written, community sponsored statement which reflects the desires of the Acreage Community as they related to land use and other matters. The plan was prepared with oversight from the Planning Division. The ANP establishes the following goals, objectives and recommendations regarding commercial development:

To provide criteria for the development of a commercial center(s) that provides design standards that account for the rural nature of the area, provides sufficient buffering, and makes use of the native vegetation.

Recommendation L9. *Should commercial uses locate within The Acreage Unified Planning Area, a minimum of one hundred (100) feet (inclusive of all easements) shall be used as a vegetative setback (buffer) from property zoned AR (Agricultural Residential) or Public Ownership (PO). Parking shall not be allowed within the 100 foot setback. Commercially zoned property shall be one lot and have a minimum of ten (10) acres and a maximum of forty (40) acres. An overall maximum of one hundred and twenty (120) acres of commercially zoned property shall be permitted within the entire Acreage Unified Planning Area. Commercial property shall be located at the intersection of two (2) County arterials (roads) as designated on the*

Palm Beach County Thoroughfare Right of Way Identification Map. The maximum buildable floor area of a parcel of property shall be ten percent (10%).

Staff Analysis: The proposed amendment site does not meet the recommendations in that it is not greater than 10 acres. However, it would not result in more than 120 acres of commercially zoned property within the Acreage Unified Planning Area (approximately 72.25 acres on four sites approved and unbuilt, or built currently), and would be limited to a maximum floor area ratio (FAR) of 0.10 by the Future Land Use Element. Although Northlake Blvd. and Seminole Pratt Whitney Road are on the County's adopted Thoroughfare Right of Way Identification Map in 1995, this location was not considered an intersection at the time as the definition of 'intersection' in the Comprehensive Plan required two roadways to cross and continue at grade. Northlake Blvd. does not cross and Seminole Pratt Whitney Rd. here.

As the property is approximately 269 feet deep with respect to net developable land and a 50 foot Rural Parkway is required along the Northlake Blvd. frontage, the 100 foot vegetative setback would leave approximately 120 feet in developable depth. The site could potentially comply to some degree with additional buffer beyond ULDC requirements from property zoned AR, such as from the residential homes adjacent to the south. The property to the east is owned by the County but is not Zoned PO. It retains the AR zoning however. This property was purchased more than 10 years after the ANP was initially received by the BCC. The proposed amendment, would generally be inconsistent with most of the elements in the recommendations.

Recommendation L13. *The Acreage Community Plan endorses the current (January, 1995) commercial location criteria stated within the Land Use Element of the Palm Beach County Comprehensive Plan. The Acreage community supports the direction of the County's Comprehensive plan by prohibiting strip commercial development.*

Staff Analysis: Regarding Recommendation L13, staff analysis regarding strip commercial indicated that the proposed amendment would not result in or encourage strip commercial development as defined in the Introduction and Administration Element of the Comprehensive Plan.

E. Public Facilities and Services Impacts

The proposed amendment to Commercial Low (CL) for the 5.93 acre subject site was reviewed for the change from two dwelling unit to commercial, and the traffic analysis included an analysis at the maximum potential of 25,831 square feet of commercial. Public facilities impacts are detailed in the applicant's public facilities impact table in Exhibit 4.

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

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

Mass Transit (Palm Tran), Potable Water & Wastewater (PBC Water Utilities Dept.), Traffic (Engineering), Historic Resources (PBC Archeologist), Parks and Recreation, Health (PBC Dept. of Health), Community Services (Health & Human Services) and Fire Rescue, School District.

The following department provided comment:

Zoning (ULDC). Adequate Public Facilities are required as part of the Zoning application. Specifically a point of Legal Positive Outfall is required to an existing facility. Currently, Northlake Boulevard and Seminole Pratt Whitney Roads are under construction at this location with improvements for additional lanes and drainage facilities, including a drainage pond on the south side Northlake Boulevard and adjacent to the east of the subject site. Completion of the improvements is not anticipated until at least May of 2025 according to the Engineering Department. Since these improvements are not existing to provide a point of legal positive outfall, Zoning has indicated that at time of certification of the Zoning application, Engineering (Land Development) conditions of approval will be needed requiring connection to an existing point of legal positive outfall with opportunity to connect to an alternative one when improvements are complete.

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

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

Staff Analysis: The Traffic Division reviewed this amendment at the proposed maximum potential for Fast Food Restaurant with drive thru at 25,831 square feet for the CL future land use designation. According to the County's Traffic Engineering Department (see letter dated March 29, 2024 in Exhibit 5) the amendment, at the maximum potential, would result in an increase of 6,139 net daily trips and 588 300/288) AM, 435 (226/209) PM net peak hour (PH) trips.

The Traffic letter concludes, *"Based on the review, the Traffic Division has determined that the traffic impacts of the proposed amendment meet Policy 3.5-d of the Future Land Use Element of the Palm Beach County Comprehensive Plan at the maximum potential intensity shown above."*

The Traffic Study was prepared by Adam B. Kerr, P.E. of Kimley-Horn and Associates, Inc. Traffic studies and other additional supplementary materials for site-specific amendments are available to the public on the PBC Planning web page at:

<http://www.pbcgov.org/pzb/planning/Pages/Active-Amendments.aspx>

F. Florida Statutes (FS) Consistency

1. **Consistency with Urban Sprawl Rule:** Section 163.3177(6)(a)9.a., F.S., establishes a series of primary indicators to assess whether a plan amendment does not discourage the proliferation of urban sprawl. The statute states that the evaluation of the presence of these indicators shall consist of an analysis of the plan amendment within the context of features and characteristics unique to each locality. The analysis in Exhibit 8 indicates that the proposed amendment does not encourage the proliferation of urban sprawl.

If urban sprawl was indicated by any of these factors, staff would review the proposed amendment against the new section added in 2011 (163.3177(6)(a)9.b) which establishes that the plan amendment shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves four or more of eight additional criteria. However, since none of the factors in the first analysis were triggered, the second analysis is not necessary.

II. Public and Municipal Review

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

- A. **Intergovernmental Coordination:** Notification of this amendment was sent to the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC) for review on December 20, 2024. In addition, The Planning Division notified the City of West Palm Beach, Palm Beach Gardens, and the Indian Trail Improvement District on December 20, 2024. Written comments received are added to Exhibit 9.
- B. **Other Notice and Correspondence:** Notification of this amendment was mailed to the owners of properties within 1,000’ of the perimeter of the site on December 20, 2024. Additional notification was provided to other interested parties via mail to Indian Trail Improvement District and the Acreage Landowners Association on December 20, 2024. Written comments received are added to Exhibit 9.

