



COMPREHENSIVE PLAN AMENDMENT STAFF REPORT AMENDMENT ROUND 24-A

BCC ADOPTION PUBLIC HEARING, APRIL 25, 2024

A. Application Summary

I. General Data

Project Name:	Lakehaven PUD (fka Cresswind PUD) (LGA 2023-009)
FLUA Summary:	RR-10 to LR-2
Text Summary:	To revise the Comprehensive Plan and Map Series to expand the Glades Area Protection Overlay (GAPO) eastward to include the subject site.
Acres:	446.14 acres
Location:	Northside of Southern Boulevard, approximately 1.75 miles west of Seminole Pratt Whitney Road
Project Manager:	Bryce Van Horn, Senior Planner
Applicant:	Kolter Group Acquisitions, John Csapo (contract purchaser)
Owner:	Fleming Properties, LLC (John Christopher Fleming); Lornco Farms, LLC (Donald Stevenson); and Robin Fleming
Agent:	Ken Tuma, Urban Design Studio
Staff Recommendation:	Staff recommends approval with modifications based upon the conclusions contained within this report

II. Assessment & Conclusion

The applicant proposes a future land use amendment on a 446.14 acre site from Rural Residential, 1 unit per 10 acres (RR-10) to Low Residential, 2 units per acre (LR-2) for a maximum development potential of 892 units. However, the applicant is proposing a total of 534 dwelling units (1.2 units/acre), of which 480 are proposed as single family, market rate units and 54 are proposed as on-site, for sale, townhouse workforce housing units. The applicant is also proposing 47,000 square feet of commercial retail and office uses. The request also includes text amendments to revise the Future Land Use Element and the Map Series of the Comprehensive Plan to expand the Glades Area Protection Overlay (GAPO) eastward to include the subject site and designate the site as a Limited Urban Service Area (LUSA).

The GAPO was adopted in 2004 to provide a barrier and limit development from encroaching into the Agricultural Production (AP) designated lands in the Everglades Agricultural Area (EAA) to the west. This amendment site has been the subject of and included in multiple planning efforts prior to the current proposal. These studies contemplated increased densities (0.8 units/acre) or employment generating uses on the site. The original GAPO text amendment did not include the subject site, as it was to be addressed by the Sector Plan and the Central Western Communities Overlay. Although those efforts ceased, it is evident that there was a need to address future development in the area.

Staff concurs with the applicant's assessment that the text and FLUA amendment are justified, especially given the overall context of the area, the history of multiple planning efforts to address future development for the property, and the purpose of the Glades Area Protection Overlay and restrictions established to focus development east of the L-8 canal. The GAPO as a mechanism to allow for eastward higher density residential development is not unwarranted and is a viable mechanism for the proposed changes to allow for a development density that is compatible with the surrounding communities.

Staff recommends a condition limiting the site to 534 units and 47,000 square feet of retail and office or equivalent trips. Staff is also proposing conditions for connectivity and a trail network consistent with similar conditions in effect for the Arden PUD to the west. Finally, staff is recommending that a minimum of 10 percent of the total units be provided as onsite workforce housing units. The applicant is in agreement with the proposed conditions.

III. Hearing History

Please note that a staff report was previously published for this site for the same land use change of RR-10 to LR-2, proposing 892 age-restricted (55+) units with no commercial component. A summary of the Planning Commission and Board of County Commissioners hearing for the previous request, including correspondence is included in Exhibit 9. Any correspondence related to the current application is included in Exhibit 10.

Local Planning Agency: *Approval with conditions*, motion by Lori Vinikoor, seconded by Sam Caliendo, passed in an 11 to 0 vote at the October 13, 2023 public hearing. Commission discussion focused on the need for workforce housing, whether the proposed commercial could exceed the proposed condition, whether there were discussions with area farmers, clarifying the description of the GAPO boundary, the traffic impact with revised proposal from original proposal of 892 age restricted units, and availability of funds for Southern Blvd. improvements. Also under discussion, the Commission expressed concerns regarding the applicant's Privately Initiated ULDC amendment related to increasing the allowable percentage of a commercial pod of a PUD from a maximum of 1% of the total acreage to 5% and whether the proposed changes applied to all PUDs. There was no public comment.

Board of County Commissioners Transmittal Public Hearing: *Transmit with modifications*, motion by Commissioner Baxter, seconded by Commissioner Marino passed in a 7 to 0 vote at the November 1, 2023 public hearing. The modification included a new condition #6 to require disclosure to buyers regarding existing agricultural activity adjacent to the subject site and for the potential development of a race track in the vicinity. This is shown in underline text in Exhibit 1-A. Board discussion included questions regarding affordability of the proposed WHP units, and clarification on the Long Range Transportation Plan (LRTP) revision. The Board cited concerns regarding buyers qualifying to purchase the WHP units given increases in insurance, HOA fees, and interest rates but also stated that the revised application was more appropriate for the area. One member of the public, representing Fox Trail HOA, spoke in opposition citing traffic, development in the Rural Tier, and consideration of existing rural lifestyle. One member of the public spoke in support citing efforts from the developer to address concerns related to drainage and wildlife.

State Review Comments: The State Land Planning Agency reviewed this amendment under Round 23-12ESR and issued a letter dated December 8, 2023 stating that the Agency had no comment on the proposed amendment. The Florida Fish and Wildlife Conservation Commission provided technical assistance comments related to survey protocols and recommendations should evidence of state listed species be found onsite. The Florida Department of Transportation (FDOT) provided technical assistance comments related to concerns over the methodology used in evaluating the impacts on State Road 80. It is the County's position, however, that Policy 3.5-d is a local policy that the County voluntarily implements. This policy uses a specific methodology that is not mandated by any State or local statute or rules and is developed by the County following generally accepted Engineering principles. The subject proposed land use amendment has been evaluated per the specified methodology in Policy 3.5-d of the Comprehensive Plan and it meets the requirements of the Policy when concurrently adopted with rezoning. The rezoning must address the roadway failures, if any, per the County's more detailed traffic concurrency system including proportionate share requirements of Ch. 163.3180 F.S. (see Exhibit 10)

Changes Subsequent to Transmittal: Subsequent to transmittal, condition #5 in Exhibit 1 requiring concurrent approval of zoning and future land use applications was removed as it is moot with the scheduling of the hearings on the same date. Condition #6 was also deleted as it is included within the Zoning Resolution which will be adopted concurrently. The deletion is shown in ~~double strikethrough~~. In addition, there were updates to the Map Series Maps in Exhibit 1-B to reflect the adoption of the Verdura Farms amendment which is now in effect.

Board of County Commissioners Adoption Public Hearing:

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B. Petition Summary

I. Site Data

Current Future Land Use

Current FLU: Rural Residential, 1 unit per 10 acres (RR-10)
Existing Land Use: Agricultural
Current Zoning: Agricultural Residential (AR)
Current Dev. Potential Max: Residential, up to 45 units

Proposed Future Land Use Change

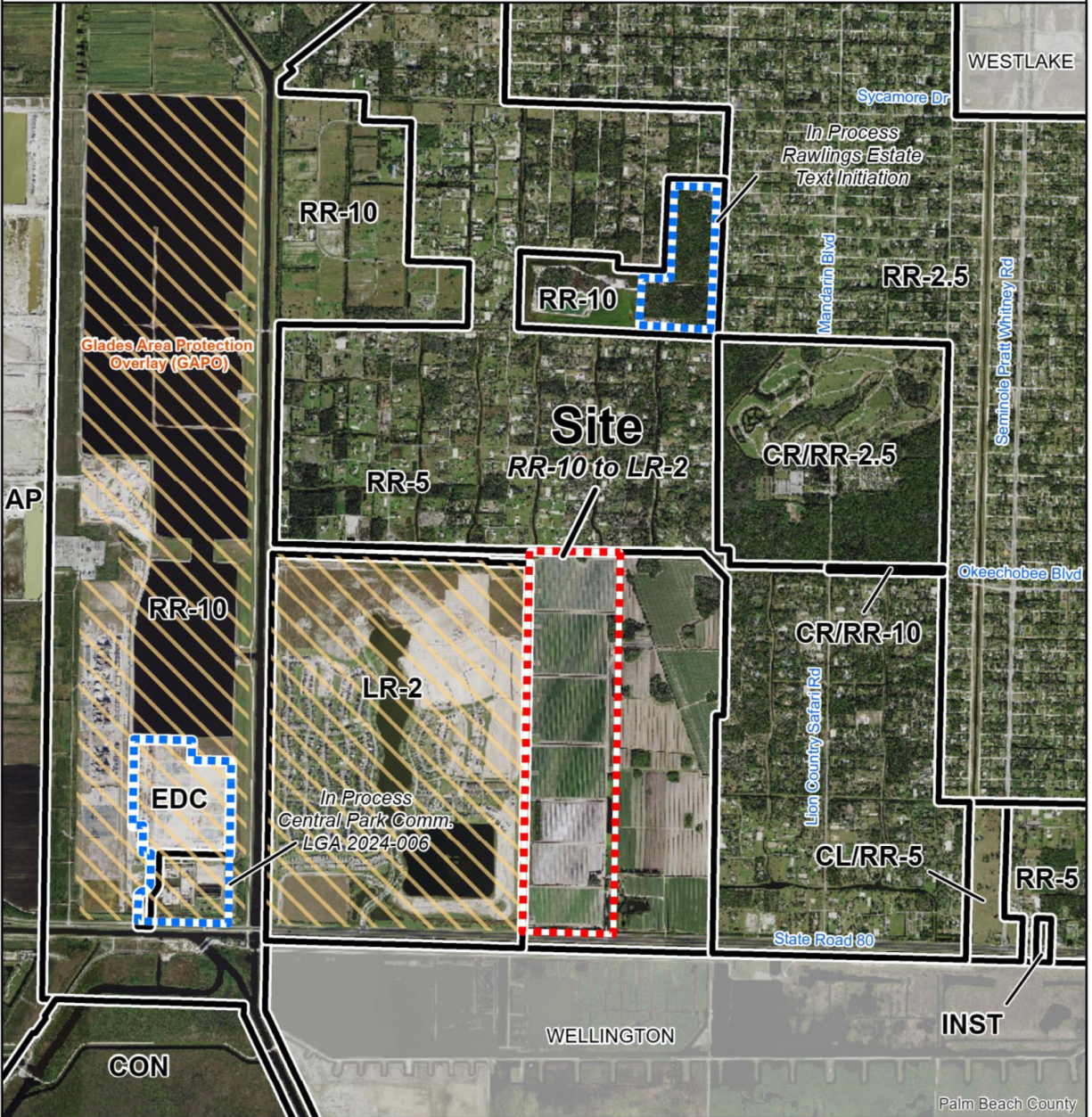
Proposed FLU: Low Residential, 2 units per acre (LR-2)
Proposed Use: Residential
Proposed Zoning: Planned Unit Development (PUD)
Dev. Potential Max/Conditioned: Residential, up to 534 units and Commercial uses, up to 47,000 square feet (by condition of approval)

General Area Information for Site

Tier: Rural Tier – no change
Utility Service: Palm Beach County Water Utilities Department
Overlay/Study: Formerly the Central Western Communities Sector Plan
Comm. District: Commissioner Sara Baxter, District 6

Future Land Use Atlas Amendment

Lakehaven PUD (LGA 2023-009)



Site Data

Size: 446.13 acres
 Existing Use: Agriculture
 Proposed Use: Residential
 Current FLU: RR-10
 Proposed FLU: LR-2

Future Land Use Designations

RR-10	Rural Residential, 1 unit/10 acres	CL/RR-5	Commercial Low, underlying RR-5
RR-5	Rural Residential, 1 unit/5 acres	CR/RR-10	Commercial Recreation, underlying RR-10
RR-2.5	Rural Residential, 1 unit/2.5 acres	CR/RR-2.5	Commercial Recreation, underlying RR-2.5
LR-2	Low Residential, 2 units/acre	EDC	Economic Development Center
AP	Agricultural Production	INST	Institutional
CON	Conservation		

Date: 04/1/2024
 Contact: PBC Planning
 Filename: 24-A/Site/23-09
 Note: Map is not official, for presentation purposes only.

Site In Process
 GAPO

1,000 0 1,000 2,000 Feet



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



C. Introduction

I. Intent of the Amendment

The 446.14 acre subject site is located approximately 2.5 miles west of Seminole Pratt Whitney Road on the north side of Southern Boulevard (SR 80) and is within the Rural Tier of the County's Growth Management Tier System and the Rural Service Area (RSA). The site has a Rural Residential, 1 unit per 10 acres (RR-10) future land use designation. The site is east of and adjacent to the boundaries of the 3,063 acre Glades Area Protection Overlay (GAPO), portions of which are designated as a Limited Urban Service Area (LUSA).

Background. The subject site, commonly known as the "Fleming Property", is comprised of four parcels with three owners. The site has been in agricultural use for over 50 years, mostly as grazing land prior to the mid 1980's and subsequently converted to row crops, which is the current use. This site along with the adjacent 497 acre property to the east, known as the Leonard property, had previously been the subject of, or included in multiple planning efforts. Specifically, the two properties were included within the boundaries of the Central Western Communities Sector Plan adopted in 2005 but repealed in 2007. The site was also later proposed to be included in the Central Western Communities (CWC) Overlay which was initiated concurrent with the repeal of the Sector Plan but discontinued by the BCC in 2009. These prior planning efforts are further detailed under Section II, Background/History of this report.

Future Land Use Amendment. The proposed future land use amendment is a request for a change from the Rural Residential, 1 unit per 10 acres (RR-10) future land use designation to Low Residential, 2 units per acre (LR-2) on 446.14 acres. This would increase the maximum residential development potential from 45 units (1 unit per 10 acres) to a potential for up to 892 units (2 units per acre). The applicant proposes a total of 534 dwelling units (1.2 units per acre), of which 480 are proposed as single family, market rate units and 54 are proposed as on-site, for sale, townhouse workforce housing units. The applicant is also proposing 47,000 square feet of commercial retail and office uses.

- **Cresswind PUD.** The original application for this site, known as Cresswind PUD, proposed 892 single family and zero lot line units (age-restricted for 55+). The amendment was heard by the Planning Commission on November 4, 2022 and postponed by the Board at the November 28, 2022 BCC Transmittal Hearing to February 1, 2023, (see Exhibit 9 for summary). Subsequently, the amendment was administratively postponed twice at the request of the applicant to the May 3, 2023 and August 30, 2023, BCC Transmittal Hearings and then finally to the November 1, 2023 BCC Transmittal Hearing. The applicant requested the postponements to "allow for the further evaluation of development considerations and coordination with the surrounding community" and to revise the amendment application and modify their development plan as a result of continued coordination with interested parties.

Proposed Text Amendment. Since the County's Comprehensive Plan does not allow the LR-2 future land use on the subject site, the applicant submitted an application for a privately initiated proposed text amendment to the Comprehensive Plan to revise the Future Land Use Element to expand the boundaries of the GAPO eastward to incorporate the 446.14 acre subject site. The text amendment request also includes revising the Map Series to depict the subject site within the GAPO on the Special Planning Areas Map LU 3.1, and as a LUSA on the Managed Growth Tier System Map, LU 1.1 and on the Service Area Map, LU 2.1. Staff supported the initiation of the proposed text amendment to provide the opportunity for the Board to consider and direct policy. The Planning Commission recommended on October 1, 2021, to initiate the text amendment and the Board of County Commissioners initiated on November 3, 2021. Subsequently, the applicant modified the proposal to the current development plan for 480 single family and 54 WHP restricted townhome units, including 47,000 square feet of commercial use. The conversion of the proposed development plan to a non-age restricted housing product resulted in a failure of the long range traffic requirement in Future Land Use Element Policy 3.5-d on a segment of SR 80 from Seminole-Pratt Whitney Road to Binks Forest Drive. Subsequently, the applicant requested a modification to the previously initiated text amendment in order to exempt the site from this requirement of the Comprehensive Plan (see Exhibit 5). However, discussions between the agent's traffic engineer and representatives from the Transportation Planning Agency (TPA) and the Florida's Department of Transportation (FDOT) resulted in an agreement to revise the 2045 Long Range Traffic Plan (LRTP) to reflect the failed link as 8 lanes (instead of 6 lanes as is shown in the current LRTP) as the segment between Seminole Pratt Whitney Road and Binks Forest Drive was not clearly identified in the current LRTP. The revision would result in the amendment meeting the long range traffic policy and is expected to be adopted by the TPA Governing Board on October 19, 2023. On September 28, 2023, the Board of County Commissioners provided direction to staff to allow the project to move forward to the October 13th Planning Commission

with the understanding that should the TPA not adopt the revision, the applicant will postpone the amendment to the next round and would not be heard at the November 1st BCC Transmittal Hearing.

Zoning Application. The applicant submitted an associated zoning application, PDD-2022-1134, (Control No. 2022-00058) requesting to rezone from the Agricultural Residential (AR) zoning district to the Planned Unit Development (PUD) district in order to develop 534 dwelling units and 47,000 square feet of commercial uses (23,500 sf office and 23,500 sf retail).

ULDC Text Amendments. The applicant has submitted a privately initiated amendment (PIA) to revise the Unified Land Development Code (ULDC). Currently, a commercial pod of a PUD is limited to 1% of the total acreage of a PUD. In addition, the commercial pod must be located internal to the PUD. The applicant is proposing an 8.15 acre commercial pod with 47,000 square feet of commercial uses (retail and office) located with frontage on Southern Boulevard. Under current rules, the pod would be limited to 4.46 acres and would not be allowed to have frontage on Southern Boulevard. Therefore, the applicant is proposing to modify the ULDC as summarized below:

- Increase the allowable percentage of a Commercial Pod of a PUD from a maximum of 1% of the total acreage to 5%; and
- Modify the location requirements for the Commercial Pod of a PUD from limiting to internal to the PUD to allowing along the periphery of a PUD, for example on a major roadway, provided that the Commercial Pod has access through a shared access drive into the PUD.

The proposed PIA was heard at the May 10, 2023, Land Development Review Advisory Board Land Development Review Committee (LDRAB/LDRC) meeting for initiation. Zoning staff recommended approval of Phase 1 and recommended initiation of Phase 2 supporting the initiation of the request for further review and consideration throughout the County. The LDRAB accepted the Zoning staff's recommendation to approve Phase 1 and recommend the initiation of Phase 2. The Board of County Commissioners initiated the amendment on May 25, 2023. The PIA will be considered for adoption by the Board at the same hearing as the FLUA, Comprehensive Plan text amendments, and zoning applications.

