



## FUTURE LAND USE ATLAS AMENDMENT STAFF REPORT AMENDMENT ROUND 25-B2

### PLANNING COMMISSION PUBLIC HEARING, JULY 11, 2025

#### A. Application Summary

##### I. General

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<b>Project Name:</b>	<b>AHS Pine Ridge PUD (LGA 2025-013)</b>
<b>Request:</b>	<b>To modify conditions of approval in Ordinance 2020-023</b>
<b>Acres:</b>	11.18 acres
<b>Location:</b>	Southeast corner of Wallis Road and 1st Street
<b>Project Manager:</b>	Inna Stafeychuk, Senior Planner
<b>Applicant/Owner:</b>	Southern and Jog Apartments LLC (T. Richard Litton, Jr.)
<b>Agent:</b>	Brian M. Seymour, Esq., Gunster
<b>Staff Recommendation:</b>	Staff recommends <b>approval with conditions</b> based upon the findings and conclusions contained within this report

##### II. Assessment & Conclusion

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This amendment proposes to modify a workforce housing condition of approval for a built project, Pine Ridge. In 2020, the Board adopted a future land use designation change on the site (known at the time as R80 Residential PUD) from Medium Residential, 5 units per acre (MR-5) to High Residential, 12 unit per acre (HR-12), and received an 80% density bonus through the Workforce Housing Program (WHP), for a total of 288 units. As proposed by the applicant, 100% of the units were restricted as workforce. The WHP provision that allowed for the density bonus required that the income categories of the units serve to mitigate existing concentrations of Very Low and Low income households in the area. Accordingly, the ordinance (2020-023) included conditions of approval limiting the number of units in the Low (60-80 % of Area Median Income (AMI)) income category to 4 units, with the balance of the units for households making 80% to 140% of AMI. The project began leasing in early 2023, and has experienced challenges in renting the units. Under the adopted condition of approval, the applicant reports turning away significant numbers of households in the Low income category, and has no ability to rent units to households making under 60% or above 140% of AMI.

The amendment proposes to modify the condition to designate 145 units, or 50%, to the Low and Moderate-1 income categories, and reassign 143 units to market rate units. If the project were seeking development approval today, the project would qualify for an 80% density bonus without the mitigation requirement, and would typically be conditioned to provide 25% of units as workforce housing. The proposed amendment will better align income categories of the restricted units with the income demographics of prospective tenants, helping to improve the financial stability of the project while still furthering County workforce housing goals. This amendment does not change the future land use designation nor the number of approved and constructed units, and is consistent with applicable policies of the Comprehensive Plan. Staff recommends approval with conditions.

### **III. Hearing History**

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**Local Planning Agency:**

**Board of County Commissioners Transmittal Public Hearing:**

**State Review Agency Comments:**

**Board of County Commissioners Adoption Public Hearing:**

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## B. Petition Summary

### I. Site Data

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#### Current Future Land Use

**Current FLU:** High Residential, 12 units per acre (HR-12)  
**Existing Land Use:** Multifamily Residential  
**Current Zoning:** Multiple Use Planned Development (MUPD)  
**Current Dev. Potential Max:** Residential, up to 288 units

#### Proposed Future Land Use Change

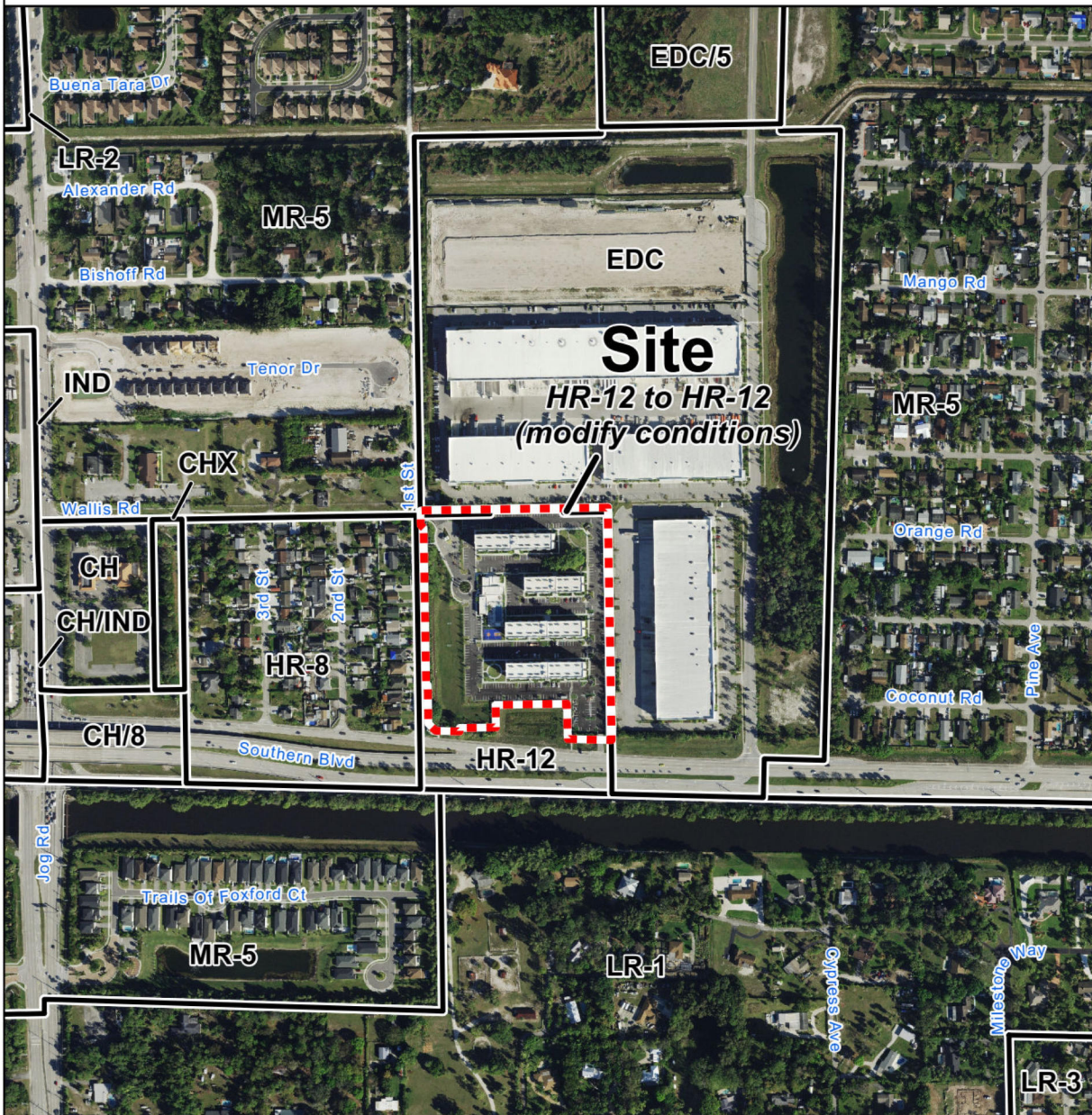
**Proposed FLU:** High Residential, 12 units per acre (HR-12) - no change  
**Proposed Zoning:** Multiple Use Planned Development (MUPD) - no change  
**Dev. Potential Max/Conditioned:** Residential, up to 288 units - no change

