



**2016
FUTURE LAND USE ATLAS AMENDMENT APPLICATION**

Palm Beach County Planning Division
2300 North Jog Road, WPB, FL 33411, (561) 233-5300

I. Amendment Data

Round	17-B	Intake Date	August 8, 2016
Application Name	MorningStar Nursery Property	Concurrent?	Yes
Acres	50.99	Text Amend?	Yes
Location	Northwest corner of Atlantic Avenue & the Florida Turnpike		
	Current	Proposed	
Tier	Ag Reserve	Same	
Use	Nursery	Mixed Use – Commercial, Residential, Congregate Living Facility (CLF)	
Zoning	Agricultural Reserve (AGR)	Multiple Use Planned Development (MUPD)	
FLU	Agricultural Reserve (AGR)	Multiple Land Use (MLU) - Commercial Low (CL) & High Residential, 8 units per acre (HR-8)	
Underlying FLU	N/A	N/A	
Conditions		<p>1. Development of the site is limited to residential dwelling units and non-residential square footage that is equal to or less than, a maximum new external daily trips of 8,869 and a maximum new external peak hour trips of 319 am and 778 pm trips.</p> <p>2. Commercial uses for the site shall be limited to a maximum of 155,000 sq. ft. (excluding the 73,000 sq. ft. 130 room hotel).</p> <p>3. A minimum 10% of the property must be committed to Usable Open Space. Usable Open Space is defined as pervious, vegetated areas, parks and squares as well as impervious “hardscaped” areas which are openly accessible to the public, such as plazas, squares, and courtyards. This open space can be used for passive or active recreation as well as formal and informal gatherings; however, credit shall not be given for; any indoor or climate-controlled spaces, road rights-</p>	

		<p>of-way, building setback areas, impervious surface courts (tennis, basketball, handball, etc.), swimming pools, parking lots, and any pervious green area not intended for passive or active recreation or gathering of a formal or informal nature.</p> <p>4. The Zoning development order shall provide at least 40% of the residential units as workforce housing subject to the following requirements:</p> <p>a. The property owner shall provide these units on site, and between 60-140% of the Average Median Income ranges for the County, in four ranges (60-80%, 81-100%, 101-120%, and 120-140%).</p> <p>5. Prior to the final adoption of the amendment a condition shall be established in the adopting ordinance that will ensure the concurrent development of the residential and commercial uses, such as commencing construction of a minimum of 50% residential units prior to the completion of 50% of the commercial square footage.</p> <p>6. The adoption of the proposed Comprehensive Plan Future Land Use and Text amendment must be held concurrently with the rezoning application.</p> <p>7. The Applicant shall record a conservation easement on a minimum of 5 acres of off-site preservation area prior to Final Site/Subdivision Plan approval.</p>
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II. Site Data

Built Features	There is one small accessory building on the Property. See Attachment F.
PCN	00-42-46-17-01-000-1020, 00-42-46-17-02-000-0370 & 00-42-46-17-01-000-0690
Street Address	8225 Atlantic Avenue
Frontage	Approximately 670 feet on Atlantic Avenue, approximately 2,614 feet on Starkey Road & approximately 2,772 feet on Florida's Turnpike
Legal Access	Atlantic Avenue & Starkey Road
Contiguous under same ownership	None

Acquisition details	<p>Tracts 101 through 104 and 121 through 124, as identified on the Survey, were purchased for a sum of \$10 on November 2, 1984 from Cavanagh Gardens Inc. (See Warranty Deed ORB 4388, pg. 23) +/- 35 acres.</p> <p>Tracts 69 through 72; 89 through 92; and 101 through 104, as identified on the Survey, were purchased for a sum of \$10 on May 17, 1995 from Jack M. Okean & Paul Z. Okean. (See Special Warranty Deed ORB 8782, pg. 141) +/- 15 acres.</p> <p>See Attachment A.</p>
Size purchased	See acquisition information above. Total 50.99 acres. See Attachment A.

III. Development History

Previous FLUA Amendments	None.
Zoning Approvals, Control Number	None.
Concurrency	None.
Plat, Subdivision	Palm Beach Farms Company Plat Number 1, Plat Book 2, pages 26-28 & portions of West Homewood Terrace, Plat Book 14, page 66

IV. Development Potential Data and Analysis

	Current	Proposed
Max Trip Generator	<i>[Provided by Engineering]</i>	
Maximum DU ¹	1 du/5 acres x 50.99 ac. = 10 Units	360 Units
Population Estimate	10 du x 2.39 = 24 people	360 du x 2.39 = 860 people
Maximum Beds	_____ max du x 2.39 = _____	115 beds
Maximum SF ^{2,4}	0.15 FAR x 50.99 ac. = 333,169 SF of Ag Uses	228,000 SF of Commercial Uses
Max Trip Generation	Retail Nursery: 5,512 Daily Trips	<u>Daily Trips</u> Residential Apartments: 2,155 Assisted Living Facility: 275 Commercial (Retail): 5,579 Hotel: 860 Total: 8,869 Daily Trips
Maximum DU ^{3,4}		360 DUs: 2,155 Daily Trips
Conditioned Beds ^{3,4}		115 Beds: 275 Daily Trips
Conditioned SF ^{3,4}		155,000 SF: 5,579 Daily Trips 73,000 SF 130 Room Hotel: 860 Daily Trips

Maximum/Conditioned Trip G. ^{3, 4}		8,869 Daily Trips
Trip Increase Max.		
Trip Inc. Conditioned or Concurrent	3,357 Daily Trips	

Notes

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

V. Agent Information

Name	Jennifer Morton & Lauren McClellan
Company Name	JMorton Planning & Landscape Architecture
Address	3920 RCA Boulevard, Suite 2002
City, State, Zip	Palm Beach Gardens, FL 33410
Phone Number	(561) 371-9384 & (561) 721-4463; no fax
Email Address	jmorton@jmortonla.com & lmcclellan@jmortonla.com

VI. Applicant Information

	Applicant A	Applicant B
Name	Paul Okean	Ken Bullock
Company Name	Morningstar Nursery Inc.	Morningside Partners VI, LLC
Address	203 Via Vizcaya	8350 N. Central Expressway, # 1750
City, State, Zip	Palm Beach, FL 33480	Dallas, TX 75206
Phone / Fax Number		(407) 370-3211
Email Address	pzo@okeanholdings.com	kbullock@millenia-partners.com
Type (Owner, Contract Purchaser)	Owner	Contract Purchaser

VII. Consistency & Compatibility

Justification	See Attachment G.		
Residential Density Increases	See Attachment G.		
Comprehensive Plan	See Attachment G.		
Florida Statutes	See Attachment G.		
Compatibility	See Attachment G.		
Adjacent Lands	Uses	FLU	Zoning
North	Nursery	Agricultural Reserve (AGR)	Agricultural Reserve (AGR)
Southeast	Single Family Residential (1 dwelling unit/acre) Delray Lake Estates PUD (Pet. No. 1979-31)	Agricultural Reserve (AGR)	Residential, Estate (RE)
Southwest	Nursery	Agricultural Reserve (AGR)	Agricultural Reserve (AGR)
East	Turnpike & Multi-Family Residential (5.78 dwelling units/acre) Atlantic Commons PUD (Pet. No. 2004-525)	Utilities & Transportation (U/T) & Commercial High, with an underlying 8 units per acre (CH/8)	Planned Unit Development (PUD)
West	Nursery – AGR Preserve Parcel – Valencia Cove (Pet. No. 2004-369)	Agricultural Reserve (AGR)	Agricultural Reserve-Planned Unit Development (AGR-PUD)

VIII. Public Facilities Information

A. Traffic Information

In order to be accepted on the day of intake, the application must include a written letter from the County Engineering Department indicating compliance with Policy 3.5-d of the FLUE of the Comprehensive Plan. The letter must state if the traffic generation for the amendment meets FLUE 3.5-d at the maximum density/intensity for the proposed future land use designation or the square footage/use proposed to be assigned as a voluntary condition of approval. For more information, contact the Traffic Division at 684-4030 or visit <http://www.pbcgov.com/pzb/planning/FLU.htm>

	Current FLU	Maximum	Conditioned or Concurrent
Max Trip Generation	5,512		8,869

Trip Increase Max.			
Trip Inc. Conditioned or Concurrent	3,357		
Significantly impacted roadway segments that fail Long Range			None
Significantly impacted roadway segments for Test 2			West Atlantic Avenue from Hagen Ranch Rd to Jog Road
Traffic Consultant	Pinder Troutman Consulting		
B. Mass Transit Information			
Nearest Palm Tran Route (s)	Route 81 – Delray Beach via Atlantic Avenue		
Nearest Palm Tran Stop	Oriole Plaza, Northeast corner of Hagen Ranch Road & Atlantic Avenue Approximately 1 mile to the east of Property		
Nearest Tri Rail Connection	Delray Beach TriRail Station, East side of Congress Avenue, approximately ¼ mile south of Atlantic Avenue Approximately 5.5 miles to the east of the Property		
C. Portable Water & Wastewater Information			
The application must include a Potable Water & Wastewater Level of Service (LOS) comment letter as Attachment I. This letter should state the provider/s of potable water and wastewater is/are able to maintain their current level of service standard established by the potable water provider, while accommodating the increase of density/intensity of the proposed amendment.			
Potable Water & Wastewater Providers	Palm Beach County Water Utilities Department (PBCWUD) Water LOS – 126 GPD Potable Water Wastewater LOS – 85 GPD Wastewater See Attachment I.		
Nearest Water & Wastewater Facility, type/size	Along Atlantic Avenue, adjacent to the Property		

D. Drainage Information

The drainage system will include a series of inlets and culverts to direct stormwater runoff into exfiltration trenches, dry detention area and possibly an on-site lake. See Drainage Statement as Attachment J.

E. Fire Rescue

Nearest Station	PBC Fire-Rescue Station # 48, 8560 Hypoluxo Road
Distance to Site	Approximately 3 miles
Response Time	8 minutes, 30 seconds
Effect on Resp. Time	Minimal impact per the attached letter from PBC Fire-Rescue. See Attachment K.

F. Environmental

Significant habitats or species	There are no significant habitats or species on the Property. The site has previously cleared and utilized for a nursery. An aerial of the Property is provided as Attachment L.
Flood Zone*	The Property is located in Zone X500, which is not a flood zone. See Flood Zone Map as Attachment M.
Wellfield Zone*	The Property is not located within a Wellfield Protect Zone. See Wellfield Map as Attachment N.

** If the site is located within an A or V flood zone and/or within a Wellfield Protection zone, requests for greater intensity may be viewed unfavorable.*

G. Historic Resources

There are no significant historic resources on the Property or within 500 feet of the Property. **See Attachment O.**

H. Parks and Recreation

Park Type	Name & Location	Level of Svc. (ac. per person)	Population Change	Change in Demand
Regional	West Delray Regional Park 10875 Atlantic Avenue Delray Beach, Florida	0.00339	+975People	+3.31 acres
Beach	Gulfstream Beach Park 4489 N. Ocean Boulevard Gulfstream, Florida	0.00035	+975 People	+0.34 acres
District	Caloosa Park 1300 SW 35 th Avenue Boynton Beach, Florida	0.00138	+975People	+1.35 acres

I. Libraries			
Library Name	Hagen Ranch Road Branch		
Address	14350 Hagen Ranch Road		
City, State, Zip	Delray Beach, Florida 33446		
Distance	1.9 miles		
Component	Level of Service	Population Change	Change in Demand
Collection	2 holdings per person	+975 People	+1,950 holdings
Periodicals	5 subscriptions per 1,000 persons	+975 People	+4.88 subscriptions
Info Technology	\$1.00 per person	+975 People	+\$975
Professional staff	1 FTE per 7,500 persons	+975 People	+0.13 FTE
All other staff	3.35 FTE per professional librarian	+975 People	+0.44 FTE
Library facilities	0.34 sf per person	+975 People	+332 SF
J. Public Schools - Residential Only			
Per the attached letter from the School District of Palm Beach County, the projected utilizations from elementary, middle, and high schools does not exceed 100%. Therefore, the proposed future land use amendment does not negatively impact schools. See Comment Letter as Attachment P.			
	Elementary	Middle	High
Name	Hagen Road Elementary	Carver Community Middle	Olympic Heights Community High
Address	10565 Hagen Ranch Road	101 Barwick Road	20101 Lyons Road
City, State, Zip	Boynton Beach, FL 33437	Delray Beach, FL 33445	Boca Raton, FL 33434
Distance	5.34 miles	4.2 miles	5.91 miles

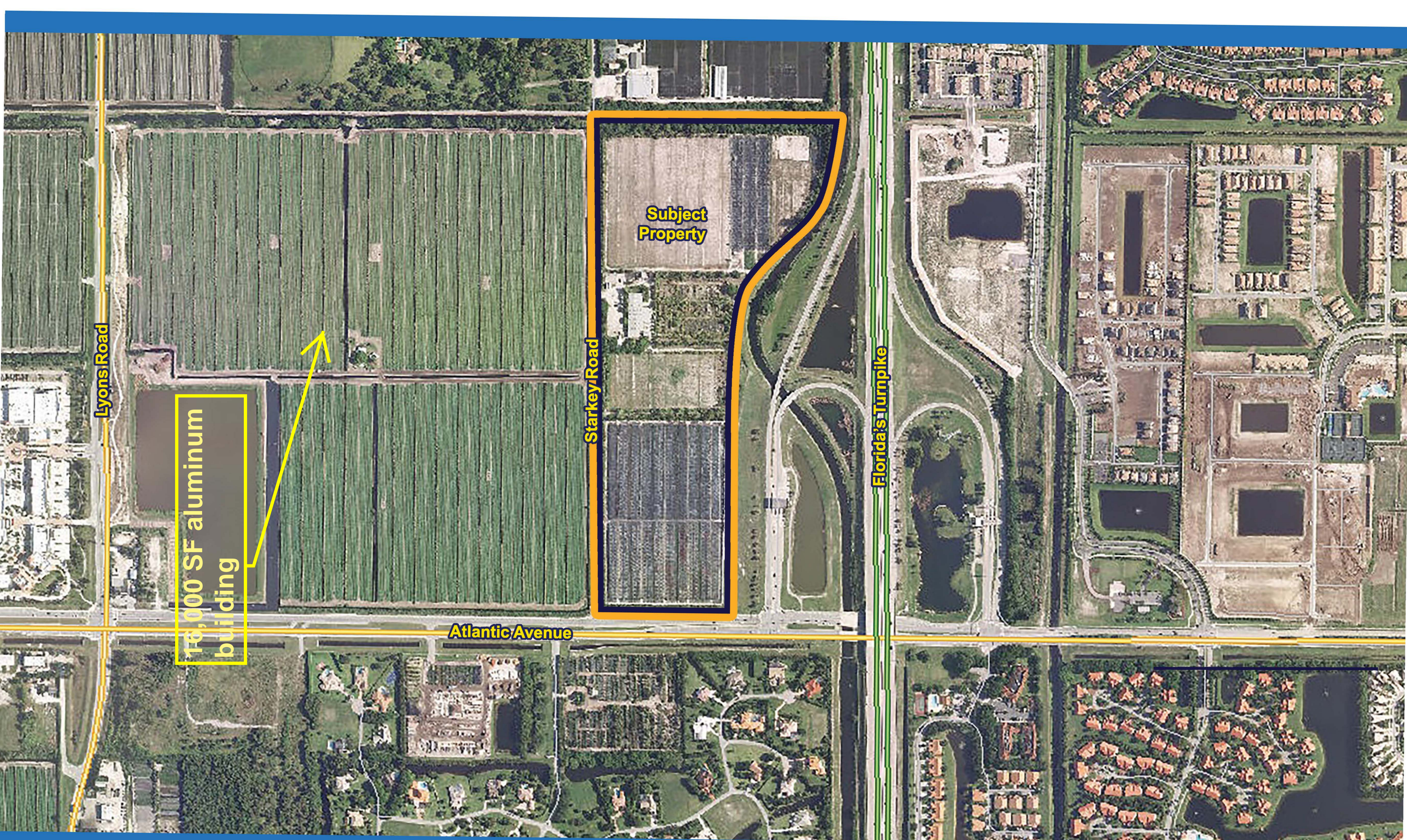
IX. Attachments

- A. **PCN's, Legal Description and Warranty Deed** (include Legal in Word)
- B. **Agent Consent Form**
www.pbcgov.com/pzb/planning/FLU_docs/Affidavits.pdf
- C. **Applicant's Ownership Affidavit**
www.pbcgov.com/pzb/planning/FLU_docs/Affidavits.pdf
- D. **Applicant's Notice Affidavit and Property Appraiser Information List**
www.pbcgov.com/pzb/planning/FLU_docs/Affidavits.pdf
- E. **Disclosure of Ownership Interests**
Applicant - *www.pbcgov.com/pzb/Zoning/newapps/Form-08.pdf*
Owner - *www.pbcgov.com/pzb/Zoning/newapps/Form-09.pdf*
- F. **Built Feature Inventory & Map**
- G. **Consistency with the Comprehensive Plan and Florida Statutes & Text Amendment Justification**
- H. **Traffic Approval Letter & Traffic Study**
- I. **Water & Wastewater Provider LOS Letters**
- J. **Drainage Statement**
- K. **Fire Rescue Letter**
- L. **Natural Feature Inventory & Map**
- M. **Flood Zone Map**
- N. **Wellfield Zone Map**
- O. **Historic Resource Evaluation Letter**
- P. **Palm Beach County School District LOS Letter**
- Q. **Text Amendment Application Form**
- R. **Survey**
- S. **Conceptual Master Plan**
- T. **Proposed ULDC Text Amendments**

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

<http://www.pbcgov.com/pzb/planning/FLU.htm>

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16,000 SF aluminum building

Subject Property

Lyons Road

Starkey Road

Atlantic Avenue

Florida's Turnpike

Scale: NTS

June 20, 2016



Morningstar Nurseries

Atlantic Ave & Turnpike, Palm Beach County, FL





TEXT & MAP AMENDMENT –ATTACHMENT G

Palm Beach County Planning Division
2300 North Jog Road, WPB, FL 33411, (561) 233-5300

Morning Star Nursery Property

Per direction by Planning Division staff, the following is a combined Justification Statement for the proposed Future Land Use Element text and companion FLUA map amendments.