II. Background/History

A. Rural Tier Background

The subject site is within the Rural Tier of the County's Managed Growth Tier system. In 1999, the County adopted the Managed Growth Tier system in the County's Comprehensive Plan to recognize the County's diverse geographic regions and lifestyles by establishing tiers that have common densities/intensities and public service availability. The subject site is located within the Rural Tier, an area established to support five and ten acre residential lots, as well as agricultural operations and equestrian uses, and recognize pre-existing higher density lot development patterns in certain areas such as Jupiter Farms, which is in north County but also in the Rural Tier. The Rural Tier also recognizes special planning areas that would require higher levels of service such as the 4,871-acre Western Communities Residential Overlay (WCRO) with the Western Communities Residential future land use designation, the southern limits of which are approximately 3 miles to the north generally west of The Acreage. The unincorporated portions of the Rural Tier consist of 44,670 acres. The 446.14-acre Fleming property as well as the adjacent 497-acre Leonard property to the east are within the overall area known as the Central Western Communities surrounded by the rural five acre lot pattern subdivisions of Deer Run to the north and Fox Trail to the east, and the Arden PUD to the west.

The purpose of the Tier is described in the Comprehensive Plan in Objective 1.4 below:

OBJECTIVE 1.4, Rural Tier. *Palm Beach County shall plan for the impacts of growth outside of the Urban Service Area, recognizing the existence of both large undeveloped tracts as well as areas containing densities equal to or less than 1 dwelling unit per 5 acres established prior to the adoption of the 1989 Comprehensive Plan located in proximity to environmentally sensitive natural areas while protecting the Rural Tier lifestyle. The Rural Tier shall be afforded rural levels of service, except in special planning areas such as, but not limited to, the Western Communities Residential Overlay (WCRO).*

The general description of the Rural Tier in the Comprehensive Plan (**OBJECTIVE 1.4 Rural Tier, General**) recognizes that this Tier is "beginning to experience development pressure for urban densities and non-residential intensities." Therefore, policies were established to limit the

maximum residential development potential to 1 unit per 5 acres and additional strategies were included to “*protect and enhance rural settlements that support agricultural uses and equestrian uses while also providing an alternative style of development in specific areas that further the goals of the Rural Tier.*” The alternative styles of development are outlined in Future Land Use Element Policy 1.4-d, which requires a minimum of 5 acre lots unless developed as a Rural Residential (RR) Cluster or Variable-Lot-Size development. These two rural residential planned unit development options allow for an alternative to a subdivision plan “*to accommodate low-density residential development in conjunction with the protection and maintenance of rural, equestrian, agricultural communities.*” The traditional planned unit development (PUD), a development pattern which is primarily located only in the Urban/Suburban Tier, is currently only allowed in the Rural Tier with the Western Communities Residential (WCR) future land use designation within the Western Communities Residential Overlay. The proposed amendment would expand the availability of the PUD development pattern to the subject site.

B. Glades Area Protection Overlay

The subject site is located adjacent to the east of the Glades Area Protection Overlay (GAPO). The Overlay is located on the north side of Southern Boulevard on the east and west sides of the South Florida Water Management District (SFWMD) L-8 Canal, beginning approximately two miles west of Seminole Pratt Whitney Road, and extending another two miles further west near the area generally known as “20 mile bend”. The overlay is comprised of approximately 3,063 acres with 1,844 acres on the west side of the L-8 canal and 1,219 acres on the east side. The South Florida Water Management Storm Water Treatment Areas (STA 1-E) within the Village of Wellington and the northern limit of the Loxahatchee National Wildlife Refuge are to the south across Southern Boulevard.

In 2004, the Board of County Commissioners adopted County initiated text amendments creating the Glades Area Protection Overlay (GAPO) for the 3,063 acres and adopted an associated privately initiated Future Land Use Atlas amendment, submitted by Palm Beach Aggregates, to change the future land use from RR-10 to LR-2 on the east 1,219 acres. Part of the intent of the overlay was to prevent the voluntary annexation of the property into the Village of Wellington, the municipal limits of which were to south on the south side of Southern Boulevard. This effort was part of a multi-part strategy to protect the Everglades Agricultural Area (EAA), which included the creation of the GAPO and a voter approved Charter amendment in January of 2005 to establish an Exclusive Method of Voluntary Annexation.

Part of the intent of the GAPO was to insure and support the County’s goals for protection of the Everglades Agricultural Area (EAA) from encroachment and expansion of urban/suburban uses, densities and intensities, in particular those areas within the EAA that have a land use designation of Agricultural Production (AP), support the restoration of the Everglades, and maintain existing rural and semi-rural communities in the Central Western Communities (CWC). The GAPO amendment identified the portion of the Overlay east of the L-8 Canal as a Limited Urban Service Area (LUSA) in order to allow for development of a 2,000 unit residential Planned Unit Development. The overlay and LUSA were established with the intent to protect the surrounding area by creating a barrier to development not only west of the overlay but also west of the L-8 Canal.

The establishment of the overlay and LUSA allowed the owner of the properties at the time, Palm Beach Aggregates, now PBA Holdings Inc., to pursue the FLUA amendment concurrently for a change from Rural Residential, 1 unit per 10 acres (RR-10), to Low Residential, 2 units per acre (LR-2) for the 1,219 acre area adjacent and to the east of the SFWMD L-8 canal. The purpose of the overlay was further strengthened with conditions of approval adopted with the 1,219 acres of LR-2 east of the L-8 Canal within the overlay. These conditions, in part, required the execution and recordation of a restrictive covenant in favor of the County on all the lands within the overlay owned by Palm Beach Aggregates at that time, providing for restrictions on annexation and limitations on uses to those as of the adoption date of the amendment.

C. Subsequent GAPO Amendments

Two sites have been the subject of future land use amendments within the GAPO since its adoption in 2004.

- 1. Arden / Highland Dunes.** The 1,209 acre Arden PUD (formerly known as Highland Dunes PUD) was initially adopted in tandem with the adoption of the GAPO. The site was approved by Ordinance 2004-66 for a change from Rural Residential, 1 unit per 10 acres (RR-10), to the LR-2 future land use designation on December 13, 2004. The site was considered as a transition that could support higher densities based on the surrounding land uses and the site’s location. The adopted 2004 conditions limited the density to 2,000 dwelling units, less than the LR-2 designation would normally allow. Among the conditions

adopted and still in effect are conditions that provide; (i) for a roadway connection to the north to the future extension of Okeechobee Boulevard; (ii) interconnectivity to the east should the Fleming property develop as an “employment center”; and (iii) for a 50 foot wide open space trail corridor on the western and northern boundaries that can link to a future Central Western Communities integrated trail network. A zoning development order was approved for the Highland Dunes PUD to implement the FLUA amendment and entitle the property for development of 2,000 units in 2005. The Highland Dunes development order was ultimately abandoned in 2008. In 2013, the property was approved for a development order for a PUD, now known as Arden.

As development of homes was proceeding, the property owner submitted an application to amend the Future Land Use amendment conditions adopted in the original ordinance (Ord. 2004-66). The County adopted the requested amendment (Ord. 2020-024) revising the conditions of approval to allow for up to an additional 420 dwelling units, the total units (2,420) allowed by the LR-2 designation. Both the 2013 zoning approval and the 2020 amendment incorporated minimum percentages of workforce housing pursuant to the Unified Land Development Code for the LR-2 designation and staff’s recommendation for all density increase amendments to include a minimum percentage of workforce housing respectively. The 2013 Zoning approval was therefore obligated to provide for 60 workforce housing units and the 2020 amendment ordinance included a condition that 20% of the units over the original 2,000 were to be provided as workforce units. The 2013 Zoning approval made the project subject to the WHP and the developer chose to fulfill the workforce obligations through an in-lieu payment (i.e. buy out) option of the WHP. For the 2020 amendment, based on past Board direction, staff recommended that the 20% WHP be provided on site; the applicant requested and the Board approved the option to use other disposition methods including the in lieu option.

A third amendment application was submitted and adopted in 2021 to amend conditions (Ord. 2021-025). This amendment modified timing conditions that were adopted with the prior ordinance related to the traffic analysis. Arden PUD is currently site planned for 2,334 units. The total workforce obligation is 127 workforce units, 60 as a result of the 2013 zoning approval, and an additional 67 from the additional 334 units approved above the original 2,000 units.

2. **Central Park Commerce Center.** A Comprehensive Plan text amendment was proposed by PBA Holdings, Inc. in 2014 to allow the Economic Development Center (EDC) future land use designation and an Employment Center use on 142 acres west of the L-8 canal within the GAPO, and to establish the site as a LUSA. Staff recommended that the amendment not be initiated, as the required preliminary analysis of the proposed text amendment indicated that the change would be contrary to the purpose of the GAPO. The Board declined to initiate the text amendment. Had the text amendment been initiated, the property-owner would have submitted a subsequent site-specific future land use amendment for the EDC designation for the 142 acre site. The following year, the initiation process was revised to allow for applicants to propose text amendments with an accompanying site-specific land use plan amendment. Therefore, in 2016, the Board adopted privately proposed text amendments and a future land use amendment, with conditions of approval via Ordinance 2016-026, on 138 acres, changing the designation of the subject site from Rural Residential, 1 unit per 10 acres (RR-10) to the Economic Development Center (EDC) future land use designation. The intent of the amendment was to allow for development of an employment center on the site, to include a large-scale “data center,” a centralized computer storehouse that provides information technology infrastructure for single or multiple commercial or government clients. This site was subject to a second amendment in 2018, which was adopted by Ordinance 2018-012, to amend conditions of approval to extend the timing deadline for commencement of development to June 30, 2022. The property owner provided documentation in early 2022 that development of the site has commenced. There is a current request for the initiation of a privately initiated text amendment to allow additional acreage within the GAPO to request the EDC FLU in order to expand warehouse office uses on the site. The request is anticipated to be heard by the BCC on November 1st.

D. Sector Plan/Central Western Communities Overlay

This site along with the adjacent 497-acre property to the east, known as the Leonard property, had previously been the subject of, and included in multiple planning efforts. Specifically, the two properties were included within the boundaries of the Central Western Communities Sector Plan adopted in 2005 but repealed in 2007. During the Sector Plan process, the combined Fleming/Leonard properties were contemplated as a location for a more than 900,000 square foot employment center with later revisions in a proposed remedial amendment contemplating 0.8 units per acre as a rural village/traditional village concept. The site was also later proposed to be included in the Central Western Communities (CWC) Overlay which was initiated concurrent with the repeal of the Sector Plan. The CWC Overlay was intended to address key parameters addressed in the repealed Sector Plan such as traffic and future development of large parcels of land in the central western communities. The Overlay again contemplated the combined Fleming/Leonard properties for an employment center. The Overlay efforts ultimately never proceeded to the BCC for amendments to the Comprehensive Plan and the Overlay effort was discontinued by the BCC on February 3, 2009.

The County adopted the Managed Growth Tier System (MGTS) in 1999, then undertook the Sector Plan process to address long range planning and land use imbalances in the 50,000+ acre Central Western Communities (CWC) area comprising portions of the Exurban and Rural Tiers. The Sector Plan as adopted in 2005 included a total of approximately 2 million sq. ft. of non-residential uses. This consisted of primarily retail uses in various locations throughout the CWC, and a 943,000 sq. ft. employment center use at the “Leonard-Fleming” site. The subject site represents nearly half of the “Leonard-Fleming” site. The Leonard property, owned by Leonard Land Company, LLC, is roughly 497 acres between the subject site and the Fox Trail rural subdivision further east, and similar to the subject site, extending from Southern Blvd. at its south boundary to the Deer Run rural subdivision at its north limit.

The Department of Community Affairs (DCA), now known as the Department of Economic Opportunity (DEO), found the adopted Sector Plan to be ‘not in compliance’. The County subsequently modified the Plan, and proposed a Sector Plan remedial amendment with 2.4 million square feet of employment/office uses on primarily the Callery-Judge property, subsequently known as Minto and now known as the City of Westlake. Only 50,000 square feet of employment/office uses were proposed for the southwest corner of the Sector Plan where the subject site is located. The County ultimately rescinded the Sector Plan after efforts to resolve the issues through the remedial amendment were unsuccessful. There were no residential uses proposed in the Sector Plan for the “Leonard-Fleming” area in any of the versions of the proposed Sector Plan. The proposed Sector Plan remedial amendment, however did contemplate 0.8 units per acre as a rural village/traditional village concept. Many of the other large vacant properties in the Central Western Communities have been addressed through site specific amendments and text amendments on a site by site basis after the repeal and or discontinuation of previous planning efforts.

III. Data and Analysis Summary

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

- A. **Overview of the Area.** The site is located in the western central portion of the County just east of 20 Mile Bend, and surrounded by rural residential subdivisions to the north, agriculture and other rural subdivisions to the east, and to the west within the GAPO, the Arden PUD, a planned economic development center, the L-8 reservoir, and an FPL power plant. To the south across Southern Boulevard are South Florida Water Management District storm water treatment areas (STAs) within the Village of Wellington.
- B. **Appropriateness of the Amendment.**
 - 1. **Density of 2 units/acre in the Rural Tier.** The site is located within the central western part of the Rural Tier between The Acreage unrecorded subdivision in the Exurban Tier to the east and northeast and the Glades Tier further west. The maximum residential density permitted in the Tier is 1 unit per 5 acres, except for special overlay areas. In addition, the Transfer of Development Rights (TDRs) and Workforce Housing Program with bonus density are not available within the Rural Tier. Therefore, the applicant must utilize the Text and FLUA amendment process to seek increased density on the subject site. Prior to 2012, a property owner

seeking a density that exceeded the allowable density of the subject Tier would request a FLUA amendment along with a tier change. The LR-2 future land use designation is an Urban/Suburban Tier designation and is not currently allowed in the Rural Tier. The subject site is not eligible for a Tier change to the Urban/Suburban Tier to achieve the LR-2 designation as one of the criteria for a Tier change requires the site to be contiguous to the Tier that it is requesting a change to. The Urban/Suburban Tier is several miles further east. The creation of the privately initiated amendment process in 2012 now allows an alternative method to achieve the same result. Therefore, the applicant for the Cresswind PUD (Fleming Property) is proposing a privately initiated text amendment to amend the existing Glades Area Protection Overlay, to expand it eastward, as a mechanism to allow the proposed Low Residential, 2 units per acre (LR-2) future land use designation for the subject site and remain within the Rural Tier.

- 2. Expansion of the GAPO.** One of the goals of the Future Land Use Element, Strategic Planning, states that *“the Element establishes the Managed Growth Tiers and Overlays to identify unique geographic areas that warrant specific planning strategies.”* The Fleming property is in a unique geographic area that previously warranted inclusion in an overall planning strategy to address increasing development pressures. The text and FLUA amendment are justified, especially given the overall context of the area, the history of multiple planning efforts to address future development for the property, and the purpose of the Glades Area Protection Overlay and restrictions established to focus development east of the L-8 canal. The GAPO as a mechanism to allow for eastward higher density residential development is not unwarranted and is a viable mechanism for the proposed changes to allow for a development density that is compatible with the surrounding communities.
- 3. Workforce Housing Requirements.** As mentioned above, the subject site is proposed to remain in the Rural Tier which is not subject to the mandatory workforce housing requirement for all housing developments in the Urban/Suburban Tier proposing or adding 10 units or greater. The site is therefore not eligible for Workforce Housing Program bonus density either. In recent years, staff sought direction from the Board of County Commissioners on the suitable minimum percentages of workforce housing to be required when density increases are being requested through the future land use amendment process including those, such as the proposed amendment, that are outside the Urban Suburban Tier. The Board directed staff to recommend a minimum percentage of workforce housing onsite, consisting of 10% for single-family projects, 20% for townhomes, and 25% for multifamily developments. As the applicant is proposing a significant increase above the maximum of 45 units allowed with the RR-10 FLU, staff is recommending a condition of approval to provide 10% of the total units as onsite workforce housing. This is consistent with past Board direction and staff recommendation for density increases with a FLUA amendment in the Rural Tier.
- 4. Policy 3.5-d Consistency.** The current application at a maximum development potential of 534 dwelling units in the residential pod of the proposed PUD, and 47,000 square feet of commercial (23,500 office and 23,500 sf retail) in a proposed commercial pod does not meet the long range traffic requirements of Policy 3.5-d. However, discussions between the agent’s traffic engineer and representatives from the Transportation Planning Agency (TPA) and the Florida’s Department of Transportation (FDOT) resulted in an agreement to revise the 2045 Long Range Traffic Plan (LRTP) to reflect the failed link as 8 lanes (instead of 6 lanes as is shown in the current LRTP) as the segment between Seminole Pratt Whitney Road and Binks Forest Drive was not clearly identified in the current LRTP. The revision would result in the amendment meeting the long range traffic policy and is expected to be adopted by the TPA Governing Board on October 19, 2023. On September 29, 2023, the Board of County Commissioners provided direction to staff to allow the project to move forward to the October 13th Planning Commission with the understanding that should the TPA not adopt the revision, the applicant will postpone the amendment to the next round and would not be heard at the November 1st BCC Transmittal Hearing.
- C. Compatibility.** The amendment is proposing an LR-2 future land use designation which has a maximum density of two units per acre, which is the same as the Arden PUD future land use designation of LR-2 to the west. However, where the Arden PUD allows up 2,420 dwelling units (2 units per acre) and is site planned for 2,334 dwelling units (1.93 units per acre), the proposed amendment would be limited to what is proposed at 534 dwelling units (approximately 1.2 units per acre)

and the proposed commercial. Additionally, the Arden PUD to the west has a 200-foot landscape buffer on the entirety of its eastern side between that site and the subject site. As stated previously, the proposed LR-2 (two units per acre) would yield a project that is more dense than the Deer Run rural subdivision to the north that has a Rural Residential, 1 unit per 10 acres (RR-10) future land use. However, the actual density would be less than what the LR-2 normally allows. The difference in density between the site and Deer Run or even Fox Trail would be less than that of Arden PUD. In addition, the northern part of the subject site will be separated from the Deer Run rural subdivision further north by a required 200 foot right of way dedication for the future extension of Okeechobee Boulevard as was required with the Arden PUD. Deer Run also lies north of the Arden community as well with no apparent compatibility issues. In addition, the concurrent zoning application proposes a large water management tract to the south of the right of way dedication, adding further separation between Deer Run and the proposed units in the development area. There is no residential development to the south across Southern Boulevard (SR-80) as these lands are comprised of the South Florida Water Management District STA's. There is active agriculture adjacent to the east on the 497-acre Leonard property. The proposed concurrent zoning master plan proposes large water management tracts extending most of the length of the eastern boundary adjacent to the Leonard property and in addition to minimum code required buffers and providing further separation.

D. Assessment and Recommendation.

The applicant proposes a future land use amendment on a 446.14 acre site from Rural Residential, 1 unit per 10 acres (RR-10) to Low Residential, 2 units per acre (LR-2) for a maximum development potential of 892 units. However, the applicant is proposing a total of 534 dwelling units (1.2 units/acre), of which 480 are proposed as single family, market rate units and 54 are proposed as on-site, for sale, townhouse workforce housing units. The applicant is also proposing 47,000 square feet of commercial retail and office uses. The request also includes text amendments to revise the Future Land Use Element and the Map Series of the Comprehensive Plan to expand the Glades Area Protection Overlay (GAPO) eastward to include the subject site and designate the site as a Limited Urban Service Area (LUSA).