#### General Area Information for Site

**Tier/Tier Change:** Urban/Suburban - No Change  
**Utility Service:** Palm Beach County Water Utilities Department  
**Overlay/Study:** Haverhill Neighborhood Plan  
**Annexation Area:** Town of Haverhill, City of West Palm Beach  
**Comm. District:** Commissioner Gregg K. Weiss, District 2

# Future Land Use Atlas Amendment

## AHS Pine Ridge PUD (LGA 2025-013)



### Site Data

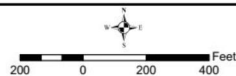
Size: 11.18 acres  
 Existing Use: Multifamily  
 Proposed Use: Multifamily  
 Current FLU: HR-12 with conditions  
 Proposed FLU: HR-12 modify conditions

### Future Land Use Designations

CH	Commercial High	HR-8	High Residential, 8 units/acre
CH/8	Commercial High, underlying HR-8	IND	Industrial
CH/IND	Commercial High, underlying IND	LR-1	Low Residential, 1 unit/acre
CHX	Commercial High Crosshatching	LR-2	Low Residential, 2 units/acre
EDC	Economic Development Center	LR-3	Low Residential, 3 units/acre
EDC/5	Economic Development Center, underlying MR-5	MR-5	Medium Residential, 5 units/acre
HR-12	High Residential, 12 units/acre		

Date: 2/24/2025  
 Contact: PBC Planning  
 Filename: T:\Planning\AMEND\25-B2  
 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 & Review

### I. Intent and Background

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This is a privately proposed amendment to revise conditions of approval for an 11.18 acre site located at the southeast corner of Wallis Road and 1st Street, which is currently developed with 288 units in a rental complex.

**Proposed Amendment.** The amendment proposes to revise an adopted WHP condition of approval, which currently restricts all 288 units as workforce housing, to now designate 145 units to the Low income category (60% to 80% of AMI) and Mod-1 income category (>80% to 100% of AMI) and reassign 143 units as market rate units. There will be no change to the future land use designation or number of approved and constructed units.

**Background.** The site was subject to one prior FLUA amendment, R80 Residential PUD (LGA 2020-003), approved via Ordinance 2020-023 for a change from Medium Residential, 5 unit per acre (MR-5), to the HR-12 future land use designation on October 22, 2020 with conditions. The applicant at that time sought to use Transfer of Development Rights (TDRs) and a WHP density bonus to achieve a total of 288 units, and proposed to restrict 100% of the units as workforce. The WHP provision that allowed for the density bonus required that the income categories of the units serve to mitigate existing concentrations of Very Low and Low income households in the area. In addition, because workforce housing resulting from TDRs was required to be provided in all income categories, 4 workforce units were specifically required to be provided in each of the 4 income categories. The balance of the restricted units were required to be provided only in the three higher categories, as a result of the WHP provision that was used to determine the density bonus available to this property. Accordingly, the ordinance included conditions of approval designating all 288 units as WHP units, and requiring four WHP units in each of 60% to 80%, >80% to 100%, >100% to 120% and >120% to 140% of the Area Median Income, and the rest (272 units) in >80% to 140% AMI range.