Exhibit 3

Applicant's Justification/Consistency with Comprehensive Plan

REQUEST

On behalf of the applicant PB Rez, LLC, c/o Brock Development Corporation, we are requesting a Large-Scale Comprehensive Plan Amendment for the 5.93-acre property located at the south-east corner of Northlake Boulevard and Seminole Pratt Whitney Road. The subject site is identified by Palm Beach County Property Appraisers record under the property control numbers: 00-41-42-18-00-000-7930, 00-41-42-18-00-000-7920, 00-41-42-18-00-000-7910.

The current Future Land Use designation for the site is Rural Residential-2.5 (RR-2.5). The applicant is requesting to modify the Future Land Use designation on the Palm Beach County Atlas map to Commercial Low (CL) with underlining Rural Residential-2.5 (RR-2.5). The proposed request requires a concurrent zoning map amendment, the request is to rezone the property from Algaculture Residential (AR) to a Multiple Use Planned Development (MUPD) zoning district.

ABOUT THE APPLICANT

PB Rez, LLC, c/o Brock Development Corporation is a family-owned real estate development and management company that specializes in the acquisition, development, redevelopment, management, and leasing of commercial real estate assets. With offices in Florida and New York, they have developed a variety of retail, office, hotel, and residential projects.

SUBJECT SITE

The subject site is vacant with heavy vegetation along with uplands and wetlands habitat.

HISTORY

The site is within the Palm Beach County Acreage Neighborhood Plan. The subject site is a vacant lot with no past development orders or permits.

JUSTIFICATION (G.1)

Palm Beach County requires all Future Land Use Atlas Amendment applications to demonstrate consistency with Future Land Use Element Policy 2.1-f. The adopted designations are presumed to be correct, and the justification statement must demonstrate that a change is warranted. To be considered adequate, the justification must demonstrate consistency with the factors 1 and 2.

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

RESPONSE: The site is located within the Exurban Tier and has access to all public facilities and services, as stated herein. The site is located on the south-east corner of

Northlake Boulevard and Seminole Pratt Whitney Road, both Urban Minor Arterial Roads.

The site has 646.14 feet of frontage on **Northlake Boulevard** a two (2) lane road, currently Northlake Boulevard it is under construction to become a six (6) lane road. This portion of the site is suitable for a “commercial node”, due to the location at a major intersection. The eastern half is suitable for a variety of commercial uses from a drive-thru and sit-down restaurants.

The site has approximately 389.29 feet of frontage on **Seminole Pratt Whitney Road** a two (2) lane road, currently it is under construction to become a six (6) lane road with a two-lane dedicated to east-bound right turn lane. The western portion site is suitable and appropriate for retail gas and fuel sales, a car wash, and convenience store uses, due to the direct access onto these roads.

The corresponding increase in population and development has caused an escalating increase in the demand for services. A recognition of the existing development pattern, demand for services and desire to maintain the rural character, warrants this Future Land Use amendment.

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

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

RESPONSE: The development pattern in the Exurban Tier along Northlake Boulevard is seeing sprouted commercial development, specifically Future Land Use amendments from the Rural Residential 1 unit to 2.5 acres (RR-2.5) to Commercial Low (CL). With this new trend, the subject site falls into this category allowing less intense commercial development within the tier.

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

RESPONSE: Both access roads, Northlake Boulevard and Seminole Pratt Whitney Road, are currently under construction with major improvements that will accommodate a commercial development of this type. The proposed development will serve the Acreage community providing services and facilities consistent with the character of the area.

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

RESPONSE: With the many sprouted commercial developments along Northlake Boulevard and Seminole Pratt Whitney Road, along with the improvements to the roadway, this intersection has become a major one, therefore it is appropriate to have commercial uses along this “commercial node”.

d. Inappropriateness of the adopted FLU designation; or

RESPONSE: The subject site has had its Future Land Use designation and zoning since the establishment of the ULDC and Comprehensive Plan. Since 2012, development along Northlake Boulevard and Seminole Pratt Whitney Road has sprouted from the new city of Westlake and the mixed-use Avenir development. These roads have become commercial corridors and are considered Urban Minor Arterial Roads. With the changes of the land use patterns and uses, a Rural Residential Future Land Use is no longer appropriate for the subject site. However, the applicant is dedicated to providing services and facilities consistent with the character of the area.

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

RESPONSE: Not applicable to this request.

COMPATIBILITY (G.3)

Provide written data and analysis to demonstrate compatibility with the surrounding and adjacent land uses.

ADJACENT LANDS	USES	FLU	ZONING
North	Vacant	Rural Residential-2.5	AR
South	Single Family Residential/Vacant	Rural Residential-2.5	AR
East	Vacant	Rural Residential-2.5	AR
West	Vacant	Rural Residential-2.5	AR

ADJACENT TO RESIDENTIAL

The site plan and design of the site will ensure compatibility and appropriate buffering to the residential development to the south and east properties with a type 3 incompatibility buffer which comprises of heavy vegetation and a wall.

ADJACENT TO MAJOR ROADS

A commercial node is created due to the nature of an intersection of two (2) Urban Minor Arterial Roads.

COMPREHENSIVE PLAN (G.4)

The applicant has the option of including written data and analysis to demonstrate consistency with specific objectives and policies in the Comprehensive Plan, and Special Plans or Overlays identified in the Future Land Use Element (see the Special Planning Areas Map, LU 3.1).

FUTURE LAND USE ELEMENT- 1.3 EXURBAN TIER

Policy 1.3-f: *The County shall prohibit new commercial future land use designations that do not have frontage on either: 1) one collector and one arterial roadway; or 2) two arterial roadways (as depicted on the Federal Functional Classification of Roads Map TE 3.1), unless it is shown that a vehicular cross connection can be established to an adjacent site with a Commercial Low future land use designation, or such development is planned as a Traditional Marketplace Development (TMD).*

RESPONSE: The site is located on the south-east corner of Northlake Boulevard and Seminole Pratt Whitney Road, both Urban Minor Arterial Roads (U-MA), in accordance with Map TE 3.1.