I. Proposed Text Amendment

ELEMENTS & POLICIES TO BE REVISED

The Element proposed to be amended is the Future Land Use Element.

Policies To Be Amended – Policies 1.5-i, 1.5-k, 1.5-m, 1.5-n, 1.5.1-q, 3.5-d, and Table III.C

Policies To Be Added – Policies 1.5-# & 1.5.1-#

PURPOSE

Currently, the Comprehensive Plan does not allow Multiple Land Use (MLU) projects to be developed within the Agricultural Reserve. The Comprehensive Plan also limits the amount of commercial square footage and residential density that can be developed in the Agricultural Reserve Tier. Additionally, the Comprehensive Plan does not give any consideration to the development of workforce housing or congregate living facilities within the Agricultural Reserve Tier. The Applicant desires to amend the future land use designation of the +/-50 acre property located at the northeast corner of Atlantic Avenue and Starkey Road, just west of the Florida Turnpike in order to develop a mixed use project with commercial, multifamily and a congregate living facility.

JUSTIFICATION

The subject 50.99-acre property located at the northwest corner of the Florida Turnpike and Atlantic Avenue (“Property”) is currently developed as a plant nursery. To the north and west of the Property are agriculture uses, to the south of the Property is the Delray Lake Estates single family home development, and to the east of the Property beyond the Florida Turnpike is the Urban Suburban Tier which includes high density residential and commercial uses.

The County has approved many single family residential developments in the Agricultural Reserve Tier but has limited the amount of commercial uses that can be developed. This limitation has created a situation where the current and future residents of the Agricultural Reserve Tier do not have sufficient options and access to needed localized commercial uses. The addition of neighborhood serving commercial uses will complement the existing TMD’s and reduce the amount of roadway trips to neighborhood serving commercial uses further away in the eastern part of the County.

In addition to the limitation placed upon commercial development, a similar limitation has been placed on residential development in the Agricultural Reserve Tier. Due to the density limitations in this tier, it is impossible to provide a variety of housing types including workforce housing which is much needed in Palm Beach County. The existing Workforce Housing Program requires that all residential developments (except those proposed in the Agricultural Reserve Tier) over 10 units

provide a small percentage of the units for income qualified household with incomes from 60% to 140% of the area medium income (“AMI”). The Agricultural Reserve Tier has been exempt from complying with this requirement to date, which has placed a disproportionate burden on the residential developers within the Urban/Suburban Tier. The limited number of developers within the Agricultural Reserve Tier are able to develop and sell housing units priced \$500,000 to \$3 million without having to contribute to the County’s Workforce Housing program.

Additionally, the limitation on density in the Agricultural Reserve Tier also impacts the development of other needed uses such as congregate living facilities (“CLFs”). The Comprehensive Plan utilizes a multiplier of 2.39 beds per unit to calculate intensity. The limitation of 1 unit per 5 acres severely limits the number of beds, thus making the development of a CLF unfeasible.

The original intent of the Agricultural Reserve Master Plan intended for the development of two mixed use Traditional Marketplace Developments (“TMDs”) that also included a mix of residential unit types. The Master Plan originally envisioned the development of multi-family and townhouses within close walkable proximity of those two TMDs. The Master Plan intended for development to be intense at the center of the TMD and become less intense moving outward from that center, gradually tapering into the agriculture preservation area. The Master Plan intended for the development of a variety of housing types within the Agricultural Reserve. Unfortunately, this vision has not come to fruition. The Agricultural Reserve is a patchwork quilt of single-family residential, limited commercial, industrial, institutional, and agriculture uses. Additionally, the two TMDs that have been approved have yet to develop the multi-family components of the projects. Therefore, the residential developments are relatively homogeneous and have not provided for the mix of housing originally contemplated.

Development of the 50-acre Property as a mixed use development would be consistent with the original vision of the Agricultural Reserve Master Plan as well as good planning principles such as being located at a major transportation node and along an important corridor through Palm Beach County to provide a variety of land uses currently not being developed in spite of the fact that Workforce Housing is required in all other Tiers throughout Palm Beach County. Additionally, this location will help keep traffic trips localized within the project and the Agricultural Reserve Tier thus reducing impacts on the Countywide roadway network.

CONSISTENCY

Goals – The proposed text amendment furthers the County’s goals as described below.

Balanced Growth – “...to recognize the diverse communities within the County, to implement strategies to create and protect quality livable communities respecting the lifestyle choices for current residents, future generations, and visitors, and to promote the enhancement of areas in need of assistance.”

Response: Approval of these proposed text amendments will allow for the development of a mixed use project that will meet the original intent of the Agricultural Reserve Master Plan. They will also allow for the neighborhood serving commercial uses, workforce housing options and a congregate living facility for the residents of the Agricultural Reserve Tier. Allowing these uses within the Agricultural Reserve Tier will ensure that this area of Palm Beach County has the needed services and housing opportunities to serve the residents thus promoting and enhancing the quality of life for current and future residents of the area.

Land Planning – “...to create and maintain livable communities, promote the quality of life, provide for a distribution of land uses of various types, and at a range of densities and intensities, and to balance the physical, social, cultural, and environmental and economic needs of the current and projected residents and visitor populations. This shall be accomplished in a manner that protects and maintains a diversity of lifestyle choices, and provides for the timely, cost-effective provision of public facilities.”

Response: Allowing additional mixed use developments within the Agricultural Reserve Tier will encourage and provide for the appropriate distribution of land uses that promotes the quality of life for the residents in the area. The existing Delray Marketplace TMD to the west does not provide the needed services to the residents within the area, rather it has become an entertainment node that draws many from outside of the Agricultural Reserve Tier. The proposed mixed use development will complement the existing entertainment node and create a synergy for the Atlantic Avenue corridor. Allowing the proposed workforce housing will contribute to the overall quality of life in Palm Beach County by providing alternative housing opportunities in an area that has become relatively homogeneous with respect to income levels and housing types.

Atlantic Avenue is a major east-west corridor with access to I-95, the Turnpike, and US 441. Infrastructure is already in place along this corridor to accommodate the proposed development along with the existing residential and TMD that are already developed in the immediate vicinity of the Property.

Community Planning and Design – “...to develop and implement strategies that will enhance the quality of life within its neighborhoods and communities by ensuring that these areas are well-planned, visually pleasing, safe, and devoid of substandard housing and blight. Neighborhoods and communities shall also be accessible to all of the residents of Palm Beach County through an emphasis on the provision of a variety of housing opportunities through the continuous development of affordable housing.”

Response: The Agricultural Reserve Master Plan’s intent was to create a well-planned community that provided a mix of uses as well as a variety of housing types while ensuring the protection of agriculture and environmentally sensitive lands. The development pattern that has occurred in the Agricultural Reserve Tier does not represent a well-planned community, but rather a patchwork of uses that may not be compatible with one another. There is a lack of diversity in housing options and limited commercial choices within the Tier. The proposed text changes will allow for the development of a significant amount of workforce housing units as well as provide additional commercial development opportunities for area residents. With the inclusion of a CLF, many of the residents will be able to stay in the community among friends and enjoy amenities offered within the development.

Objectives – The proposed text amendment furthers the County’s objectives as further described below.

FLUE Objective 1.5 The Agricultural Reserve Tier – “The Agricultural Reserve Tier encompasses unique farmland and wetlands that are to be preserved primarily for agriculture based on policy direction adopted by the Board of County Commissioners in 1995. The Agricultural Tier Objective and Policies were revised in 2001 to incorporate the findings contained within the Ag Reserve Master Plan dated October 2000. This document was a summary of consultant and staff recommendations, and Board direction, for the Ag Reserve Master Planning effort which took place over a period of years with several phases. The purpose of the Master Planning effort was: ‘To preserve and enhance agricultural activity and environmental and water resources in the Ag Reserve,

and produce a master development plan compatible with these goals.’ A major emphasis of the initial phase was public outreach and the preparation of a set of guiding objectives that were prioritized by the Board of County Commissioners (BCC) during the development of the Ag Reserve Master Plan as follows:

1. Preserve and enhance agriculture
2. Enhance environmental resource value
3. Enhance water management capability
4. Enhance open space
5. Create a functional sustainable development pattern
6. Minimum costs/impacts to County taxpayers”

Response: Approval of these proposed text amendments will allow for the development of appropriate neighborhood serving commercial uses for the residents of the Agricultural Reserve Tier. Allowing neighborhood serving commercial uses within the Agricultural Reserve Tier will ensure that this area of Palm Beach County has the needed services to serve the residents thus promoting and enhancing the quality of life for current and future residents of the area. This amendment will also create a functional sustainable development pattern that was originally anticipated by the Master Plan but not attained with two approved TMDs (Canyon Town Center & Delray Marketplace).

FLUE Objective 2.1 Balanced Growth – “Palm Beach County shall designate on the Future Land Use Atlas sufficient land area in each land use designation to manage and direct future development to appropriate locations to achieve balanced growth. This shall be done to plan for population growth and its need for services, employment opportunities, and recreation and open space, while providing for the continuation of agriculture and the protection of the environment and natural resources through the long-range planning horizon.”

Response: Allowing additional mixed use developments within the Agricultural Reserve Tier will encourage and provide for the appropriate distribution of land uses that promote the quality of life for the residents in the area. The Agricultural Reserve Tier has steadily been growing with an increasing amount of residential development. The residents of this Tier are also aging and will begin demanding congregate living facilities that are within close proximity to the services that they have become accustomed to as well as friends and family within the community. These residents need places to shop and dine without having to travel a significant distance. The additional commercial development that has occurred within the Tier has generated a greater need for alternative housing options that will be more affordable to those between 60% to 140% of AMI.

FLUE Objective 4.4 Mixed-Use Development – “Palm Beach County Shall encourage the development of variety of innovative types of mixed-use projects”

Response: Approval of the proposed text amendment will allow for the development of a mixed-use project that was contemplated by the original Agricultural Reserve Master Plan that will encompass commercial uses and alternative housing options for the residents of the Agricultural Reserve Tier. The very definition of a well planned community is one that is compact and self-contained with a mix of uses providing for the daily need to live, work, play, worship, dine, and shop.

Policies – The proposed text amendment furthers the County’s policies as further described below.

FLUE Policy 1.5-j: “Commercial and mixed uses in the Agricultural Reserve Tier shall be located central to the Tier and designed at a neighborhood or community scale in order to be limited to serving the needs of the farmworker community, existing residents, and future residents of the Tier.”

Response: The proposed amendment to allow an additional mixed-use development within the Agricultural Reserve Tier will be consistent and further the policy requiring commercial uses to serve the farmworker community and residents. As the population of the Agricultural Reserve Tier continues to increase and as new residential projects are approved and built, these residents will want options for commercial products and neighborhood commercial services that the existing approved regional commercial centers are not currently providing. Additionally, alternative housing options will be needed for those working within these existing commercial developments as well as for the aging population.

FLUE Policy 1.5-o: “All future land use amendments seeking a Commercial designation in the Agricultural Reserve Tier are encouraged to be accompanied by a concurrent zoning application in order to demonstrate that the proposal meets the design, scale, and character requirements of the Tier.”

Response: A concurrent zoning application will be submitted with the proposed AgR-MLU development to demonstrate the proposed project’s consistency with the Tier’s design scale and character.

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 used in the unincorporated area that will accommodate the future population of Palm Beach County, and provide an adequate amount of conveniently located facilities and service while maintaining the diversity of lifestyles in the County.”

Response: The existing development pattern within the Agricultural Reserve Tier has become a patchwork quilt of uses that are not entirely compatible with one another. Large, expensive single family homes are developed in pockets between nurseries and other working farms. The proposed AgR-MLU will allow for the development of alternative housing options including a CLF, multi-family units, and workforce housing. Allowing these new uses within the Agricultural Reserve will contribute to and encourage the diversity of the Tier. The location, at the corner of the Florida Turnpike and Atlantic Avenue, provides for convenient shopping, living and working opportunities.

FLUE Policy 2.2.1-d: To facilitate development of affordable housing, the County shall not require an amendment to the Future Land Use Atlas to increase the density higher than the future land use category, provided the development is consistent with the Workforce Housing Program analysis or the Affordable Housing Program analysis required by policies in Housing Objective 1.1 and 1.5 and within the ULDC.

Response: The existing Workforce Housing Program does not apply to developments within the Agricultural Reserve Tier. The weight of providing workforce housing to the residents to Palm Beach County has only fallen on those residential developments outside of this Tier. The intent of the Workforce Housing Program is to provide more affordable housing options throughout the entire County, however this area has been neglected. The addition of this AgR-MLU will require that 40% of the residential units (excluding the CLF beds) be developed consistent with the Workforce Housing Program, thus bringing a much needed housing stock to this area of Palm Beach County.

FLUE Policy 4.4-a: “The County shall encourage and promote sustainable development by establishing mixed-use future land use designations and planned development districts.”

Response: Approval of the proposed text amendment will allow for the development of a mixed-use development with residential and commercial uses for the residents of the Agricultural Reserve Tier.

The very definition of a well-planned and sustainable community is one that is compact and self-contained with a mix of uses providing for the daily need to live, work, play, worship, dine, and shop. Additionally, the parking lot will include electric vehicle charging stations.

HE Policy 1.1-h: “The County shall continue the review and streamlining as needed, of those ordinances, codes and regulations related to the permitting process, in order to continue the reduction of excessive requirements and amend or add other provisions that increase private sector participation in adding to the supply of affordable housing. The County shall consider its existing Affordable Housing Action Plan and designate the Department of Sustainable Development as the lead agency, with assistance from Planning, Zoning, and Building, the Commission on Affordable Housing, Engineering and other appropriate Departments.”

Response: As stated above, the existing Workforce Housing Program does not apply to developments within the Agricultural Reserve Tier. The weight of providing workforce housing to the residents to Palm Beach County has only fallen on those residential developers proposing projects within the Urban/Suburban Tier. There is a large inventory of residential units within the Agricultural Reserve Tier, most of which are larger more expensive homes. Those residential developers that are able to acquire land and build projects are able to skip out on providing the workforce housing units that other developers within the Urban/Suburban Tier are required to provide. The addition of this AgR-MLU will require that 40% of the residential units (excluding the CLF beds) be developed consistent with the Workforce Housing Program, thus bringing a much needed housing stock to this area of Palm Beach County.