The project began leasing in early 2023, and has experienced challenges in renting the units. Under the adopted condition of approval, the applicant has had to turn away significant numbers of households in the Low income category, and has no ability to rent units to households making under 60% or above 140% of AMI. According to the applicant, in 2024, nearly 1,400 prospective tenants were disqualified due to not meeting the program's income requirements for the available units. According to the applicant, the project's occupancy and rental income has been drastically impacted as a result, and the project is at risk of foreclosure. The applicant is now seeking this amendment to the condition of approval to modify the WHP obligation for the project, to better align the available units with the market demand, and improve the project's financial stability.

**Zoning Application.** The site is approved for a 288 multifamily rental units that were constructed and currently are leased or available for lease. The applicant has not yet submitted a concurrent zoning application to amend conditions of approval stipulated in zoning Resolution R-2020-1623.

## 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.

**Appropriateness of the FLU.** The site has been approved and developed with 288 rental units maximizing the WHP and TDR programs. There will be no change to the future land use designation or number of approved and constructed units.

**Utilization of the County's Density Bonus Programs.** The Comprehensive Plan Future Land Use Element Policy 2.4-b establishes Transfer of Development Rights (TDRs) as the mandatory method of increasing density, unless the Workforce Housing Program (WHP) or Affordable Housing Program density bonuses are used, or a plan amendment can be justified. The site had justified and was previously approved at 12 units per acre, using a combination of the required TDRs and a WHP density bonus to achieve the target of 288 units. At the time this project was approved there was a special provision of the WHP which allowed the Planning Director to authorize a higher density bonus if the project served to mitigate an existing concentration of very low and low incomes by including a mix of higher income market-rate units or higher income workforce units. Under this provision, the project was awarded an 80% WHP density bonus, and conditioned to restrict the majority of the WHP units to the >80% to 140% AMI range. In 2019 the WHP Code was amended, the mitigation provision was eliminated, and the WHP density bonus is determined through a point-based assessment of WHP objectives and compatibility with surrounding area. Under the point system, today the project would be recommended for WHP density bonus up to 80%.

**Workforce Housing Obligation.** At the time of previous approval, the applicant sought flexibility in meeting the project's drainage and recreation needs, and proposed to restrict all 288 units as WHP units, resulting in the adopted condition of approval. The applicant is now proposing to reassign 143 units to market rate units and designate 145 units or 50% as WHP units, in the lowest two income categories. The 145 units will be assigned as follows: 55 units to the Low income category (60% to 80% of AMI) and 90 units to the Mod 1 income category (>80% to 100% of AMI). Under current practice, consistent with Board direction and past amendments, a proposed future land use amendment resulting in multi-family development would be required to provide 25% of units as workforce housing on-site in four income ranges, significantly less than the applicant is proposing. Table 1 summarizes the distribution of the required WHP units as recorded in Ordinance 2020-023 and as requested.

**Table 1: Distribution of the required WHP units at Pine Ridge**

Income Category	Current Distribution (Ord 2020-023)	Proposed Distribution
Low (60% to 80% AMI)	4 units	55 units
Moderate 1 (>80% to 100% AMI)	4 units	90 units
Moderate 2 (>100% to 120% AMI)	4 units	--
Middle (>120% to 140% AMI)	4 units	--
Workforce (>80% to 140% AMI)	272 units	--
Unrestricted	0	143 units
<b>TOTAL</b>	<b>288 units</b>	<b>288 units</b>

**Assessment and Conclusion.** This amendment proposes to modify a workforce housing condition of approval for a built project, Pine Ridge. In 2020, the Board adopted a future land use designation change on the site (known at the time as R80 Residential PUD) from Medium Residential, 5 units per acre (MR-5) to High Residential, 12 unit per acre (HR-12), and received an 80% density bonus through the Workforce Housing Program (WHP), for a total of 288 units. As proposed by the applicant, 100% of the units were restricted as workforce. The WHP provision that allowed for the density bonus required that the income categories of the units serve to mitigate existing concentrations of Very Low and Low income households in the area. Accordingly, the ordinance (2020-023) included conditions of approval limiting the number of units in the Low (60-80 % of Area Median Income (AMI)) income category to 4 units, with the balance of the units for households making 80% to 140% of AMI. The project began leasing in early 2023, and has experienced challenges in renting the units. Under the adopted condition of approval, the applicant reports turning away significant numbers of households in the Low income category, and has no ability to rent units to households making under 60% or above 140% of AMI.

The amendment proposes to modify the condition to designate 145 units, or 50%, to the Low and Moderate-1 income categories, and reassign 143 units to market rate units. If the project were seeking development approval today, the project would qualify for an 80% density bonus without the mitigation requirement, and would typically be conditioned to provide 25% of units as workforce housing. The proposed amendment will better align income categories of the restricted units with the income demographics of prospective tenants, helping to improve the financial stability of the project while still furthering County workforce housing goals. This amendment does not change the future land use designation nor the number of approved and constructed units, and is consistent with applicable policies of the Comprehensive Plan. Staff recommends approval with conditions.