The GAPO was adopted in 2004 to provide a barrier and limit development from encroaching into the Agricultural Production (AP) designated lands in the Everglades Agricultural Area (EAA) to the west. This amendment site has been the subject of and included in multiple planning efforts prior to the current proposal. These studies contemplated increased densities (0.8 units/acre) or employment generating uses on the site. The original GAPO text amendment did not include the subject site as it was to be addressed by the Sector Plan and the Central Western Communities Overlay. Although those efforts ceased, it is evident that there was a need to address future development in the area.

Staff concurs with the applicant's assessment that the text and FLUA amendment are justified, especially given the overall context of the area, the history of multiple planning efforts to address future development for the property, and the purpose of the Glades Area Protection Overlay and restrictions established to focus development east of the L-8 canal. The GAPO as a mechanism to allow for eastward higher density residential development is not unwarranted and is a viable mechanism for the proposed changes to allow for a development density that is compatible with the surrounding communities.

Staff recommends a condition limiting the site to 534 units and 47,000 square feet of retail and office or equivalent trips. Staff is also proposing conditions for connectivity and a trail network consistent with similar conditions in effect for the Arden PUD to the west. Finally, staff is recommending that a minimum of 10 percent of the total units be provided as onsite workforce housing units.

Exhibits	Page
1A. Future Land Use Map & Legal Description	E-1
1B. Proposed Text and Map Series Amendments	E-3
2. Consistency with Comprehensive Plan	E-10
3. Applicant's Justification/Consistency with Comprehensive Plan & Florida Statutes	E-19
4. Applicant's Public Facility Impacts Table	E-34
5. Applicant's Correspondence regarding compliance with Policy 3.5-d	E-37
6. Water & Wastewater Provider LOS Letter	E-42
7. Applicant's Disclosure of Ownership Interests	E-43
8. Urban Sprawl Analysis	E-59
9. Hearing History and Correspondence from Previous Request	E-61
10. Correspondence	E-68

Exhibit 1-A

Amendment No:	Lakehaven PUD (LGA 2023-009)
FLUA Page No:	53 & 60
Amendment:	From Rural Residential, 1 unit per 10 acres (RR-10) to Low Residential, 2 units per acre (LR-2) with conditions
Location:	Northside of Southern Boulevard, approximately 1.75 miles west of Seminole Pratt Whitney Road
Size:	446.14 acres approximately
Property No:	00-40-43-27-00-000-3010; 00-40-43-22-00-000-5000; 00-40-43-22-00-000-7010; 00-40-43-27-00-000-1010;

Conditions:

1. Development within the residential pod shall be limited to 480 single family and 54 townhouse units. Development within the commercial pod is limited to 23,500 square feet of commercial retail and 23,500 square feet of office, or equivalent trips.
2. The zoning development order shall require a minimum of 10% of the total dwelling units to be built as onsite workforce housing units. The workforce housing units are subject to the applicable requirements of the Workforce Housing Program (WHP) in Article 5.G.1 of ULDC.
3. The zoning development order shall include and indicate on the master plan and subdivision plans a minimum 50 foot wide (inclusive of right-of-way buffers) open space trail corridor located south of the Okeechobee Boulevard right-of-way, which will link to the planned trail network in the Arden PUD to the west and provide future connection to the east.
4. The zoning development order shall reserve right-of-way for the future Okeechobee Boulevard extension. In addition, the master plan and subdivision plan shall indicate a potential vehicular/pedestrian connection to the future extension.
- ~~5. The proposed future land use amendment and the proposed rezoning shall be considered for adoption by the Board of County Commissioners at the same public hearing.~~
- ~~6. The zoning development order shall require that disclosure be provided to buyers of the residential units with notice of the agricultural uses and activities of the surrounding properties and the potential for the development of a racetrack in the vicinity.~~



Legal Description

A PARCEL OF LAND LYING IN SECTION 22, 27 AND 34, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 27, THENCE SOUTH 89° 08' 03" EAST ALONG THE NORTH LINE OF SAID SECTION 27 A DISTANCE OF 780.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE NORTH 00° 33' 09" EAST, ALONG A LINE 780.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID SECTION 22 A DISTANCE OF 360.01 FEET; THENCE SOUTH 89° 08' 03" EAST, ALONG A LINE 360.00 FEET NORTH OF AND PARALLEL TO THE NORTH LINE OF SAID SECTION 27 A DISTANCE OF 2158.03 FEET; THENCE SOUTH 1° 02' 42" WEST, ALONG A LINE 2934.91 EAST OF AND PARALLEL TO THE WEST LINE OF SAID SECTION 27 A DISTANCE OF 9031.74 FEET; THENCE NORTH 88° 24' 56" WEST, ALONG THE NORTH RIGHT OF WAY LINE OF SOUTHERN BOULEVARD (STATE ROAD 80) PER DEPARTMENT OF TRANSPORTATION SECTION 93120-2525 DATED MAY 1984, A DISTANCE OF 2154.92 FEET; THENCE NORTH 1° 02' 36" EAST, ALONG A LINE 780.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID SECTION 34, A DISTANCE OF 3362.46 FEET; THENCE NORTH 1° 02' 42" EAST, ALONG A LINE 780.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID SECTION 27 A DISTANCE OF 5282.25 FEET TO THE POINT OF BEGINNING.

SAID PARCEL BEING 19433992.67 SQUARE FEET OR 446.143 ACRES MORE OR LESS.

Exhibit 1-B

Proposed Text and Map Series Amendments

A. Future Land Use Element, GAPO Expansion Revisions

REVISIONS: To revise the Glades Area Protection Overlay policies and provisions. The revisions are shown below with added text underlined and deleted text shown in ~~strikethrough~~.

Objective 1.8 Glades Area Protection Overlay

1. **REVISE Policy 1.8-a:** The Glades Area Protection Overlay is depicted on the Special Planning Areas Map LU 3.1 in the Map Series and consists of approximately 3,510 acres generally located on the north side, ~~generally described, as the area north of Southern Boulevard State Road 80 (SR-80), beginning approximately 1.75 2.25 miles west of Seminole Pratt Whitney Road and extending westward approximately 2.4 miles, directly south of the Deer Run rural subdivision, to approximately 2.0 miles west of the SFWMD L-8 Canal, encompassing the western portions of sections 8 and 17, all of sections 20, 28, 29 and 32, and the northern portion of section 33 Township 43, Range 40, with an approximate total acreage of acres, is depicted on the Special Planning Areas Map in the Map Series.~~ The boundaries of the Glades Area Protection Overlay shall not be modified or expanded westward to incorporate areas other than the ones described in this policy.

B. Future Land Use Element, Rural Tier Revisions

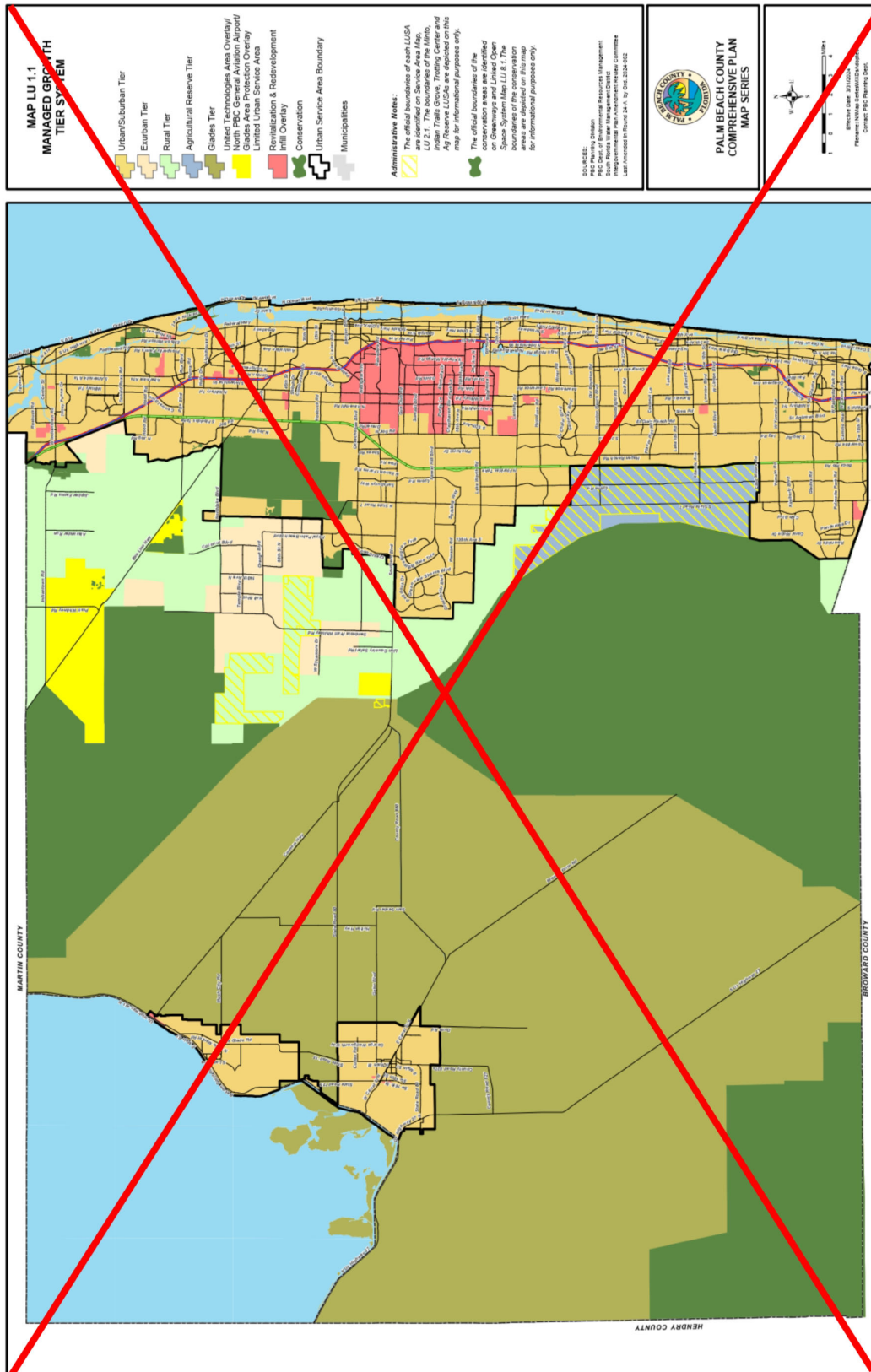
REVISIONS: To revise the Rural Tier objective and provisions. The revisions are shown below with added text underlined and deleted text shown in ~~strikethrough~~.

OBJECTIVE 1.4 Rural Tier

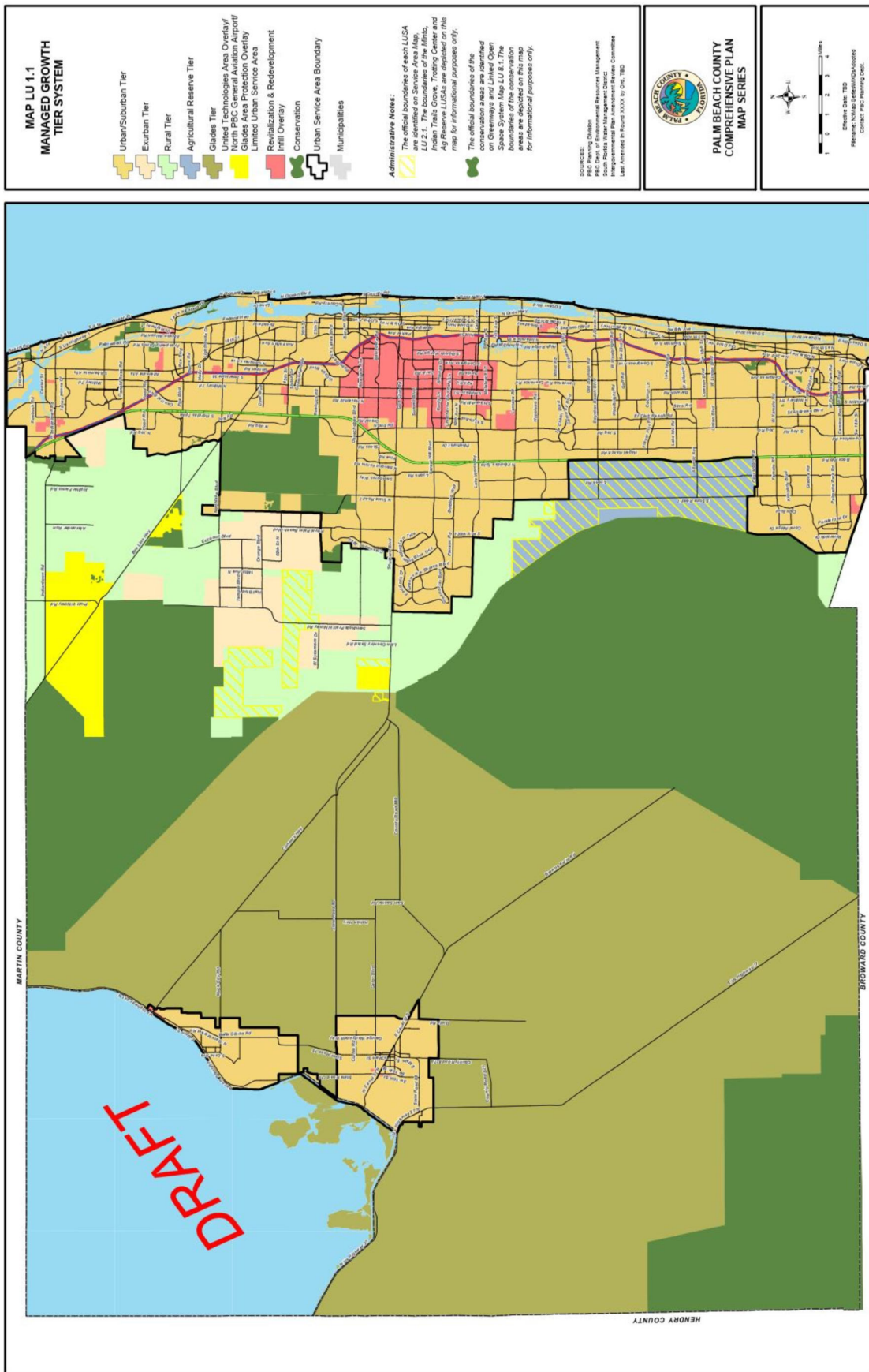
1. **REVISED Objective:** Palm Beach County shall plan for the impacts of growth outside of the Urban Service Area, recognizing the existence of both large undeveloped tracts as well as areas containing densities equal to or less than 1 dwelling unit per 5 acres established prior to the adoption of the 1989 Comprehensive Plan located in proximity to environmentally sensitive natural areas while protecting the Rural Tier lifestyle. The Rural Tier shall be afforded rural levels of service, except in special planning areas such as, but not limited to, the Western Communities Residential Overlay (WCRO), ~~and~~ the Trotting Center Overlay and the Limited Urban Service Area within the Glades Area Protection Overlay.
2. **REVISED Policy 1.4-d:** Any parcel of land in the Rural Tier shall not be further subdivided to form additional parcels, nor reduced in size, unless: each parcel created is consistent with the minimum lot size required by its respective future land use designation or is developed as one of the following:
 1. Rural Residential (RR) Cluster;
 2. Variable-Lot-Size development; or
 3. Planned Unit Development developed under the Western Communities Residential (WCR) Future Land Use Category, ~~or~~ within the Trotting Center Overlay or within the Limited Urban Service Area within the Glades Area Protection Overlay subject to LGA 2023-009.

C. Map Series, Managed Growth Tier System Map LU 1.1, GAPO Expansion

REVISIONS: To depict the subject site (Lakehaven PUD, LGA 2023-009) as a Limited Urban Service Area. **Map to be deleted.**

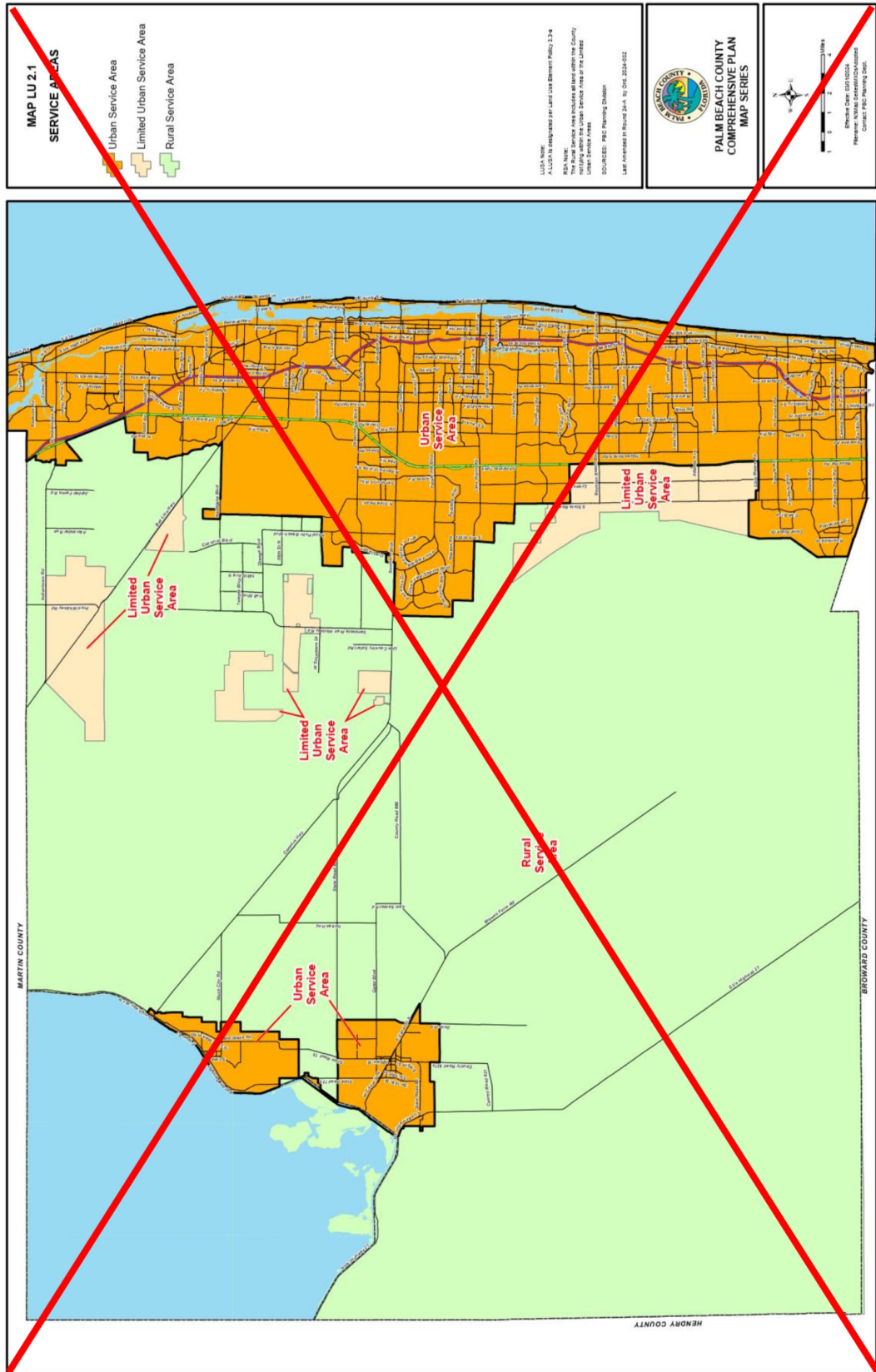


REVISIONS: To depict the subject site (Lakehaven PUD, LGA 2023-009) as a Limited Urban Service Area. **Map to be added.**