FUTURE LAND USE ELEMENT TEXT CHANGES

Residential

Policy 1.5-i: Residential uses shall be permitted within the Agricultural Reserve Tier under the Agricultural Reserve land use designation as further regulated by the Unified Land Development Code. Consistent with the provisions of Future Land Use Policy 2.1-b and Table III.C.1, the land shall be allowed to develop at a density of one dwelling unit per five acres (1DU/5AC), unless the property meets the requirements for an Agricultural Reserve Planned Unit Development (AgR-PUD), Agricultural Reserve Multiple Use Planned Development (AgR-MUPD), or an Agricultural Reserve Traditional Marketplace Development (AgR-TMD) as described in Future Land Use Sub-Objective 1.5.1, in which case the land may be developed at a density of one dwelling unit per acre. An Agricultural Reserve Multiple Land Use Development (AgR-MLU) shall be allowed to develop at the underlying residential density.

Policy 1.5.1-#: Residential uses that are included within an Agricultural Reserve Multiple Land Use Development (AgR-MLU) shall be permitted to develop at a density greater than one dwelling unit per acre (1DU/1AC) only when providing a minimum of two housing types, congregate living facility (CLF) units may be included as one of the two housing types. Additionally, in order to achieve any density above 1DU/1AC, the proposed AgR-MLU shall include a minimum of 40% Workforce Housing units. CLF beds shall not be required to provide Workforce Housing units and shall follow Policy 1.5-j, 1.5-s, and Table III.C.2.

Commercial and Mixed Use

Policy 1.5-k: Commercial and mixed uses in the Agricultural Reserve Tier shall be ~~located central to the Tier and~~ designed at a neighborhood or community scale in order to be limited to serving the needs of the farmworker community, existing residents, and future residents the Tier.

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

Policy 1.5-n: The County shall ensure a sustainable development pattern is achieved in the Agricultural Reserve by allowing commercial uses while ensuring that the supply of commercial square footage does not exceed the demand of the farm workers and residents of the Tier. The County may approve a maximum of ~~980,000~~ 1,208,000 square feet of commercial uses (retail, service and office) within the Tier.

SUB-OBJECTIVE 1.5.1 Planned Developments

Policy 1.5.1-q: AGR-Multiple Use Planned Development. New Agricultural Reserve Multiple Use Planned Developments (AgR-MUPD) in the Ag Reserve Tier shall meet the following requirements:

1. Preserve Areas shall not be required for a property that is 16 acres or less in size as of January 1, 2016. For purposes of this policy, the term ‘property’ is defined as a property control number as configured on January 1, 2016. The acreage shall be exclusive of right-of-way as shown on the Thoroughfare Right-of-Way Identification Map;
2. Preserve Areas shall be required for a property that is greater than 16 acres in size as of January 1, 2016. For purposes of this policy, the term ‘property’ is defined as a property control number as configured on January 1, 2016. For such properties, the Development Area shall not exceed 40 percent of the gross acreage less right-of-way as shown on the Thoroughfare Identification Map;
3. The Development Area for commercial and mixed use projects shall meet the Ag Reserve Design Elements; and
4. Required Preserve Area shall be subject to the standards and requirements of an AgR-TMD preserves.
5. An AgR-MUPD may be granted up to a 100% reduction in the Preserve Area acreage when developed as an AgR-MLU and provide a minimum of 40% of the residential units (excluding CLF beds) as Workforce Housing units as determined by the Board of County Commissioners during the development review process. The ULDC shall be revised to implement this concept.

Agricultural Reserve Commercial and Mixed Use Planned Developments

New Policy 1.5.1#: AGR-Multiple Land Use Development. The Agricultural Reserve Multiple Land Use Development (AgR-MLU) is project specific and is limited to projects that demonstrate a functional integration and mix of land uses which exceeds minimum zoning requirements. The AgR-MLU is a planned development intended to provide a development that has commercial and residential uses horizontally integrated. In addition to meeting the intent of the Multiple Land Use (MLU) as described in Objective 4.4.2, an AgR-MLU shall also meet the following requirements:

1. The total land area shall be a minimum of 50 acres;
2. The AgR-MLU shall be located within ¼ mile of the intersection of Atlantic Avenue and the Florida Turnpike;
3. To accommodate the need for workforce housing within the Agricultural Reserve Tier, Agricultural Reserve Multiple Land Use Developments (AgR-MLU) shall include a minimum of 40 percent of the total number of residential units as Workforce Housing units. CLF beds shall not be included in the total amount of residential units.

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

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

...This policy shall not be applicable to an Agricultural Enclave adopted pursuant to Policy 2.2.5-d. This policy shall not be applicable to the area designated as SR-7 Economic Development Overlay (EDO). This policy shall not be applicable to the area designated as Industrial in the Urban Service Area of the Glades Tier amended by FLUA Amendment Inland Logistics Center (LGA 2010-024). This policy shall not be applicable to the Western Communities Residential Overlay. This policy shall not be applicable to the 50.99 acre AgR-MLU located at the northwest corner of the Florida Turnpike and Atlantic Avenue, Delray Beach, as amended by FLUA Amendment Morningstar Nursery (LGA 2017-008).

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

Future Land Use	FLU Category	Tier				
		Urban/Sub & Glades USA	Exurban	Rural	Ag Reserve ³	Glades RSA ¹
Rural Residential	RR-20	---	X	X	---	---
	RR-5	---	X	X	---	---
	RR-2.5	---	X	---	---	---
Western Communities Residential	WCR	---	---	X	---	---
Urban Residential	LR, MR, HR	X	---	---	---	---
Agriculture	AP	---	---	---	---	X
	SA	X	X	X	X	---
	AgR	---	---	---	X	---
	Ag Enclave	---	---	X	---	---
Commercial Low	CL-O	X	X	X	X	---
	CL	X	X	X	X	---
Commercial High	CH-O	X	---	---	---	---
	CH	X	---	---	---	---
Industrial	IND	X	---	---	X	---
	EDC	X	---	---	---	---
Commercial Recreation		X	---	X	X	X
Parks & Recreation		X	X	X	X	X
Conservation		X	X	X	X	X
Institutional & Public Facilities		X	X	X	X	---
Spoil		X	---	---	---	X
Transportation & Utilities		X	X	X	X	X
Traditional Town Development & Multiple Land Use		X	---	---	---	---

- 2) Within the rural towns of Lake Harbor and Canal Point, the following additional future land use designations shall be allowed: Residential from RR-2.5 through MR-5; CL; CL-O; IND; EDC; and INST.
- 3) Within the Glades Area Protection Overlay, 138.21 acres of EDC future land use designation is allowed.
- 4) Within the Ag Reserve Tier, Urban Residential Future Land Use Designations may be requested if the subject property requests an AgR-MLU designation; thereby providing for a minimum of 40% of the residential units as workforce housing.

JUSTIFICATION FOR SPECIFIC TEXT CHANGES

Policy 1.5-i: Residential uses shall be permitted within the Agricultural Reserve Tier under the Agricultural Reserve land use designation as further regulated by the Unified Land Development Code. Consistent with the provisions of Future Land Use Policy 2.1-b and Table III.C.1, the land shall be allowed to develop at a density of one dwelling unit per five acres (1DU/5AC), unless the property meets the requirements for an Agricultural Reserve Planned Unit Development (AgR-PUD), Agricultural Reserve Multiple Use Planned Development (AgR-MUPD), or an Agricultural Reserve Traditional Marketplace Development (AgR-TMD) as described in Future Land Use Sub-Objective 1.5.1, in which case the land may be developed at a density of one dwelling unit per acre. An Agricultural Reserve Multiple Land Use Development (AgR-MLU) shall be allowed to develop at the underlying residential density.

Description of Proposed Change: *This policy is being amended to add the AgR-MLU as a planned development in the Agricultural Reserve Tier that is permitted a density greater than 1 dwelling unit per 5 acres. The revised policy allows the AgR-MLU to develop consistent with the underlying residential density proposed by the AgR-MLU.*

Justification of Proposed Change: *The Applicant desires to develop the Property as an AgR-MLU which will contain multi-family residential units of which 40% will be identified as workforce housing units. In the early 2000's, the Palm Beach County Board of County Commissioners and staff identified a significant need for workforce housing throughout the entire County and created a Workforce Housing program that applied to all residential developments over 10 units. The Agricultural Reserve Tier has been exempted from this Workforce Housing requirement to date. The need for Workforce Housing within the Agricultural Reserve Tier exists as there are currently two schools (Sunset Elementary & Somerset Academy) and Bethesda West Hospital which employ men and women who meet the income qualifications for workforce housing. The average price of homes within the Agricultural Reserve Tier is \$635,000, well above the limits of Workforce Housing. As discussed by the Board of County Commissioners, Workforce Housing is seriously needed in Palm Beach County. There are very few large tracts of land within the Urban/Suburban Tier where a significant number of Workforce Housing units can be obtained under the current program. Developers within the Urban/Suburban Tier are disproportionately burdened with providing the number of Workforce Housing units to serve the teachers, police, and firemen of the County. Those fortunate developers within the Agricultural Reserve Tier that are exempted from contributing to the County's Workforce Housing Program continue to build homes priced from \$500,000 up to \$3 million.*

The current language limits the maximum density to 1 DU/1 AC clustered on 40% of the land. The proposed text amendment allows additional density for the implementation of workforce housing similar to the current program yet with a minimum of 40% workforce housing requirement. Allowing the AgR-MLU's to develop at densities greater than 1 DU/5 AC and 1DU/1 AC provides one of the needed incentives to offset the increasing cost of land and construction in order to provide a specific segment of the County's population with the housing that it desperately needs.

Policy 1.5.1-#: Residential uses that are included within an Agricultural Reserve Multiple Land Use Development (AgR-MLU) shall be permitted to develop at a density greater than one dwelling unit per acre (1DU/1AC) only when providing a minimum of two housing types, congregate living facility (CLF) units may be included as one of the two housing types. Additionally, in order to achieve any density above 1DU/1AC, the proposed AgR-MLU shall include a minimum of 40% Workforce Housing units. CLF beds shall not be required to provide Workforce Housing units and shall follow Policy 1.5-j, 1.5-s, and Table III.C.2.

Description of Proposed Change: *This new policy is proposed to be added after 1.5.1-q and adds an Agricultural Reserve Multiple Land Use (AgR-MLU) Development as another development option containing residential development. This policy allows for residential density within the AgR-MLU to exceed one dwelling unit per acre.*

Justification of Proposed Change: *The Applicant desires to allow for the development of the Property as an AgR-MLU which will contain multi-family residential units of which 40% will be identified as workforce units. Additionally, the Applicant desires to provide for the development of*

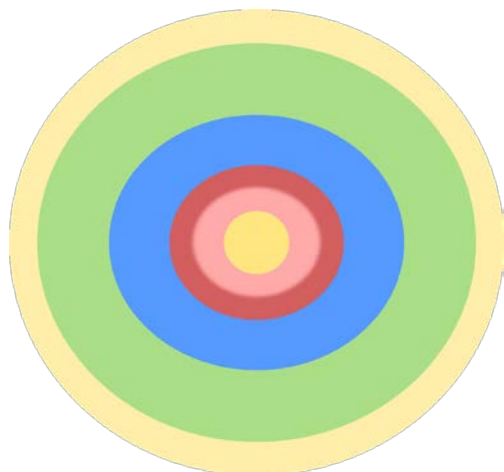
a congregate living facility (“CLF”) which is another much needed use for the residents of the Agricultural Reserve Tier. The Agricultural Reserve Tier objectives call for a mix of housing options within the Tier. In order to develop a mix of housing including workforce units and a CLF, additional density must be available to the Property.

The Agricultural Reserve Tier intended to allow for development while ensuring the preservation of farmland and environmentally sensitive lands. The original Master Plan called for a sustainable development pattern with a variety of uses and intensities. Sustainable development is generally more intense as it encourages the provision of public transportation, mixed use, and affordable housing. The compact higher intensity development is needed to ensure that there are shorter distances traveled to needed services and transportation (i.e. highways, public transit). Allowing the proposed AgR-MLU to develop at a higher density will offset the cost of land which is currently driving the increase in housing prices. Lower density development creates urban sprawl which increases public/municipal costs of service provision and leads to higher costs of construction ultimately leading to more expensive housing and commercial rents. This is not a sustainable planning practice.

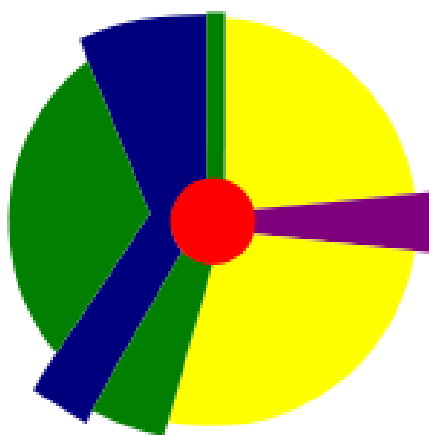
Policy 1.5-k: Commercial and mixed uses in the Agricultural Reserve Tier shall be ~~located central to the Tier and~~ designed at a neighborhood or community scale in order to be limited to serving the needs of the farmworker community, existing residents, and future residents the Tier.

Description of Proposed Change: *This policy amendment will strike language related to location of commercial development being located central to the Tier.*

Justification of Proposed Change: *When the Agricultural Reserve Master Plan was developed, it envisioned a concentric zone model of development with two nodes of intense development located at the intersections of Boynton Beach Boulevard and Lyons Road and Atlantic Avenue and Lyons Road. This concentric zone model of planning has the most intense development in the middle with less intense development radiating outward. Unfortunately, the Agricultural Reserve Tier did not actually develop in this fashion rather it developed along corridors much like the sector model of planning. Residential developments are approved along the major rights-of-way within the Tier and preservation parcels are spotted throughout much like a patchwork quilt.*



Concentric Zone Model



Sector Model



As demonstrated in the pictures above, much of the commercial/industrial development has occurred in a linear pattern along the major thoroughfares of Boynton Beach Boulevard, Atlantic Avenue, and even State Road 7. Residential developments have developed throughout the entire Tier where land has become available for purchase. Developers are getting more creative with how land is getting assembled to meet the requirements for preservation. Land that was once designated as a development parcel has been changed to preservation and vice-versa. This constant fluctuation of land adds to the piecemeal development pattern occurring throughout the Tier which does not conform with the Master Plan’s intent for development.

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

Description of Proposed Change: *This policy amendment will add the intersection at the Florida Turnpike and Atlantic Avenue as an appropriate location for commercial and mixed-use designations. Additionally, language has been struck related to location of commercial development being located central to the Tier.*

Justification of Proposed Change: *The addition of this major transportation node will serve as an appropriate location for mixed-use. This intersection is centrally located north to south within the Agricultural Reserve Tier and allows for easy access of the future residents of the development to Atlantic Avenue and the Florida Turnpike. In addition, the existing TMD located at Lyons Road and Atlantic Avenue operates as an entertainment node. Specifically, the Frank Theatres CineBowl & Grille, which includes a full service restaurant and bar, a full sized movie theater as well as a full sized bowling alley, is a destination spot for residents of Wellington, Delray Beach, Boynton Beach, and other cities and communities well outside of the Agricultural Reserve Tier boundaries.*

The proposed additional location is important because the Atlantic Avenue corridor is a unique corridor within the Agricultural Reserve Tier. The corridor contains multiple land use categories from Commercial to Industrial to Agricultural. Many industrial uses have been developed on the north side of Atlantic Avenue east of State Road 7. Additionally, Bethesda West Hospital is located at State Road 7 and Boynton Beach Boulevard. This weakens the original intent that development within the Agricultural Reserve shall be limited to serve the residents of the Tier. These uses include an automotive body repair shop, golf cart sales & service, and a contractor storage yard. No industrial uses have been developed on the south side of Atlantic Avenue yet, but with recent zoning changes in progress, it is anticipated that new industrial development is forthcoming within the next year or so.

As previously mentioned, when the Agricultural Reserve Master Plan was developed it envisioned a concentric zone model of development with two nodes of intense development located at the intersections of Boynton Beach Boulevard and Lyons Road and Atlantic Avenue and Lyons Road. However, the Agricultural Reserve Tier did not actually develop in this fashion rather it developed along corridors much like the sector model of planning. This is further shown by the existing industrially designated strip of land on Atlantic Avenue west of Lyons Road. This development pattern has already taken shape along Boynton Beach Boulevard as evidenced by Bethesda Hospital, the Homrich Property, West Boynton Center – Smigiel, Somerset Academy Charter School, the Boynton Beach Community Church, and Caridad Center.