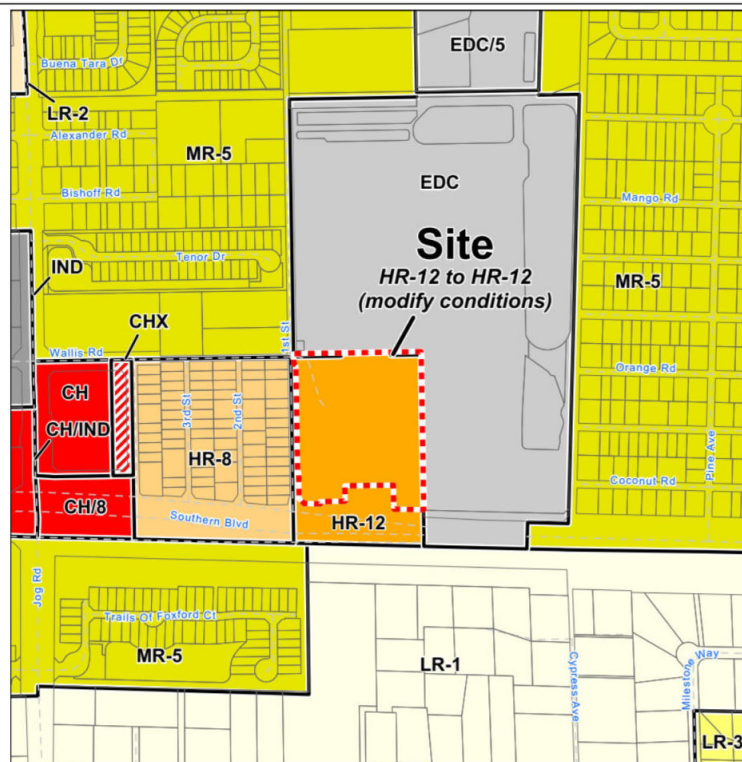
<b>Exhibits</b>	<b>Page</b>
1. Future Land Use Map & Legal Description	E-1
2. Consistency with Comprehensive Plan	E-3
3. Applicant's Justification/Consistency with Comprehensive Plan and Florida Statutes	E-10
4. Applicant's Disclosure of Ownership Interests	E-15
5. Correspondence	E-19

## Exhibit 1

<b>Amendment No:</b>	<b>AHS Pine Ridge PUD (LGA 2025-013)</b>
<b>FLUA Page No:</b>	64
<b>Future Land Use:</b>	High Residential, 12 units per acre (HR-12)
<b>Amendment:</b>	To revise conditions of approval adopted by Ordinance 2020-023
<b>Location:</b>	Southeast corner of Wallis Road and 1st Street
<b>Size:</b>	11.18 acres approximately
<b>PCN:</b>	00-42-43-34-16-001-0000

**Conditions:** Conditions of approval in Ord. 2020-023 numbered 1, 2 and 4 will remain unaltered. Revised condition 3 is shown below with deleted text ~~stricken out~~ and added text underlined.

1. The development of the subject site shall be limited to a maximum of 288 dwelling units.
2. The development of the subject site shall include the purchase and construction of forty six (46) Transfer of Development Rights (TDR) units. Thirty-four (34) percent (16 TDR units) to be purchased at the Revitalization, Redevelopment, and Infill Overlay (RRIO) Workforce rate and the remaining thirty (30) TDR units at the RRIO Market rate.
3. The zoning development order shall require ~~100% one-hundred forty-five (145) of the~~ units to be ~~built~~ provided on site as workforce housing units subject to the following requirements:
  - a. ~~Sixteen (16) workforce units shall be provided evenly (four each)~~ Fifty-five (55) units shall be provided in the 60%-80% AMI range, and ninety (90) units shall be provided in the >80% to 100% AMI range, >100% to 120% and >120% to 140% of the AMI ranges, and
  - b. ~~The remaining units shall be workforce housing units in the >80% to 140% AMI range. The remaining one-hundred forty-three units (143) shall remain unrestricted.~~
4. Development of the site is limited to a maximum of three (3) stories within 150 feet of the west property line.





## **Legal Description**

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Parcel A of the AHS Pine Ridge PUD, according to the plat thereof, as recorded in Plat Book 132, Page 169-171, of the Public Records of Palm Beach County, Florida.

Containing 487,065 square feet / 11.1815 acres, more or less.

## Exhibit 2

### Consistency with Comprehensive Plan

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#### 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 has prepared a Justification Statement (Exhibit 3) which is summarized as follows:

- There is a mismatch between designated WHP income categories and the actual income categories of prospective tenants;
- In 2024 alone, Pine Ridge had 1,395 prospective tenants disqualified due to not making enough income to meet WHP income requirements;
- The inability to rent units in the designated income categories places Pine Ridge at imminent risk of foreclosure.

**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 regards to justification, this amendment will not change the future land use designation or change the number of approved and constructed units; rather, the amendment proposes to designate 145 units as WHP units and reassign 143 units to market rate units. Staff agrees that reclassification of WHP units to the 60% to 80% and >80% to 100% AMI ranges will align with actual demand and economic demographics of prospective tenants. In addition, this project will further County WHP goals by providing 50% of the units in the lower income categories of the Workforce Housing Program. The applicant is also taking additional steps to address the project's financial feasibility. The project is seeking federally-backed financing, and recently obtained BCC approval on May 13, 2025, for an amendment to the project's recorded WHP restrictive covenant (OR 32427 PG 895) to waive and release the Right of First Refusal and the Notice of Pending Foreclosure provisions. In return, the owner agreed that any foreclosure, transfer by deed in lieu of foreclosure, or an assignment of an FHA insured mortgage to Freddie Mac would not result in the termination of, extinguish, or otherwise alter the obligation to maintain the

required workforce housing units. Therefore, the applicant has met the requirements for an adequate justification.

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 proposed amendment will not change the future land use designation or number of approved units on the subject site, as it is proposed to modify a condition of approval in order to reassign WHP units. The site was developed and is compatible with the surrounding land uses.