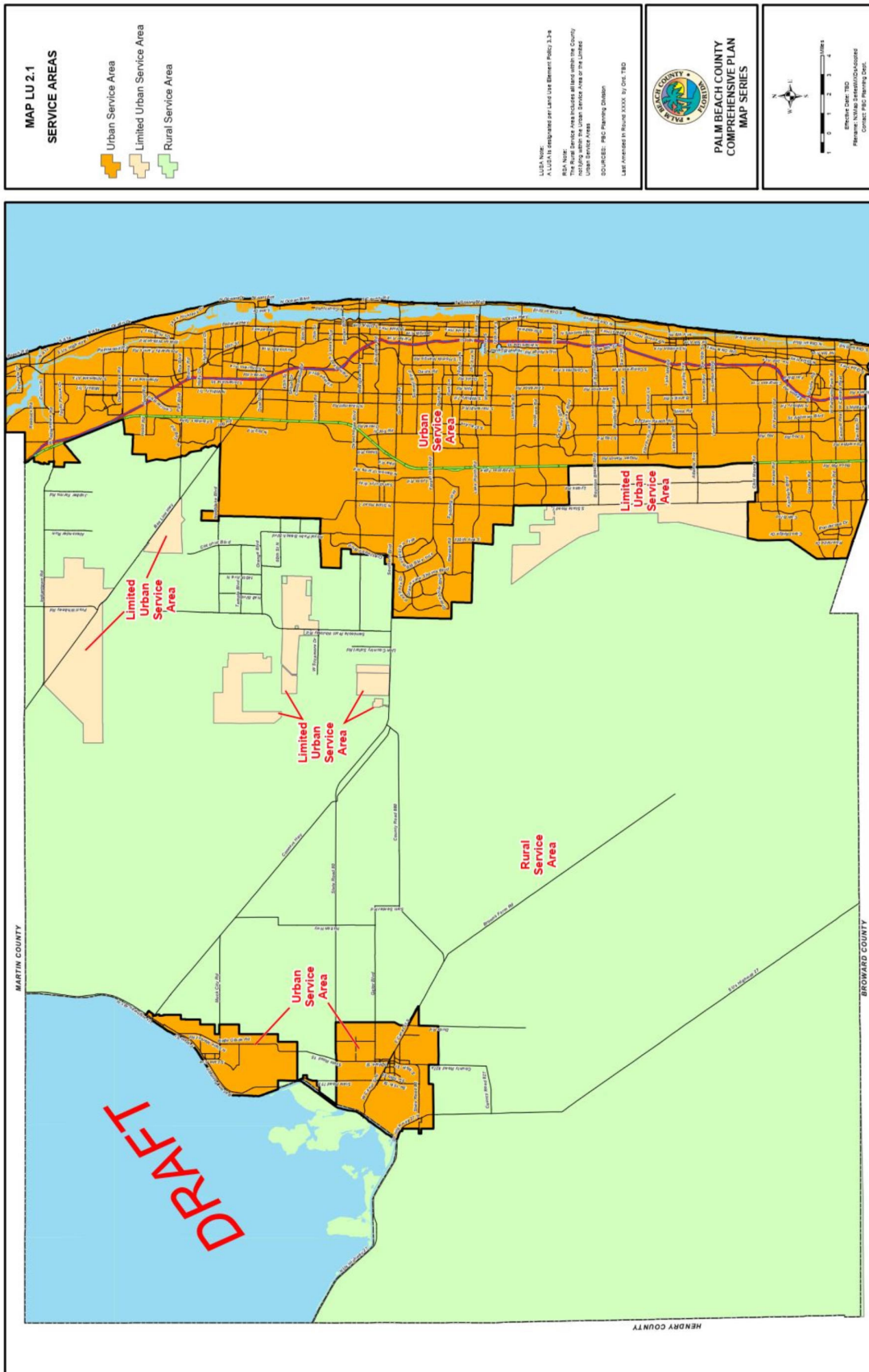


D. Map Series, Service Area Map LU 2.1, GAPO Expansion

REVISIONS: To depict the subject site (Lakehaven PUD, LGA 2023-009) as a Limited Urban Service Area. **Map to be deleted.**

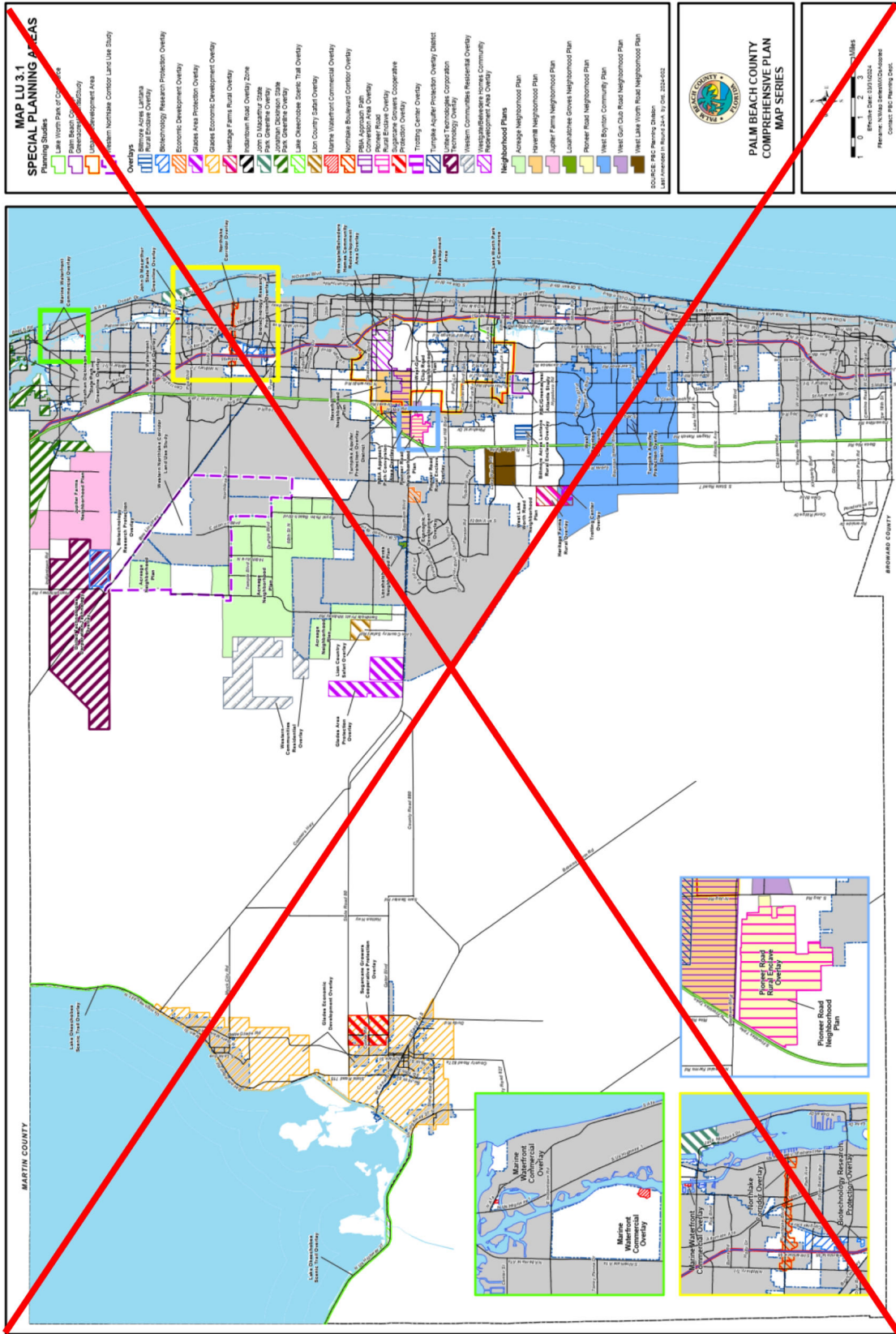


REVISIONS: To depict the subject site (Lakehaven PUD, LGA 2023-009) as a Limited Urban Service Area. **Map to be added.**



E. Map Series, Special Planning Areas Map LU 3.1, GAPO Expansion

REVISIONS: To modify the boundaries of the Glades Area Protection Overlay (GAPO) to include the subject site (Lakehaven PUD, LGA 2023-009). **Map to be deleted.**



REVISIONS: To modify the boundaries of the Glades Area Protection Overlay (GAPO) to include the subject site (Lakehaven PUD, LGA 2023-009). **Map to be added.**

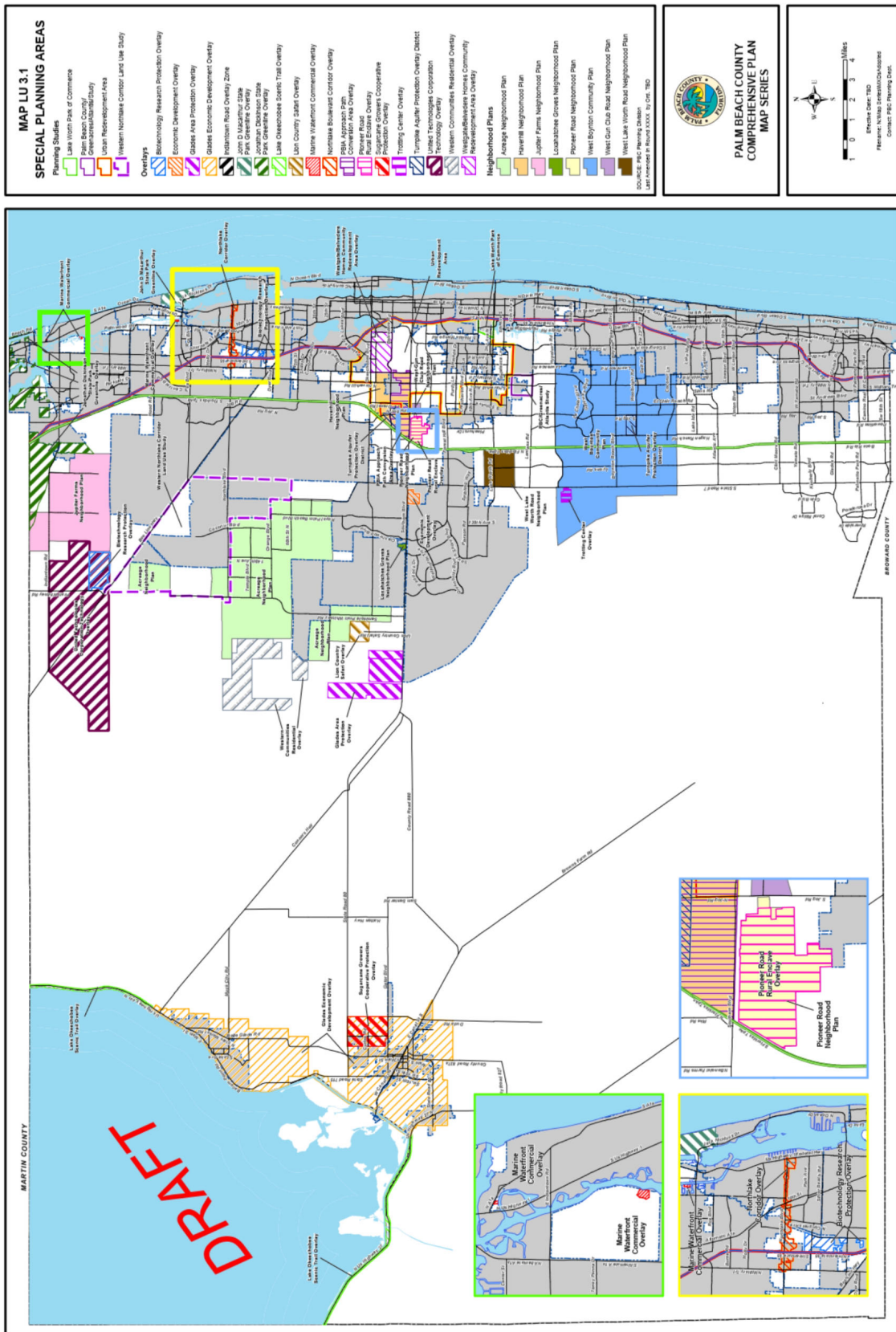


Exhibit 2

Consistency with Comprehensive Plan

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

A. Consistency with the Comprehensive Plan - General

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

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

The applicant provides a Justification Statement (Exhibit 3) which states that the amendment is justified on the basis of changes in the characteristics of the area that have occurred since the adoption of the County's Comprehensive Plan. The applicant provides further justification to support the request and is summarized as follows with excerpts from the justification statement:

- With regard to the site-specific FLUA amendment, the applicant states,
 - "The Subject Property is particularly appropriate for an increased residential density allowing 2 dwelling units per acre due to its location along the Southern Boulevard (SR-80) corridor, adjacency to the comparable Arden PUD".
 - "The increasing population and simultaneous demand for housing options in the western central area of the County has resulted in market conditions which support the residential development of large master planned communities such as the Arden PUD and, similarly, a consistent level of development as proposed for the Subject Property
 - "The comparable development of the Subject Property, as facilitated by the requested Plan text and FLUA amendments, would further this goal by allowing for infill development in a part of the County planned and capable of supporting such densities of residential development in a well-planned and contextual manner with surrounding properties"
 - "The characteristics of the surrounding area have evolved and the demand for residential units, particularly single-family options in the central western area of the County, has continued to grow"
- With regard to the text amendment, the applicant indicates that
 - "The proposed Comprehensive Plan Text Amendment to include the Subject Property within the boundaries of GAPO will serve to further this goal by concentrating residential development east of the L-8 canal in a manner compatible with the established future land use designations and intended level of density as described under Objection 1.8 in the FLUE of the County's Comprehensive Plan".
 - "The expansion of this development pattern to the east will serve to fill the existing gap in development along this portion of the Southern Boulevard corridor and prevent further development of agricultural lands west of the L-8 Canal."

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

Staff concurs with the applicant's assessment that the text and FLUA amendment are justified, especially given the overall context of the area, the history of multiple planning efforts to address future development for the property, and the purpose of the Glades Area Protection Overlay and restrictions established to focus development east of the L-8 canal. The original GAPO text amendment did not include the subject site as it was to be addressed by the Sector Plan and the Central Western Communities Overlay. Although those efforts ceased, it is evident that there was a need to address future development in the area. The GAPO amendments moved forward separately but concurrently with the Sector Plan effort as a multi-part strategy that would not only address future growth but also prevent urban uses expanding into the EAA. The GAPO as a mechanism to allow for eastward higher density residential development is not unwarranted and is a viable mechanism with the changes proposed in the area, to allow for a development density that is compatible with the surrounding communities.

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

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

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

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

Staff Analysis: The County's Managed Growth Tier System is the primary vehicle by which the County Directions are realized. As previously mentioned, the Tier System identifies distinct geographic areas, which together offer lifestyle choices for all residents, and allow for sustainable communities. The associated Comprehensive Plan policies and land development regulations to implement each Tier also reflect the County Directions. The proposed amendment supports the above directions.

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

Staff Analysis: This amendment includes three property owners and the entirety of the 446 acre site known as the Fleming property. The properties together are proposed under one development plan that addresses the entirety of the properties under a single comprehensive plan. There are no other parcels under the same or related ownership adjacent to the subject site that are not included in the proposed amendment whereby residual parcels would be created. Therefore, the proposed amendment would not constitute piecemeal development.

4. **Residual Parcel – FLUE Policy 2.1-i:** *As a means of promoting appropriate land development patterns the County shall discourage the creation of residual parcels within or adjacent to a proposed development. If such a situation is identified, and the residual parcels cannot be eliminated, then the development shall be designed to allow for inter-connectivity with the residual parcels through various techniques including, but not limited to, landscaping and pedestrian and vehicular access. In addition, the future land use designation and/or zoning district of the residual parcel shall also be considered by the Board of County Commissioners, concurrently with the development, to ensure that an incompatibility is not created.*

Staff Analysis: The Comprehensive Plan’s Introduction and Administration Element defines residual parcel as “a property under the same or related ownership that has been left out of a development area, resulting in a parcel which has limited development options and connections to surrounding properties.” This amendment includes three property owners and the entirety of the 446 acre area known as the Fleming property. As there are no other parcels under the same or related ownership, the proposed amendment would not result in the creation of any residual parcels.

5. **Density Increases – Policy 2.4-b:** *The Transfer of Development Rights (TDR) Program is the required method for increasing density within the County, unless:*
1. *an applicant can both justify and demonstrate a need for a Future Land Use Atlas (FLUA) Amendment and demonstrate that the current FLUA designation is inappropriate, as outlined in the Introduction and Administration Element of the Comprehensive Plan, or*
 2. *an applicant is using the Workforce Housing Program or the Affordable Housing Program as outlined in Housing Element Objectives 1.1 and 1.5 of the Comprehensive Plan and within the ULDC, or*
 3. *an applicant proposes a density increase up to, but not exceeding, the density proposed by and supported by a Neighborhood Plan prepared in accordance with FLUE Objective 4.1 and formally received by the BCC. To date, the following Neighborhood Plan qualifies for this provision:*
 - a. *West Lake Worth Road Neighborhood Plan.*

Staff Analysis: The text amendment proposes to retain the site within the Rural Tier. Density increases through the Transfer of Development Rights (TDR) program are not available in the Tier as the program is only applicable to receiving areas within the Urban/Suburban Tier in order to promote infill and redevelopment initiatives. Therefore, the amendment is consistent with this policy.

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

Staff Analysis: As previously mentioned in Section III, Data and Analysis, the subject site and the GAPO were part of a multi part strategy to address a number of development pressures and efforts to focus development in appropriate areas while respecting the Tier System goals. The subject site is within a unique geographic area that warrants specific planning strategies to address increasing development pressures. Although the GAPO did not originally envision inclusion of the subject site as the subject site was to be included in the parallel Sector Plan effort, utilizing the GAPO as a mechanism now to allow higher density for this specific site is warranted in order to apply and implement policies in limited areas.