The proposed location for another mixed-use development at the intersection of Atlantic Avenue and the Florida Turnpike serves as the southern gateway to the Agricultural Reserve Tier. This proposed intersection is also important as it can provide a transition between the Urban/Suburban Tier and the existing TMD where the proposed uses including: retail, hotel, restaurants, CLF/memory care, and multi-family residential all of which will support the existing and planned commercial, industrial, and single-family residential uses.

Policy 1.5-n: The County shall ensure a sustainable development pattern is achieved in the Agricultural Reserve by allowing commercial uses while ensuring that the supply of commercial square footage does not exceed the demand of the farm workers and residents of the Tier. The County may approve a maximum of ~~980,000~~ 1,208,000 square feet of commercial uses (retail, service and office) within the Tier.

Description of Proposed Change: *This policy amendment increases the square footage cap for commercial development within the Agricultural Reserve Tier.*

Justification of Proposed Change: *The BCC has indicated that the commercial square footage cap shall remain but may be adjusted on a case by case basis. This proposed project provides the needed justification for raising the cap to allow for the proposed project to be developed. In addition, this policy states that the intent of the commercial square footage cap is to ensure a sustainable development pattern. According to the World Commission on Environment and Development, the definition of a sustainable development is “development that meets the needs of the present without compromising the ability of future generations to meet their own needs. It contains within it two key concepts: 1) the concept of ‘needs’, in particular, the essential needs of the world’s poor, to which overriding priority should be given; and 2) the idea of limitations imposed by the state of technology and social organization on the environment’s ability to meet present and future needs.” Sustainable design principals oppose solitary housing estates and suburban sprawl with long commuting distances. Increasing the commercial square footage cap for the Agricultural Reserve Tier will allow the development of additional commercial to meet the needs of the increasing number of residents within the Tier. These residents should not have to drive extended distances to needed retail, restaurants, and other services. Additionally, this additional commercial development will help offset the cost of providing the much-needed workforce housing to the Tier further contributing to the sustainability of the Agricultural Reserve Tier.*

The 2025 Tier population projection (37,455 residents) equates to the eighth largest Palm Beach County municipality; roughly equivalent to the current population of Greenacres, Lake Worth or Royal Palm Beach. This projected population increase will need commercial services in the area. Securing enough commercial square footage within the Agricultural Reserve Tier will ensure that traffic trips and distances are reduced within the Tier and travelling to the east outside of the Tier.

Policy 1.5.1-q: AGR-Multiple Use Planned Development. New Agricultural Reserve Multiple Use Planned Developments (AgR-MUPD) in the Ag Reserve Tier shall meet the following requirements:

1. Preserve Areas shall not be required for a property that is 16 acres or less in size as of January 1, 2016. For purposes of this policy, the term ‘property’ is defined as a property control number as configured on January 1, 2016. The acreage shall be exclusive of right-of-way as shown on the Thoroughfare Right-of-Way Identification Map;
2. Preserve Areas shall be required for a property that is greater than 16 acres in size as of January 1, 2016. For purposes of this policy, the term ‘property’ is defined as a property control number as configured on January 1, 2016. For such properties, the Development Area shall not exceed 40 percent of the gross acreage less right-of-way as shown on the Thoroughfare Identification Map;
3. The Development Area for commercial and mixed use projects shall meet the Ag Reserve Design Elements; and
4. Required Preserve Area shall be subject to the standards and requirements of an AgR-TMD preserves.
5. An AgR-MUPD may be granted up to a 100% reduction in the Preserve Area acreage when developed as an AgR-MLU and provide a minimum of 40% of the residential units (excluding CLF beds) as Workforce Housing units as determined by the Board of County Commissioners during the development review process. The ULDC shall be revised to implement this concept..

Description of Proposed Change: *This policy amendment allows for AgR-MLUs that provide workforce housing units to be granted a reduction for the provision of preservation acreage.*

Justification of Proposed Change: *The Applicant desires to allow for the development of a significant amount of workforce housing units. The provision of workforce housing puts an economic burden on a developer as does the provision of preservation land. To fulfill a need for workforce housing in an area with average home prices of \$635,000, certain incentives should be granted. Within the Urban/Suburban Tier, the incentives include reduced processing time, additional density, and reduction in TPS standards. In addition a similar text amendment was previously contemplated by the Planning Staff as discussed in a prior text amendment in Amendment Round 16-B that was subsequently struck prior to being heard at any public hearings.*

It is also important to note that much of the land within the Agricultural Tier has already been designated as either a development parcel or preserve parcel. Current Comprehensive Plan text changes have allowed developers to designate smaller parcels as preservation in order to encourage further assemblage of land for either development or preservation. The residential developers currently building in the Agriculture Reserve Tier are now able to develop more units without contributing to the County's Workforce Housing program.

The provision of Workforce Housing for the residents of Palm Beach County has been a significant topic raised by every Board of County Commissioner. Commissioners, as well as the County Administrator, have reiterated that Workforce Housing is a top priority for the entire County. This amendment will provide the needed incentive for the project developer to provide such housing in an area of Palm Beach County where is currently non-existent.

Policy 1.5.1-# AGR-Multiple Land Use Development. The Agricultural Reserve Multiple Land Use Development (AgR-MLU) is project specific and is limited to projects that demonstrate a functional integration and mix of land uses which exceeds minimum zoning requirements. The AgR-MLU is a planned development intended to provide a development that has commercial and residential uses horizontally integrated. In addition to meeting the intent of the Multiple Land Use (MLU) as described in Objective 4.4.2, an AgR-MLU shall also meet the following requirements:

1. The total land area shall be a minimum of 50 acres;
2. The AgR-MLU shall be located within ¼ mile of the intersection of Atlantic Avenue and the Florida Turnpike; and
3. To accommodate the need for workforce housing within the Agricultural Reserve Tier, Agricultural Reserve Multiple Land Use Developments (AgR-MLU) shall include a minimum of 40 percent of the total number of residential units as Workforce Housing units. CLF beds shall not be included in the total amount of residential units.

Description of Proposed Change: *This additional policy creates the new AgR-MLU and provides minimum requirements for the development of an AgR-MLU.*

Justification of Proposed Change: *The Applicant desires to develop a mixed-use project that will meet the original intent for mixed-use developments within the Agricultural Reserve Tier. The This proposed policy builds upon the existing language applicable to Multiple Land Use (MLU) projects while adding supplementary criteria for an Agricultural Reserve Multiple Land Use (AgR-MLU) project. The Applicant intends to develop a significant amount of workforce housing as well as a CLF to provide alternative housing options for the Tier residents. In order to ensure that workforce housing units are included within the development, the policy requires a minimum percentage of the total number of units to fall within the Workforce Housing Program income limits. The policy limits*

the acreage of the proposed development as well as the location. Finally, this policy limits the maximum intensity and density to that approved by the site specific land use amendment. This flexibility is needed in order to allow for the proposed development to increase and decrease intensity and density while keeping the maximum number of traffic trips the same.

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

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

...This policy shall not be applicable to an Agricultural Enclave adopted pursuant to Policy 2.2.5-d. This policy shall not be applicable to the area designated as SR-7 Economic Development Overlay (EDO). This policy shall not be applicable to the area designated as Industrial in the Urban Service Area of the Glades Tier amended by FLUA Amendment Inland Logistics Center (LGA 2010-024). This policy shall not be applicable to the Western Communities Residential Overlay. This policy shall not be applicable to the Western Communities Residential Overlay. This policy shall not be applicable to the 50.99 acre AgR-MLU located at the northwest corner of the Florida Turnpike and Atlantic Avenue, Delray Beach, as amended by FLUA Amendment Morningstar Nursery (LGA 2017-008).

Description of Proposed Change: *This policy amendment exempts this AgR-MLU development from complying with comprehensive plan traffic limitations.*

Justification of Proposed Change: *The proposed project does not meet Policy 3.5-d because of a Short Range Level of Service (Test 2) failure on the one mile roadway link of W. Atlantic Avenue from Hagen Ranch Road to Jog Road in the PM peak hour eastbound direction.*

Policy 3.5-d is a local policy not required by Chapter 163. Exempting an application from Policy 3.5-d does not exempt the project from concurrency, nor create an inconsistency with state concurrency requirements. Concurrency is regulated by Transportation Element Policy 1.1-b of the Comprehensive Plan and is demonstrated at the rezoning/development order stage, not the plan amendment stage. The Applicant has demonstrated that this development will meet the long range (2040) roadway levels of service. The Test 2 (five year) failure can and will be addressed at time of Concurrency. It is also important to note that FDOT has adopted new capacity standards in the “2012 FDOT Quality/Level of Service Handbook.” Palm Beach County is still utilizing old capacity standards from 2009. By applying the adopted FDOT 2012 capacity standards to the failing link of W. Atlantic Avenue, the Short Range Level of Service (Test 2) requirement is met. It is important to note that W. Atlantic Avenue is a state road, further justifying the use of the updated FDOT capacity standards.

Atlantic Avenue has had a temporary CRALLS designation for the benefit of the following developments:

- *Terranova Residential Project*
- *Terranova Commercial Project*
- *Montage Project*
- *TMD Project (Delray Marketplace)*
- *HomeDevco Project*
- *Appolonia Project*

- *Bosco Project*
- *Dubois Project*

These developments paid into the Atlantic Avenue contribution fund to pay for the four-laning of W. Atlantic Avenue from Lyons Road to Starkey Road and the six-laning of W. Atlantic Avenue from Florida's Turnpike to Jog Road. The four-lane segment was constructed, but not the six-lane segment. The county still has the remaining funds (\$7,000,000 according to the Five Year Road Program.) In September 2016, the MPO added the six-lane segment (from Lyons Rd to Jog Rd) to its Major Project priority list. In response to this action, FDOT allocated \$500K in FY 19 for data collection and \$2.5M in FY 20 for PD&E analysis of the widening from 4-6 lanes in the FY 18-22 Tentative Work Program. The MPO voted to approve the program at the December 2016 meeting. This should become official with the next FDOT work program on July 1, 2017. While construction has not been scheduled yet, it is estimated that it could occur in FY 25. The Applicant is willing to pay into this fund via a Proportionate Share agreement to be established during the Site Plan/Concurrency application phase.

With the exemption from Policy 3.5-d, the Applicant can pursue improvements to the Atlantic Avenue/Starkey Road intersection, such as turn lanes and traffic signalization that will benefit the existing landowners along Starkey Road and Persimmon Avenue. The Applicant also has the ability to build a true mixed-use development that can 1) provide internalization of project trips, thus reducing the need for some external trips and 2) capture some shopping/dining/work trips already on Atlantic Avenue, thus reducing trips further east on the failing link of Atlantic Avenue.

This exemption will facilitate density and intensity over and above the limitation of this policy. The Applicant intends to develop a mixed-use project unlike any other within the Agricultural Reserve Tier. The Applicant intends to provide a much needed workforce housing component to serve the Agricultural Reserve Tier. Without an exemption, Policy 3.5-d would limit the residential component to 125 multi-family dwelling units, thus eliminating the potential for 144 workforce housing units (or reducing the workforce housing from 144 to 50 units - 40% of 125.)

Table III.C: 3. Within the Ag Reserve Tier, Urban Residential Future Land Use Designations may be requested if the subject property requests an AgR-MLU designation; thereby providing for a minimum of 40% of the residential units as workforce housing.

Description of Proposed Change: *This Table amendment adds a note to Agricultural Reserve Tier column to allow increased densities within the Agricultural Reserve Tier when providing workforce housing.*

Justification of Proposed Change: *The Applicant desires to allow for the development of a significant amount of workforce housing units. The provision of workforce housing puts an economic burden on a developer as does the provision of preservation land. To fulfill a need for workforce housing in an area with average home prices of \$635,000, certain incentives should be granted. The proposed incentive is one that was previously contemplated by the Planning Staff as discussed in a prior text amendment in Amendment Round 16-B that was subsequently struck prior to being heard at any public hearings.*

The provision of Workforce Housing for the residents of Palm Beach County has been a significant topic raised by every Board of County Commissioner. Commissioners, as well as the County

Administrator, have reiterated that Workforce Housing is a top priority for the entire County. This amendment will provide the needed incentive to any developer desiring to provide such housing in an area of Palm Beach County where is currently non-existent.

ULDC CHANGES

ULDC changes are required as residential uses are currently not permitted within an MUPD. A privately initiated amendment to the County's ULDC has been submitted to the Zoning Division. A copy of that submittal has been provided as a courtesy to the Planning Division as Attachment T.

II. PROPOSED FLUA MAP AMENDMENT (Assumes approval of the proposed Text amendment)

JUSTIFICATION

A written Justification Statement is required for FLUA map amendments, per Future Land Use Element Policy 2.1-f. The Justification Statement must demonstrate that a change in an FLUA designation is warranted. The Justification Statement must adequately demonstrate the following two factors:

1. The proposed use is suitable and appropriate for the Subject Site; and
2. There is a basis for the proposed FLU Land Use designation for the Subject Site based upon one or more of the following:
3. Changes in the FLU designations on adjacent properties or properties in the immediate area and associated impacts on the Subject Site;
4. Changes in the access or characteristics of the general area and associated impacts on the Subject Site;
5. New information or change in circumstances which affect the Subject Site;
6. Inappropriateness of the adopted FLU designation; or
7. Whether the adopted FLU designation was assigned in error.

The following terms, defined in the Introduction and Administration Element of the Comprehensive Plan, are used in the following discussion:

- Commercial Uses – Activities within land areas which are predominantly connected with the sale, rental and distribution of products or performance of services.
- Community – A defined geographic area that consists of one or more residential neighborhoods and other uses, which primarily serve surrounding neighborhoods and local businesses.
- Neighborhood – A defined compact area consisting of residents which may include uses to serve the daily needs of the residents, such as shops, workplaces, recreational areas and civic uses (schools, places of worship), that are accessible by interconnected streets.
- Node – 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.

Description of the Site Vicinity and Proposed FLUA Amendment

The subject site, which is the object of a FLUA amendment to AgR-MLU [CL & HR-8], consists of an approximate 50-acre parcel of land located on the northwest quadrant of the intersection of the Florida Turnpike and Atlantic Avenue. The proposed FLUA designation will permit a limited range

of neighborhood-oriented commercial activities and residential options designed to service the Agricultural Reserve Tier.

The proposed commercial development component includes retail, hotel and restaurant uses that normally locate in neighborhood and community-scale nodes. Proposed residential uses include multiple-family and congregate living alternatives not currently available within the Agricultural Reserve Tier. Specifically, the proposed mixed commercial/residential development concept consists of the following uses:

1. Commercial: Retail/restaurant –155,000 SF.
2. Hotel: 130 rooms (73,000 SF).
3. Residential: Multiple-family – 360 units (40% workforce housing); and Congregate living – 115 beds.

Land uses of properties directly abutting the subject site include the following:

North – Redwing Farms, a 19-acre wholesale nursery.

South – West Atlantic Avenue, a 4-lane divided designated Urban Minor Arterial roadway (Florida’s Turnpike west to State Road 7) followed by Pro Gardens a 10-acre wholesale/retail nursery and Delray Lakes Estates residential community.

East – Florida’s Turnpike southbound exit ramp and Interchange at West Atlantic Avenue.

West – Starkey Road, a 2-lane local street followed by One-Mile Properties a 150-acre farm.

The subject property (Morningstar Nursery, Inc.) is located within the Agricultural Reserve Tier and currently assigned an FLUA designation of AGR and an AGR zoning designation. The current use, as assigned by the Palm Beach County Property Appraiser, is wholesale nursery, in part, and pasture, in part. The wholesale nursery is no longer in business and the property owner now leases the shade houses on-site to an adjacent property owner. A 17,800 sq. ft. office/warehouse building, used for agricultural purposes, is located on the property.

The following chart represents the minimum and maximum intensities proposed for the AgR-MLU as well as voluntary conditions of approval.

Use	Acres		Intensity/Density	
	Minimum	Maximum	Minimum	Maximum
CL	11 acres	31 acres	98,000 SF	155,000 SF of Commercial Uses & 73,000 SF 130 Room Hotel (Total 228,000 SF)
HR-8 (Residential & CLF)	20 acres	40 acres	221 units	408 units

Conditions of Approval

1. Development of the site is limited to residential dwelling units and non-residential square footage that is equal to or less than, a maximum new external daily trips of 8,869 and a maximum new external peak hour trips of 319 am and 778 pm trips.