3. **Piecemeal Development - 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 the 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:** The definition of piecemeal development in the Comprehensive Plan describes “A situation where land, under single ownership or significant legal or equitable interest (by a person as defined in Section 380.0651[4] F.S., is developed on an incremental basis, or one piece at a time, with no coordination or overall planning for the site as a whole.” The amendment will not change the future land use designation or number of approved units on the subject site and is not piecemeal development.

## **B. Consistency with Density Provisions of the Comprehensive Plan**

The Comprehensive Plan offers several methods to increase density, including the TDR program, and the WHP density bonus program. Per Policy 2.4-b, TDRs are the required method unless using the WHP density bonus to increase density, or an amendment has been justified. Density increases obtained through the TDR program and the WHP density bonus are subject to higher percentages of WHP than density increases through the amendment process, to further certain County objectives. This section addresses consistency with the Comprehensive Plan density policies.

### **1. Density Increases - Policy 2.4-b: *The Transfer of Development Rights (TDR) Program is the required method for increasing density within the County, unless:***

1. *an applicant can both justify and demonstrate a need for a Future Land Use Atlas (FLUA) Amendment and demonstrate that the current FLUA designation is inappropriate, as outlined in the Introduction and Administration Element of the Comprehensive Plan, or*
2. *an applicant is using the Workforce Housing Program or the Affordable Housing Program as outlined in Housing Element Objectives 1.1 and 1.5 of the Comprehensive Plan and within the ULDC, or*
3. *an applicant proposes a density increase up to, but not exceeding, the density proposed by and supported by a Neighborhood Plan prepared in accordance with FLUE Objective 4.1 and formally received by the BCC. To date, the following Neighborhood Plan qualifies for this provision:*
  - a. *West Lake Worth Road Neighborhood Plan.*

**Staff Analysis:** The site was previously approved at 12 units per acre and a combination of the TDRs and WHP density bonus programs to maximize number of units. Because workforce housing resulting from TDRs was required to be provided in all income categories, 4 workforce units were specifically required to be provided in each of the 4 income categories. The balance of the restricted units were required to be provided only in the three higher categories, as a result of the WHP provision that was used to determine the density bonus available to this property.

At the time the application was submitted in 2019, the site was subject to the workforce housing program provisions as established in Supplement 25 of the ULDC. Under that code, the maximum density bonuses were determined through a pre-application process, which considered census data, area amenities, and other factors. In census tract 32.01 where the subject site is located, the concentration of very low and low income households was 54.8%, which yielded a maximum density bonus of up to 40%.

However, the WHP also allowed the Planning Director to authorize a higher density bonus if the project served to mitigate an existing concentration of very low and low incomes by including a mix of higher income market-rate units or higher income workforce units. Based on this provision of the WHP at the time, the project was awarded up to 80% WHP density bonus but required to restrict the majority of the WHP units in >80% to 140% AMI range in order to mitigate existing concentrations. The conditions to restrict 100% of units as WHP units and skewing the majority of units to households with incomes above 80% AMI income ranges are unique to this project.

While the application was in the approval process, the WHP Code was amended. The revisions included changing the basis for WHP density bonuses. WHP bonuses became subject to a point-based assessment of WHP objectives and review of compatibility with the surrounding area. While these changes did not affect the application at the time, if this project were under consideration today, the project would still be recommended for an 80% WHP bonus. This is because the point system increased the ability to obtain higher density bonuses, and because the concentration of Very Low and Low households in the area of this project has decreased, as new for-sale developments have occurred in the last several years.

**2. Housing Element, Policy 1.1-o:** *The County shall preserve affordability of affordable housing units developed through the Workforce Housing Program and the Affordable Housing Program as follows:*

1. *The Workforce Housing Program will target households with incomes ranging from 60%-140% of area median income.*
2. *The Affordable Housing Program will target households at or below 60% of area median income.*

*The Workforce Housing Program and Affordable Housing Program units shall be made available at a rate affordable to the specified income groups, and only to income-eligible households for a period of time to be set forth in the Unified Land Development Code (ULDC). All Workforce Housing Program and Affordable Housing Program criteria shall be subject to the review and approval of the Board of County Commissioners.*

**Staff Analysis:** The County has a mandatory workforce housing obligation for all developments of 10 or more units in the unincorporated Urban/Suburban Tier, and an optional density bonus program for Workforce Housing. In addition, when considering future land use amendment requests to increase density, the Board of County Commissioners can impose conditions of approval requiring the provision of workforce units.

During this project's prior approval, the applicant voluntarily agreed to restrict all 288 units as WHP units. For the purpose of mitigating existing concentrations as required by the WHP provision at that time, as well as to meet the requirements of the TDR program, the Ordinance 2020-023 included a condition of approval to require all 288 WHP units be built on site, four WHP units in each of 60% to 80%, >80% to 100%, >100% to 120% and >120% to 140% of the AMI range for the County and the rest of WHP units (272) in >80% to 140% AMI range.

The proposed amendment will revise a condition of approval to increase the number of units that would be required in the lower income categories of the Workforce Housing Program to 145 units, while allowing 143 of the units to be rented at fair market values. Specifically, this proposed amendment will restrict 145 WHP units as follows: 55 units or 19% to the 60% to 80% and 90 units or 31 % to the >80% to 100% of the AMI ranges.