B. Consistency with Rural Tier Requirements

Future Land Use Element Objective 1.1, Managed Growth Tier System, states that “*Palm Beach County shall implement the Managed Growth Tier System strategies to protect viable existing neighborhoods and communities and to direct the location and timing of future development within 5 geographically specific Tiers.....*”

OBJECTIVE 1.4 Rural Tier

1. **General:** *The Rural Tier includes agricultural land and rural settlements that range in density from primarily 1 dwelling unit per 5 acres to 1 dwelling unit per 20 acres, except in special planning areas such as, but not limited to, the Western Communities Residential Overlay (WCRO). These areas support large agricultural operations as well as single-family homes with small family-owned agricultural businesses, including equestrian*

related uses. Due to the declining availability of land and the increase in population in the Urban and Exurban Tiers, the Rural Tier is beginning to experience pressure for urban densities and nonresidential intensities normally associated with a more urban area. The strategies in the Rural Tier are established to protect and enhance rural settlements that support agricultural uses and equestrian uses while also providing an alternative style of development in specific areas that further the goals of the Rural Tier.

Objective: Palm Beach County shall plan for the impacts of growth outside of the Urban Service Area, recognizing the existence of both large undeveloped tracts as well as areas containing densities equal to or less than 1 dwelling unit per 5 acres established prior to the adoption of the 1989 Comprehensive Plan located in proximity to environmentally sensitive natural areas while protecting the Rural Tier lifestyle. The Rural Tier shall be afforded rural levels of service, except in special planning areas such as, but not limited to, the Western Communities Residential Overlay (WCRO).

Staff Analysis: The concurrent text amendment proposes to provide an exception to this Policy by allowing the Overlay to exceed the maximum permitted density of the Tier and to allow urban levels of service.

2. Policy 1.4-a: *The County shall protect and maintain the rural residential, equestrian and agricultural areas within the Rural Tier by:*

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

Staff Analysis: The proposed amendment is consistent with this policy as previously described in the compatibility section. In addition, staff's conditions of approval will require a 50 foot trail corridor along the northern boundary and a PUD buffer shall be required to utilize the Rural Tier ULDC landscape buffer requirements for compatibility purposes.

3. Policy 1.4-d: *Any parcel of land in the Rural Tier shall not be further subdivided to form additional parcels, nor reduced in size, unless: each parcel created is consistent with the minimum lot size required by its respective future land use designation or is developed as a Rural Residential (RR) Cluster or Variable-Lot-Size development or as a Planned Unit Development developed under the Western Communities Residential (WCR) Future Land Use Category. Parcels may be subdivided for the purpose of enlarging other parcels in the subdivision. The overall number of units of the reconfigured lots may not exceed the original number of units calculated for the lots being reconfigured.*

Staff Analysis: The Comprehensive Plan recognizes that this Tier is "beginning to experience development pressure for urban densities and non-residential intensities." Therefore, policies were established to limit the maximum residential development potential to 1 unit per 5 acres and additional strategies were included to "protect and enhance rural settlements that support agricultural uses and equestrian uses while also providing an alternative style of development in specific areas that further the goals of the Rural Tier." The alternative styles of development are outlined in Future Land Use Element Policy 1.4-d, which requires a minimum of 5 acre lots unless developed as a Rural Residential (RR) Cluster or Variable-Lot-Size development. These two rural residential planned unit development options allow for an alternative to a subdivision plan "to accommodate low-density residential development in conjunction with the protection and maintenance of rural, equestrian, agricultural communities." The traditional planned unit development, a development pattern that is primarily located only in the Urban/Suburban Tier, is only allowed in the Rural Tier with the Western Communities Residential (WCR) future land use designation. This policy is required to be modified for internal consistency given the proposed GAPO amendment and wherein the subject site will remain within the Rural Tier and in a LUSA and allow a Planned Unit Development (PUD) on the subject site.

4. Proposed Text Amendment: The specific proposed text changes are shown in Exhibit 1-B in strike out and underline. In addition to the policy changes referenced above, the proposed private text amendment requests the following map series changes:

Revised Map Series, Managed Growth Tier System Map LU 1.1 and Service Area Map LU 2.1, to depict the site as a Limited Urban Service Area (LUSA).

Revised Map Series, Special Planning Areas Map LU 3.1, to clarify the existing boundaries of the GAPO and expand the boundaries of the GAPO eastward to include the 446 acre subject site.

Staff Analysis: The applicants proposed policy changes would allow the Low Residential, 2 units per acre designation in the Rural Tier for the 446 acre subject site. Each of the components of the proposed policy is discussed below.

Density. The text amendment provides a density increase mechanism to allow up to two units per acre on the subject site. A summary of staff's findings related to the proposed density is further explained in Section III, Data and Analysis Summary.

Designation as LUSA. These revisions are necessary to provide urban levels of service to the proposed 892 unit development on the subject site.

C. Consistency with Limited Urban Service Area (LUSA) Policies

1. **Objective 3.3 Limited Urban Service Areas (LUSAs)**--*Palm Beach County shall allow for a mix of urban and rural levels of service in the Limited Urban Service Area. Designation of an area as a LUSA shall be based upon consideration of the following factors:*

- *The need for the proposed facilities;*
- *The ability of the proposed facilities to meet policy goals coupled with a demonstration of significant relative advantages of the area of the proposed LUSA over possible sites within the Urban Service Area; and*
- *The extent to which the designation would allow for significant public benefits, such as major economic development or environmental benefits.*

Staff Analysis: The Comprehensive Plan does not have a mechanism for addressing urban service delivery within the Rural Tier. Therefore, the proposed expansion of the GAPO will confine urban levels of service to the subject site through a Limited Urban Service Area (LUSA) designation allowing for the provision of water and wastewater service. The infrastructure required to provide these services to the amendment site is already in place, currently serving the Arden PUD further west, which would enable the cost-effective provision of these services, and make use of the existing infrastructure. According to a letter from the PBC Water Utilities Department dated November 3, 2021 (see Exhibit 6), the nearest potable watermain and wastewater forcemain are located within Southern Boulevard adjacent to the subject property.

2. **Policy 3.3-a: The Limited Urban Service Area:** *The following are designated as Limited Urban Service Areas:*

1. *the area described as the United Technology - Pratt and Whitney Overlay;*
2. *the area defined as the General Aviation Facility/ North County Airport;*
3. *the Agricultural Reserve; and*
4. *areas within the Exurban Tier where the Legislature has granted a special district the authority to provide urban levels of service for potable water and/or sewer following the installation of centralized water and/or sewer systems; installation of a force main to serve a single project shall not constitute justification for a LUSA designation;*
5. *the area east of the SFWMD L-8 Canal and 138.31 acres with Economic Development Center future land use designation west of the SFWMD L-8 Canal within the Glades Area Protection Overlay;*
6. *an Agricultural Enclave pursuant to Policy 2.2.5-d; and*
7. *the Western Communities Residential Overlay.*

Staff Analysis: This policy is not required to be revised under No. 5 as the LUSA is allowed in the area east of the SFWMD L-8 Canal and corresponding revisions are proposed to the Comprehensive Plan Map Series to depict the LUSA accordingly within the expanded GAPO.

D. Compatibility

Compatibility is defined as a condition in which land uses can co-exist in relative proximity to each other in a stable fashion over time such that no use is negatively impacted directly or indirectly by the other use. The applicant lists the surrounding uses and future land use designations and provides a compatibility analysis in Exhibit 3.

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

- **North** – The future 200 foot wide right-of-way for the westerly extension of Okeechobee Boulevard Right-of-Way, which extends from Seminole Pratt Whitney Road to Southern Boulevard is within the northern boundary of the site. This future right of way is identified on the Comprehensive Plan Map Series Map TE 14.1, Thoroughfare Right of Way Identification Map.

Adjacent to the north is the rural community of Deer Run, a 1,249 acre platted subdivision of 5 acre lots. This subdivision was platted in 1978. Deer Run is comprised of 244 lots with an average lot size just over 5 acres and is in the Rural Tier and has a Rural Residential, 1 unit per 5 acre (RR-5) future land use. Deer Run was the subject of a County initiated Future Land Use Atlas amendment in 2001 (01-52, 53 RR1, Deer Run, Ord 2001-042) to change the future land use from RR-10 to RR-5. Deer Run has a zoning district of Agricultural Residential (AR) and is developed with single family homes and agricultural uses (mostly equestrian).

- **East** – Adjacent to the east is the approximately 497 acre property known as the “Leonard Property”. This property is owned by the Leonard Land Company, LLC and has a Rural Residential, 1 unit per 10 acre (RR-10) and Agricultural Residential (AR) Zoning district, the same as the subject site. This property has been in agriculture for over 50 years and is currently farmed with row crops.

Further east of and adjacent to the Leonard property is the 1,080 acre subdivision of Fox Trail, platted in 1975. Fox trail is also in the Rural Tier and is comprised of 210 lots with an average lot size of five acres with a Rural Residential, 1 unit per 5 acre (RR-5) future land use and an Agricultural Residential (AR) zoning district. This subdivision was the subject of the same County initiated Future Land Use Atlas amendment in 2001 as Fox Trail (01-53, 60 RR1, Fox Trail, Ord 2001-042) to change the future land use from RR-10 to RR-5. Development in Fox Trail is comprised of single family homes and agricultural use (mostly equestrian).

- **South** – Immediately to the south is Southern Boulevard/State Road 80. South of State Road 80 is the South Florida Water Management District (SFWMD) Stormwater Treatment Area, which is owned by the South Florida Water Management District and is within the municipal boundaries of the Village of Wellington.
- **West** – To the west is the approximately 1,209 acre Arden PUD within the Glades Area Protection Overlay (GAPO). The site was subject to a Future Land Use Atlas amendment adopted by Ordinance 2004-066 for a change from Rural Residential, 1 unit per 10 acres (RR-10), to the LR-2 future land use designation on December 13, 2004. This amendment was adopted following the removal of the site from the Central Western Communities Sector Plan boundaries, and in order to retain the site within unincorporated County since the property owners had been discussing annexation into the Village of Wellington. Associated text amendments created the Glades Area Protection Overlay and Limited Urban Service Area for the subject site and lands on the east and west side of the L-8 to create a barrier to limit development from encroaching into the agricultural production lands further west. Ordinance 2004-066 included conditions capping density and intensity, and required restrictive covenants in favor of the County to prevent annexation and restrict other uses west of the L-8 canal.

Two subsequent FLUA amendments for Arden PUD were adopted in 2020 (Ord. 2020-024) and 2021 (Ord. 2021-025) to amend conditions of approval. Ordinance 2020-024 revised a condition of approval limiting the number of units allowed on the site to 2,000, which was included in Ordinance 2004-66. The amendment proposed to allow the site to be developed with the full number of units (2,420) allowed by the LR-2 future land use designation. The amendment included a condition to cap the number of units to 2,420, thereby not allowing any additional density. Ordinance 2021-024 deleted a condition of approval adopted by Ord. 2020-024 which limited development pursuant to findings of the Test 2 traffic analysis for compliance with Policy 3.5-d. This condition was no longer necessary due to the latest traffic analysis.

Arden is currently approved with the most recent Master Plan for 2,344 units (1,758 single family, 576 condo/townhome), 50,000 SF commercial/retail, 970 student elementary school, and civic site (20 acre park, 1 acre utility, 50,000 s.f. general gov't office).

The Arden PUD is bordered on the west by the South Florida Water Management District L-8 Canal Right-of-Way. Immediately west of the L-8 Canal is a 400 foot wide wildlife

corridor. The L-8 Canal and the wildlife corridor contain the RR-10 future land use designation and are owned by South Florida Water Management District (SFWMD). To the west of the wildlife corridor is the SFWMD L-8 reservoir with the RR-10 future land use and a 138 acre site with Economic Development Center (EDC) future land use. The FPL Power Plant and Palm Beach Aggregates rock plant containing the RR-10 future land use designation are located west of the EDC. All of these lands are within the GAPO.

FLUE Policy 2.1-f states that *“the County shall review and make a determination that the proposed future land use is compatible with existing and planned development in the immediate vicinity.”* And **FLUE Policy 2.2.1-b** states that *“Areas designated for Residential use shall be protected from encroachment of incompatible future land uses and regulations shall be 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.”*

Staff Analysis: The applicant indicates that the proposed Low Residential, 2 units per acre (LR-2) future land use designation is consistent and compatible with the surrounding development pattern. The amendment to the LR-2 designation would normally allow up to 892 dwelling units. The concurrent site plan proposes 534 dwelling units (1.2 units/acre). Considering the active agriculture adjacent to the east, this amendment may result in compatibility issues with the ongoing agricultural activity. However, a concurrent zoning application is being reviewed and is proposed to be required to be heard concurrently with the amendment wherein any additional issues related to compatibility would be addressed. There are no compatibility issues identified with the Arden PUD to the west, which is developing at a higher density, or the Deer Run rural subdivision to the north that will be separated by a 200 foot ROW. Therefore, the proposed amendment is consistent.

E. Consistency with County Overlays, Plans, and Studies

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

The subject site is located within the Glades Area Protection Overlay.

OBJECTIVE 1.8 Glades Area Protection Overlay

General: *The Purpose of the Overlay is to protect the Everglades Agricultural Area (EAA) from encroachment by urban and other uses that will be detrimental to the viability and continuity of agricultural activities, existing and future conservation areas, and Everglades restoration programs and projects. The Overlay complements existing provisions in the Comprehensive Plan prohibiting the expansion of urban and suburban activities into the agricultural production areas in the Glades Tier.*

Objective: *The Purpose of the Glades Area Protection Overlay (GAPO) shall be to protect the Agricultural Production Area in the Glades also known as the Everglades Agricultural Area (EAA) from encroachment by urban and other uses that will be detrimental to the viability and continuity of agricultural activities, existing and future conservation areas, and Everglades restoration programs and projects. This overlay complements existing provisions in the Comprehensive Plan by creating a barrier to the expansion of urban and suburban activities into the Agricultural Production areas in the Glades Tier, beyond the western limits of this overlay, while providing the opportunity to recognize existing uses and new uses within the overlay.*

Policy 1.8-b: *The County shall limit permitted uses within the Glades Area Protection Overlay to those uses that are compatible with the purpose of this overlay. No residential uses shall be allowed west of the L-8 Canal.*

- a. West of the L-8 Canal:**
*Future Land Use Designation: Rural Residential 10 (RR-10) and Economic Development Center (EDC).
Specific Uses: Existing uses; Mining, excavation and other related uses consistent with the Overlay, and for Everglades restoration and water management purposes; Conservation, including wildlife corridors; Florida Power and Light (FPL) Power Plant and related cooling areas; and Employment Center.*
- b. East of the L-8 Canal:**

Future Land Use Designation: Low Residential 2 (LR-2) and related complementary uses as approved by the Board of County Commissioners.

Staff Analysis: The subject site is proposed to be located within the Glades Area Protection Overlay (GAPO), and the proposed future land use designation of LR-2 is consistent with the overlay text. It should be noted that no text amendments are required to amend this Policy as the LR-2 future land use designation is already allowed east of the L-8 Canal within the boundaries of the overlay.

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

Staff Analysis: The subject site is not located within boundaries of any adopted Community and Neighborhood Plans or Planning Area Special Studies.

F. Public Facilities and Services Impacts

The proposed amendment was reviewed at the maximum development allowed under the Low Residential, 2 units per acre (LR-2) designation of 534 dwelling units and 47,000 square feet (PUD commercial pod). Public facilities impacts are detailed in the table in Exhibit 4.

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

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

Zoning (ULDC), Mass Transit (Palm Tran), Potable Water & Wastewater (PBC Water Utilities Dept.), Environmental (Environmental Resource Management), Historic Resources (PBC Archeologist), Parks and Recreation, Health (PBC Dept. of Health), Community Services (Health & Human Services) and the School District.

Other County service department comments (PBC Engineering Traffic Division and PBC Fire-Rescue) are provided below. Engineering Traffic Division comments are related to compliance with Long Range Traffic Policy 3.5-d and Fire-Rescue comments are related to extended response time.

2. **Long Range Traffic - Policy 3.5-d:** *The County shall not approve a change to the Future Land Use Atlas which:*
 - 1) *results in an increase in density or intensity of development generating additional traffic that significantly impacts any roadway segment projected to fail to operate at adopted level of service standard “D” based upon cumulative traffic comprised of the following parts a), b), c) and d):.....*

Staff Analysis: For the original amendment application, the applicant chose to submit to the County’s Engineering Department, Traffic Division, a traffic study for review of compliance with Policy 3.5-d based on a maximum potential for a 55+ single family development proposal of 892 units instead of a study based on 892 non-age restricted single family units. Therefore the study was not based on the higher trip generation rate of 10 trips per day for single family detached but was based on a lower trip generation rate of 4.27. Therefore the Traffic Division previously reviewed the amendment based on an increase from 44 single family detached units allowed under the RR-10 future land use, to a maximum potential of 892 single family detached units based on a fifty five plus (55+) age restricted development. According to the County’s Traffic Engineering Department, the amendment would result in an increase of 3,369 net daily trips (proposed-current potential); 214 (71/143) AM, 268 (163/105) PM net PH trips.

However, the current revised traffic study was submitted for review compliance with Policy 3.5-d based on a maximum potential of 534 dwelling units (non age-restricted) and 47,000 square feet of commercial. The amendment would result in an increase of 5,644 net daily trips; 398 AM peak hour trips, 544 PM peak hour trips. A development scenario not to generate more than 3,463 daily trips would comply with Policy 3.5-d. Therefore, this results in a failure of Future Land Use Element Policy 3.5-d on a segment of SR 80 from Seminole-Pratt Whitney Road to Binks Forest Drive.

The Comprehensive Plan utilizes in its traffic assessment the adopted lanes shown in the Transportation Planning Agency's (TPA) adopted Long Range Transportation Plan (LRTP). The adopted LRTP currently identifies six lanes for this segment but does include a widening project for Southern Boulevard to eight lanes from west of Binks Forest Drive to Royal Palm Beach Boulevard. However, discussions between the agent's traffic engineer and representatives from the Transportation Planning Agency (TPA) and the Florida's Department of Transportation (FDOT) resulted in an agreement to revise the 2045 Long Range Traffic Plan (LRTP) to reflect the failed link as 8 lanes (instead of 6 lanes as is shown in the current LRTP) as the segment between Seminole Pratt Whitney Road and Binks Forest Drive was not clearly identified in the current LRTP. The revision would result in the amendment meeting the long range traffic policy and is expected to be adopted by the TPA Governing Board on October 19, 2023. On September 28, 2023, the Board of County Commissioners provided direction to staff to allow the project to move forward to the October 13th Planning Commission with the understanding that should the TPA not adopt the revision, the applicant will postpone the amendment to the next round and would not be heard at the November 1st BCC Transmittal Hearing.