2. Commercial uses for the site shall be limited to a maximum of 155,000 sq. ft. (excluding the 73,000 sq. ft. 130 room hotel).

3. A minimum 10% of the property must be committed to Usable Open Space. Usable Open Space is defined as pervious, vegetated areas, parks and squares as well as impervious “hardscaped” areas which are openly accessible to the public, such as plazas, squares, and courtyards. This open space can be used for passive or active recreation as well as formal and informal gatherings; however, credit shall not be given for; any indoor or climate-controlled spaces, road rights-of-way, building setback areas, impervious surface courts (tennis, basketball, handball, etc.), swimming pools, parking lots, and any pervious green area not intended for passive or active recreation or gathering of a formal or informal nature.

4. The Zoning development order shall provide at least 40% of the residential units as workforce housing subject to the following requirements:

a. The property owner shall provide these units on site, and between 60-140% of the Average Median Income ranges for the County, in four ranges (60-80%, 81-100%, 101-120%, and 120-140%).

5. Prior to the final adoption of the amendment a condition shall be established in the adopting ordinance that will ensure the concurrent development of the residential and commercial uses, such as commencing construction of a minimum of 50% residential units prior to the completion of 50% of the commercial square footage.

6. The adoption of the proposed Comprehensive Plan Future Land Use and Text amendment must be held concurrently with the rezoning application.

7. The Applicant shall record a conservation easement on a minimum of 5 acres of off-site preservation area prior to Final Site/Subdivision Plan approval.

Agricultural Reserve Tier Comprehensive Plan Directives

Objective 1.5 of the Future Land Use Element of the Comprehensive Plan, as revised by Ordinance 2016-08 and the companion text amendment contain land use objectives and policies for the Agricultural Reserve Tier. The principal objective of the Tier is to preserve and enhance agricultural activity, environmental and water resources, and open space within the Agricultural Reserve Tier.

In addition to Objective 1.5, the Future Land Use Element contains specific policies as modified by the companion text amendment related to the location and amount of commercial/mixed-use development in the Agricultural Reserve Tier. From these Policies, Comprehensive Plan commercial and mixed-use land use directives within the Agricultural Reserve Tier are summarized as follows:

- Commercial and mixed use shall be designed at a neighborhood or community scale in order to be limited to serving the needs of the farm worker community, existing residents and future residents of the Tier.
- In order to facilitate community growth, reduce traffic, and maintain open space, the locations of new commercial and mixed use FLU designations shall be limited to three commercial-mixed use centers. These centers are central to the Tier and intended to combine neighborhood shops,

community commercial, offices, civic institutions, and housing opportunities. The three centers, or nodes, are defined as follows:

- The area within ¼ mile of the intersection of Lyons Road with Boynton Beach Boulevard.
- The area within ¼ mile of the intersection of Lyons Road with Boynton Beach Boulevard.
- The area within ¼ mile of the intersection of Florida’s Turnpike and West Atlantic Avenue.
- In order to ensure a sustainable development pattern and an adequate supply of commercial square footage, a maximum of 1,208,000 sq. ft. of commercial space (retail, hotel, service and office uses) may be approved within the Tier.

Supportive Data and Analysis

The Managed Growth Tier System was adopted into the Comprehensive Plan in 1999, including the establishment of the Ag Reserve Tier. This effort included the incorporation of Agricultural Reserve Master Plan concepts within the Comprehensive Plan. Land uses within the Agricultural Reserve are summarized in Table 1.

Table 1 - 1999 Ag Reserve Land Use Inventory

Land Use	Acreage	% of Total
Agriculture and Related Uses	12,913	61.7
Equestrian	775	3.7
Agricultural Easements	781	3.7
Developed (Residential/Commercial)	1,528	7.4
Excavation	232	1.0
Conservation	4,151	19.8
Vacant	591	2.8
Total	20,923	100.1

Source: Exhibit 1-3: Palm Beach County Agricultural Reserve Master Plan Phase I Reports

Population within the Agricultural Reserve Tier using Traffic Analysis Zone (TAZ) data prepared by the Palm Beach County Planning Division was estimated at 1,986 residents in 1999. Population projections presented in Table 2 illustrate the rapid population growth that has occurred within the Tier since 1999 and continued growth projected over the next 20 years.

From Table 2, the current (2015) population within the Tier is estimated at 22,627 residents. TAZ-based projections indicate that the population will increase to 37,455 residents (an increase of 66%, or 14,828 residents) by 2025 and 40,271 (an additional increase of 12%, or 2,816 residents) by 2035. In total, the population in the Tier is projected to increase by 78% during the 2015 to 2035 period. The 2025 Tier population projection (37,455 residents) equates to the eighth largest Palm Beach County municipality; roughly equivalent to the current population of Greenacres, Lake Worth or Royal Palm Beach.

Table 2 – Agricultural Reserve Population Projections

TAZ	Year						
	2012	2013	2015	2020	2025	2030	2035
742	138	138	143	155	182	208	272
745	891	899	975	1,154	1,327	1,459	1,538
746	117	241	495	1,544	1,569	1,610	1,638
747	11	12	12	12	13	15	16
748	1,757	2,004	1,929	1,949	2,002	2,090	2,142
749	2,263	2,310	2,574	3,278	3,306	3,350	3,382
750	3,279	3,305	3,480	4,520	4,559	4,619	4,664
751	0	0	281	1,142	1,303	1,339	1,362
752	18	18	18	19	19	20	20
753	58	58	336	916	920	926	931
754	2	2	226	1,171	1,176	1,184	1,191
756	13	13	13	13	13	13	13
757	0	0	0	0	0	0	0
758	455	459	589	1,007	1,083	1,132	1,161
759	3	3	3	119	241	242	244
760	305	309	358	1,020	1,131	1,151	1,203
761	1,250	1,252	1,581	2,389	2,843	2,863	2,882
762	1,033	1,043	1,307	1,860	2,166	2,296	2,350
763	182	193	502	1,625	3,017	3,431	3,453
764	261	266	273	277	279	281	283
765	41	227	701	1,377	1,412	1,471	1,506
766	0	49	326	328	335	345	352
767	131	136	140	150	163	177	200
880	1,124	1,161	1,342	1,489	1,531	1,572	1,597
1021	2,281	2,356	2,539	2,969	3,400	3,738	4,129
1022	742	747	801	903	976	1,026	1,067
1023	134	138	154	196	241	280	309
1028	1,092	1,099	1,202	1,366	1,452	1,503	1,529
1030	0	0	114	556	569	590	603
1031	0	0	0	0	0	0	0
1032	203	208	213	221	226	231	235
Total	17,786	18,647	22,627	33,724	37,455	39,165	40,271

Source: Palm Beach County Planning Division; 2013

According to the Agricultural Reserve Workshop March 24, 2015 Executive Summary, approximately 10,500 acres, or roughly 50% of the Tier remains in agricultural use illustrating the effectiveness of Comprehensive Plan policies in maintaining its agricultural character, while approving PUD, TMD and limited commercial developments. Recent Comprehensive Plan text amendments (Ref: Ordinance 2016-08) and those proposed in the companion text amendment will ensure continued agricultural viability within the Tier while providing for the evolving needs of its residents. Key recent policy adjustments, including the companion text amendments, as they relate to the subject FLUA Map Amendment include:

1. Recognition that community-scale commercial in addition neighborhood-scale commercial is necessary to serve the increasing needs of Tier residents.

2. The addition of a third mixed-use development center at the intersection of Florida's Turnpike and West Atlantic Avenue.
3. Mixed-use centers are intended to combine neighborhood shops, community commercial, offices, civic institutions, and housing opportunities. Up to a maximum of 1,208,000 sq. ft. of commercial space (retail, hotel, service and office uses) may be approved within the Tier.
4. In addition to shopping, entertainment and services uses, Planned Developments may include housing opportunities.

Residential Supportive Data and Analysis

The residential component of the proposed FLUA Map Amendment consists of multiple-family (i.e. 360 rental apartments) and congregate living (i.e. 115 beds) uses.

1. Multiple-Family Apartments

Census Tracts 77.13 and 77.53, in combination, approximate the area of the Agricultural Reserve Tier. Data from the 2010 Census are used as a basis to formulate observations and conclusions regarding housing and household conditions in the Tier.

According to the Census, there were approximately 7,000 housing units in 2010 within the Tier, as defined by Census Tracts 77.13 and 77.53. Approximately 91% of the total were single-family detached units in comparison to the countywide rate of 46%. Of the total households within the Tier, 533 were renter-occupied; 9% of the total occupied housing. In comparison, the countywide renter-occupancy rate was 29%.

Using Census data, the 2010 median value of owner-occupied housing within the Tier was \$636,990. In comparison, the 2010 countywide median value was \$261,900. In addition, 2010 median gross monthly rents for the few available units within the Tier were substantially higher than countywide; \$1,935 per month within the Tier versus \$1,129 per month countywide.

The great disparity between housing type, tenure and price characteristics in the Tier versus those countywide highlights the lack of housing choice within the Tier. The proposed residential development component is oriented to increasing the supply of rental apartments within the Tier to accommodate the following:

1. Projected population growth during the 2015–2025 period (14,828 residents per Table 2).
2. Employees of existing and planned commercial businesses.

From Table 2, population growth within the 2015–2025 period is projected at 14,828 residents. Assuming the maintenance of the 2010 average household size (3.18 persons); the Tier is projected to grow by 4,662 households over the course of the next ten years. Assuming that the renter-occupancy rate is maintained at the current low rate of 9% at a 5% stabilized vacancy rate, demand for rental housing within the Tier is projected at 442 units. However, assuming renter-occupancy increases to the current countywide rate of 29%, demand for apartments within the Tier generated by population growth will increase to 1,423 units.

Additional demand for rental units is expected to be generated by employees of existing and approved commercial developments in the Tier. A comparison of the current average annual wage (i.e. \$51,376 in 2015) in Palm Beach County with median home values and monthly rents

within the Tier indicates that housing is not affordable to the average worker. In particular, the 2015 average wage of a retail worker is \$31,420 per year. This leads to the conclusion that the majority of current and future workers within the Tier reside elsewhere. It is estimated that the projected 1,256,455 sq. ft. of supportable commercial space will employ an estimated 2,512 workers (i.e. 1,256,455 sq. ft. /500 sq. ft. /employee). Additional rental apartments, up to 40% of which may be designated as workforce housing units will provide an affordable housing alternative for workers employed in the Tier. Using employment data provided by the Florida Department of Economic Opportunity and licensed rental apartment data provided by the Florida Department of Business and Professional Regulation, it is estimated that demand for a rental apartment unit is generated by 8.2 employees. On this basis, the estimated 2,512 employees will generate demand for 309 apartment units. It is recognized that all employees will not reside within the Tier. However, it is concluded that demand generated by population growth and employment can support the proposed 360 units, including a 40% workforce housing component.

2. Congregate Living Accommodations

The following definitions are used to assess the proposed 115 bed CLF component:

Assisted Living Facility is typically defined as a communal living facility where personal and care assistance with daily living activities is provided. Residents receive 3 meals per day, recreational and social activities, housekeeping, linen service, apartment maintenance and transportation services. Assisted Living Facilities normally range in size from 60 to 120 beds. Due to the lack of facilities in the Agricultural Reserve Tier, it can be concluded that the proposed facility can easily accommodate 115 beds.

FLUA Map Amendment Justification

Each proposed FLUA amendment must be found to be consistent with the Goals, Objectives, and Policies (GOPs) of the Comprehensive Plan. Future Land Use Element Policy 2.1.f requires that adequate justification for the proposed future land use be provided. Further, the justification statement must demonstrate that a change is warranted and demonstrate the following two factors:

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

***Response:** Section 1.D of the Future Land Use Element defines the characteristics of a livable community. Included among the characteristics is a central neighborhood or community focal point, such as a civic space or commercial area. Livable Community characteristics include commercial centers with a mix of commercial uses compatible with the character of the Tier.*

The proposed FLUA Map Amendment will create a mixed-use node at the intersection of Florida's Turnpike and West Atlantic Avenue meeting a portion of the projected commercial and housing needs of residents and employees of the Agricultural Reserve Tier. Using TAZ data, population of the Tier is projected to increase by 14,828 residents during the 2015 – 2025 period and an additional 2,816 residents during the 2025 – 2035 period. The commercial component will provide additional goods and services necessary to meet the needs of projected population growth, while the residential component will provide a multiple-family housing alternative, including workforce housing, not currently available within the Tier.

Objective 1.1.3 of the Future Land Use element states that future growth should be accommodated while prohibiting further urban sprawl by requiring the use of compact forms of sustainable development. The proposed FLUA Map Amendment enhances a clearly delineated functionally related, compact mixed use node at the intersection of Florida's Turnpike and West Atlantic Avenue with available public facilities and utilities.

Policy 2.2.1-b of the Future Land Use Element states that areas designated for residential use shall be protected from encroachment of incompatible future land uses and regulations shall be maintained 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.

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

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

Response: Approval of the Canyon Town Center AgR-TMD and Delray Market Place AgR-TMD constituted the initial step in creating mixed-use commercial nodes within the Agricultural Reserve Tier. The proposed FLUA Map Amendment will result in a third mixed-use node to serve the expanding needs of Tier residents generated by population growth. Additionally, the Board of County Commissioners has allowed smaller neighborhood serving commercial low land use amendments, further recognizing that changes are occurring within the Agricultural Reserve Tier. To date, none of the commercial nodes have developed a residential component. The fact that the proposed project incorporates both commercial and residential provides a true mixed-use development which is consistent with "good planning principles" and contributes to a sustainable development pattern.

2. Changes in the access or characteristics of the general area and associated impacts upon the subject site.

Response: Construction of the Florida's Turnpike Interchange at West Atlantic Avenue has resulted in increased accessibility to and from the southern portion of the Agricultural Reserve Tier. Related increased traffic and population growth has created demand for additional commercial and housing within the Tier. Additionally, it is important to note that the Property is located at a major transportation node. Access to and from the Property for residents and visitors alike will be easy.

The Agricultural Reserve Master Plan originally intended that commercial development would occur at two nodes within the Tier with higher residential density immediately adjacent to those nodes. The Master Plan further intended for lower density residential to develop outside of the higher intensity core eventually transitioning to the Agricultural Preserve parcels. This development pattern has not occurred, rather development is sprinkled throughout the tier leapfrogging preservation parcels and other existing commercial and industrial type uses.

The proposed FLUA Map Amendment will provide alternative housing options that were originally contemplated by the Master Plan. The Applicant desires to provide a CLF and multi-family residential units with a major workforce housing component to serve the

residents and workers within the Agricultural Reserve Tier. The Agricultural Reserve Tier has been exempt from the requirements of the County's Workforce Housing program, thus a consistent homogeneous development pattern has continued to develop in the Tier. Developers within this Tier are not required to provide the Workforce Housing units, thus imposing 100% of the burden to provide housing at a lower cost on the developers within with Urban/Suburban Tier.

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

***Response:** In terms of the proposed FLUA Map Amendment, recently updated population projections (2013 TAZ projections) indicate strong demand/need for additional commercial retail space during the 2015 – 2025 period within the Agricultural Reserve Tier. Based upon Comprehensive Plan directives, the Florida's Turnpike/West Atlantic Avenue intersection is an appropriate location for additional mixed-use development to address projected demand within the Tier. Other changed circumstances include the recent FLU amendments to Commercial Low (i.e. Dells Suburban Market, Fina Station, Delray Growers, Fuerring Commercial, Seneca, and Stop & Shop) along Atlantic Avenue and within proximity of the Property.*

4. Inappropriateness of the adopted FLU designation.

***Response:** AGR is not the most appropriate FLUA designation for the subject site to create an appropriate balance of land uses within the Agricultural Reserve Tier, as Policy 1.5-# has identified the site as appropriate for an AgR-MLU use.*

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

***Response:** NA*

RESIDENTIAL DENSITY INCREASES

The Applicant desires to allow additional density to be developed on the Property. The Workforce Housing Program and Transfer of Development Rights Program cannot be utilized within the Agricultural Reserve Tier. The Applicant is proposing a set number of residential units as well as CLF beds as part of this proposed land use amendment.