Table 1 summarizes the distribution of the required WHP units as recorded in Ordinance 2020-023 and as requested.



**Table 1: Distribution of the required WHP units at Pine Ridge**

<b>Income Category</b>	<b>Current distribution (Ord 2020-023)</b>	<b>Proposed distribution</b>
Low (60% to 80% AMI)	4 units	55 units
Moderate 1 (>80% to 100% AMI)	4 units	90 units
Moderate 2 (>100% to 120% AMI)	4 units	--
Middle (>120% to 140% AMI)	4 units	--
Workforce (>80% to 140% AMI)	272 units	--
Unrestricted	0	143 units
<b>TOTAL</b>	<b>288 units</b>	<b>288 units</b>

In recent years, staff sought direction from the Board of County Commissioners on the suitable minimum percentages of workforce housing to be required when density increases are being requested through the future land use amendment process. The Board directed staff to recommend a minimum of 10% for single family projects, 20% for townhomes, and 25% for multifamily developments. Therefore, staff has been recommending a condition requiring a minimum of 25% of the total dwelling units to be built as onsite workforce housing units for any FLUA amendment seeking a density increase.

The request to designate 145 units or 50% as WHP units is a reduction from the 288 currently restricted units; however, it is a significantly higher percentage than the 25% typically recommended by staff for multifamily rental developments. Additionally, the 145 restricted units will be provided in two lower income categories unlike the typical requirement to restrict units in 4 income ranges. Based on the monitoring data for rental WHP units, Low (60%-80%) and Moderate 1 (>80% to 100%) units are in high demand and are virtually 100% occupied in WHP developments. In addition, the request to reassign 143 units to market rate units will also allow access to units for tenants who are not income qualified for the WHP units.

### **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:** Immediately abutting the site are the following:

**North and East:** To the north and east is the Economic Development Center (EDC) future land use designation. The Liberty Airport Center Park was approved for 660,740 square feet of office/warehouse and manufacturing uses with maximum potential of 1,139,464 square feet of light industrial uses.

**South:** Immediately to the south is the ramp from westbound Southern Boulevard to Jog Road. Across Southern Boulevard are areas designated Low Residential, 1 unit per acre (LR-1) and Medium Residential, 5 units per acre (MR-5) designations. The LR-1 area across Southern Blvd includes an equestrian use and existing single family homes. The MR-5 area across Southern Blvd is under development with zero lot line houses within the Solcera PUD.

**West:** To the west is Boulevards Park, a single family subdivision designated High Residential, 8 units per acre (HR-8). It has been developed with mostly single story single family houses at approximately 6 units per acre.

1. **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.”*

**Staff Analysis:** The site has already been developed with 288 units and is compliant with the conditions of approval requiring separation from the residential single family houses to the west.

#### **D. Consistency with County Overlays, Plans, and Studies**

1. **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 proposed amendment is located within the boundaries of the Urban Redevelopment Area Overlay, Palm Beach International Airport Approach Path Conversion Area Overlay, the Turnpike Aquifer Protection Overlay, the Jog Road Corridor Study, and the Haverhill Neighborhood Plan. The site has already been developed and the request to amend conditions of approval is not inconsistent with the provisions of these neighborhood plans and planning overlays.

#### **E. Public Facilities and Services Impacts**

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 does not change future land use designation nor introduce additional density, there will be no impact on public facilities.

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 proposed amendment does not change future land use designation nor introduce additional density, therefore no traffic studies were required.

## **II. Public and Municipal Review**

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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 June 20, 2025. In addition, notice by letter was mailed on June 20, 2025 to the Town of Haverhill and City of West Palm Beach.
- B. Other Notice:** Public notice by letter was mailed to the owners of properties within 500' of the perimeter of the site on June 20, 2025.

Letters received during the amendment process are included in Exhibit 5, Correspondence.

## Exhibit 3

### Applicant's Justification Statement, Consistency, and Compatibility

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#### AHS Pine Ridge PUD Pine Ridge Apartments

#### Future Land Use Atlas Amendment Amendment to Condition(s)

Revised: March 3, 2025

Our File Number: 60869-00001

Original Submittal: February 12, 2025

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It is our pleasure to submit on behalf of our client, Southern and Jog Apartments LLC (the **"Applicant"**), an application for a Future Land use Atlas Amendment (Small Scale) to modify a previous condition of approval associated with the AHS Pine Ridge PUD, as contained in Exhibit 1 of Ordinance No. 2020-023, which required 100% of the units be built as workforce housing units, as contained in. The application is submitted after extensive meetings with staff based on changed market conditions since approval.

#### LOCATION, HISTORY AND EXISTING CONDITIONS

Located on the north side of the Jog Road exit ramp from Southern Boulevard, approximately 0.25 miles east of Jog Road, the AHS Pine Ridge PUD (the **"Property"** or **"Pine Ridge"**) consists of approximately 11.18 acres. The site is developed with four multi-story residential buildings totaling 288 units with associated residential amenities, including clubhouse, athletic court, pool, and surface parking. In total, the development consists of approximately 210,445 square feet. No change in the density or design elements are proposed.