The revised Traffic Study dated July 14, 2023, was prepared by O'Rourke Engineering & Planning, Susan E. O'Rourke, P.E. Traffic studies and other additional supplementary materials for site-specific amendments are available to the public on the PBC Planning web page at: <http://discover.pbcgov.org/pzb/planning/Pages/Active-Amendments.aspx>

3. **Fire Rescue:** Palm Beach County Fire Rescue provided departmental review comments in a letter dated November 1, 2021 stating, *"This property is served currently by Palm Beach County Fire-Rescue Station #20, which is located at 1000 Greenview Shores. The subject property is approximately 6.50 miles from the station. The estimated response time to the subject property is 15 minutes 30 seconds. For fiscal year 2020, the average response time (call received to on scene) for this stations zone is 7:00.*

Residents need to be aware of the extended response time of 15 minutes 30 seconds to this property. This land use change will generate approximately 132 additional calls/year for this station zone".

II. Public and Municipal Review

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

- A. **Intergovernmental Coordination:** Notification of this amendment was sent to the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC) for review on October 7, 2022 and September 22, 2023. To date, no comments have been received.
- B. **Other Notice:** Public notice by letter was mailed to the owners of properties within 1,000 feet of the perimeter of the site on October 14, 2022, and September 22, 2023. In addition, interested parties, and Municipalities in proximity, were notified by mail on October 14, 2022, and September 22, 2023, including Fox Trail and Deer Run Homeowner Associations, Indian Trail Improvement District (ITID), Acreage Land Owners association (ALA), Town of Loxahatchee, Village of Wellington, and the Village of Royal Palm Beach. On September 26, 2023, notice by mail was sent to the Northern Palm Beach County Improvement District (NPBCID). Several emails were received in opposition in 2021 as part of the initiation of the private text amendment as shown in Exhibit 9. Correspondence are added to Exhibit 10 and as they are received during the course of the amendment process.

Exhibit 3

Applicant's Justification/Consistency with Comprehensive Plan

A. INTRODUCTION

On behalf of the property owners, Robin Fleming, Fleming Properties, LLC, and Lornco Farms, LLC, and the applicant, Kolter Group Acquisitions, LLC, Urban Design Studio (UDS), as Agent, has prepared and hereby respectfully submits this application for a **Privately Initiated Comprehensive Plan Text Amendment** to allow for the expansion of the Glades Area Protection Overlay (GAPO) to include an additional ±446.14 acres of property located immediately adjacent to the current eastern boundary of GAPO. In addition, the applicant is requesting a **Large-Scale Future Land Use Atlas (FLUA) Amendment** to modify the Future Land Use (FLU) designation of the ±446.14-acre Subject Property from Rural Residential, 1 unit per 10 acres (RR-10) to Low Residential, 2 units per acre (LR-2).

The subject property, known collectively as the "Fleming Property", is located immediately east of the Arden Planned Unit Development (PUD) residential community, approximately 1.75 miles west of Seminole Pratt Whitney Road on the north side of Southern Boulevard and directly south of the Deer Run rural subdivision, hereinafter referred to as the Subject Property. The Subject Property is comprised of four parcels with the following parcel control numbers (PCNs):

PCN	Owner Information
00-40-43-27-00-000-1010	Robin Fleming
00-40-43-27-00-000-3010	Fleming Properties, LLC
00-40-43-22-00-000-5000	Fleming Properties, LLC
00-40-43-22-00-000-7010	Lornco Farms, LLC

The Subject Property is located in unincorporated Palm Beach County (the "County"), situated in the Rural Tier outside of the Urban Service Area and directly abutting the eastern boundary of the GAPO and the Arden PUD site. The Subject Property is currently designated with the Rural Residential (RR-10) future land use (FLU) and corresponding Agricultural Residential (AR) zoning. The Subject Property is not located in any neighborhood planned area, Redevelopment area, or Countywide Community Revitalization Team (CCRT) area.

B. REQUEST

The applicant is requesting approval of the following from the Board of County Commissioners (BCC):

1. To amend the text of the Comprehensive Plan Future Land Use Element Policy 1.8-a to modify the described boundaries of the Glades Area Protection Overlay (GAPO) to include the Subject Property of 446.14 acres
2. To amend the following Comprehensive Plan maps to include the Subject Property within the boundaries of GAPO and Limited Urban Service Area (LUSA)
 - a. Managed Growth Tier System Map LU 1.1
 - b. Service Areas Map LU 2.1
 - c. Special Planning Areas Map LU 3.1
3. To designate the Subject Property as a Limited Urban Service Area (LUSA)
4. To amend the Future Land Use Atlas designation of the Subject Property from Rural Residential, 1 unit per 10 acres (RR-10) to Low Residential, 2 units per acre (LR-2)

Additionally, the applicant has submitted a concurrent zoning map amendment application (PDD-2022-01134) to accompany the Comprehensive Plan Text Amendment and Future Land Use Atlas Amendment applications. As required, that zoning application includes a Preliminary Master Plan which will define the proposed density associated with the development. Information relative to the specifics of the proposed development program within the FLUA Amendment application. The applicant is proposing to develop the Subject Property as a Planned Unit Development (PUD) with a reduced number of dwelling units than the maximum permitted under the requested LR-2 FLU designation. More specifically, the applicant is proposing to develop a total of 534 dwelling units, including 54 on-site, for-sale workforce housing units, and a PUD commercial pod including 47,000 square feet of neighborhood serving retail and office use. The applicant understands the FLUA Amendment will be conditioned in accordance with the proposed density/intensity of development reflected in the concurrent zoning application.

C. SUBJECT PROPERTY BACKGROUND

The ±446.14-acre Subject Property, located on the north side of Southern Boulevard approximately 1.75 miles west of Seminole Pratt Whitney Road, is in the central western portion of the County in an area that is comprised of low-density single-family residential homes. The Subject Property is currently vacant and has been in use for agricultural row crop production for over 50 years. There have been no previous applications for Comprehensive Plan Text Amendments, FLUA Amendments, or other development approvals for the Subject Property. In recent years, division between property owners, the development of surrounding properties with urban/suburban master planned communities, the extension of public infrastructure adjacent and available to the Subject Property, and growing demand for residential options in this area of the County have spurred a desire to pursue residential development on the Subject Property.

D. GAPO BACKGROUND

Prior to the adoption of the text of the Palm Beach County Comprehensive Plan (Plan) to create the GAPO, concerns were identified by Palm Beach County regarding the potential for municipalities to annex in land area within the western central area of the county that could impact the Everglades Agricultural Area (EAA). In order to address this concern, the County took a three-pronged approach, which included the Annexation Charter Amendment, the creation of the GAPO, and the adoption of the Central Western Communities Sector Plan Conceptual Overlay (CWC - subsequently rescinded). The main purpose of the effort was to assure that future residential development is restricted to the land areas east of the L-8 canal and to create a barrier to development west of the overlay into the EAA.

The Palm Beach County Local Planning Agency conducted public hearings on June 18, June 25, and July 9, 2004 to review proposed GAPO amendments to the 1989 Comprehensive Plan. The amendments were reviewed by the Board of County Commissioners (BCC) and adopted on December 13, 2004. Among the changes was the establishment of the Glades Area Protection Overlay (GAPO), revisions to the Map Series to depict the Limited Urban Service Area (LUSA) on Map LU 1.1, Managed Growth Tier System, and Map LU 2.1, Service Areas Map, and revisions to Map LU 3.1.

The staff report from the BCC adoption hearing indicated that the purpose of this overlay was to protect the Everglades Agricultural Area (EAA), in particular those larger areas within the EAA which have a land use designation of Agricultural Production (AP) from encroachment by urban/suburban uses, densities and intensities; and to identify the portion of the Overlay east of the L-8 Canal as a Limited Urban Service Area. This permitted the application of the LUSA to the Arden PUD, immediately west of the Subject Property, and the ultimate approval of over 2,400 residential units, commercial/retail uses, a school site, and civic uses. It is important to note that the Subject Property is located east of the intended development boundary and the approved Arden PUD. This proposed FLUA amendment is consistent with the goal of protecting the EAA to the west of the L-8 Canal.

The total size of the GAPO is approximately 3,063.66 acres. The area west of the L-8 Canal contains 1,844.63 acres with the balance of the land area comprising the Arden PUD. At the time of adoption, a majority of the land on the western portion of the GAPO, estimated to be 89 percent, consisted of a large mining operation with ancillary facilities uses that are allowed in the RR-10 Future Land Use (FLU) designation. Approximately 11 percent of this area was to be utilized for the now existing FPL power plant. From a planning standpoint, the existence of the FPL power plant located to the west of the Arden PUD and the Subject Property creates a significant physical boundary to prevent the extension of urban uses into the EAA. In order to serve the FPL power plant and the Arden PUD, a 24" water main is located in the right of way of Southern Boulevard along with an 18" wastewater force main terminating just west of the Arden PUD at the western line of the L-8 Canal. The expansion of the LUSA to allow for residential development of the Subject Property will not require the extension of these utilities further west and does not create any additional potential for encroachment of development into the EAA.

The Future Land Use Element (FLUE) of the County's Comprehensive Plan has since been amended to include Objective 1.8 and subsequent policies governing the uses permitted within the GAPO both east and west of the L-8 Canal. FLUE Policy 1.8-b provides the following restrictions:

FLUE Policy 1.8-b: The County shall limit permitted uses within the Glades Area Protection Overlay to those uses that are compatible with the purpose of this overlay. No residential uses shall be allowed west of the L-8 Canal.

a. West of the L-8 Canal:

Future Land Use Designation: Rural Residential 10 (RR-10) and Economic Development Center (EDC).

- Specific Uses: Existing uses, mining, excavation and other related uses consistent with the Overlay, and for Everglades restoration and water management purposes; conservation, including wildlife corridors; Florida Power and Light (FPL) Power Plant and related cooling areas; and Employment Center
- b. East of the L-8 Canal:
Future Land Use Designation: Low Residential 2 (LR-2) and related complementary uses as approved by the Board of County Commissioners.

As evidenced by the above Comprehensive Plan Policy governing the development of GAPO, properties within GAPO located east of the L-8 canal are designated with the LR-2 FLU, designated with the LUSA, and intended for residential and related complementary uses pursuant to the regulations of the Urban/Suburban Tier. The primary purpose and original intent of the GAPO is to prevent the encroachment of development west of the L-8 Canal by allowing. The proposed Comprehensive Plan Text Amendment to include the Subject Property within the boundaries of GAPO will serve to further this goal by concentrating residential development east of the L-8 canal in a manner compatible with the established future land use designations and intended level of density as described under Objection 1.8 in the FLUE of the County's Comprehensive Plan.

CWC Sector Plan

As mentioned earlier, the CWC Sector Plan was developed in concept from Aug. 1999 through Nov. 2007, when it was rescinded. The Subject Property is located at the southwest corner of the 53,000 acres of land that were in the CWC Sector Plan. The CWC Sector Plan, although rescinded, is relevant as the purpose was to work in conjunction with the GAPO to prevent the encroachment of urbanized uses into the EAA while allowing for the development of properties in this area of the County. The CWC Sector Plan specifically designated the Subject Property, in conjunction with the adjacent (Leonard) property to the east, for the development of up to 943,000 square feet of Employment Center with the balance of the properties for rural residential development. The CWC was never implemented after being rescinded on Nov. 26, 2007 during litigation with the Florida Department of Community Affairs (DCA). The proposed text, map, and FLUA amendments would allow for a more contextual and compatible development plan than was contemplated within the ultimately rescinded CWC Sector Plan.

Arden PUD (f.k.a. Highland Dunes PUD)

The Arden PUD site is located approximately 2.5 miles west of Seminole Pratt Whitney Road on the north side of Southern Boulevard in the unincorporated area of Palm Beach County (PBC). The overall PUD is 1,209.98 acres in size. The Subject Property is immediately adjacent to and abutting the eastern boundary of the Arden PUD site. The site has a Planned Unit Development (PUD) zoning designation with a Low Residential up to two (2) units per acre (LR-2) FLU designation. This site comprises the entirety of the GAPO east of the SFWMD L-8 Canal which is established as the western boundary for residential development in the County. Due to its inclusion in GAPO, the site is located in a Limited Urban Service Area (LUSA) and the provisions of the Urban/Suburban tier apply to the development of the property.

This site was part of a number of additional parcels that made up what was previously known as Palm Beach Aggregates Mining Area. The BCC adopted a Comprehensive Plan Amendment for Palm Beach Aggregates II (LGA 2004-00047) on December 13, 2004 changing the Future Land Use designation of the property from Rural Residential, 1 unit per 10 acres (RR10) to Low Residential, 2 units per acre (LR-2) with conditions via Ordinance Number 2004-066. Concurrent with the Comprehensive Plan Amendment, the BCC adopted the Overlay Area known as the Glades Area Protection Overlay (GAPO) which included the Arden PUD property and 1,844 acres to the west, for a total of approximately 3,063 acres. As discussed above, the intention of the GAPO was to protect the adjacent Everglades Agricultural Area (EAA) to the west from the encroachment of densities and intensities associated with urban/suburban development patterns by concentrating such development east of the L-8 Canal. Included in the amended GAPO language was the re-designation of the area east of the SFWMD L-8 Canal as a Limited Urban Service Area (LUSA) and removing the property from the Rural Tier. The current request does not propose to remove the Subject Property from the Rural Tier but instead to include the site within the GAPO to allow for inclusion in the LUSA and designation of the LR-2 FLU.

Following the creation and adoption of the GAPO, several development applications were processed for the Arden PUD site. Highland Dunes Associates Property, LLC, purchased the property on July 10, 2014. The owner envisioned a uniquely themed master planned community on a suitable sized piece of property and modified the site design from that approved by the BCC in 2013 to promote their vision. The Final Master Plan was amended to incorporate the development program proposed by the new owner. More recently, on October 22, 2020, the BCC approved a FLUA application to a condition of approval in Ord. 2004-066 increasing the allowed number of dwelling units from 2,000 to a maximum of 2,420 units. The Arden PUD is approved

for the development of up to 2,420 dwelling units and a minimum of 30,000 square feet up to a maximum of 50,000 square feet of commercial uses. The property owner has had significant success in developing Phases 1 and 2 of the Arden PUD in partnership with multiple home builders.

The increasing population and simultaneous demand for housing options in the western central area of the County has resulted in market conditions which support the residential development of large master planned communities such as the Arden PUD and, similarly, a consistent level of development as proposed for the Subject Property. As described above, the development of the Arden PUD site was contemplated concurrently with the creation of the GAPO with a purpose of establishing a western boundary for urban/suburban development patterns in order to cluster residential density east of the SFWMD L-8 Canal. The comparable development of the Subject Property, as facilitated by the requested Plan text and FLUA amendments, would further this goal by allowing for infill development in a part of the County planned and capable of supporting such densities of residential development in a well-planned and contextual manner with surrounding properties.

E. SURROUNDING USES

The Subject Property is located within the central western portion of the County in an area predominately developed with low-density single-family residential homes. The ±446.14-acre Subject Property is currently and has long been in use for agricultural row crop production, similar to nearby properties within the Rural Tier, most of which have since been developed or are currently under development with residential uses. The Subject Property is currently designated with a Rural Residential, 1 unit per 10 acres (RR-10) FLU and Agricultural Residential (AR) zoning. This portion of the Southern Boulevard corridor represents the westernmost pocket of development within the primary urbanized area of the County before entering the Glades Tier. Please see below for a summary table of the existing use, future land use, and zoning of adjacent properties.

Adjacent Lands	Use	Future Land Use	Zoning
North	Residential – Deer Run Community	Rural Residential, 1 unit per 5 acres (RR-5)	Agricultural Residential (AR)
South	SFWMD Stormwater Treatment Area	Rural Residential, 1 unit per 10 acres (RR-10)	Stormwater Treatment Area (STA-1E) - Wellington
East	Agricultural Production – Leonard Farm	Rural Residential, 1 unit per 10 acres (RR-10)	Agricultural Residential (AR)
West	Residential – Arden Community (Control No. 2005-00394)	Low Residential, 2 units per acre (LR-2)	Planned Unit Development (PUD)

Below is a description of the uses on the adjacent properties (or those on the other side of abutting R-O-W's) to the north, south, east and west of the subject property.

- **North:** To the north of the Subject Property is the Deer Run Community comprised of single-family residences on five acre lots in accordance with the RR-5 FLU designation and AR zoning district. These properties are located within the jurisdiction of unincorporated Palm Beach County within the Rural Tier and are outside of the Urban Service Area and Limited Urban Service Area boundaries. Homes in this community were not developed congruently as a master planned community and present a high degree of variety in the type and quality of architecture, landscaping, buffering, access, and accessory uses from lot to lot.
- **South:** Directly south of the Subject Property, across Southern Boulevard and the C-51 Canal, are large swaths of undeveloped properties featuring limited agricultural row crop production with a primary use as a Stormwater Treatment Area (STA-1E) for the South Florida Water Management District (SFWMD). These properties are within the jurisdiction of the Village of Wellington with a Village FLU designation of Rural Residential, 1 unit per 10 acres (RR-10). These properties are located in the County's Rural Tier and are outside of the Urban Service and Limited Urban Service Area boundaries. The SFWMD's control and use of these properties prevents the expansion of urban/suburban levels of development encroaching from the Village of Wellington.
- **East:** Immediately east of the Subject Property is a parcel of approximately 500 acres that is undeveloped and utilized for agricultural row crop production. The site is located in the jurisdiction of unincorporated Palm Beach County with a FLU designation of RR-10 and

corresponding AR zoning district. This property is located in the Rural Tier and is outside of the Urban Service and Limited Urban Service Area boundaries.

- **West:** Abutting the Subject Property to the west is the Arden PUD which is currently under construction with up to 2,420 residential units in the form of a master planned residential community. This site was previously in use for agricultural row crop production and was located in the Rural Tier outside of the Urban Service Area and Limited Urban Service Area boundaries. Following the approval of a FLUA Amendment and Comprehensive Plan Text Amendment, this property was granted a planning overlay known as the Glades Area Protection Overlay (GAPO) and included within the Limited Urban Service Area (LUSA) to allow for a FLU of LR-2 and the development of up to 2,420 residential dwelling units along with a component of commercial development subject to the regulations of the Urban/Suburban Tier.