As described above in the "Residential Supportive Data and Analysis" there is a need for the additional residential units proposed by this Comprehensive Plan Future Land Use Atlas Amendment. There is a great disparity between housing type, tenure and price characteristics in the Agricultural Reserve Tier versus those countywide. There is a significant lack of housing choice within this Tier. The proposed residential development component is oriented to increasing the supply of rental apartments within the Tier as well as provide a significant amount of Workforce Housing units. The proposed amendment will also allow for the development of a CLF, thus providing more housing options for the residents of the Tier. The addition of a CLF will allow for the aging population of the Agricultural Reserve Tier to relocate within their community thus not moving away from the friends, family, and community in which they were previously living.

COMPREHENSIVE PLAN

The proposed Future Land Use Atlas Amendment is consistent with various goals, objectives, and policies in the Palm Beach County Comprehensive Plan as detailed below. Furthermore, the proposed amendment is consistent with the Agricultural Reserve Master Plan and Delray Alliance Neighborhood goals, objectives, and policies.

Goals – The proposed future land use amendment furthers the County’s goals as described below.

Balanced Growth – “...to recognize the diverse communities within the County, to implement strategies to create and protect quality livable communities respecting the lifestyle choices for current residents, future generations, and visitors, and to promote the enhancement of areas in need of assistance.”

Response: Approval of this amendment will allow for the development of a mixed use project that will meet the original intent of the Agricultural Reserve Master Plan. The proposed project will consist of neighborhood serving commercial uses, workforce housing options and a congregate living facility for the residents of the Agricultural Reserve Tier. Allowing these uses within the Agricultural Reserve Tier will ensure that this area of Palm Beach County has the needed services and housing opportunities to serve the residents thus promoting and enhancing the quality of life for current and future residents of the area.

Land Planning – “...to create and maintain livable communities, promote the quality of life, provide for a distribution of land uses of various types, and at a range of densities and intensities, and to balance the physical, social, cultural, and environmental and economic needs of the current and projected residents and visitor populations. This shall be accomplished in a manner that protects and maintains a diversity of lifestyle choices, and provides for the timely, cost-effective provision of public facilities.”

Response: Allowing additional mixed use developments within the Agricultural Reserve Tier will encourage and provide for the appropriate distribution of land uses that promotes the quality of life for the residents in the area. The existing Delray Marketplace TMD to the west does not provide the needed services to the residents within the area, rather it has become an entertainment node that draws many from outside of the Agricultural Reserve Tier. Allowing the proposed workforce housing will contribute to the overall quality of life in Palm Beach County by providing alternative housing opportunities in an area that has become relatively homogeneous with respect to income levels and housing types.

Atlantic Avenue is a major east-west corridor with access to I-95, the Turnpike, and US 441. Infrastructure is already in place along this corridor to accommodate the existing residential and TMD that are already developed in the immediate vicinity of the Property.

Community Planning and Design – “...to develop and implement strategies that will enhance the quality of life within its neighborhoods and communities by ensuring that these areas are well-planned, visually pleasing, safe, and devoid of substandard housing and blight. Neighborhoods and communities shall also be accessible to all of the residents of Palm Beach County through an emphasis on the provision of a variety of housing opportunities through the continuous development of affordable housing.”

Response: The Agricultural Reserve Master Plan’s intent was to create a well-planned community that provided a mix of uses as well as a variety of housing types while ensuring the protection of agriculture and environmentally sensitive lands. The development pattern that has occurred in the Agricultural Reserve Tier does not represent a well-planned community, but rather a patchwork of uses that may not be compatible with one another. There is a lack of diversity in housing options and limited commercial choices within the Tier. The proposed development will provide a significant amount of workforce housing units as well as provide additional commercial development opportunities for area residents. With the inclusion of a CLF, many of the residents will be able to stay in the community among friends and enjoy amenities offered within the development.

Objectives – The proposed future land use atlas amendment furthers the County’s objectives as further described below.

Objective 1.5 The Agricultural Reserve Tier – “The Agricultural Reserve Tier encompasses unique farmland and wetlands that are to be preserved primarily for agriculture based on policy direction adopted by the Board of County Commissioners in 1995. The Agricultural Tier Objective and Policies were revised in 2001 to incorporate the findings contained within the Ag Reserve Master Plan dated October 2000. This document was a summary of consultant and staff recommendations, and Board direction, for the Ag Reserve Master Planning effort which took place over a period of years with several phases. The purpose of the Master Planning effort was: ‘To preserve and enhance agricultural activity and environmental and water resources in the Ag Reserve, and produce a master development plan compatible with these goals.’ A major emphasis of the initial phase was public outreach and the preparation of a set of guiding objectives that were prioritized by the Board of County Commissioners (BCC) during the development of the Ag Reserve Master Plan as follows:

1. Preserve and enhance agriculture
2. Enhance environmental resource value
3. Enhance water management capability
4. Enhance open space
5. Create a functional sustainable development pattern
6. Minimum costs/impacts to County taxpayers”

Response: Approval of this future land use amendment will allow for the development of an appropriate neighborhood serving commercial use for the residents of the Agricultural Reserve Tier. Allowing neighborhood serving commercial uses within the Agricultural Reserve Tier will ensure that this area of Palm Beach County has the needed services to serve the residents thus promoting and enhancing the quality of life for current and future residents of the area. This amendment will also create a functional sustainable development pattern that was originally anticipated by the Master Plan but not attained with two approved TMDs (Canyon Town Center & Delray Marketplace).

Objective 2.1 Balanced Growth – “Palm Beach County shall designate on the Future Land Use Atlas sufficient land area in each land use designation to manage and direct future development to appropriate locations to achieve balanced growth. This shall be done to plan for population growth and its need for services, employment opportunities, and recreation and open space, while providing for the continuation of agriculture and the protection of the environment and natural resources through the long-range planning horizon.”

Response: Allowing additional mixed use developments within the Agricultural Reserve Tier will encourage and provide for the appropriate distribution of land uses that promotes the quality of life for the residents in the area. The Agricultural Reserve Tier has steadily been growing with an increasing amount of residential developments. The residents of this Tier are also aging and will begin demanding congregate living facilities that are within close proximity to the services that they have become accustomed to as well as friends and family within the community. These residents need places to shop and dine without having to travel a significant distance. The additional commercial development that has occurred within the Tier has generated a greater need for alternative housing options that will be more affordable to those between 60% to 140% of AMI.

Objective 4.4 Mixed-Use Development – “Palm Beach County Shall encourage the development of variety of innovative types of mixed-use projects”

Response: Approval of the proposed amendment will allow for the development of a mixed-use project that was contemplated by the original Agricultural Reserve Master Plan that will encompass commercial uses and alternative housing options for the residents of the Agricultural Reserve Tier. The very definition of a well planned community is one that is compact and self-contained with a mix of uses providing for the daily need to live, work, play, worship, dine, and shop.

Policies – The proposed future land use atlas amendment furthers the County’s policies as further described below.

Policy 1.5-j: “Commercial and mixed uses in the Agricultural Reserve Tier shall be located central to the Tier and designed at a neighborhood or community scale in order to be limited to serving the needs of the farmworker community, existing residents, and future residents of the Tier.”

Response: The proposed amendment to allow an additional mixed-use within the Agricultural Reserve Tier will be consistent and further the policy requiring commercial uses to serve the farmworker community and residents. As the population of the Agricultural Reserve Tier continues to increase and as new residential projects are approved and built, these residents will want options for commercial products and neighborhood commercial services that the existing approved regional commercial centers are not currently providing. Additionally, alternative housing options will be needed for those working within these existing commercial developments as well as for the aging population.

Policy 1.5-o: “All future land use amendments seeking a Commercial designation in the Agricultural Reserve Tier are encouraged to be accompanied by a concurrent zoning application in order to demonstrate that the proposal meets the design, scale, and character requirements of the Tier.”

Response: A concurrent zoning application will be submitted with the proposed AgR-MLU development to demonstrate the proposed project’s consistency with the Tier’s design scale and character.

Policy 1.5.1-m: Agricultural Reserve Commercial and Mixed Use Planned Developments. All commercial and mixed use Planned Developments are intended to provide one or more uses in a manner that is compatible with the scale and character of the surrounding residential uses and designed to promote a sense of place. The commercial and mixed use Planned Developments provide uses that can include shopping, entertainment, business, services, employment, cultural, civic, schools, places of worship, government services, and/or housing opportunities in a manner that increases a sense of community by creating a stronger pedestrian orientation through design, placement and organization of buildings connected to a common public space, while dispersing parking and respecting and maintaining the character of the surrounding area. The commercial and mixed use Planned Developments are intended to provide neighborhood and community serving scaled uses. Regional and large-scale big-box uses are not permitted.

Response: The purpose of the proposed AgR-MLU is to meet the original intent for the TMDs that were developed in order to promote a sense of place for the Tier. The AgR-MLU will be a mixed-use development that will encompass commercial uses, as well as alternative residential options such as a congregate living facility and multi-family units including a workforce housing component. The proposed AgR-MLU is not intended to be a regional commercial center and entertainment node such as the Delray Marketplace to the west on Atlantic Avenue.

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 used in the unincorporated area that will accommodate the future population of Palm Beach County, and provide an adequate amount of conveniently located facilities and service while maintaining the diversity of lifestyles in the County.”

Response: The existing development pattern within the Agricultural Reserve Tier has become a patchwork quilt of uses that are not entirely compatible with one another. Large, expensive single family homes are developed in pockets between nurseries and other working farms. The proposed AgR-MLU will allow for the development of alternative housing options including a CLF, multi-family units, and workforce housing. Allowing these new uses within the Agricultural Reserve will contribute to and encourage the diversity of the Tier. The location, at the corner of the Florida Turnpike and Atlantic Avenue, provides for convenient shopping, living and working opportunities.

Policy 2.2.1-d: To facilitate development of affordable housing, the County shall not require an amendment to the Future Land Use Atlas to increase the density higher than the future land use category, provided the development is consistent with the Workforce Housing Program analysis or the Affordable Housing Program analysis required by policies in Housing Objective 1.1 and 1.5 and within the ULDC.

Response: The existing Workforce Housing Program does not apply to developments within the Agricultural Reserve Tier. The weight of providing workforce housing to the residents to Palm Beach County has only fallen on those residential developments outside of this Tier. The intent of the Workforce Housing Program is to provide more affordable housing options throughout the entire County, however this area has been neglected. The addition of this AgR-MLU will require that 40% of the residential units (excluding the CLF beds) be developed consistent with the Workforce Housing Program, thus bringing a much needed housing stock to this area of Palm Beach County.

Policy 4.4-a: “The County shall encourage and promote sustainable development by establishing mixed-use future land use designations and planned development districts.”

Response: Approval of the proposed amendment will allow for the development of a mixed-use development with residential and commercial uses for the residents of the Agricultural Reserve Tier. The very definition of a well-planned and sustainable community is one that is compact and self-contained with a mix of uses providing for the daily need to live, work, play, worship, dine, and shop.

FLORIDA STATE STATUTES

Chapter 163.3177 is the principal state statute governing the contents of a comprehensive plan, including required and optional elements and the requirement for appropriate supportive data and analysis. It is concluded that, by completing the FLUA amendment application, as well as required attachments, the requirements of Chapter 163.3177 are adequately addressed.

Key provisions of Chapter 163.3177, as is relates to the proposed amendment include the following:

1. Chapter 163.3177(1) “The comprehensive Plan shall provide principles, guidelines, standards and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area...”

Response: Data and analysis demonstrating that the proposed FLUA Map Amendment can be supplied by necessary services without violating adopted LOS standards are presented in Attachment H (Traffic Letter and Study), J (Drainage Statement), K (Fire Rescue Letter), and I

(Water and Wastewater Provider Letter). Data and analysis discussing environmental and historical resources impacts are presented in Attachments J (Drainage Statement), M (Wellfield Zone), L (Natural Features Inventory and Map) and N (Historic Resource Evaluation Letter). No negative environmental impacts are identified. Justification for the proposed amendment is based upon providing commercial services to current and future residents of the Agricultural Reserve Tier at a location supported by directives in the Comprehensive Plan.

One of the County's six broad principles guiding sustainable land use planning and development is to "Promote sustainable economic development initiatives in the County to diversify its economic base and enhance the quality of life of current and future County generations." (Ref: Page 1 – FLUE, Palm Beach County Comprehensive Plan). The proposed FLUA Map Amendment will assist in implementing this directive and Objective 1.1.5 of the Future Land Use Element by creating opportunities for additional mixed-use land uses, including additional housing opportunities not currently available within the Agricultural Reserve Tier.

2. Chapter 163.3177(8) "All elements of the comprehensive plan, whether mandatory or optional, shall be based upon data appropriate to the element involved...".
Response: Data and analysis presented in the FLUA Amendment Application and Attachments, including but not limited to the analysis presented herein support the proposed amendment.

COMPATIBILITY

Compatible land uses are defined as those which are consistent with each other in that they do not create or foster undesirable health, safety, or aesthetic effects arising from direct association of dissimilar activities, including the impacts of intensity of use, traffic, hours of operation, aesthetics, noise vibration, smoke, hazardous odors, radiation, and other land use conditions.

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

Several factors lead to the conclusion that the proposed FLUA Map Amendment designation will be compatible with neighboring uses.

1. Primary access is available from West Atlantic Avenue, a designated Urban Minor Arterial road, thus directing traffic away from local roads in the vicinity.
2. Proximity to the intersection of Florida's Turnpike and West Atlantic Avenue is a proposed location for mixed-use development to serve the Agricultural Reserve Tier. On this basis, the proposed development concept at this location is determined to be compatible.
3. The proposed use is consistent with the mixed use development pattern that has occurred along the West Atlantic Avenue corridor at, or near, its intersections with major north-south roads. In addition to agriculture, the mix of uses includes the following:
Civic - U.S. Post Office facility, Our Lady Queen of Peace and Mission Medical Center
Industrial - Synergy Gas, Half-Mile Industries, Windmill Sprinkler and Hardware, Sunshine Golf Carts, Delray Collision Center, Blue Bell Creameries, and Storage Zone Self-Storage

Commercial - Stop and Shop, Peanuts Country Store/Shell Gas, Delray Market Place, Seneca, Fuerring Commercial and Lyons Service Center

The above factors, coupled with setback, buffer and landscaping requirements will dictate that on-site structure(s) will not create or foster undesirable health, safety, or aesthetic effects in terms of its relationship to neighboring properties.



June 20, 2016

Morton Planning
3920 RCA Boulevard, Suite 2002
Palm Beach Gardens, FL 33410
Attn: Ms. Lauren McClellan

RE: Property on NE Corner of Atlantic Avenue and Starkey Road
PCN# 00-42-46-17-01-000-1020, - 0609
Comprehensive Plan Land Use Amendment
Your request from 06-17-2016

Dear Ms. McClellan:

This is to confirm that Palm Beach County Water Utility Department (PBCWUD) is the potable water, wastewater and reclaimed water provider for the referenced property. Service capacities are available, subject to a reservation agreement with PBCWUD.

PBCWUD is able to maintain the required level of service to the property based on the current Land Use Designation of Agriculture Reserve, and will be able to provide the required level of service based on the proposed Land Use Designations of Commercial Low and High Residential, 8 units per acre.

The nearest potable water, wastewater and reclaimed water mains are located in Atlantic Avenue, adjacent to the property.

If you have any questions, please call me at (561)493-6122.

Sincerely,

Adam Galicki
Manager of Technical Services

AG/mb

**Water Utilities Department
Engineering**

P.O. Box 16097
West Palm Beach, FL 33416-6097
(561) 493-6000
Fax: (561) 493-6113
www.pbcwater.com



**Palm Beach County
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- Melissa McKinlay
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Verdenia C. Baker

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MORNINGSTAR FARMS DRAINAGE STATEMENT

July 20, 2016

Morningstar Farms
S17 / T46S / R42E
PCNs: 00-42-46-17-01-000-0690 and 00-42-46-17-01-000-1020
Palm Beach County, FL
Rezoning from Agricultural Reserve to Commercial

Site Description

The project site contains approximately 48.2 acres and is generally located on the north side of W Atlantic Avenue, the south side of Lake Worth Drainage District's (LWDD's) L-33 canal, the east side of Starkey Road and the west side of LWDD's E-2W canal and the Florida's Turnpike, in unincorporated Palm Beach County, Florida. The project is located within the South Florida Water Management District's (SFWMD's) C-15 Drainage Basin.