Exhibit 4
Applicant's Public Facilities Table

A. Traffic Information	
See Exhibit 5	
B. Mass Transit Information	
Nearest Palm Tran Route (s)	Route 3 (PBG-BCR-via Military)
Nearest Palm Tran Stop	Route 3- Bus stop 1262 @11.5 Miles Away
Nearest Tri Rail Connection	Palm Tran Route 21, 31, 33- Mangonia Park Station
C. Potable Water & Wastewater Information	
Potable Water & Wastewater Providers	The potable water for the project will be provided by Palm Beach County Water Utilities Department.
Nearest Water & Wastewater Facility, type/size	The Palm Beach County Utilities Department is able to provide potable water and wastewater service.
D. Drainage Information	
<p>The proposed development will require pretreatment and storage of the stormwater runoff per state requirements. The development's drainage system includes installation of pavement, curbs, grass swales, storm inlets, exfiltration trench, and conveyance piping. The site is within the M-1 basin and is allowed offsite discharge. The site is currently designed to contain the 25-year 3-day runoff onsite without offsite connection other than from a minimum bleeder orifice and connecting pipe. The point of legal positive outfall will be the adjacent Palm Beach County Street proposed drainage system within Northlake Blvd. Specific connection will be to the nearest catch basin on the south side of the road along the property frontage. The street drainage system will ultimately flow through a piped connection to the ITID master system.</p> <p>The M-1 basin was designed to provide for 1" of runoff from the basin with the property development to provide the balance of the required water quality treatment volume in its own onsite system. In addition to the state required volume; the site will be required to provide 0.5" of dry pre-treatment for water quality which will be accomplished within proposed exfiltration trenches and dry swale areas. It is acknowledged that only the equivalent of 3.2 inches is allowed for storm water attenuation in exfiltration trench for large storm events.</p> <p>A perimeter berm will be set at a minimum elevation to contain the volume of runoff from the 25-year 3-day storm event. The minimum pavement grade will be at or above the staging of the 10-year 1-day storm event. The finish floor will be at or above the minimum of the FEMA flood map elevation or the calculated 100-year 3-day storm event. The 25-year 3-day onsite stage will not exceed the pavement elevation at the outside edge of the highest through lane (one in each direction) for thoroughfare-plan streets.</p>	

E. Fire Rescue	
Nearest Station	Palm Beach County Fire Rescue Station #22 located at 16650 Town Center Parkway South
Distance to Site	The subject property is approximately 4.5 miles from the station
Response Time	The estimated response time to the subject property is 11 minutes and 30 seconds
Effect on Resp. Time	Changing the land use of this property will have some impact on Fire Rescue
F. Environmental	
Significant habitats or species	This pine flatwoods habitat is located throughout the property. This area contains both native and exotic species, however the exotic coverage is dominant through most of the habitat. The vegetative assemblage is dominated by earleaf acacia, java plum, Brazilian pepper, swamp fern, and Old-world climbing fern. The habitat type also comprises slash pine, cabbage palm, red bay, rusty lyonia, grapevines, passionfruit, and myrsine. This vegetative community is found in the southeastern portion of the property. The canopy vegetation is dominated by melaleuca. Also present are scattered sedges, Pluchea, redroot, sawgrass, pickerelweed, rushes, buttonbush, dogfennel, Old-world climbing fern, and swamp fern.
Flood Zone*	The site is located within Flood Zone X.
Wellfield Zone*	The site is not located within a Wellfield protection zone.
G. Historic Resources	
A Historical and Archaeological Review Letter dated April 14, 2023, by Christian Davenport, MA, RPA, the County Archeologist, indicates the following:	
<ol style="list-style-type: none"> 1. No historic or architecturally significant structures are located on or within 500 feet of the subject property. 2. No archaeological resources are located on or within 500 feet of the subject property. 	

Exhibit 5 Traffic Division Letter



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

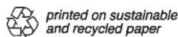
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**Palm Beach County
Board of County
Commissioners**

Maria Sachs, Mayor
Maria G. Marino, Vice Mayor
Gregg K. Weiss
Michael A. Barnett
Marci Woodward
Sara Baxter
Mack Bernard

County Administrator
Verdenia C. Baker

*"An Equal Opportunity
Affirmative Action Employer"*



March 29, 2024

Adam B. Kerr, P.E.
Kimley-Horn and Associates, Inc.
477 S Rosemary Avenue, Suite 215
West Palm Beach, FL 33401

**RE: Northlake Boulevard & Seminole-Pratt Whitney Site/West End
Crossing
FLUA Amendment Policy 3.5-d Review
Round 2022-24-A**

Dear Mr. Kerr:

Palm Beach County Traffic Division has reviewed the Land Use Plan Amendment Application Traffic Analysis for the proposed Future Land Use Amendment for the above-referenced project, revised on March 21, 2024, pursuant to Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan. The project is summarized as follows:

Location:	SE corner of Northlake Boulevard and Seminole Pratt Whitney Road	
PCN:	00-41-42-18-00-000-7930 (<i>others on file</i>)	
Acres:	Gross: 5.92 acres Net: 4.41 acres	
	Current FLU	Proposed FLU
FLU:	Rural Residential – 2.5 (RR 2.5)	Commercial Low (CL)
Zoning:	Agricultural Residential (AR)	Multiple Use Planned Development (MUPD)
Density/ Intensity:	0.4 Unit/Acre	0.10 FAR
Maximum Potential:	Single Family Detached = 2 DUs	Fast Food Restaurant + DT = 25,831 SF <i>(based on gross area)</i>
Proposed Potential:	None	Gas Station = 12 FPs Convenience Store = 4,874 SF Fast Food Restaurant + DT = 2,000 SF Strip Retail Plaza (<40 ksf) = 7,000 SF Carwash (Automated) = 1 Lane
Net Daily Trips:	6,139 (maximum – current) 1,850 (proposed – current)	
Net PH Trips:	588 (300/288) AM, 435 (226/209) PM (maximum) 143 (72/71) AM, 140 (71/70) PM (proposed)	
	<i>* Maximum indicates typical FAR and maximum trip generator. Proposed indicates</i>	



Adam B. Kerr, P.E.
March 29, 2024
Page 2

the specific uses and intensities/densities anticipated in the zoning application.

Based on the review, the Traffic Division has determined that the traffic impacts of the proposed amendment **meet** Policy 3.5-d of the Future Land Use Element of the Palm Beach County Comprehensive Plan at the **maximum potential** intensity shown above.

Please do not hesitate to reach out with any questions or concerns at 561-684-4030 or DSimeus@pbcgov.org.