F. CONSISTENCY

G.1 - Justification

Per Policy 2.1-f of the FLUE of the PBC Plan, before approval of a future land use amendment, the applicant shall provide an adequate justification for the proposed future land use. The applicant is requesting to amend the current FLUA designation from RR-10 to LR-2. The proposed FLUA amendment meets the required standard as follows:

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

Applicant's Response: The proposed residential use of the Subject Property and associated text amendments are appropriate and consistent with the established development pattern in this portion of the County. The existing RR-10 FLU confirms the suitability of this site for residential development and the FLU designation of the adjacent Arden PUD site supports the proposed density requested of LR-2 for the Subject Property. The existing development pattern of this area of the County is dominated by low density residential development. The Subject Property is particularly appropriate for an increased residential density allowing 2 dwelling units per acre due to its location along the Southern Boulevard (SR-80) corridor, adjacency to the comparable Arden PUD, the existence of water and sewer infrastructure to serve the development, and suitable size to sustain a master planned residential community.

As discussed above, the intent of the GAPO is to protect the Everglades Agricultural Area (EAA) by preventing residential development from extending west of the SFWMD L-8 Canal. The GAPO allows for development of properties east of the L-8 Canal within the GAPO boundaries to be developed with residential uses under the LR-2 FLU designation and pursuant to the regulations of the Urban/Suburban Tier. This is the case for the entirety of the lands currently within GAPO east of the L-8 Canal approved collectively as the Arden PUD. The Subject Property is of sufficient size, location, and conditions to allow a comparable master planned residential community to further the purpose of clustering residential development east of the L-8 Canal.

Allowing an increased residential density at this site will create additional housing options in an area of the County with available services to maximize the development of land deemed suitable for residential uses developed under the Urban/Suburban regulations. The development of this property will represent balanced growth in line with planning principles utilized to create the GAPO and justify the Arden PUD. These include the need to maintain a development boundary for urban/suburban densities and intensities from encroaching west of the L-8 Canal into the EAA. Arden PUD was established as the westernmost residential development and granted a residential density of LR-2. The Subject Property represents an amalgamation of several properties directly abutting the Arden PUD of sufficient size to appropriately locate a master planned community utilizing existing infrastructure available in the area. Including the Subject Property in GAPO and designating the site as Limited Urban Service Area (LUSA) in connection with the approval of the proposed LR-2 FLU designation will serve to allow an appropriate master planned residential development compatible with the Arden PUD, surrounding communities, and the established development pattern of this portion of the County.

2) There is a basis for the proposed amendment for the particular site based upon one or more of the following;

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

Applicant's Response: As previously discussed, the creation of the GAPO and related approval of the LR-2 FLU designation for the Arden PUD site has resulted in conditions which make favorable the residential development of the Subject Property at a comparable density. Based on the intent of the GAPO, the County has clearly indicated a desire to cluster urban/suburban development east of the L-8 Canal to avoid encroachment into the EAA. There are a limited

number of sufficiently large sites with access to necessary utility infrastructure that can support a master planned residential community. The demand for housing options in this central western portion of the County continues to grow with few sites available to support new residential communities. As such, the established development pattern at this location, as a result of the approved density for the Arden PUD, lends support towards the request to allow increased residential density up to two (2) dwelling units per acre as facilitated by the proposed Plan text, map, and FLUA amendments to bring the Subject Property into the boundaries of GAPO and the LUSA.

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

Applicant's Response: The characteristics of this area of the unincorporated portion of the County, specifically along this portion of the north side of the Southern Boulevard corridor, have changed significantly over the last two decades. Firstly, the operation of viable agricultural production has continued to decrease within this area of the County as seen with the development of the Arden PUD site and the sale of numerous large areas of farm lands to be developed within the eastern portion of the County. Secondly, the population of Palm Beach County continues to see significant growth. The population of the County was reported as 1,466,494 people in 2020, representing a 30% population increase over the 2000 population and the projected 2030 population is estimated to be 1,649,079 people, a 15% increase over the 2020 population. A significant portion of the new residents moving to the County are seeking residence in single-family communities in the central western portions of the County including the area surrounding the Subject Property and there are currently insufficient housing opportunities to satisfy the demand. Further, few properties exist that are of sufficient size with access to necessary infrastructure to support the development of large number of residential units. The Subject Property is one of only a few such properties capable of supporting a master planned residential community.

Finally, with the creation and adoption of the GAPO in 2004, a development boundary was established at the SFWMD L-8 Canal and it was determined that residential development would be permitted in accordance with the regulations of the Urban/Suburban Tier to the east of this line. Policies governing GAPO within the Plan specifically limit the permitted uses east of the L-8 Canal to low density residential development. This development pattern has been put into action with the approval and ongoing construction of the Arden PUD. The requested comprehensive plan text and map amendments to include the Subject Property in the boundaries of GAPO and to designate the site as a LUSA will serve to allow for a consistent development pattern in this area which works to provide needed housing options to the County's growing population.

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

Applicant's Response: The Subject Property is located in an area of the County comprised of residential communities with a small number of agricultural operations. Despite the growing demand for housing options in this central western portion of the County, this area has few vacant properties of sufficient size, location, and conditions to support master planned residential communities. With the establishment of the GAPO, the County designated the SFWMD L-8 Canal as the western boundary for urban/suburban development in the eastern portion of the County. The Subject Property is one of only a few properties of such size within the designated development area of the County that provides a viable residential development opportunity. Large land areas on the south side of Southern Boulevard have been acquired by the South Florida Water Management District (SFWMD) and prevent the future expansion of the Village of Wellington out to the SFWMD L-8 Canal. Properties to the north are developed as a rural residential subdivision and the property immediately to the west, the Arden PUD site, is developed under the LR-2 FLU designation as a Planned Unit Development. The continued growth in demand for residential development in this central western portion of the County and the established growth boundary related to GAPO create circumstances which support the proposed increase in residential density for the Subject Property.

d. Inappropriateness of the adopted FLU designation;

Applicant's Response: While the existing RR-10 FLU designation is not necessarily inappropriate for the Subject Property, it is not the most appropriate FLU designation based on a variety of factors including those discussed herein. In order to create the most reasonable balance of growth within the County and further the goal of limiting development to the east of the L-8 Canal, it is necessary to accommodate the increasing residential demand within areas capable of supporting urban/suburban levels of development and, preferably, on properties with access to infrastructure that does not require extending services further west. The LR-2 designation of the adjacent property is similarly appropriate for the Subject Property as it enables the planning and

development of a cohesive community with reasonable density on a site with access to Southern Boulevard and available utility infrastructure connections.

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

Applicant's Response: The adopted FLU designation of Rural Residential, 1 unit per 10 acres (RR-10) was not assigned in error. The RR-10 FLU designation may have been appropriate for the Subject Property in the past as it was in use for agricultural row crop production for years, even predating the adoption of the Plan, and residential development has long been focused further east in the County. Over time, the characteristics of the surrounding area have evolved and the demand for residential units, particularly single-family options in the central western area of the County, has continued to grow. This request represents an evolution of market demands and changed circumstances as discussed above which have resulted in a desire to develop the Subject Property with a higher residential density than is permitted by the existing RR-10 FLU designation.

G.2 Residential Density Increases

This application is requesting a FLUA change from RR-10 to LR-2 to allow for the development of a master planned residential community similar in nature to the adjacent Arden PUD. Per Policy 2.4-b of the FLUE of the PBC Plan, the BCC may approve an increase of the residential density for a property if the applicant justifies and demonstrates the following:

1. Demonstrate a need for a Future Land Use Atlas (FLUA) Amendment, and

Applicant's Response: As described above, the County is currently seeing a high demand for single-family residential options in the central western portion of the County. However, there are not currently sufficient residential options and few land areas suitable for development with large numbers of residential units in a compatible manner with surrounding development. The Subject Property is one of few sites that remains as a viable option for the development of a master planned residential community. The size, location, and conditions of the site make it ideal for development of a low-density master planned community with single-family homes providing additional residential options for both new and relocating residents of the County. In order to appropriately develop the site as a viable community with reasonably priced housing options, it is necessary to increase the permitted residential density from the current RR-10 FLU designation to the proposed LR-2 FLU designation. The requested Plan text and map amendments to include the Subject Property in the GAPO and LUSA boundaries will facilitate the FLUA amendment and allow for the development of a residential master planned community subject to the regulations of the Urban/Suburban Tier.

2. Demonstrate that the current FLUA designation is inappropriate, or

Applicant's Response: As discussed above, the existing RR-10 FLU designation is not the most appropriate for the Subject Property to allow the highest and best use of the property for residential development. The development of the 446.13-acre Subject Property under the existing RR-10 FLU designation would allow for only 44 residential units on 10 acre lots which would demand a high market value and provide a limited number of new units to satisfy the already high and growing demand for housing options. The cost of these units would exclude a large majority of the market from considering these homes. However, the development of the Subject Property under the LR-2 FLU designation would allow for the construction of single-family and townhouse dwelling units which provides the opportunity to create a range of housing options available to a wider range of current and future residents. The adjacent property was granted approval for the requested LR-2 FLU designation in order to develop a cohesive master planned community with a range of housing options. The approval of the requested FLUA amendment and associated Plan amendments would grant a similar level of development rights to the Subject Property as deemed appropriate for the adjacent property which lies immediately adjacent to the County's designated development boundary of the L-8 Canal.

3. An applicant is using the Workforce Housing Program;

Applicant's Response: Pursuant to ULDC Art. 5.G.1, residential developments in the Urban/Suburban Tier may utilize the Workforce Housing Program (WHP) to increase residential density. This option is not available to the Subject Property based on the current FLU designation of RR-10. The proposed amendments to include the Subject Property in the boundaries of the GAPO and the LUSA will facilitate the development of the site under the requested LR-2 FLU utilizing the regulations of the Urban/Suburban Tier per the standards of the GAPO.

G.3 - Compatibility

Compatibility is defined in the County's Unified Land Development code as: "Land uses that are congruous, similar and in harmony with one another because they do not create or foster undesirable health, safety or aesthetic effects arising from direct association of dissimilar, contradictory, incongruous, or discordant activities, including the impacts of intensity of use, traffic, hours of operation, aesthetics, noise, vibration, smoke, hazardous odors, radiation, function and other land use conditions." Based on this definition and accepted growth management ideals, the proposed amendment to allow for a low-density residential development will increase the compatibility of the use of the Subject Property with the surrounding uses and adjacent lands. The development plan resulting from approval of the proposed Plan amendments and FLUA amendment will not create or foster undesirable effects.

G.4 -Comprehensive Plan

The proposed amendment furthers several Goals of the Comprehensive Plan and is consistent with several Objectives and Policies. The following analysis is provided to demonstrate consistency with specific objectives and policies in the Plan.

- **C. County Directions**

Applicant's Response: The County Directions in the Future Land Use Element provide the basis for the Goals, Objectives and Policies in the Plan. The County Directions recognize that redevelopment will occur and should be informed by growth management principles to encourage economic activity centers while maintaining land use compatibility and level of service standards. Allowing for the increase in residential density will result in a more efficient use of land and existing public facilities and services currently available to the Subject Property. The LR-2 FLU designation, guided by urban/suburban development regulations, will result in a compatible development plan for the Subject Property that provides reasonable housing options with relatively low impacts on surrounding properties or County infrastructure. Several of these Directions support the proposed amendment, specifically Livable Communities; Growth Management; Infill, Redevelopment and Revitalization; Land Use Compatibility; Neighborhood Integrity; Housing Opportunity; and A Strong Sense of Community.

- **FLUE Goal 1 Strategic Planning**

It is the GOAL of Palm Beach County 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.

Applicant's Response: The formation of the GAPO, specifically the direction to allow low density residential development east of the SFWMD L-8 Canal, represents one example of the County's effective implementation of strategic planning to create and protect quality livable communities for current residents and future generations. The development of the Arden PUD within GAPO provides evidence of the effectiveness of the above goal and related objectives and policies. The extension of the GAPO boundaries to include the Subject Property would be a logical expansion of this area as it permits development east of the L-8 Canal at a sufficient scale to result in a quality livable community.

- **FLUE Objective 1.1 Managed Growth Tier System**

Policy 1.1-a: The County shall develop and implement strategies for each unique community and/or geographic area based upon common characteristics, including physical development patterns and service provision, and shall map the location of each Tier on the Managed Growth Tier Map located in the Comprehensive Plan Map Series.

Applicant's Response: No tier change is proposed as a part of this request, but only an extension of the GAPO boundary and, as such, also the Limited Urban Service Area. Although the Subject Property is currently located in the Rural Tier and outside of the Urban Service Area boundary, it is immediately adjacent to the boundaries of the GAPO which is included within a Limited Urban Service Area (LUSA). This has allowed for the development of the Arden PUD immediately adjacent to the Subject Property and resulted in a changed physical development pattern for the surrounding area as well as the extension of utility infrastructure to the extent of the GAPO's development boundary. The expansion of the GAPO and LUSA boundaries to allow for residential development of the Subject Property will not require the extension of existing utilities further west and does not create any additional potential for encroachment of development into the EAA. Both a 24" water main and an 18" wastewater force main are located within the right of way of Southern Boulevard terminating just west of the Arden PUD at the western line of the L-8 Canal. Considering the changed physical development pattern of this portion of the Southern Boulevard corridor and the access to services available to the Subject Property, the requested Plan text and map amendments and associated FLUA amendment support the above FLUE Objective.

- **FLUE Goal 2 Land Planning:**

It is the GOAL of Palm Beach County 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, environmental and economic needs of the current and projected residents and visitor populations. This shall be accomplished in a manner that protects and improves the quality of the natural and manmade environment, respects and maintains a diversity of lifestyle choices, and provides for the timely, cost-effective provision of public facilities and services.

Applicant's Response: The Subject Property is located just outside of the GAPO and LUSA boundaries east of the L-8 Canal and immediately adjacent to the Arden PUD. The creation of the GAPO and designation of lands east of the L-8 Canal with the LUSA and LR-2 FLU lays the framework for the creation of high-quality communities that balance the physical, social, cultural, environmental, and economic needs of the current and projected residents and future generations of the County. The clustering of urban/suburban intensities east of the L-8 Canal will further Land Planning goals related to the protection of agricultural lands in the EAA from development encroachment. The requested Plan text and map amendments will expand the GAPO and LUSA boundaries to include the Subject Implementation of the requirements of the Unified Land Development Code, in conjunction with innovative site design and any conditions attached to the development order will serve to respect and protect the surrounding uses. Property which will allow for the creation of a master planned community offering new housing options and a high quality of life to future residents.

- **FLUE Objective 2.1 Balanced Growth**

Policy 2.1-f: The following will detail the impact of the proposed FLUA amendment on the items listed:

1. The natural environment, including topography, soils and other natural resources;

Applicant's Response: Future FLUA Amendment application attachments will include a Natural Features Map and Images that show that this site does not support any existing habitat or natural communities. The site was previously cleared and has long been used for the cultivation of agricultural row crops. The absence of wetlands, relatively flat land, and previous use for agricultural production are key factors lending towards the ideal nature of the Subject Property for development as a master planned residential community. Based on this assessment, there are no significant environmental resources or habitat existing on the property that would be negatively impacted by the proposed industrial development.

2. The availability of facilities and services;

Applicant's Response: Below is more detailed information on each of those facilities and services:

- *Traffic:* Please see Application Attachment H for the Comprehensive Plan Amendment Transportation Analysis prepared by O'Rourke Engineering and Planning and corresponding Traffic Approval letter from PBC Traffic Division.
- *Mass Transit:* The nearest Palm Tran Bus Route to this property, Route 40, runs along Southern Boulevard with stops as far west as Belle Glade. The closest stop, 3246, is located at the corner of Southern Boulevard and Seminole Pratt Whitney Road approximately 1.75 miles east of the Subject Property on the north side of Southern Boulevard. The West Palm Beach Tri-Rail Station located on the west side of Tamarind Avenue north of Okeechobee Boulevard is the nearest Tri-Rail station approximately 19 miles east of the Subject Property.
- *Potable Water and Wastewater:* Please see Application Attachment I for the PBC Water Utilities Department letter wherein it is stated that capacity does exist for the proposed development via an existing 24" watermain and 18" force main within Southern Boulevard adjacent to the property. Multiple lift stations will be required within the Subject Property for this connection.
- *Drainage:* Please see Application Attachment J for Drainage Statement prepared by Simmons & White. Legal positive outfall is established to the SFWMD C-51 Canal to the south via an existing 60" piped connection beneath Southern Boulevard (State Road 80).
- *Fire Rescue:* Please see Application Attachment K for the Fire Rescue letter which confirms that the nearest PBC Fire Rescue station is Station #20 located at 1000 Greenview Shores Blvd, Wellington, FL 33414. Station #20 is located approximately 6.5 miles from the Subject Property and that the estimated response time to the subject property is approximately 15 minutes and 30 seconds.
- *School:* Please see Application Attachment O for the School Capacity Availability Determination (SCAD) application submitted to the School District of Palm Beach County and resulting SCAD letter.
- *Parks and Recreation:* The FLUA Amendment application includes an analysis of the impacts

on regional and district parks and recreation facilities. The proposed development will not negatively impact the Palm Beach County level of service for parks and recreation as adequate parks land area and amenities exist to serve the additional units. Further, recreation areas and amenitized open space will be provided for residents within the development.

3. The adjacent and surrounding development;

Applicant's Response: The proposed amendment and resulting increase in residential density is compatible with the existing uses of surrounding properties and consistent with the future land use designations along this portion of the Southern Boulevard corridor. Please refer to Section G.3 - Compatibility and Surrounding Uses above.

4. The future land use balance;

Applicant's Response: The proposed Plan amendments and associated FLUA amendment to allow the LR-2 FLU designation will improve the balance of future land use designations for properties in this area of the County, specifically along this portion of the Southern Boulevard corridor. The Subject Property totals 446.14 acres located at the periphery of the County's urbanized development area. The location and size of the property make it well suited for a master planned residential community able to provide additional housing options in an area of the County experiencing high demand with relatively few residential options. In recent years, a number of development applications have been processed and approved to allow primarily residential development of large properties both within the western areas of the Urban/Suburban Tier, the Ag Reserve, and adjacent to the Subject Property. The approval of the Arden PUD denotes support of the County for this level of development to occur eastward of the L-8 Canal. The proposed amendments and ultimate LR-2 FLU designation will result in a more balance future land use pattern for this area of the County which will allow land owners to better provide for the needs of current residents and future generations.

5. The prevention of urban sprawl as defined by 163.3164(51), F.S.;

Applicant's Response: The proposed amendments and resulting master planned residential community will prevent urban sprawl as it will allow for the development of an underutilized property located within an area of the County designated for development on a site adjacent to development utilizing existing urban/suburban infrastructure. As discussed above, the adoption of GAPO and the approval of the Arden PUD work in conjunction to establish a development boundary for the County, here along Southern Boulevard. That boundary is established as the SFWMD L-8 Canal and it has been determined that all efforts should be taken to concentrate urban/suburban levels of development east of that line. This initiative and the resulting development pattern employ a growth management strategy to prevent urban sprawl from extending westward. Further, the existence of the FPL power plant located to the west of the Arden PUD and the Subject Property creates a significant physical boundary to prevent the extension of urban uses into the EAA. Similarly, the adoption of the GAPO established the SFWMD L-8 Canal as a boundary for the encroachment of urban/suburban levels of density with an intention to cluster future residential development east of the canal. The proposed amendments and development plan will not result in the further extension of infrastructure west and will represent the development of a property within an area surrounded by comparable levels of development.

