

2024 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

Part 1. Amendment Data

A. Amendment Data

Round	25-A2	Intake Date	May 8, 2024
Application Name	The Seventh at Haverhill Text Amendment	Revised Date	Include in revisions to application
Acres	3.37	Control Number	2000-00088
		Text Amend?	Yes
PCNs	00-42-43-26-02-000-0010		
Location	Southwest corner of North Haverhill Road and Pine Grove Drive.		
	Current	Proposed	
Tier	U/S	No proposed change	
Use	1,248 square feet (sq. ft.) place of worship; 401 sq. ft. garage	5,000 sq. ft. place of worship, 102 unit multifamily	
Zoning	Multifamily High-Density Residential (RH)	Multiple Use Planned Development (MUPD)	
Future Land Use Designation	High Residential, 8 units per acre (HR-8)	Institutional and Public Facilities (INST)	
Underlying Future Land Use Designation	None	High Residential, 12 units per acre (HR-12)	
Conditions	Ord. No. 1995-062. Adopted without conditions.	None.	

B. Development Potential

	Current FLU	Proposed FLU
Maximum Square Feet	<u>0.45</u> FAR x <u>3.37</u> ac. = <u>66,038</u>	<u>0.45</u> FAR x <u>3.37</u> ac. = <u>66,038</u>
Maximum Units	<u>8</u> du/acre x <u>3.37</u> ac. = <u>29.6 (or 30)</u>	<u>12</u> du/acre x <u>3.37</u> ac. = <u>40.44 (or 40)</u> AHP density bonus 100% = 40.44, or 40 units TDRs 7 du/ac (4 du/ac per existing policies, with an additional 3 du/ac per proposed Text Amendment) = 23.59, or 24 units

		<i>Total proposed units: 102 (30.27 du/ac)</i>
Maximum Beds (for CLF proposals)	Not Applicable	Not Applicable
Population Estimate	<u>30</u> max du x 2.39 = <u>71.7</u>	102 max du x 2.39 = 243.78

Part 2. Applicant Data

A. Agent Information

Name	Meredith Leigh, PhD, PLA, Land Use Planner
Company Name	Shutts & Bowen, LLP
Address	525 Okeechobee Blvd, Suite 1100
City, State, Zip	West Palm Beach, FL 33401
Phone / Fax Number	561-671-5854
Email Address	mleigh@shutts.com

B. Applicant Information

Name	Jasmine Lynch, President
Company Name	West Palm Beach Baptist Seventh Day Church, Inc.
Address	1473 North Haverhill Road
City, State, Zip	West Palm Beach, FL 33415
Phone / Fax Number	(561) 682-1972
Email Address	Contact Agent
Interest	Property Owner

Name	Jonathan Vilma
Company Name	
Address	3861 Park Ave
City, State, Zip	Miami, FL 33133
Phone / Fax Number	Contact Agent
Email Address	Contact Agent
Interest	Lessee



THE SEVENTH AT HAVERHILL TEXT INITIATION

Justification Statement

Submittal: May 8, 2024

Resubmitted: June 6, 2024

The subject property at 1473 North Haverhill Road (“Site”, or “Property”) is a 3.37-acre single parcel of land located on the west side of Haverhill Road, approximately one-half a mile south of Okeechobee Boulevard in the Urban/Suburban Tier. The Property is located in the Urban Redevelopment Area (“URA”), the Revitalization and Redevelopment Infill Overlay (“RRIO”) and the Stacey Area Countywide Community Revitalization Team (“CCRT”) Area. The Property is currently in the Multifamily High Density Residential (“RH”) Zoning District and has a High Residential, 8 dwelling units per acre (“HR-8”) Future Land Use Atlas (“FLUA”) designation.