Sincerely,

Dominique Simeus, P.E.
Professional Engineer
Traffic Division

DS:jb

cc:

Quazi Bari, P.E., PTOE – Manager – Growth Management, Traffic Division
Bryan Davis – Principal Planner, Planning Division
Stephanie Gregory – Principal Planner, Planning Division
Khurshid Mohyuddin – Principal Planner, Planning Division
Kathleen Chang – Senior Planner, Planning Division
David Wiloch – Senior Planner, Planning Division
Alberto Lopez Tagle - Technical Assistant III, Traffic Division

File: General - TPS – Unincorporated - Traffic Study Review
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Exhibit 6
Water & Wastewater Provider LOS Letter



**Letter for
Concurrency Reservation**

**To: Zoning Division
PBC Planning, Zoning, & Building Department**

**From: Ebony M. Bruton, Director
Finance and Administration
PBC Water Utilities Department**

Date: June 6, 2023

Control # 00176

**Re: PZ&B Application #: LGA 2024-002
Project Name – West End Crossing**

The Palm Beach County Water Utilities Department is willing and able to provide the following utility service(s) to the property identified below, and will reserve the indicated utility capacity, in Equivalent Residential Connections (ERCs), for a period not to exceed five (5) years from the date of this letter:

Service Type	Capacity (in ERCs)
Potable Water	<u>47</u>
Wastewater	<u>47</u>
Reclaimed Water	<u> </u>

An Equivalent Residential Connection represents a system capacity equivalency unit that corresponds to the peak design demand of the 5/8 x 3/4 inch meter sub-category of customer usage. This system capacity equivalency unit is utilized to establish the system demand for various sized connections for the purpose of assessing fees and designing the capacity of capital facilities.

The above capacity is reserved for the following property:

00-41-42-18-00-000-7930, 00-41-42-18-00-000-7920, 00-41-42-18-00-000-7910

Before the five (5) year period expires, the Developer must pay all Service Initiation Fees and connect to the Department's facilities, or for projects greater than 18.3 ERCs, enter into a Standard or Non-Standard Development Agreement to maintain this capacity reservation. This memorandum does not represent a contract for service, and the Developer remains obligated to meet all of the requirements of the Water Utilities Department prior to obtaining utility service.

Approved By: 
Director of Finance & Administration

Date: 06-June-23

Exhibit 7

Disclosure of Ownership Interests (Revised 1/16/25)

PALM BEACH COUNTY - ZONING DIVISION

FORM # 9

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

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

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Derek Brock, 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 West End Crossing, LLC C/o PB-REZ GP, LLC [position - e.g., president, partner, trustee] of West End Crossing, LLC C/o PB-REZ GP, 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: 4650 Donald Ross Road
Suite 200
Palm Beach Gardens, FL 33418
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

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

FURTHER AFFIANT SAYETH NAUGHT.

[Signature]
Derek Brock, 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 14th day of January, 2025 by Derek Brock (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).

Monica Kay
(Name - type, stamp or print clearly)

[Signature]
(Signature)

My Commission Expires on: 9/28/27



EXHIBIT "A"

PROPERTY

PARCEL 1

THE NORTH 389.49 FEET OF THE SOUTH 638.49 FEET OF THE WEST 209 FEET OF THE EAST 4838 FEET OF SECTION 18, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA.

PCN:00-41-42-18-00-000-7910

PARCEL 2

THE NORTH 389.49 FEET OF THE SOUTH 638.49 FEET OF THE WEST 209 FEET OF THE EAST 5047 FEET OF SECTION 18, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA.

PCN:00-41-42-18-00-000-7920

PARCEL 3

THE NORTH 389.49 FEET OF THE SOUTH 638.49 FEET, LESS THE EAST 5047 FEET OF SECTION 18, TOWNSHIP 42 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA.

PCN:00-41-42-18-00-000-7930

SAID LANDS LYING IN SECTION 18, TOWNSHIP 42 SOUTH, RANGE 41 EAST OF PALM BEACH COUNTY, FLORIDA.

LANDS CONTAINING 258,213 SQUARE FEET/5.9278 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	
West End crossing LLC	4650 Donald Ross Rd. Suite 200 PBG, FL 33418	50%
PB Rez GP LLC	4650 Donald Ross Rd Suite 200 PBG, FL 33418	50%

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Exhibit 8 Urban Sprawl Analysis

Primary Indicators that an amendment does not discourage urban sprawl	Staff Assessment	Sprawl Indicated?
Criteria Related to Land Use Patterns		
Promotes, allows or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.	This 5.93 acre (net 4.1 acre) site does not promote, allow or designate a substantial area of the County to develop as low intensity, low density, or single use development or uses. The subject site is located in an area that is already substantially developed as low density residential and would introduce commercial uses in an area of existing sprawl.	No
Promotes, allows or designates urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban developments.	The subject site is eligible to request a Commercial Low future land use category within an area that is largely already developed with low density semi-rural (Exurban) residential development. The proposed amendment would not promote urban development in a radial, strip, isolated or ribbon pattern.	No
Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.	As the site is within the Exurban Tier, an area generally regarded as existing sprawl development (e.g. low intensity, low density, single use development), the proposed amendment is proposed to introduce a non-residential mix of uses and would not discourage infill or redevelopment further east within the Urban/Suburban Tier.	No
Fails to encourage functional mix of uses.	This amendment would not fail to encourage a functional mix of uses as it would introduce new commercial uses in an area that is substantially developed with low density residential.	No
Results in poor accessibility among linked or related land uses.	The site is proposed to develop as a Multiple Use Planned Development through the Zoning process where uses proposed on the site must be accessible and linked within the site. There are no other linked or related land uses adjacent to the site as it front two County arterial roadways on the north and west, a County owned drainage retention pond under construction to the east and residential and several residential lots to the south. Access to and from the site is proposed to both adjacent arterial roadways. The amendment does not result in poor accessibility among linked or related land uses.	No
Results in the loss of significant amounts of functional open space.	This site was already approved for a postal facility previously. The proposed amendment to commercial will not result in the loss of significant amounts of functional open space.	No

Primary Indicators that an amendment does not discourage urban sprawl	Staff Assessment	Sprawl Indicated?
Criteria related to sites located outside or at the edge of the Urban Service Area		
Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development	The site is within the Exurban Tier, an area generally regarded as having developed with characteristics of urban sprawl development (e.g. low intensity, low density, single use development). Although the site is a substantial distance from existing urban areas, the subject site is surrounded by this semi-rural (exurban) development pattern. The proposed amendment is proposed mitigate this pattern of development by introducing non-residential development.	No
Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems	The site is largely vacant but may have some native vegetation and possibly wetland area. The determination as to whether there are significant wetlands on the subject site is under the jurisdiction of the South Florida Water Management District. Any requirement for preservation of significant existing upland and native vegetation on the site is implemented by the County's Unified Land Development Code by the County's Environmental Resource Management Department. The determination as to whether development of the site fails to adequately protect and conserve any natural attributes is determined through the development review process.	No
Fails adequately to protect adjacent agricultural areas and activities, including silviculture, and including active agricultural and silvicultural activities as well as passive agricultural activities and dormant, unique and prime farmlands and soils.	There are no adjacent agricultural areas and activities other than beehives on the adjacent vacant parcel to the south. This property has an Agricultural Classification from the Palm Beach County Property Appraiser. There are no know issues wherein the amendment fails to protect this adjacent agricultural activity.	No
Fails to provide a clear separation between rural and urban uses.	The site fronts on two County arterial roadways and is bounded on the east by County owned drainage retention pond. The area surrounding the site (Royal Palm Beach unrecorded; aka The Acreage) is already substantially developed as low density single family development and is designated as the Exurban Tier with semi-rural type development pattern. Commercial uses are allowed in the Exurban Tier subject to consistency with the Goals Objectives and Policies of the Plan and subject to Rural Tier design requirement in the Code. Therefore, the proposed amendment would not fail to provide a clear separation.	No