On October 22, 2020, the Board of County Commissioners (the **"County"**) approved Ordinance No. 2020-023 (**Exhibit 1**), changing the Future Land Use (**"FLU"**) designation of the Property, then known as the R80 Residential PUD, from Medium Residential, 5 Units Per Acre (**"MR-5"**) to High Residential, 12 Units Per Acres (**"HR-12"**). Ordinance No. 2020-023 was approved subject to the following conditions:

1. The development of the subject site shall be limited to a maximum of 288 dwelling units.
2. The development of the subject site shall include the purchase and construction of forty six (46) Transfer of Development Rights (TDR) units. Thirty-four (34) percent (16 TDR units) to be purchased at the Revitalization, Redevelopment, and Infill Overlay (RRIO) Workforce rate and the remaining thirty (30) TDR units at the RRIO Market rate.

3. The zoning development order shall require 100% of the units to be built on site as workforce housing units subject to the following requirements:
  - a. Sixteen (16) workforce units shall be provided evenly (four each) in the 60%-80%, >80% to 100%, >100% to 120% and >120% to 140% of the AMI ranges, and
  - b. The remaining units shall be workforce housing units in the >80% to 140% AMI range.
4. Development of the site is limited to a maximum of three (3) stories within 150 feet of the west property line.

The Property holds the unique distinction of being the only development using the County's Workforce Housing Program ("WHP") that has dedicated 100% of its units to workforce housing. It also boasts the highest number of such units in any project within the county. Since the completion of development approximately 18 months ago, Pine Ridge has been leasing (and attempting to lease) in compliance with the conditions of approval under the County's WHP. Unfortunately, particularly unlike the newly proposed 100% workforce housing projects in some municipalities, because Pine Ridge did not receive any financial incentives (e.g., County bonds or State financing), the financial performance based on actual market conditions has been problematic.

It has become apparent that continuing to operate under the workforce housing restrictions imposed by Condition #3 of Ordinance No. 2020-023, outlined above, is not feasible. As a result of the realities of market conditions, the requirements of Condition #3 have placed the Applicant at risk of foreclosure. There is a critical mismatch between the designated income categories and the actual income demographics of prospective tenants. Addressing these discrepancies is essential to aligning the program with the real needs of the community and the Property's viability. Challenges of operating under the current condition of approval are:

- **Insufficient Qualified Tenants have Led to Financial Distress:** The current requirements, with 100% of units tied to income levels higher than the market's demographic, have resulted in an inability to rent units. Data shows that a significant portion of tenant traffic falls within the 'Low' income category (60-80% AMI), a segment severely underrepresented in the existing WHP Agreement. This mismatch has drastically impacted occupancy and rental income. In 2024 alone, Pine Ridge had 1,395 prospective tenants disqualified due to not making enough income to meet the program's requirements.
- **Imminent Foreclosure and Program Termination:** The current trajectory places Pine Ridge at imminent risk of foreclosure. Foreclosure would likely lead to the termination of the Workforce Housing Program agreement for Pine Ridge because the program agreement is subordinate to the loan, meaning foreclosure could completely eliminate the program at Pine Ridge, which eliminates all of the benefits of the WHP. This



underscores the urgent need for program adjustments to realign the WHP restrictions with actual demand and the income demographics of prospective tenants.

- **Recent Ability to Rent ‘Low’:** The recent ability to rent more units in the “Low” category has provided a short-term solution to boost occupancy, given that the majority of qualified traffic falls into this category. However, this is not a sustainable long-term solution. It limits the ability to generate operating income necessary to sustain the development.

## PROPOSED AMENDMENT

To address the issues with the market realities while helping to ensure the long-term viability of Pine Ridge, the Applicant proposes to amend the Property’s WHP, including adding dedicated units to lower-income categories and introducing fair market units (similar to other successful projects in Palm Beach County). The proposed amendment is essential to ensure Pine Ridge’s continued ability to provide quality affordable housing for County residents particularly in the Low category where there is a demonstrated need, and better align Pine Ridge with current market realities and the demonstrated needs of Palm Beach County residents. The proposed amendments to the Property’s WHP, and Condition #3 of Ordinance No. 2020-023, include:

- **Increase ‘Low’ Income Category Units:** Reclassify 47 units from the general ‘Workforce’ category (80-140% AMI), and 4 units from the ‘Middle’ income category (120-140% AMI), to the ‘Low’ income category (60-80% AMI). This increases the ‘Low’ income units from 4 to 55, directly addressing the high demand within this category and enabling Pine Ridge to serve a larger portion of the community effectively for the foreseeable future.
- **Increase ‘Moderate 1’ Income Category Units:** Reclassify 82 units from the general ‘Workforce’ category, and 4 units from the ‘Moderate 2’ income category (100-120% AMI), to the ‘Moderate 1’ income category (80-100% AMI). This increases ‘Moderate 1’ units from 4 to 90, reflecting the significant number of qualified applicants within this income bracket and further aligning the program with the community’s needs.
- **Introduce Unrestricted Units:** Introduce 143 unrestricted units by relocating 143 units from the general ‘Workforce’ category. This retains more than 50% of the units dedicated to workforce housing while offsetting the rental loss to create financially feasible opportunity to provide those units. This balanced approach is essential for long-term sustainability, accommodates a wider range of incomes, and fosters a more inclusive community. This adjustment also addresses occupancy challenges, as renting more than 55 units in the ‘Low’ category would otherwise create a financial system that could not be sustained. *This will still allow Pine Ridge to maintain the largest number of workforce housing units within the Palm Beach County Workforce Housing Program.*
- **Eliminate the general ‘Workforce’ (80%-140% AMI) category.**