Legal, Positive Outfall

Legal, positive outfall is available via LWDD's E-2W Canal. Ultimate discharge is to the Intracoastal Waterway via the SFWMD C-15 canal and the SFWMD S-40 control structure.

Adjacent Parcels

The project site is enclosed by a perimeter ditch irrigation system and berm. Off-site flows do not appear to be entering the property from the adjacent parcels.

Allowable Discharge

Per SFWMD and LWDD criteria for the C-15 Canal, the maximum allowable discharge is seventy (70) cubic feet per second per square mile (CSM) for the 25-year 3-day design storm. The LWDD E-2W Canal is maintained at an elevation of 16.0 ft, NGVD29.

FEMA / Flood Designation

Per the Federal Emergency Management Agency's (FEMA) flood insurance rate map (FIRM) Community Panel Number 120192 0200 A, effective date February 1, 1979, the project area is within Flood Zone B. Zone B are the areas between limits of the 100-year flood and the 500-year flood, or certain areas subject to 100-year flooding with average depths less than one (1) foot or where the contributing drainage area is than one square mile, or areas protected by levees from the base flood.

System Design

The drainage system will include a series of inlets and culverts to direct stormwater runoff into exfiltration trenches, dry detention areas and possibly an on-site lake. The final design is predicated on the ultimate site plan configuration.

The proposed drainage design will comply with applicable standards of Palm Beach County, SFWMD, LWDD and FDEP, including volume, rate, pollutant loads, water quality, and compensating storage.

Level of Service

The minimum required level of service elevations will be met. Specifically:

1. The exfiltration system (if used) will be designed to hold the 5-year, 1-hour storm event.
2. The parking lot will be designed at or above the projected 5-year, 1-day storm event. Note, per Palm Beach County criteria, the minimum edge of pavement elevation of any street segment shall be no lower than two feet (2') above the control elevation of any detention or retention facility receiving runoff from that segment.
3. The perimeter berm elevations will be designed at or above the projected 25-year, 3-day storm event.
4. The finished floor elevations will be designed at or above the projected zero discharge 100-year, 3-day storm event.





Fire Rescue

Chief Jeffrey P. Collins
405 Pike Road
West Palm Beach, FL 33411
(561) 616-7000
www.pbcgov.com



**Palm Beach County
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Melissa McKinlay
Priscilla A. Taylor

County Administrator

Verdenia C. Baker

June 29, 2016

JMorton
Attention: Lauren McClellan
3920 RCA Boulevard
Suite 2002
Palm Beach Gardens, FL 33410

Re: Atlantic Avenue and Florida Turnpike

Dear Lauren McClellan:

Per your request for response time information to the subject property located at the northwest corner of Atlantic Avenue and the Florida Turnpike. This property is served currently by Palm Beach County Fire-Rescue station #42, which is located at 14276 Hagen Ranch Road, Delray Beach. The subject property is approximately 2.75 miles from the station. The estimated response time to the subject property is 8 minutes. For fiscal year 2015, the average response time (call received to on scene) for this stations zone is 7:09.

The amendment of this property will have minimal impact on Fire Rescue.

If you have any further questions, please feel free to contact me at 561-616-6909.

Sincerely,

A handwritten signature in cursive script that reads "Cheryl Allan".

Cheryl Allan, Planner
Palm Beach County Fire-Rescue

"An Equal Opportunity
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Subject Property

Lyons Road

Starkey Road

Florida's Turnpike

Atlantic Avenue

The Property has previously been cleared and is now a plant nursery.

Scale: NTS

June 20, 2016



Morningstar Nurseries

Atlantic Ave & Turnpike, Palm Beach County, FL

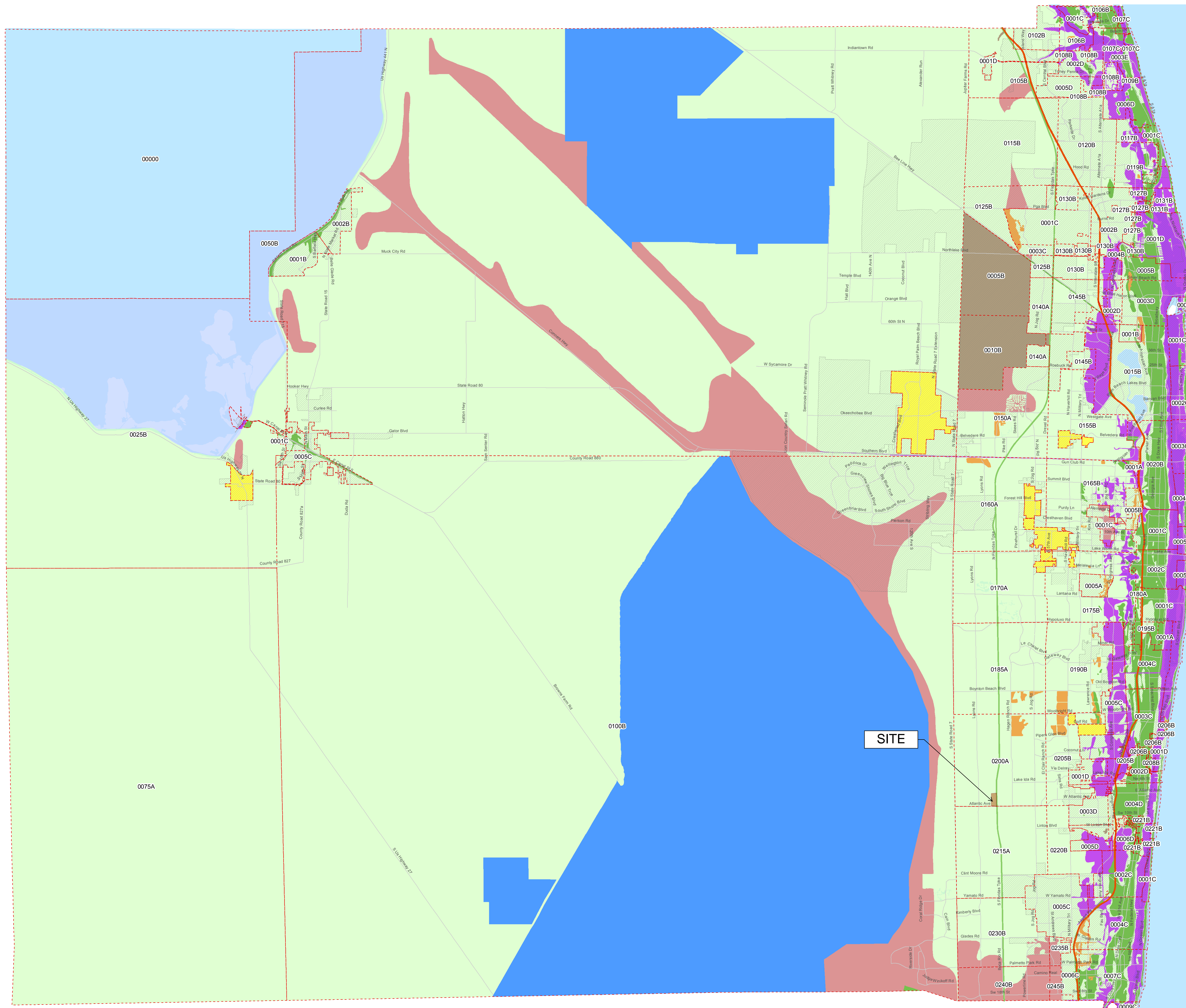


MorningStar Nursery
Natural Feature Inventory
August 8, 2016

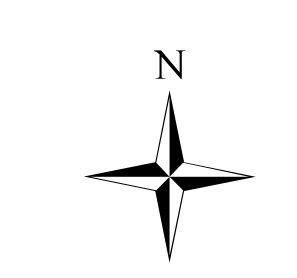
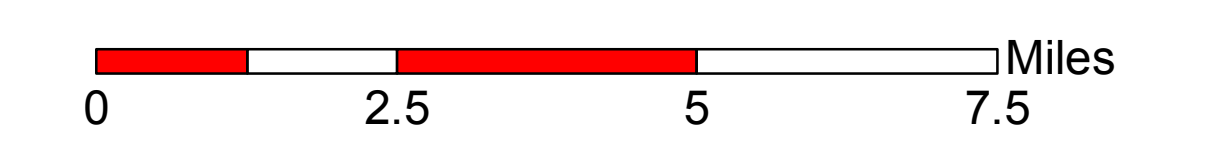
Site Conditions

The subject property is located at the northeast corner of Atlantic Avenue and Starkey Road, just west of the Florida Turnpike (“Property”). The Property is 50.99 acres has been cleared of vegetation and is currently utilized as a nursery. The lack of habitat makes it improbable for any listed animal species to occur on site. The Property is not located within an area that contains coastal resources. No upland preservation area would be required according to PBC ULDC Article 14 because there are no native habitats identified. There are very few trees that would require mitigation through the County tree removal approval process. No wetland areas have been identified on the Property.

FEMA Flood Zones Palm Beach County



- Firm Panel
 - Municipalities
- FEMA Flood Zones**
- ZONE**
- A
 - AE
 - AH
 - ANI
 - AO
 - X
 - X500
 - D
 - VE
 - Water

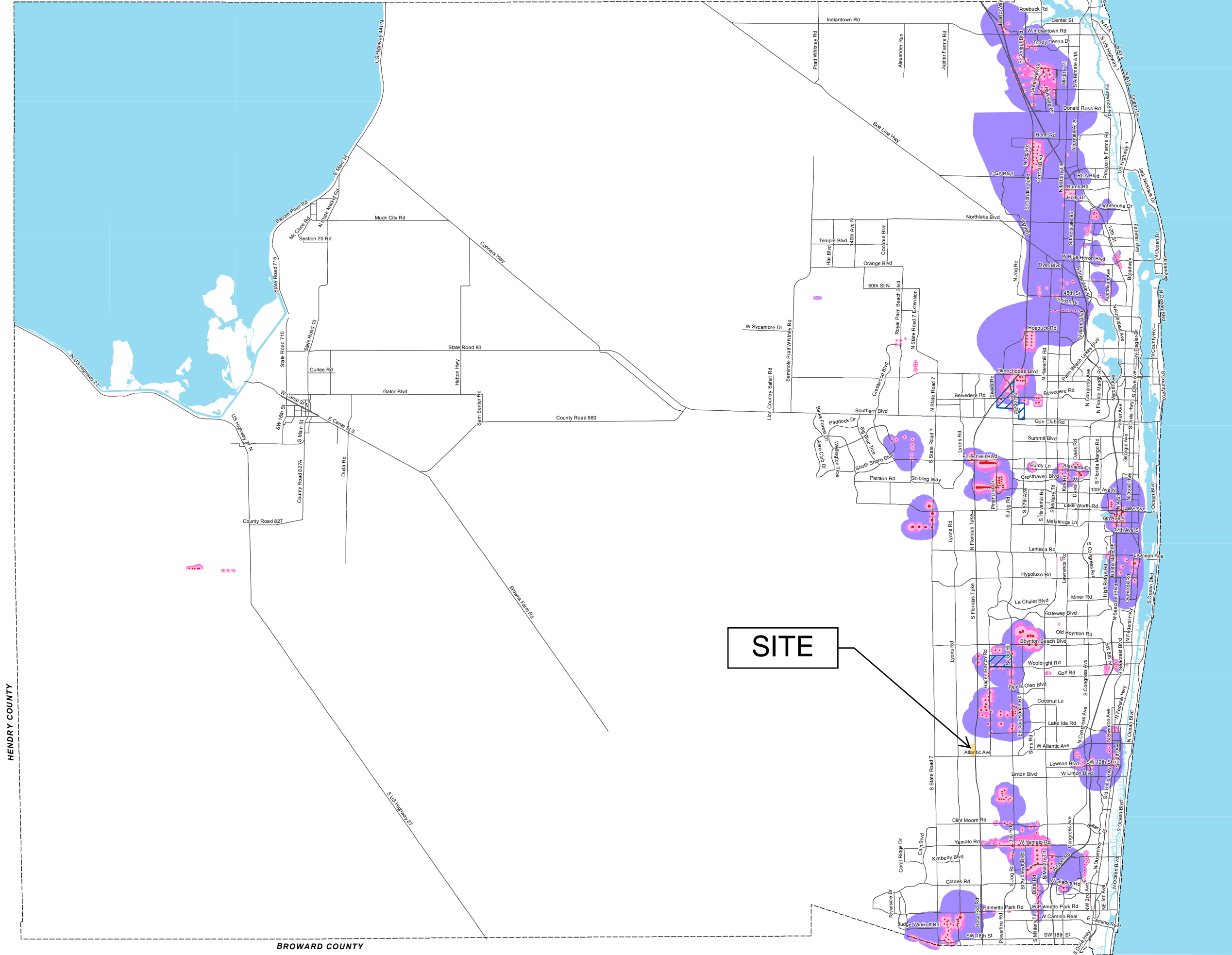


**Planning, Zoning and Building
Department**
 2300 N. Jog Road
 West Palm Beach, FL 33411
 (561) 233-5000

pzbmap@pbcgov.org
 www.pbcgov.com/pzb

Printed on: May 01, 2015
 Printed by ISS/GIS Service Bureau

MARTIN COUNTY



HENDRY COUNTY

BROWARD COUNTY

MAP LU 4.1

GENERALIZED WELLFIELD MAP



SOURCES:
PBC Dept. of Environmental Resources Management

Note: Official Wellfield Protection Maps are kept at, and can be obtained from, the Palm Beach County Department of Environmental Resources Management.

The information presented represents the most readily available data. No guarantee is made as to the completeness or accuracy of the information displayed. Consult appropriate County staff for final determination.

Last Amended in Round 15-1 by Ord. 2015-015



PALM BEACH COUNTY COMPREHENSIVE PLAN MAP SERIES



Effective Date: 6/12/2015
Filename: N:\Map Series\MXDs\Adopted
Contact: PBC Planning Dept.



**Department of Planning,
Zoning & Building**

2300 North Jog Road
West Palm Beach, FL 33411-2741
(561) 233-5000

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



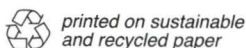
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June 17, 2016

Lauren McClellan
J. Morton, Planning & Landscape Architecture
3920 RCA Boulevard, Suite 2002
Palm Beach Gardens, Florida 33410

**RE: Historical and Archaeological Resource Review for: Morning Star
Nursery PCN's: 00-42-46-17-01-000-1020 & 00-42-46-17-01-000-
0690 and for Melrose PUD Commercial PCN: 00-42-45-18-01-
002-0020**

Dear Ms. McClellan:

This correspondence is in reply to your request for a review of the above referenced properties in regards to the identification of any cultural resources (historical and archaeological resources) located on or within 500 feet of these properties.

Staff review of the County's survey of historic/architecturally significant structures, and of properties designated for inclusion in the National Register of Historic Places (NRHP), has identified no historic or architecturally significant resources on or within 500 feet of the above referenced properties.

Staff review of the County's map of known archaeological sites has identified no known archaeological resources located on or within 500 feet of the above referenced properties.

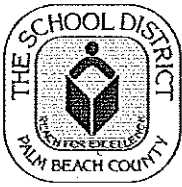
However, should any artifacts or skeletal remains be encountered during construction, per Florida Statue 872, construction must stop around the remains and the local sheriff and medical examiner contacted.

Should you have any questions or comments, please contact me at (561) 233-5331.