Primary Indicators that an amendment does not discourage urban sprawl	Staff Assessment	Sprawl Indicated?
Criteria Related to Public Facilities		
Fails to maximize use of existing public facilities and services.	Public facilities and services are available to the site. A Potable water main and wastewater force main are located within the right of way of Northlake Boulevard and/or Seminole Pratt Whitney Road.	No
Fails to maximize use of future public facilities and services.	The subject site would not fail to maximize the use of future public facilities available.	No
Allows for land use patterns or timing which disproportionately increase the cost in time, money and energy, of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.	According to the service providers, there are no adverse impacts to public facilities and services.	No
Overall Assessment: As demonstrated above, the proposed amendment does not meet any of the indicators of urban sprawl, and would not contribute to urban sprawl in the County.		

Exhibit 9 Correspondence

Correspondence provided after the publication of the PLC report

Bryce Van Horn

From: grace wilson <wilsongv101@gmail.com>
Sent: Wednesday, January 8, 2025 3:33 PM
To: PZB Planning POC; BCC-ALLcommissioners@pbc.org
Subject: West End Crossing Plasa

This Message Is From an Untrusted Sender

You have not previously corresponded with this sender.

To Whom it may Concern,

I would object strongly to this proposed project in my immediate neighborhood. I am a home/land owner on Hamlin Blvd. My street is directly south/ adjacent to this planned project. We have on our short block 9 children under the age of 11 and this would unnecessarily put them on at all sorts of risks from traffic to who knows whatever else. I also believe that this would also escalate any type of theft that could occur because of more traffic and exposure to our street. It definitely is not in the plan of the acreage a rural community that we hold so dearly in our lives.

Grace Wilson
305-790-4000



7040-25 Seminole Pratt Whitney Road, Box #60
Loxahatchee, FL 33470
P: (305) 975-4392

January 8, 2025

Palm Beach County Planning, Zoning & Building
Delivered via Email

Attn: Bryce Van Horn, Senior Planner and Project Manager
Stephanie Gregory, Principal Planner
Whitney Carroll, Esq., AICP, Executive Director
Cindy Hoskin, JD, Executive Director
Thuy "Twee" Shutt, Director, Planning
Lisa Amara, Director, Zoning
Doug Weiss, Director, Building

RE: Comprehensive Land Amendment Application, West End Crossing MUPD (LGA 2024-002), Southeast corner of Northlake Boulevard and Seminole Pratt Whitney Rd, RR-2.5 to CL/RR-2.5

Dear Palm Beach County Planning, Zoning & Building Officials,

We would like to make you aware that the Acreage Landowner's Association (ALA) agrees with the County staff's recommended denial of this proposed amendment to the Palm Beach County Comprehensive Plan. As you know, The Acreage/Loxahatchee community is experiencing tremendous external pressure to rezone residential properties to commercial, and it is therefore, a critical time for county planners to protect our existing community.

We appreciate that the county is utilizing the Acreage Neighborhood Plan (ANP) which was formulated as a collaborative effort between Indian Trail Improvement District (ITID) and the County to preserve our natural habitats and our rural lifestyle. We also appreciate the use of the Western Northlake Land Use Corridor Study in reviewing this requested land-use change.

The ALA agreed to receive a presentation from the planners of Coteleur & Hearing, for this project and this meeting was held on 12/17/2024. The plans include a small commercial office building, a drive thru food store (unknown which at this time) and a 16 gas pump 7/11. During the meeting, the ALA stressed that this project should follow the Acreage Neighborhood Plan if County Planning approves this to be initiated. It was highly stressed that we do not need any more gas stations, 7/11's, or fast food restaurants. Westlake has 2 gas stations, Palm Beach Gardens/IBIS has 1, 2 are planned on Northlake on each side of Coconut Blvd, as well as ours at Orange/SPW. The ANP states no more than 4 pumps/8 nozzles for gas stations and commercial stores cannot operate past 11 PM. They took this into consideration and stated they would bring these concerns to the owners to discuss.

While we understand the site meets commercial location criteria for an applicant to request a Florida Land Use Amendment (FLUA), the proposal does not align with the ANP and is not compatible with maintaining the semi-rural residential, equestrian, and agricultural nature of our community as cited in staff's denial recommendation. Bringing high traffic generating retail to this already extremely over-trafficked intersection is ill advised. The proposed gas station is recommended as prohibited use in the ANP, and the proposal is certainly not compatible with existing adjacent residential properties.

Also, as per Staff's denial recommendation, the site is not consistent with the Western Northlake Corridor Land Use Study (WNCLUS) as existing commercial approvals already exceed the commercial demand findings of the Study. Our residents are particularly concerned about the precedent that zoning variances may create for future land use and commercialization in our area.

We appreciate your review of resident concerns and respectfully request that you deny the proposed land use change as recommended by Staff. We thank you for your continued support.

Sincerely,

Bob Morgan, President
Acreage Landowners Association
305-975-4392

CC: Indian Trail Improvement District Supervisors
Palm Beach County Board of Commissioners

Bryce Van Horn

From: Gracie Wong <gwonghughes@gmail.com>
Sent: Friday, January 10, 2025 8:51 AM
To: PZB Planning POC; BCC-All Commissioners
Subject: Opposition to Proposed Development on Northlake Boulevard

This Message Is From an Untrusted Sender

You have not previously corresponded with this sender.

Subject: Opposition to Proposed Development on Northlake Boulevard

Dear County Commissioners,

I hope this message finds you well. My name is Gracie Wong and I am a resident of Loxahatchee, Florida, where I have lived for the past 30 years. I am writing to express my strong opposition to the proposed development on Northlake Boulevard.

As a long-term resident, I have witnessed the unique charm and character of our community, which is characterized by its natural beauty and rural atmosphere. The proposed development poses a significant threat to our local environment, wildlife habitats, and the overall quality of life that we cherish in Loxahatchee.

Furthermore, the increase in traffic and congestion that such a development would bring is a serious concern. Northlake Boulevard is already a busy corridor, and adding more developments would exacerbate this issue, making it less safe for our residents, especially children and families.