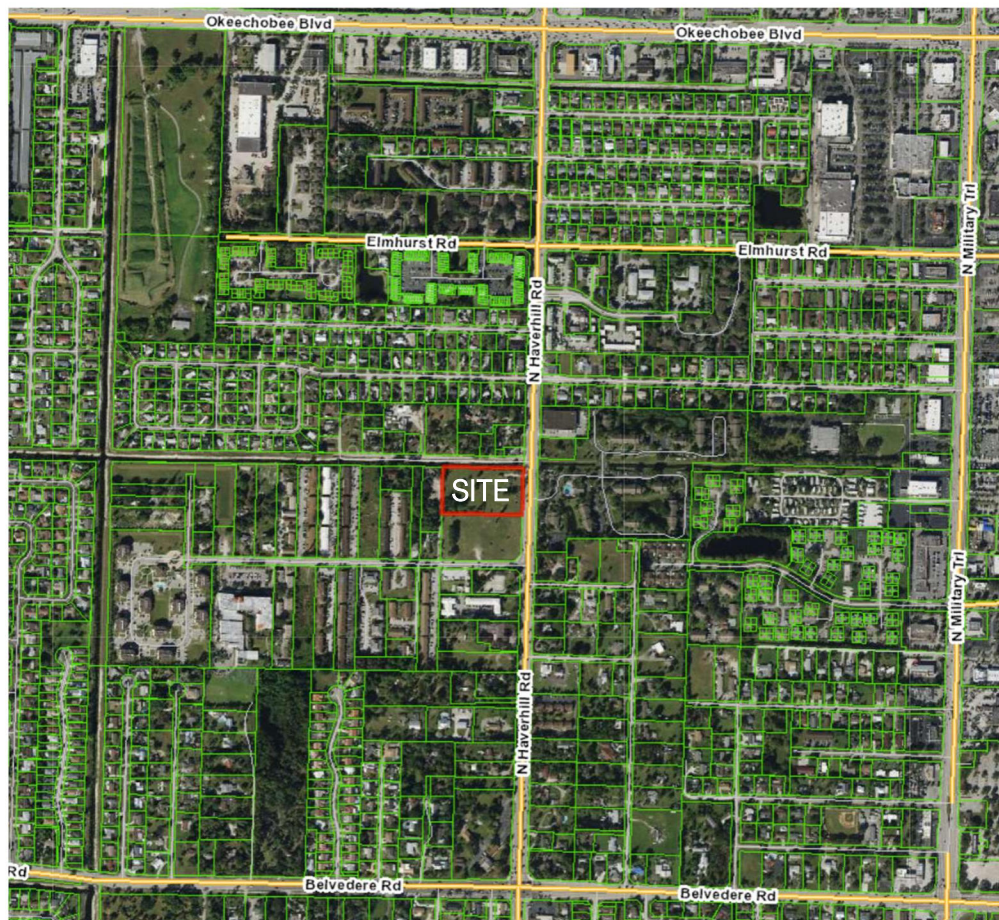


Figure 1 - Location Map

PROPOSED COMPREHENSIVE PLAN TEXT AMENDMENT

On behalf of the applicant, Shutts and Bowen, LLP, is requesting a Comprehensive Plan Text Amendment (“Text Amendment”) to add language that would allow additional bonus density through Transfer of Development Rights (“TDR’s”) for developments proposing to provide affordable housing units on-site. The proposed language defines eligible developments as those located in the RRIO, east of Florida’s Turnpike, and wherein 100 percent of the proposed units will be restricted to households earning 60 percent or less of the Area Median Income (“AMI”). A FLUA Amendment and Rezoning application with a Class A Conditional Use will be submitted at a later date, upon initiation of the proposed text amendment. Concurrent with the Comprehensive Plan text amendment, a text change to the Unified Land Development (“ULDC”) Regulations will be necessary to add the implementing language into the TDR’s section of the code. This text amendment, as well as the companion FLUA Amendment and Rezoning, will allow for the development of a mixed-use development with a place of worship and multifamily residential dwelling units on the Site that will help increase the number of affordable residential units that is very much needed in the County.

PROJECT HISTORY

The subject Site is identified by Control No. 2000-00088. There is an approved site plan for a 4,974-square feet (“sq. ft.”) place of worship, a 1,168-sq. ft. clergy residence and a 397=sq. ft. garage, which was administratively approved by the Development Review Officer on August 27, 2018. The approved development order has not yet been implemented. Currently, the existing building’s footprint occupies one (1) percent of the Property, leaving 99 percent vacant. It is the property owner’s goal to continue to use the Property for the church in a newer larger building, to grow the congregation, and to make better use of the Property while contributing towards fulfilling a need for affordable housing in the County.