A table summarizing the modifications is provided below:

Income Category	Current Requirement (Ord No. 2020-23)	Proposed Amendment
Low (60%-80% AMI)	4 units	55 units
Moderate 1 (80-100% AMI)	4 units	90 units
Moderate 2 (100-120% AMI)	4 units	0 units
Middle (120-140% AMI)	4 units	0 units
Workforce (80%-140% AMI)	272 units	0 units
Unrestricted	0 units	143 units
<b>TOTAL</b>	<b>288 units</b>	<b>288 units</b>

The proposed strikethrough/underline of Condition #3 is as follows:

3. The zoning development order shall require ~~100%~~ one-hundred forty-five (145) of the units to be ~~built~~ provided on site as workforce housing units subject to the following requirements:
  - a. ~~Sixteen (16) workforce units shall be provided evenly (four each)~~ Fifty-five (55) units shall be provided in the 60%-80% AMI range, and ninety (90) units shall be provided in the >80% to 100% AMI range, >100% to 120% and >120% to 140% of the AMI ranges, and
  - b. ~~The remaining units shall be workforce housing units in the >80% to 140% AMI range.~~

The remaining units (143) shall remain unrestricted.

## BENEFITS

These amendments will create several benefits for both the property and the community:

- **Increased Community Impact:** By significantly increasing the number of units designated for 'Low' and 'Moderate 1' income categories, we can serve a larger portion of the community's workforce that truly need the housing, including teachers, police officers, and healthcare workers. This has a positive social impact and supports the County's affordable housing goals.

- **Improved Financial Stability:** The introduction of fair market units, alongside the revised workforce housing categories, provides for necessary financial stability to maintain the WHP units. This change is essential to stabilize occupancy, as the majority of qualified traffic falls within the 'Low' category. As part of this, the only viable path to achieving and maintaining a stabilized occupancy is to reclassify a portion of these units to market rates.
- **Prevent Distressed Property and Maintain Project Quality:** While some units will transition to fair market rent, this amendment ultimately preserves Pine Ridge as a valuable community asset with a significant number of workforce housing units. It prevents potential deterioration or foreclosure, which could result in the loss of all affordable housing units at the property. Maintaining the Property in good condition is crucial for its long-term value, appeal, and ability to serve the community effectively. The proposed financial stability will allow for continued investment in the Property, benefiting all residents.

## CONCLUSION

The proposed amendment to Ordinance No. 2020-023 will allow for the continued viability of Pine Ridge, preserving a vital community asset and ensuring continued availability of affordable housing, particularly in the areas of most need. The amendment is a solution that supports the County's long-term housing goals and contributes to a thriving and sustainable housing market by securing the future of Pine Ridge and ensuring all restricted housing units are not lost.

Prepared and Respectfully Submitted By:



Brian M. Seymour, Esq.  
Attorney Planner



John P. Roach, AICP

## Exhibit 4

### Disclosure of Ownership Interests

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PALM BEACH COUNTY - ZONING DIVISION

FORM # 8

#### DISCLOSURE OF OWNERSHIP INTERESTS – APPLICANT

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

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

STATE OF FLORIDA  
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared  
T. Richard Littor, Jr., 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 [ ] of Pine Ridge JV, LLC, the manager *Vice President of West Palm Beach Portfolio JV, the manager* (position—e.g.,  
president, partner, trustee) of Southern and Ivy Apartments (name and type of entity -  
e.g., ABC Corporation, XYZ Limited Partnership). (hereinafter, "Applicant").  
Applicant seeks Comprehensive Plan amendment or Development Order approval  
for real property legally described on the attached Exhibit "A" (the "Property").

2. Affiant's address is: 999 Waterside Drive, Suite 2300  
Norfolk, VA 23510

3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of  
every person or entity having a five percent or greater interest in the Applicant.  
Disclosure does not apply to an individual's or entity's interest in any entity  
registered with the Federal Securities Exchange Commission or registered pursuant  
to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County  
policy, and will be relied upon by Palm Beach County in its review of Applicant's  
application for Comprehensive Plan amendment or Development Order approval.  
Affiant further acknowledges that he or she is authorized to execute this Disclosure  
of Ownership Interests on behalf of the Applicant.

5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to  
reflect any changes to ownership interests in the Applicant that may occur before the  
date of final public hearing on the application for Comprehensive Plan amendment  
or Development Order approval.

6. Affiant further states that Affiant is familiar with the nature of an oath and with the  
penalties provided by the laws of the State of Florida for falsely swearing to  
statements under oath.

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

W  
T. Richard Litton, Jr. 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 10<sup>th</sup> day of February, 2025 by  
T. Richard Litton, Jr. (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).

Katherine Alice Leser  
(Name - type, stamp or print clearly)

Katherine Alice Leser  
(Signature)

My Commission Expires on: 05/31/28

NOTARY PUBLIC





**EXHIBIT "A"**

**PROPERTY**

Parcel A of AHS Pine Ridge PUD, According to the Plat Thereof, as  
Recorded in Plat Book 132, Pages 169-171, of the Public Records  
of Palm Beach County, Florida.

## EXHIBIT "B"

## DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

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

Name	Address
Pine Ridge JV, LLC	999 Waterside Drive, Suite 2300, Norfolk, VA 23510

**Exhibit 5**  
**Correspondence**

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