I believe it is essential to prioritize the well-being of our community and to preserve the features that make Loxahatchee a unique place to live. Instead of expanding development, I urge the County Commissioners to consider alternatives that support sustainable growth while protecting our local environment and maintaining the character of our community.

Thank you for your attention to this matter. I hope you will take my concerns into consideration as you deliberate over this proposal.

Sincerely,

Gracie Wong
Loxahatchee, FL

Correspondence provided at the February 5, 2025 BCC Transmittal Hearing

From: [Betty Argue](#)
Sent: Monday, February 3, 2025 9:54 PM
To: [BCC-All Commissioners](#); [Whitney Carroll](#); [Cindy Hoskin](#); [Bryce Van Horn](#); [Lisa Amara A.](#)
Cc: eaccomando@indiantrail.com; pfarrell@indiantrail.com; rvassalotti@indiantrail.com; mjohnson@indiantrail.com; bargue@indiantrail.com
Subject: Please DENY BCC Agenda item 4.C.1 West End Crossing MUPD (LGA 2024-002)

This Message Is From an Untrusted Sender

You have not previously corresponded with this sender.

Dear Mayor and County Commissioners,

I regret that I am unable to attend the meeting in person. As a resident who would be directly affected by the proposed development of a gas station, commercial office space, and drive-through fast-food restaurant, I respectfully urge the denial of this project. While I understand that the Zoning Department finds the site to meet the commercial location criteria for the Tier required for an FLUA amendment request, this proposal does not align with the Acreage Neighborhood Plan (ANP). Additionally, according to the Zoning Department's comments, the applicant has not provided sufficient justification for changing the land use designation, nor is the proposal compatible with surrounding uses. Although the site may be suitable for some neighborhood-serving nonresidential uses, the proposed high-traffic development, including a convenience store with gas sales, car wash, and a drive-through restaurant, directly adjacent to existing residential properties, is incompatible with Tier policies. These policies are designed to protect and maintain the semi-rural residential, equestrian, and agricultural character of the community by ensuring that development remains consistent with the area's scale, mass, intensity of use, height, and character. Some concerns are as follows; 1. The ANP requires that a commercial location must be located on at least 10 acres. 2. The ANP was amended in 2008 to allow a maximum of 4 pumps, or 8 nozzles. 3. The ANP requires that a convenient store must be a walk-up, not a walk-in establishment. 4. The ANP requires that any commercial business be closed by 11 PM. The project relates to a 7-11 convenient store, which is a 24 hour operation. We already have 8 completed or planned gas stations that services our community. 5. Palm Beach County already has strict rules regarding fuel stations and the protection of our ground water. As you are aware, 90% or more of the residents in the

unincorporated western community are on wells. 6. This intersection is already a burden in regards to traffic and having a 24/7 walk-in convenient store will bring additional crime. In closing, the site is also within the Western Northlake Corridor Land Use Study (WNCLUS) and is not consistent with the recommendations related to commercial as the existing commercial approvals already exceed the commercial demand findings of the Study. In conclusion, the proposed amendment is therefore inconsistent with the Comprehensive Plan. I urge the Board to follow the Planning Department's recommendation and deny this application. -- Betty Argue
bettyargue.alerts@gmail.com

From: [Barbara Morgan](#)
Sent: Monday, February 3, 2025 10:12 PM
To: [BCC-All Commissioners](#); [Whitney Carroll](#); [Cindy Hoskin](#); [Bryce Van Horn](#); [Lisa Amara A.](#)
Cc: eaccomando@indiantrail.com; pfarrell@indiantrail.com; rvassalotti@indiantrail.com; mjohnson@indiantrail.com; bargue@indiantrail.com; board@acreagelandowners.com
Subject: Please DENY BCC Agenda item 4.C.1 West End Crossing MUPD (LGA 2024-002)

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barbmorgan721@gmail.com
13784 67th St N West Palm Beach, Florida 33412

From: [Bob Morgan](#)
Sent: Monday, February 3, 2025 10:04 PM
To: [BCC-All Commissioners](#); [Whitney Carroll](#); [Cindy Hoskin](#); [Bryce Van Horn](#); [Lisa Amara A.](#)
Cc: eaccomando@indiantrail.com; pfarrell@indiantrail.com; rvassalotti@indiantrail.com; mjohnson@indiantrail.com; bargue@indiantrail.com
Subject: Please DENY BCC Agenda item 4.C.1 West End Crossing MUPD (LGA 2024-002)

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bobmorgan731@gmail.com

From: [Nicole Karuzas](#)
Sent: Monday, February 3, 2025 10:46 PM
To: [BCC-All Commissioners](#); [Whitney Carroll](#); [Cindy Hoskin](#); [Bryce Van Horn](#); [Lisa Amara A.](#)
Cc: eaccomando@indiantrail.com; pfarrell@indiantrail.com; rvassalotti@indiantrail.com; mjohnson@indiantrail.com; bargue@indiantrail.com; board@acreagelandowners.com
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- 1. The ANP requires that a commercial location must be located on at least 10 acres.**
- 2. The ANP was amended in 2008 to allow a maximum of 4 pumps, or 8 nozzles.**
- 3. The ANP requires that a convenient store must be a walk-up, not a walk-in establishment.**

4. **The ANP requires that any commercial business be closed by 11 PM. The project relates to a 7-11 convenient store, which is a 24 hour operation. We already have 8 completed or planned gas stations that services our immediate community.**
5. **Palm Beach County already has strict rules regarding fuel stations and the protection of our ground water. As you are aware, 90% or more of the residents in the unincorporated western community are on wells. Please refer to [Palm Beach County's Safe Drinking Water Act \[palmbeach.floridahealth.gov\]](https://www.palmbeach.floridahealth.gov).**
6. **This intersection is already overburdened in regards to traffic and having a 24/7 walk-in convenient store will bring additional crime.**

In closing, the site is also within the Western Northlake Corridor Land Use Study (WNCLUS) and is not consistent with the recommendations related to commercial as the existing commercial approvals already exceed the commercial demand findings of the Study. In conclusion, the proposed amendment is therefore inconsistent with the Comprehensive Plan. I urge the Board to follow the Planning Department's recommendation and deny this application.