JUSTIFICATION FOR A COMPREHENSIVE PLAN TEXT AMENDMENT

Amending the Comprehensive Plan language to allow for additional TDRs to be acquired for the development of affordable housing units will allow the currently underutilized site to be a new source of much-needed affordable housing in the Urban Service Area. Like market rate housing, housing projects intended to serve low-income populations require significant funding to cover development costs. These development costs include: 1) land acquisition, either through purchase or ground lease, 2) soft costs which include entitlement review fees, consultants, architects, engineers, legal fees, 3) hard costs, which includes construction and the materials associated with the proposed improvements, and 4) financing through equity and debt. There is important relationship in the ability to afford the development and construction of affordable housing projects and an economy of scale that drives whether a project is both feasible and will adequately meet the needs of a community. For example, housing financed through the Low-Income Housing Tax Credit (“LIHTC”) program necessitates larger sized projects to receive public funding.

Funding such projects largely comes from debt and equity, as well as public and non-profit subsidy, as opposed to traditional financial sources that market rate developers utilize. According to the Florida Housing Finance Corporation (“FHFC”), development costs involved with

developing housing have risen at an unprecedented rate over recent years due to the federal inflation rate, interest rates, supply chain challenges, and challenges with the labor force. Those challenges coupled with the high cost and scarcity of developable land means that developers may be required to obtain funding from multiple sources. To most developers, the development costs make the development of workforce or affordable housing financially unfeasible as they are not able to recoup the costs of the land and construction once the project is complete. These existing conditions coupled with the current persistent affordability crisis in the County's housing market necessitate the consideration that existing density, and density bonuses, are inadequate and inhibit the ability to develop the appropriately sized development that makes economic sense to a developer. Applicant is proposing a modest increase in the number of potential units available to developments in the RRIO of up to seven (7) dwelling units per acre as a mechanism to allow the development of 102 dwelling units on the Property, which is the number of units needed to make the development affordable for the developer and for the future residents.

The proposed amendment would apply to the subject Site. The proposed change will make the development of AHP projects built by private developers more feasible. The Property is in a Qualified Opportunity Zone (3102), which, according to the Palm Beach County Housing and Economic Development is “[p]rimarily an area of high-density residential neighborhoods. The possibility exists for redevelopment or the new development of affordable housing, whether multi-family rental or workforce housing...” The Property is located a half-mile from Okeechobee Boulevard, less than half a mile from Belvedere, has easy access to Southern Boulevard, Florida's Turnpike and employment centers along Okeechobee Boulevard, Military Trail and the airport. It is an appropriate location for higher densities and the uses will be compatible with the surrounding context as Haverhill is primarily residential with churches, day cares and neighborhood commercial uses such as gas stations and convenience stores.

CONSISTENCY WITH THE COMPREHENSIVE PLAN

The proposed Comprehensive Plan Text Amendment is consistent with the intent, objectives and policies of the Comprehensive Plan, as follows:

FLUE Policy 1.2-a: Within the Urban/Suburban Tier, Palm Beach County shall protect the character of its urban and suburban communities by:

1. Allowing services and facilities consistent with the needs of urban and suburban development;
2. Providing for affordable housing and employment opportunities;
3. Providing for open space and recreational opportunities;
4. Protecting historic, and cultural resources;
5. Preserving and enhancing natural resources and environmental systems; and,
6. Ensuring development is compatible with the scale, mass, intensity of use, height, and character of urban or suburban communities.

Response: The proposed amendment will further the goal of providing affordable housing in the U/S Tier at a location that is located near various employment centers. As noted previously, 100

percent of the units proposed in the project will be affordable to households with incomes at or below 60 percent of the AMI.

FLUE Policy 1.2-b: Palm Beach County shall encourage and support sustainable urban development, including restoration, infill and adaptive reuse.

Response: The proposed text amendment will facilitate the development of an infill project on an underutilized parcel of land. The Property is in the Urban Redevelopment Area, wherein the County's focus is on promoting redevelopment and infill efforts, improving present conditions of infrastructure and discouraging urban sprawl.