Sincerely,

Christian Davenport, MA, RPA
County Historic Preservation Officer/ Archeologist

T:\Planning\Archaeology\County Departments\Planning\Land Use Amendments and Development Review\J. Morton\L. McClellan Letter 06-17-2016.doc



THE SCHOOL DISTRICT OF
PALM BEACH COUNTY, FL

KRISTIN K. GARRISON, A.I.C.P
DIRECTOR

DONALD E. FENNOY II, Ed.D.
CHIEF OPERATING OFFICER

PLANNING AND INTERGOVERNMENTAL RELATIONS
3300 FOREST HILL BOULEVARD, SUITE B-102
WEST PALM BEACH, FL 33406

STEPHEN BACKHUS
ACTING CHIEF SUPPORT OPERATIONS

PHONE: 561-434-8020 / FAX: 561-434-8815
WWW.PALMBEACHSCHOOLS.ORG/PLANNING

July 13, 2016

Ms. Lauren McClellan
Morton Planning & Landscape Architecture
3920 RCA Blvd., Suite 2002
Palm Beach Gardens, FL 33410

RE: SCAD/FLU# 16062001F - FUTURE LAND USE ATLAS AMENDMENT FOR MORNINGSTAR NURSERY PROPERTY, PCNS#: 00-42-46-17-01-000-1020 & 00-42-46-17-01-000-0690

Dear Ms. McClellan:

The Palm Beach County School District has reviewed the above referenced Future Land Use (FLU) Map Amendment from the current designation of Agricultural Reserve (AGR) to the proposed designation of Multiple Land Use (MLU) consisting of Commercial Low (CL) & High Residential of 8 dwelling units per acre (HR-8).

As indicated in the application, the subject property is 50.99 acres in size. It is located on the north side of Atlantic Ave and West side of FL Turnpike in Unincorporated Palm Beach County. The current land use allows for a maximum of 10 residential units. The proposed land use would permit 408 residential units. As a result of this amendment, there will be an increase of 398 residential units.

According to the School District's adopted student multipliers, there would be 116 potential students generated from the proposed land use change (60-elementary school, 24-middle school, 32-high school). The following table lists projected school enrollments for school year 2015/16 and 2019/20 as well as the projected utilizations with additional students generated from the subject property and previous SCAD approvals to the schools currently serving the site.

Schools	Capacity	Enrollment (15/16)	Enrollment (19/20)	New Students From the Subject Property	Utilization (15/16) *	Utilization (19/20) *
Hagen Road ES	849	661	755	60	85%	96%
Carver MS	1534	851	974	24	57%	65%
Olympic Heights	2271	2023	2173	32	91%	98%

Note: Utilization = (Enrollment + New Students from the Subject Property) / Capacity

As indicated in the above table, the projected utilizations for elementary, middle and high school do not exceed 100%.

Please be advised that School age children may not be assigned to the public school closest to their residences. School Board policies regarding levels of service or other boundary policy decisions affect school boundaries.

If you have any questions regarding this letter, please feel free to contact us at (561) 882-1941.

Sincerely,



Joyce C. Cai
Senior Planner

ADU:JCC:pw

cc: Lorenzo Aghemo, Director, Palm Beach County Planning Department
Angela D. Usher, AICP, Manager, School District of Palm Beach County



TEXT & MAP AMENDMENT REQUEST FORM - 2016 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

Palm Beach County Planning Division
2300 North Jog Road, WPB, FL 33411, (561) 233-5300

I. Proposed Text Amendment

Elements & Policies to be revised	Amend Future Land Use Element Policies 1.5-i, 1.5-k, 1.5-m, 1.5-n, 1.5.1-q, 3.5-d, and Table III.C. Add Future Land Use Element Policies 1.5-# and 1.5.1-#.
Purpose	Currently, the Comprehensive Plan does not allow Multiple Land Use (MLU) projects to be developed within the Agricultural Reserve. The Comprehensive Plan also limits the amount of commercial square footage and residential density that can be developed in the Agricultural Reserve Tier. Additionally, the Comprehensive Plan does not give any consideration to the development of workforce housing or congregate living facilities within the Agricultural Reserve Tier. See the attached Justification Statement (Attachment G) for further information.
Justification	The County has approved many single family residential developments in the Agricultural Reserve Tier but has limited the amount of commercial uses that can be developed. This limitation has created a situation where the current and future residents of the Agricultural Reserve Tier do not have sufficient options and access to needed localized commercial uses. The addition of neighborhood serving commercial uses will complement the existing TMD's and reduce the amount of roadway trips to neighborhood serving commercial uses further away in the eastern part of the County. In addition to the limitation placed upon commercial development, a similar limitation has been placed on residential development in the Agricultural Reserve Tier. Due to the density limitations in this tier, it is impossible to provide a variety of housing types including workforce housing which is much needed in Palm Beach County. The existing Workforce Housing Program requires that all residential developments (except those proposed in the Agricultural Reserve Tier) over 10 units provide a small percentage of the units for income qualified household with incomes from 60% to 140% of the area medium income ("AMI"). See the attached Justification Statement (Attachment G) for further information & justification.
Consistency	The Proposed Comprehensive Plan Text Amendments further Palm Beach County's Goals, Objectives, and Policies related to Balanced Growth, Land Planning, and Community Planning & Design. See the attached Justification Statement (Attachment G) for further information & justification.
Text Changes	Policy 1.5-i: Residential uses shall be permitted within the Agricultural Reserve Tier under the Agricultural Reserve land use designation as further regulated by the Unified Land Development Code. Consistent with the provisions of Future Land Use Policy 2.1-b and Table III.C.1, the land shall be allowed to develop at a density of one dwelling unit per five acres (1DU/5AC), unless the property meets the requirements

for an Agricultural Reserve Planned Unit Development (AgR-PUD), Agricultural Reserve Multiple Use Planned Development (AgR-MUPD), or an Agricultural Reserve Traditional Marketplace Development (AgR-TMD) as described in Future Land Use Sub-Objective 1.5.1, in which case the land may be developed at a density of one dwelling unit per acre. An Agricultural Reserve Multiple Land Use Development (AgR-MLU) shall be allowed to develop at the underlying residential density.

NEW Policy 1.5.1-#: Residential uses that are included within an Agricultural Reserve Multiple Land Use Development (AgR-MLU) shall be permitted to develop at a density greater than one dwelling unit per acre (1DU/1AC) only when providing a minimum of two housing types, congregate living facility (CLF) units may be included as one of the two housing types. Additionally, in order to achieve any density above 1DU/1AC, the proposed AgR-MLU shall include a minimum of 40% Workforce Housing units. CLF beds shall not be required to provide Workforce Housing units and shall follow Policy 1.5-j, 1.5-s, and Table III.C.2.

Policy 1.5-k: Commercial and mixed uses in the Agricultural Reserve Tier shall be ~~located central to the Tier and~~ designed at a neighborhood or community scale in order to be limited to serving the needs of the farmworker community, existing residents, and future residents the Tier.

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

Policy 1.5-n: The County shall ensure a sustainable development pattern is achieved in the Agricultural Reserve by allowing commercial uses while ensuring that the supply of commercial square footage does not exceed the demand of the farm workers and residents of the Tier. The County may approve a maximum of ~~980,000~~ 1,208,000 square feet of commercial uses (retail, service and office) within the Tier.

Policy 1.5.1-q: AGR-Multiple Use Planned Development. New Agricultural Reserve Multiple Use Planned Developments (AgR-MUPD) in the Ag Reserve Tier shall meet the following requirements:

1. Preserve Areas shall not be required for a property that is 16 acres or less in size as of January 1, 2016. For purposes of this policy, the term 'property' is defined as a property control number as configured on January 1, 2016. The acreage shall be exclusive of right-of-way as shown on the Thoroughfare Right-of-Way Identification Map;
2. Preserve Areas shall be required for a property that is greater than 16 acres in size as of January 1, 2016. For purposes of this policy, the term 'property' is defined as a property control number as configured on January 1, 2016. For such properties, the Development Area shall not exceed 40 percent of the gross acreage less right-of-way as shown on the Thoroughfare Identification Map;
3. The Development Area for commercial and mixed use projects shall meet the Ag Reserve Design Elements; and

4. Required Preserve Area shall be subject to the standards and requirements of an AgR-TMD preserves.
5. An AgR-MUPD may be granted up to a 100% reduction in the Preserve Area acreage when developed as an AgR-MLU and provide a minimum of 40% of the residential units (excluding CLF beds) as Workforce Housing units as determined by the Board of County Commissioners during the development review process. The ULDC shall be revised to implement this concept.

New Policy 1.5.1#: AGR-Multiple Land Use Development. The Agricultural Reserve Multiple Land Use Development (AgR-MLU) is project specific and is limited to projects that demonstrate a functional integration and mix of land uses which exceeds minimum zoning requirements. The AgR-MLU is a planned development intended to provide a development that has commercial and residential uses horizontally integrated. In addition to meeting the intent of the Multiple Land Use (MLU) as described in Objective 4.4.2, an AgR-MLU shall also meet the following requirements:

1. The total land area shall be a minimum of 50 acres;
2. The AgR-MLU shall be located within ¼ mile of the intersection of Atlantic Avenue and the Florida Turnpike;
3. To accommodate the need for workforce housing within the Agricultural Reserve Tier, Agricultural Reserve Multiple Land Use Developments (AgR-MLU) shall include a minimum of 40 percent of the total number of residential units as Workforce Housing units. CLF beds shall not be included in the total amount of residential units.

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

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

...This policy shall not be applicable to an Agricultural Enclave adopted pursuant to Policy 2.2.5-d. This policy shall not be applicable to the area designated as SR-7 Economic Development Overlay (EDO). This policy shall not be applicable to the area designated as Industrial in the Urban Service Area of the Glades Tier amended by FLUA Amendment Inland Logistics Center (LGA 2010-024). This policy shall not be applicable to the Western Communities Residential Overlay. This policy shall not be applicable to the 50.99 acre AgR-MLU located at the northwest corner of the Florida Turnpike and Atlantic Avenue, Delray Beach, as amended by FLUA Amendment Morningstar Nursery (LGA 2017-008).

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

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

EXHIBIT A

**AGR TIER - PLANNED DEVELOPMENT DISTRICTS
SUMMARY OF AMENDMENTS**

Justification: The applicant is proposing a series of Comprehensive Plan text amendments to allow a Multiple Land Use development in the Ag Reserve Tier (AgR-MLU) at the northwest corner of Atlantic Avenue and Lyons Road. This proposed AgR-MLU will have a mix of uses included commercial/retail, a hotel, a congregate living facility, and multi-family residential housing. Ultimately, the applicant is proposing to provide a significant portion (40%) of the multi-family units as workforce housing.

Development of the 50-acre Property as a mixed-use development would be consistent with the original vision of the Agricultural Reserve Master Plan as well as good planning principles such as being located at a major transportation node and along an important corridor through Palm Beach County to provide a variety of land uses currently not being developed in spite of the fact that Workforce Housing is required in all other Tiers throughout Palm Beach County. Additionally, this location will help keep traffic trips localized within the project and the Agricultural Reserve Tier thus reducing impacts on the Countywide roadway network.

In order to implement this proposed project the Zoning code needs to be amended to allow residential uses within a Multiple Use Planned Development. Additionally, the hotel is being proposed to be incorporated into the MUPD within the Commercial Low FLU designation. It is the applicant's intent to develop one cohesive, horizontally integrated project with pedestrian & vehicular interconnectivity. The existing Mixed-Use Planned Development (MXPDP) requirements cannot accommodate the proposed project as it requires a FLU designation of Commercial High, not Commercial Low. Additionally, the MXPDP requires landscape buffers between differing uses within the project. This requirement potentially impedes the proposed horizontal integration of the project.

A copy of the Applicant's FLUE Text Amendment and FLUA Map amendment justification is attached for further information and justification.

Reasons for the amendment: The applicant is proposing to amend the Multiple Use Planned Development (MUPDP) to allow for residential, specifically multi-family residential, as a requested use within the MUPDP Zoning designation. This request will further Comprehensive Plan FLUE Objective 4.4 Mixed-Use Development.

1
2 **Part 1. ULDC Art. 3.E.1, General is hereby amended as follows:**

3
4 **ARTICLE 3 OVERLAYS & ZONING DISTRICTS**

5 **CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)**

6 **Section 1 General**

7

Use Type	PUD					MUPD							MXPDP		PIPD			LCC		NOTE		
	Pods					FLU							FLU		Use Zone			FLU				
	R	C	R	C	A	C	C	C	C	C	I	E	I	C	C	I	C	I	M		R	C
E	O	E	I	G	L	H	L	H	R	N	D	N	H	H	N	O	N	H	V	L	H	
S	M	C	V	P			O	O		D	C	S	O	O	L	M	D	D	D			
Residential Uses																						
...																						
Multi-Family	P				A								P	P						P	P	87
Commercial Uses																						
Hotel or Motel					A	P		A	A				P	A		P					P	17

8

Reasons for amendment: MUPD exceptions are required to recognize a number of deviations from the standard MUPD and AGR MUPD requirements as established within Comprehensive Plan FLUE Objective 1.5.1 Planned Developments, namely Policy 1.5.1-q AGR-Multiple Use Planned Development:

- Recognizing the correct FLUE Policy related to 60/40 Preserve/Development Regulations; and
- Recognize multifamily residential as an additional use within the MUPD Zoning district. For those MUPD developments within the AGR Tier, with an approved MLU FLUA, additional exceptions are permitted when minimum of 40% of the multifamily units are designated as Workforce Housing units.

9
10 **Part 2. ULDC Art. 3.E.3.E, Multiple Use Planned Development District (MUPD) – AGR MUPD is**
11 **hereby amended as follows:**
12

Notes:

- **Underlined** indicates **new** text.
- **Stricken** indicates text to be **deleted**. If being relocated, or partially relocated, destination is noted in bolded brackets [**Relocated to:**] or [**Partially relocated to:**].
- **Italicized** indicates relocated text. Source is noted in bolded brackets [**Relocated from:**].
- **....** A series of four bolded ellipses indicates language omitted to save space.

EXHIBIT A

AGR TIER - PLANNED DEVELOPMENT DISTRICTS SUMMARY OF AMENDMENTS

ARTICLE 3 OVERLAYS & ZONING DISTRICTS

CHAPTER E PLANNED DEVELOPMENT DISTRICTS (PDDS)

Section 3 Multiple Use Planned Development (MUPD)

E. AGR MUPD

The following standards shall apply to MUPDs in the AGR Tier.

1. Conflict with Other Applicable Regulations

If a conflict exists between provisions for an AGR MUPD and other Articles of this Code, the AGR MUPD provisions shall prevail except where superseded by State or Federal laws.

2. 60/40 Preserve/Development Requirements

New applications for an MUPD in the AGR Tier greater than 16 acres in size as of January 1, 2016, as determined by FLUE Policy ~~4.5.1-#1.5.1-g~~ of the Plan, shall consist of two areas, the Preservation Area and the Development Area. Both areas shall be rezoned to the MUPD district and comply with the following:

a) Preserve Area

1) Minimum Land Area

A minimum of 60 percent of the gross acreage, less roadways identified on the thoroughfare identification map, shall be designated as an AGR Preserve Area.

2) Standards and Requirements

(a) Use Regulations

Permitted uses shall be the same as those permitted in the Preserve Area of an AGR TMD.

(b) Requirements

The Preserve Area shall comply with the requirements of Art. 3.E.2.F.3, Preservation Area, with exception to the following:

- (1) References to residential development or PUD shall be considered synonymous with residential or non-residential development or MUPD, respectively;
- (2) Art. 3.E.2.F.3.b, Uses; and,
- (3) Art. 3.E.3.F.3.d, 80/20 Contiguity Requirement.

b) Development Area

The remaining land area, not to exceed 40 percent of the gross acreage less right-of-way as shown on the Thoroughfare Identification Map, may be developed as an MUPD, subject to the following:

1) Agriculture Reserve Design Elements

The Development Area shall comply with FLUE Policy 1.5.1-r, Ag Reserve Design Elements.

2) Residential Mixed Use

Residential uses shall be permitted in accordance with the standards for residential uses in an AGR-TMD.

3. Multiple Use Planned Development (MUPD) Exceptions

The following exceptions shall apply to MUPDs in the AGR Tier when approved as a Multiple Land Use (MLU) per FLUE Policy 1.5.1-#.

a) Design Standards

If designated on the MLU FLUA Conceptual Plan, the multi-family residential use may utilize vertical and/or horizontal integration with the non-residential use. The multi-family use shall be considered a conditional use request.

b) Freestanding Buildings

Only non-residential buildings shall comply with Table 3.E.3.B.

c) Density

The maximum density shall be as indicated on the MLU FLUA Conceptual Plan.

d) Property Development Regulations

Residential buildings shall comply with the RM zoning district regulations.

e) 60/40 Preserve/Development Requirements – Preserve Area

Per FLUE Policy 1.5.1-# the Preserve Area requirement may be reduced to zero when a minimum of 40 percent of the multi-family residential units are developed as Workforce Housing units consistent with the County's Workforce Housing Program.

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