-- Nicole Karuzas
nicolekaruzas@gmail.com
14620 96th Ln N West Palm Beach, FL 33412

From: [Michael Liebenow](#)
Sent: Monday, February 3, 2025 10:50 PM
To: [BCC-All Commissioners](#); [Whitney Carroll](#); [Cindy Hoskin](#); [Bryce Van Horn](#); [Lisa Amara A.](#)
Cc: eaccomando@indiantrail.com; pfarrell@indiantrail.com; rvassalotti@indiantrail.com; mjohnson@indiantrail.com; bargue@indiantrail.com
Subject: Please DENY BCC Agenda item 4.C.1 West End Crossing MUPD (LGA 2024-002)

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-- Michael Liebenow

michael@liebenowstudios.com

16407 81st Lane North Loxahatchee, FL 33470

From: [Eric Ricker](#)
Sent: Monday, February 3, 2025 10:45 PM
To: [BCC-All Commissioners](#); [Whitney Carroll](#); [Cindy Hoskin](#); [Bryce Van Horn](#); [Lisa Amara A.](#)
Cc: eaccomando@indiantrail.com; pfarrell@indiantrail.com; rvassalotti@indiantrail.com; mjohnson@indiantrail.com; bargue@indiantrail.com; board@acreagelandowners.com
Subject: Please DENY BCC Agenda item 4.C.1 West End Crossing MUPD (LGA 2024-002)

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You have not previously corresponded with this sender.

Dear Mayor and County Commissioners,

I regret that I am unable to attend the meeting in person. As a resident who would be directly affected by the proposed development of a gas station, commercial office space, and drive-through fast-food restaurant, I respectfully urge the denial of this project. While I understand that the Zoning Department finds the site to meet the commercial location criteria for the Tier required for an FLUA amendment request, this proposal does not align with the Acreage Neighborhood Plan (ANP). Additionally, according to the Zoning Department's comments, the applicant has not provided sufficient justification for changing the land use designation, nor is the proposal compatible with surrounding uses. Although the site may be suitable for some neighborhood-serving nonresidential uses, the proposed high-traffic development, including a convenience store with gas sales, car wash, and a drive-through restaurant, directly adjacent to existing residential properties, is incompatible with Tier policies. These policies are designed to protect and maintain the semi-rural residential, equestrian, and agricultural character of the community by ensuring that development remains consistent with the area's scale, mass, intensity of use, height, and character. Some concerns are as follows;

- 1. The ANP requires that a commercial location must be located on at least 10 acres.**
- 2. The ANP was amended in 2008 to allow a maximum of 4 pumps, or 8 nozzles.**
- 3. The ANP requires that a convenient store must be a walk-up, not a walk-in establishment.**

4. **The ANP requires that any commercial business be closed by 11 PM. The project relates to a 7-11 convenient store, which is a 24 hour operation. We already have 8 completed or planned gas stations that services our immediate community.**
5. **Palm Beach County already has strict rules regarding fuel stations and the protection of our ground water. As you are aware, 90% or more of the residents in the unincorporated western community are on wells. Please refer to [Palm Beach County's Safe Drinking Water Act \[palmbeach.floridahealth.gov\]](https://palmbeach.floridahealth.gov).**
6. **This intersection is already overburdened in regards to traffic and having a 24/7 walk-in convenient store will bring additional crime.**

In closing, the site is also within the Western Northlake Corridor Land Use Study (WNCLUS) and is not consistent with the recommendations related to commercial as the existing commercial approvals already exceed the commercial demand findings of the Study. In conclusion, the proposed amendment is therefore inconsistent with the Comprehensive Plan. I urge the Board to follow the Planning Department's recommendation and deny this application.

-- Eric Ricker
rammhed7381@gmail.com
13616 67th St N West Palm Bch, FL 33412

From: [Wendy Shain](#)
Sent: Monday, February 3, 2025 10:49 PM
To: [BCC-All Commissioners](#); [Whitney Carroll](#); [Cindy Hoskin](#); [Bryce Van Horn](#); [Lisa Amara A.](#)
Cc: eaccomando@indiantrail.com; pfarrell@indiantrail.com; rvassalotti@indiantrail.com; mjohnson@indiantrail.com; bargue@indiantrail.com
Subject: Please DENY BCC Agenda item 4.C.1 West End Crossing MUPD (LGA 2024-002)

This Message Is From an Untrusted Sender

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-- Wendy Shain
wendy_shain@hotmail.com
16407 81st Lane North Loxahatchee, FL 33470

Stephanie Gregory

From: delia lalchan <delia.n.lalchan@gmail.com>
Sent: Tuesday, February 4, 2025 11:07 AM
To: BCC-All Commissioners
Cc: naeem john; Stephanie Gregory; Lisa Amara A.; PZB Planning POC; Johnsonlisa@bellsouth.net
Subject: West End Crossing MUPD (LGA 2024-002)
Attachments: Letter to BCC re CDNK Medical Text Initiation.pdf

This Message Is From an Untrusted Sender

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Dear Commissioners,

We strongly object to the “West End Crossing MUPD” scheduled to be heard on February 5th. We previously sent the attached letter in connection with another similar recent application (the “CDNK Medical Text Initiation”) which sought to transform the rural residential character of our neighborhood. Thankfully, the commission voted to DENY the prior application. This West End Crossing MUPD Application, just across Whitney Road, is an even stronger case for denial. Indeed, your staff concludes that **“this amendment is not suitable nor is it consistent with the Comprehensive Plan”**.

For the reasons set forth in the Staff Report, and for similar reasons that the Commission rejected the recent similar application, we urge you to vote to DENY the West End Crossing MUPD and maintain the character of our neighborhood.

Respectfully,

Delia and Naeem John

Residents at 16070 91st PL N Loxahatchee 33470

November 4, 2024

VIA E-MAIL

**Commissioner Sara Baxter
Board of County Commissioners
Palm Beach County
c/o SBaxter@pbcgov.org**

**Re: Objection to CDNK Medical Text Initiation
Nov. 6, 2024 Comprehensive Plan Public Hearing Agenda Item 4.A.1
PCNs: 00-40-42-13-00-000-5920; 5790**

Dear Commissioner Baxter,

We write on behalf of Delia Lalchan and Naeem John, whose family residence is located at 16070 91st Street PL N, in Loxahatchee (the “John Residence”), immediately abutting the western border of the property that is the subject of the CDNK Medical Text Initiation. In keeping with the rural nature of the neighborhood, the John Residence is located on an unpaved road and is surrounded by quiet residential neighbors and dense vegetation. An image from front of the John Residence is set forth below.



The CDNK Medical Text Initiation application is the first step of multiple comprehensive plan and zoning changes that would be required to allow a commercial medical office immediately abutting the John Residence. The County should reject this invitation to radically change the character of this rural community and uphold the existing comprehensive plan.