FLUE Policy 2.4-f: Potential receiving areas shall be inside the Urban/Suburban Tier and shall include:

1. Planned Development Districts (PDD) and Traditional Development Districts (TDD) that are requesting an increase in density above their current limits; and,
2. Subdivisions requesting a bonus density above the standard land use designation density:

Response: It is the applicant's intent to request a rezoning of the Property to a Planned Development District consistent with this policy and the ULDC provisions.

FLUE Objective 2.4: Palm Beach County shall implement a Transfer of Development Rights (TDR) program. The TDR program is designed to protect Environmentally Sensitive Lands and the Agricultural Reserve and to contribute to the County's attainable, workforce housing inventory.

Response: The proposed amendment is consistent with Objective 2.4, in general, because it furthers the goal of encouraging infill development, focusing development in areas of the County where there are an abundance of goods and services and adequate infrastructure to service the area. Further, it increases the affordable housing inventory because it requires that any development utilizing the option be 100 percent affordable per the income limits of the Housing Element ("HE") Objective 1.1.

FLUE Policy 2.2.1-d: Density > HR-12 - The County may allow an increase in density greater than the HR-12 Future Land Use category in appropriate areas within the County to direct growth away from natural resources and to use infrastructure more efficiently if the proposed development applies one of the following:

1. The Workforce Housing Program or the Affordable Housing Program, which allow an opportunity to set aside a certain percentage of units for workforce or affordable housing, as described in the policies in Housing Element Objective 1.1 and 1.5 and within the ULDC;
2. The Transfer of Development Rights (TDR) Program as described in Objective 2.4;
3. The provisions of a Special Overlay; or

4. The Traditional Neighborhood Development, Traditional Marketplace Development, Traditional Town Development, Mixed-use Planned Development districts, or Transit Oriented Development option.

Response: Although the applicant intends to apply for FLU change to increase in the underlying density from 8 units per acre to 12 units per acre should the Board of County Commissioners approve the initiation of the subject text amendment, the applicant will also utilize a combination of TDR and AHP density bonuses to increase the density above 12 dwelling units per acre, which is consistent with this Policy.

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 designate the Planning, Zoning, and Building Department as the lead agency, with assistance from the Department of Housing and Economic Sustainability, Engineering and other appropriate Departments.

Response: The proposed text amendment is consistent with HE Policy 1.1-h as the language is intended to increase private sector participation in adding to the supply of affordable housing in unincorporated Palm Beach County. In furtherance of this policy, the increase in the allowance of TDRs in areas focused on economic development and revitalization is an appropriate tool with which to accomplish the County's goal of increasing the affordable housing inventory while protecting natural resources.

CONCLUSION

On behalf of the applicant, Shutts and Bowen, LLP respectfully requests initiation of the proposed Comprehensive Plan Text Amendment to allow seven (7) additional units for affordable housing projects in the RRIO, as stipulated above and in the application forms submitted with this application.

2024 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

Part 7. Text Amendment Application

A. Proposed Text Amendment Summary

Elements & Policies to be revised	Future Land Use Element (“FLUE”), Policy 2.4-g
Purpose	<p>The purpose of the amendment is to address affordable housing needs in the County by providing property owners and developers the opportunity to obtain additional density bonuses as an incentive for developments wherein 100% of the units will be affordable in accordance with Housing Element Policy 1.5-i.</p> <p>Current Plan language, specifically that of FLUE Policy 2.4-g caps the maximum allowed bonus density based on specified location criteria. Properties in the Urban/Suburban (U/S) Tier, east of Florida’s Turnpike in a Revitalization and Redevelopment Overlay, are eligible for an additional four (4) du/ac.</p> <p>It is the case, with the proposed development, that in order to obtain the available funding for the development of affordable housing, the developer must deliver a minimum number of units, which cannot be reached on the subject site through the existing density allowances. The developer is proposing to provide a multifamily development that will be 100% affordable to households earning 60% or below of the Area Median Income. All of the affordable units will be built on-site. This is a departure from the current development pattern whereby developers typically seek density bonuses and, in exchange, are obligated to provide a proportionately small percentage of units as affordable that they may provide on-site or off-site. However, it is first necessary to amend the Plan to create a mechanism whereby additional density can be obtained through the normal course of development review, particularly for affordable housing developments at a time when the County is in the midst of a housing affordability crisis. The most straightforward solution proposed was to add an additional density bonus option of three (3) additional TDRs for developments that will provide 100% of the affordable units on-site.</p>
Justification	Provide a justification statement and supporting data and analysis for the amendment. During the initial review phase, the Planning Division will review the adequacy of the data provided and may require additional data at the time of the submittal of the FLUA Amendment. Do <u>NOT</u> include the strike out and underline in Justification.
Consistency	Identify how the proposed amendment furthers other Goals, Objectives or Policies within the Comprehensive Plan. The supporting data and analysis must provide an analysis of the implications of the amendment and demonstrate consistency with other aspects of the Plan.
Text Changes	The proposed amendment is to add to Policy 2.4-g, with Policy 2.4-g.5 (current text appears mis-numbered, omit #5 altogether). The intent is to increase maximum allowed TDR density bonus in the RRIO from 4 to 7 du/ac for developments that are proposed to be 100% affordable.