WEST PALM BEACH
525 Okeechobee Blvd #1680
West Palm Beach, FL 33401

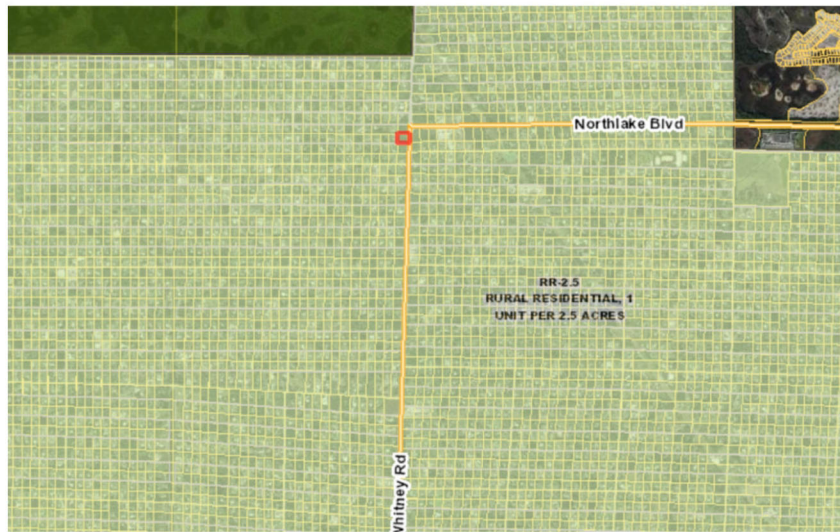
MIAMI
100 Southeast 2nd Street #4020
Miami, FL 33131

TAMPA
1001 Water Street #610
Tampa, FL 33602

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The following future land use and zoning maps show just how **clearly out of context** this proposed commercial office use would be in this neighborhood. (Applicant's property is identified by the red square).

Future Land Use Map: Light Green signifies "Rural Residential; 1 unit per 2.5 acres"



Zoning Map: Green signifies "Agricultural Residential" zoning



Central to comprehensive planning is the appreciation for both neighborhood context (i.e. compatibility to nearby properties) and community desires. **The Application is an affront to both and would represent an island of commercial in a sea of property zoned rural residential, sticking out like a sore thumb.** Neighbors are united against this unnecessary and abrupt change. Neighbors chose the Acreage/Loxahatchee community for its natural environment and rural lifestyle. There is an existing Neighborhood Plan (implemented by Resolution R-96-1485 in 1996 and subsequently revised in 2008) that implements policies to protect these neighborhood interests and provide guard rails for future development (especially commercial uses). One such policy that could not be satisfied by the Application is to have commercially zoned property be a minimum of 10 acres. (Policy L9 of the Neighborhood Plan).

Applicant cannot satisfy the requirements for the adoption of this private text amendment request. Applicant's assertion that this is a "transitional use" between vacant parcels and single-family homes fails to recognize that the vacant parcels also share a "Agricultural Residential" land use designation and "Rural Residential" zoning designation. A commercial office building in this neighborhood cannot objectively be characterized as "transitional".

Further, no legitimate analysis is provided regarding the impact on the neighboring residential community of the operation of this proposed medical office. The Staff Report recognizes that *"The traffic impacts of this request have not been established."* (Pg. 8, Staff Report).

As it relates to the proposed increase from .05 FAR to .15 FAR, the application fails to provide any support for this increase other than the blanket statement that the subject property is proximal to the intersection of Seminole Pratt-Whitney and Northlake Boulevard. The existing commercial node at the intersection of Orange Boulevard and Seminole Pratt-Whitney – the most significant cluster of commercial development within miles – is subject to the .05 FAR requirement. To the extent commercial development is going to come into this part of the County, the .05 FAR requirement is an important limitation to keep it compatible with the surrounding properties.

Finally, as it relates to Applicant's argument that the subject property "is no longer supportive of residential development" due to the roadway expansion – zero evidence supports this assertion. To the contrary, at the significantly busier intersection of Seminole Boulevard and Okeechobee Boulevard, residential homes occupy three of the four corners. Two residential homes could certainly be built on the subject property with access on 91st Place and 90th Street. Residential homes on these lots could, as many homes abutting Seminole currently do, further insulate themselves by leaving a dense landscape buffer along Seminole Boulevard.

"Spot Planning" is Bad Policy and Illegal

"Spot planning", much like "spot zoning," refers to ad hoc or isolated decision-making in comprehensive planning, where individual projects or developments are approved or modified without regard for a comprehensive, cohesive land-use plan. The typical case of spot planning –



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as is the case here – involves designating a small island of land for a use different from that permitted in the surrounding larger area.

This piecemeal approach lacks the foresight and alignment with a broader vision for the area, which can lead to inefficient and inconsistent development patterns. Additionally, Spot planning appears arbitrary or unfair when certain properties are given priority or special allowances. Florida law has long recognized the problems of “spot” planning and zoning. *See, e.g., Bird-Kendall Homeowners Ass'n v. Metro. Dade Cnty. Bd. of Cnty. Com'rs*, 695 So. 2d 908, 909–10 (Fla. 3d DCA 1997) (“The Dade County Commission rezoned a tiny, 0.23 acre tract in the middle of a West Dade area known as “Horse Country” from AU (Agricultural Use) to BU-3 (Business Use-3) solely and admittedly so the owner could operate a feed store—which is forbidden in an AU zone, but permitted (along with many other uses) in BU-3. No other BU zoning is anywhere close. On the face of it, the rezoning resolution embodies, to the nth degree, all the evils of spot zoning.”); *see also* § 14:33. Spot planning, 1 Rathkopf's *The Law of Zoning and Planning* § 14:33 (4th ed.) (“Just as spot zoning is condemned as a practice which undermines the integrity of zoning, so too “spot planning” jeopardizes the development control process.”).

Quasi-Judicial as opposed to Legislative

Because this text amendment only affects one property, it should properly be treated as a Quasi-Judicial action by the Commission. *See Bd. of Cnty. Com'rs of Brevard Cnty. v. Snyder*, 627 So. 2d 469, 474–75 (Fla. 1993) (recognizing that land use and zoning decisions that only change the regulations as to one property are in the nature of a quasi-judicial proceeding and reviewable by petition for certiorari). Based on the way this privately initiated text amendment operates, this cannot be characterized as a legislative act (i.e. formulation of a policy generally applicable to a large number of properties). Accordingly, this agenda item should be treated as quasi-judicial, with attendant rights for substantially affected neighbors.

Sincerely,

/s/ Mark Grafton

Mark Grafton, Esq.

Shubin Law Group, P.A.

Cc: Stephanie Gregory, Principal Planner and Project Manager (sgregor1@pbcgov.org)
 Lisa Amara, Director, Zoning (lamara@pbcgov.org)
 Palm Beach County, Planning Division (PZB-PlanPOC@pbcgov.org)



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