	<p>REVISIONS: To revise language in Policy 2.4-g to allow additional TDRs for Affordable Housing developments. The added text is <u>underlined</u>, and the deleted text struck out.</p> <p>OBJECTIVE 2.4 Transfer of Development Rights</p> <p>Policy 2.4-g: In order to encourage eastward development and a tapering off of density towards the western edge of the Urban/Suburban Tier and support development within the Urban/Suburban Tier in the Glades, or to protect rural residential areas by concentrating needed housing units where urban residential future land use designations already exist, bonus densities may be applied for as follows:</p> <ol style="list-style-type: none"> 1. Inside the Urban/Suburban Tier and west of the Florida Turnpike, up to 2 du/acre additional; 2. Inside the Urban/Suburban Tier, but not in the Revitalization and Redevelopment Overlay, up to 3 du/acre additional; 3. In the Revitalization and Redevelopment Overlay, up to 4 du/acre additional; 4. In the Urban/Suburban Tier in the Glades area: <ol style="list-style-type: none"> (a) But not in a Revitalization and Redevelopment Overlay, up to 3 du/acre additional; or (b) In a Revitalization and Redevelopment Overlay, up to 4 du/acre additional; and <u>5. In the Revitalization and Redevelopment Overlay, up to 7 du/ac additional for developments with 100% of units restricted in accordance with the Affordable Housing Program; and</u> 6. Final assignment of TDR bonus density may take into consideration bonus density granted thru the Workforce Housing Program or Affordable Housing Program.
<p>ULDC Changes</p>	<p>Similar amendments are necessary in the ULDC for consistency. Specifically, the following amendment to Article 5.G.3.I.4.a, Standard Density Bonus [related to Transfer of Development Rights].</p> <p>4. Permitted Density Ranges</p> <p>The maximum number of development rights which may be transferred to the receiving parcel shall be determined in accordance with Art. 5.G.3.H, TDR Receiving Areas, Art. 5.G.3.K, TDR – Receiving Area Procedure, and the following: [Ord. 2008-003]</p> <ol style="list-style-type: none"> a. Standard Density Bonus Approved receiving areas may receive a bonus density as follows: [Ord. 2008-003] [Ord. 2008- 037] <ol style="list-style-type: none"> 1) Receiving areas in the U/S Tier west of Florida’s Turnpike: up to two dwelling units per acre; or [Ord. 2008-003] 2) Receiving areas in the U/S Tier east of Florida’s Turnpike, but not in a Revitalization and Redevelopment Overlay: up to three dwelling units per acre; or [Ord. 2008-003] [Ord. 2009-040] 3) Receiving areas in a Revitalization and Redevelopment Overlay: up to four dwelling units per acre, <u>or up to 7 du/ac additional for</u>

developments with 100% of units restricted in accordance with the Affordable Housing Program. [Ord. 2008-003] [Ord. 2009-040]

- 4) The bonus density may be less than the total bonus density indicated in Art. 5.G.3.I.4.a.1), Art. 5.G.3.I.4.a.2), and Art. 5.G.3.I.4.a.3) above when an additional WHP or AHP density bonus has also been utilized. (see Art. 5.G.3.I.4.d below) **[Ord. 2009-040]**