6. Community Plans and/or Planning Area Special Studies recognized by the Board of County Commissioners; and

Applicant's Response: The Subject Property is not governed by a community plan and is not located within a special planning area. As mentioned above under the background section for this justification, the Subject Property was previously included in the now rescinded Central Western Communities (CWC) Sector Plan. The CWC Sector Plan, although rescinded, is relevant as the purpose was to work in conjunction with the GAPO to prevent the encroachment of urbanized uses into the EAA while allowing for the development of properties in this area of the County. The CWC Sector Plan specifically designated the Subject Property, in conjunction with the adjacent (Leonard) property to the east, for the development of up to 943,000 square feet of Employment Center with the balance of the properties for rural residential development. The CWC was never implemented after being rescinded on Nov. 26, 2007 during litigation with the Florida Department of Community Affairs (DCA). The proposed text, map, and FLUA amendments would allow for a more contextual and compatible development plan than was contemplated within the ultimately rescinded CWC Sector Plan.

7. Municipalities in accordance with Intergovernmental Coordination Element Objective 1.1.

Applicant's Response: The Subject Property is located north of the Village of Wellington which includes the SFWMD Stormwater Treatment Area. The applicant and their consultants will coordinate with the necessary municipal representatives as well as the County's Fire Department, Water Utilities District, Historical Resources Section, and other municipal agencies as necessary. Further, the applicant recognizes the application will be reviewed by the Treasure Coast Regional Planning Council (TCRPC) as well as the Intergovernmental Plan Amendment Review Committee (IPARC).

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

Applicant's Response: As described above, the proposed amendments and associated level of development to be permitted will be appropriate for the Subject Property as it will allow for a balance of residential land uses offering a range of housing options in a cohesive community nature within this area of the County as necessary to satisfy the already high and growing demand for housing options.

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

Applicant's Response: The proposed amendments serve to reduce the potential for piecemeal development in this area of the County as it will allow for the unified development of several large vacant parcels while including them with other large parcels within a planning overlay which guides the development of the larger area of this portion of the Southern Boulevard corridor. Necessary utility infrastructure has already been routed along Southern Boulevard and is accessible to the Subject Property. The planned development and necessary amendments to facilitate such development will not serve to create residual parcels but will conversely work to bring a larger land area under the regulations of an existing planning overlay to prevent piecemeal development of smaller parcels as has occurred in other areas of the central western portion of the County.

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

Applicant's Response: As described above, this request includes Plan text and map amendments to include the Subject Property within the boundaries of the GAPO, one such planning overlay. The inclusion of the Subject Property in the GAPO and LUSA boundaries is logical as the site borders the current eastern boundaries of GAPO and possesses similar qualities to the land initially included in the GAPO boundary east of the L-8 Canal currently under development as the Arden PUD.

- **FLUE Policy 2.2.1-a:** Coastal High Hazard Area – The County shall coordinate with coastal municipalities to control population densities in coastal high-hazard areas, in accordance with Coastal Management Ordinance 2.3. The County shall not increase the density in unincorporated areas located within the coastal high-hazard areas.

Applicant's Response: The Subject Property is not located within a coastal high-hazard area.

- **FLUE Table 2.2.1-g.1:** Residential Future Land Use Designation Maximum Density – The County established maximum residential densities permitted for each future land use. The Low Residential, 2 unit per acre (LR-2) FLU designation permits up to 2 dwelling units per acre.

Applicant's Response: The requested Plan text and map amendments will facilitate the Applicant's proposed FLUA amendment to designate the Subject Property with the LR-2 FLU and allow for the development of a master planned residential community with single-family and townhouse units as well as a neighborhood serving commercial pod. This FLU is consistent with the regulations of the GAPO which allows for properties east of the L-8 Canal to be developed with residential uses under the LR-2 FLU designation utilizing the standards of the Urban/Suburban Tier. This narrative along with supplemental application materials provide sufficient evidence to support these requests and the proposed development of the Subject Property.

G.5. - Florida Statutes

Please consider the following responses demonstrating consistency with Chapter 163.3177, F.S.

- **F.S., Section 163.3177.6(a)8:** Future land use map amendments shall be based upon the following analysis:
 - a. An analysis of the availability of facilities and services.

Applicant's Response: Supporting data and analysis demonstrating the availability of facilities and services is presented in Application Attachments H (Traffic Study), I (Water and Wastewater Service Letter), J (Drainage Statement), and K (Fire Rescue Letter).

- b. An analysis of the suitability of the plan amendment for its proposed use considering the character of the undeveloped land, soils, topography, natural resources, and historic resources on site.

Applicant's Response: Supporting data and analysis demonstrating the proposed use is suitable based on the character of the Subject Property is presented in Application Attachments F (Built Features Inventory & Map), J (Drainage Statement), L (Natural Features Inventory & Map), M (Wellfield Zone Statement & Map), N (Historic Resource Evaluation Letter), and O (School Capacity Availability Determination Letter).

- c. An analysis of the minimum amount of land needed to achieve the goals and requirements of this section.

Applicant's Response: The Subject Property is a contiguous site of approximately 446.14 acres. There will be a concurrent zoning application which will serve to support the premise that this acreage is the minimum amount of land needed to ensure the Subject Property may be efficiently developed with a cohesive master planned residential community providing sufficient buffers, access, open spaces, and drainage.

- **F.S., Section 163.3177.6(a)9:** The future land use element and any amendment to the future land use element shall discourage the proliferation of urban sprawl.
 - a. The primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment:

- (I) Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.

Applicant's Response: The proposed Plan amendments and FLUA change will allow for additional residential development in an area developed with planned residential developments, agricultural operations, and an established grid of unincorporated low-density residential neighborhoods. The inclusion of the Subject Property in the GAPO and LUSA boundaries will enable the master planned development of one of only a few remaining properties of sufficient size, location, and conditions to support a cohesive community design with reasonable residential density. The proposed development of this site will work to combat sprawl in the County by continuing to cluster urban/suburban levels of development east of the L-8 Canal.

- (II) Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.

Applicant's Response: The Subject Property is located in the central western sector of the County near the western limits of the County's urbanized eastern area. Although the Subject Property is within the Rural Tier, utility infrastructure has been established in this area at sufficient scale to serve the Arden PUD and additional development along the north side of the Southern Boulevard corridor at this location. Additionally, the lack of land area of this size within the existing Urban Service Area supports this request.

- (III) Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.

Applicant's Response: The Subject Property is not isolated and this amendment will not alter the development pattern of the surrounding area. There is existing development to the

east, north, and west with Southern Boulevard creating a natural barrier with Stormwater Treatment Areas to the south. The development of the Subject Property will result in filling a gap in the existing development pattern of primarily residential uses along the Southern Boulevard corridor and serve to decrease any perception of isolated development via proximity to Arden.

- (IV) Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.

Applicant's Response: The requested amendments and proposed FLUA change do not fail to adequately protect and conserve natural resources as no natural resources currently exist on the Subject Property. The resulting development will have no negative impacts on environmentally sensitive areas or other significant natural systems and evidence in this regard will be included in the land use amendment application.

- (V) Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.

Applicant's Response: While the Subject Property was previously utilized for agricultural row crop production, the site is not restricted by a conservation easement or other restrictions dictating a continuation of previous farming activities, nor located in the EAA or the Agricultural Reserve, areas of the County targeted to preserve agriculture. Similarly, the Arden PUD site was previously utilized for agriculture prior to its development as were the majority of properties in this area of the County. The intent of the creation of GAPO is to cluster development east of the L-8 Canal in order to protect the agricultural lands to the west, the Everglades Agricultural Area (EAA), from encroachment of urban/suburban forms of development. The proposed amendments further this goal and will have no impact on the agricultural activities of surrounding properties.

- (VI) Fails to maximize use of existing public facilities and services.

Applicant's Response: The requested amendments and proposed development plan are justified in part by the existence of utility infrastructure that has been routed along the Southern Boulevard right-of-way extending past the Subject Property and terminating at the west side of the L-8 Canal. The development of the Subject Property will utilize water and wastewater facilities existing within Southern Boulevard and will provide drainage in a form compatible with surrounding systems and the area's larger drainage network.

- (VII) Fails to maximize use of future public facilities and services.

Applicant's Response: Various letters of determination will be provided as attachments to this FLUA amendment application to verify the availability and capacity of existing public facilities and services in relation to the demand expected to be generated by the proposed level of development.

- (VIII) Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.

Applicant's Response: Public facilities and services are currently available to the Subject Property and surrounding area and the requested amendments would not increase the cost in time, money, or energy for providing and maintaining these facilities and services.

- (IX) Fails to provide a clear separation between rural and urban uses.

Applicant's Response: The Subject Property is located on the western periphery of the urbanized area of the County. The western edge of the property immediately west of the Subject Property lies along the L-8 Canal which effectively serves as the boundary for urban/suburban levels of development in this part of the County per the stated intent of the GAPO. The requested amendments propose to include the Subject Property in the boundaries of GAPO and LUSA to fill in the existing gap of development in this location considering urban/suburban levels of residential development existing to both the east and west of this site. In no way do these requests or the resulting development result in a failure to provide separation between rural and urban uses.

- (X) Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.

Applicant's Response: The requested amendments and resulting development plan do not discourage or inhibit the development of existing communities. In a sense, the proposed development could be viewed as infill development as it proposes to develop a current vacant property with a development pattern similar to and compatible with surrounding development on both sides.

- (XI) Fails to encourage a functional mix of uses.

Applicant's Response: The Subject Property is currently designated with an RR-10 FLU designation which would allow for a limited number of residential units and residential use only. The requested amendments to be included in the GAPO and LUSA boundaries will enable the development of the Subject Property with slightly higher density of residential uses with the potential for some related complementary uses. If anything, these requests represent an improvement to the potential functional mix of uses and will certainly lend towards an increase in housing options available to the population.

- (XII) Results in poor accessibility among linked or related land uses.

Applicant's Response: The resulting development will be provided with a similar level of access as to what has been approved for adjacent development with a primary entrance connecting the community to Southern Boulevard. The Applicant recognizes that the County's Thoroughfare Identification Map contemplates the extension of Okeechobee Boulevard through the northern portion of the Subject Property and will cooperate with the County through the zoning application process to provide any required right-of-way dedications.

- (XIII) Results in the loss of significant amounts of functional open space.

Applicant's Response: The Subject Property is not currently utilized as functional open space and so no loss will occur with the approval of the proposed FLUA change.

- b. The future land use element or plan amendment shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves four or more of the following:
- Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.

Applicant's Response: The proposed amendment seeks to redevelop a property that was previously cleared of natural resources and located outside of a wellfield protection zone. As such, development of the Subject Property would not have an adverse impact on natural resources or ecosystems and the applicant will abide by County ULDC provisions with respect to addressing existing plant materials through the zoning approval process.

- Promotes the efficient and cost-effective provision or extension of public infrastructure and services.

Applicant's Response: The proposed development of the Subject Property facilitated by the amendment requests will maximize the use of existing public facilities and services available to the site along the Southern Boulevard corridor. The Subject Property is located along an area of existing development and would not require the extension of public facilities further west. The Applicant recognizes that the County's Thoroughfare Identification Map contemplates the extension of Okeechobee Boulevard through the northern portion of the Subject Property and will cooperate with the County through the zoning application process to provide any required right-of-way dedications.

- Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.

Applicant's Response: The proposed amendment will introduce additional housing options in an area of the County experiencing a high and growing demand from both current and future residents. The Subject Property is of sufficient size, location, and conditions to allow for the development of a cohesive neighborhood which offers a high quality of life to residents. The location of the site allows the community to be adequately rural in its theme and design while enabling quick and convenient access to a range of non-residential uses along the Southern Boulevard corridor and surrounding areas.

- Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative development pattern such as transit-oriented developments or new towns as defined in s. 163.3164.

Applicant's Response: The proposed amendments will allow for the compatible development of a property within an area planned for low density residential uses. The development of the Subject Property will not perpetuate a sprawling development pattern but rather will work to fill the hole of an existing residential development pattern in this area. The change will designate a suitable property with LR-2 FLU to allow for an appropriate level of residential development in this area to serve the needs of existing and future residents.

G. CONCLUSION

The information presented within this justification narrative and the supporting materials included with this application serve to support the request for a Comprehensive Plan Text and Map Amendment to allow for the development of the Subject Property with a higher density of residential development comparable to the approved development of the adjacent property utilizing the same regulatory mechanisms of the GAPO Planning Overlay and inclusion within the LUSA. The expansion of this development pattern to the east will serve to fill the existing gap in development along this portion of the Southern Boulevard corridor and prevent further development of agricultural lands west of the L-8 Canal. The requested amendments and proposed level of development are justified and consistent with the County's Plan, State Statutes, and surrounding development as described herein.

On behalf of the applicant, UDS, respectfully requests approval of these requests for a Comprehensive Plan Text and Map Amendment and to amend the FLUA designation on the Subject Property. The Project Managers at UDS are Ken Tuma, KTuma@udsflorida.com, and Tyler Woolsey, TWoolsey@udsflorida.com, who can be reached via email or by phone at 561-366-1100.

Exhibit 4
Applicant's Public Facilities Table

A. Traffic Information		
Please refer to Application Attachment H for the Traffic Statement prepared for this application. The County Traffic Division Letter will be included with this application package upon issuance.		
	Current	Proposed
Max Trip Generator	Single-Family Housing (ITE 210): 10 trips/DU (Daily) 0.74 trips/DU (AM peak hour) $\text{Ln}(T) = 0.96 \cdot \text{Ln}(X) + 0.20$ (PM peak hour)	Single-Family Housing (ITE 210): 10 trips/DU (Daily) 0.74 trips/DU (AM peak hour) $\text{Ln}(T) = 0.96 \cdot \text{Ln}(X) + 0.20$ (PM peak hour)
Maximum Trip Generation	Daily: 450 AM Peak Hour: 33 PM Peak Hour: 47	MAXIMUM Daily: 8,920 AM Peak Hour: 660 PM Peak Hour: 830 PROPOSED Daily: 5,662 AM Peak Hour: 397 PM Peak Hour: 507
Net Daily Trips:	+8,470 (maximum minus current) +5,212 (proposed minus current)	
Net PH Trips:	+627 AM, +783 PM (maximum) +364 AM, +460 PM (proposed)	
Significantly impacted roadway segments that fail Long Range	None	None
Significantly impacted roadway segments for Test 2	None	None
Traffic Consultant	O'Rourke Engineering & Planning – Susan O'Rourke, P.E.	
B. Mass Transit Information		
Nearest Palm Tran Route (s)	Route 40 WPB – BLG via SR-80 runs adjacent to the Subject Property.	
Nearest Palm Tran Stop	The nearest Palm Tran stop is located along the north side of Southern Boulevard at the intersection of Seminole Pratt Whitney Road approximately 1.75 miles east of the site. Stop 3246 Southern Boulevard at Seminole Pratt Whitney Road	
Nearest Tri Rail Connection	The West Palm Beach Tri-Rail Station located on the west side of Tamarind Avenue north of Okeechobee Boulevard is the nearest Tri-Rail station approximately 19 miles east of the Subject Property.	
C. Potable Water & Wastewater Information		
Please refer to Application Attachment I for the PBC WUD Service Availability Letter.		
Potable Water & Wastewater Providers	The subject property is located within the Palm Beach County Utility Department (PBCWUD) utility service area. PBCWUD has confirmed capacity exists to serve the proposed LR-2 FLU and the development of up to 892 dwelling units subject to a Capacity Reservation Agreement.	
Nearest Water & Wastewater Facility, type/size	There is a 24" potable watermain and an 18" wastewater force main located within Southern Boulevard adjacent to the Subject Property available to serve the site.	

D. Drainage Information				
<p>Please refer to Application Attachment J for the Drainage Statement prepared for this application.</p> <p>The site is located within the boundaries of the South Florida Water Management District C-51 Basin, Sub basin 3. It is proposed that runoff be directed to on-site water management areas via sheet flow and/or inlets and storm sewer. Legal positive outfall is available via an existing 60" piped connection under S.R.80 to the South Florida Water Management C-51 canal.</p>				
E. Fire Rescue				
Nearest Station	PBC Fire Rescue Station 20 – 1000 Greenview Shores Blvd., Wellington, FL 33414			
Distance to Site	6.50 miles			
Response Time	15 minutes, 30 seconds			
Effect on Resp. Time	<p>For fiscal year 2020, the average response time for this Station 20's zone is 7:00. Per the PBC Fire Rescue Service Provider Letter, residents need to be aware of the extended response time of 15 minutes 30 seconds to this property. This land use change is expected to generate approximately 132 additional calls/year for this station zone.</p> <p>Please see Application Attachment K for PBC Fire Rescue Letter.</p>			
F. Environmental				
Significant habitats or species	<p>Please refer to Application Attachment L for the Environmental Assessment prepared for this application.</p> <p>As a result of historical disturbance and current agricultural uses on the property, environmental resources such as native habitat and listed species utilization are very limited or absent. One listed animal species, the little blue heron, was observed foraging within the site ditches. No nesting by listed species is anticipated as there is no ideal nesting habitat on the site. There are small areas of disturbed wetland that will require coordination, permitting and mitigation for SFWMD if impacts are proposed.</p>			
Flood Zone*	<p>According to Palm Beach County's Information Systems Services, the subject property is located within flood zone X and flood zone AE. Flood zone X-unshaded represents areas outside of the 500-year flood plain with less than 0.2% probability of annual flooding. Flood zone AE represents areas within the 100-year flood plain with a 1% probability of annual flooding.</p>			
Wellfield Zone*	<p>The subject property is not located within or adjacent to a wellfield protection zone. The nearest wellfield protection zone is located approximately 6.5 miles southeast of the subject property.</p> <p>Please refer to Application Attachment M for the Flood and Wellfield Zone Statement prepared for this application.</p>			
G. Historic Resources				
<p>Please see Application Attachment N for the PBC Historical and Archaeological Resource letter.</p> <p>Staff review has identified no known archaeological resources located on or within 500 feet of the subject property.</p>				
H. Parks and Recreation - Residential Only (Including CLF)				
Park Type	Name & Location	Level of Svc. (ac. per person)	Population Change	Change in Demand
Regional	Okeehetee Park – 7715 Forest Hill Blvd.	0.00339	+2,132 people	7.23 AC
Beach	R.G. Kreusler Park – 2882 S. Ocean Blvd.	0.00035	+2,132 people	0.75 AC
District	Seminole Palms Park – 151 Lamstein Lane	0.00138	+2,132 people	2.94 AC

I. Libraries - Residential Only (Including CLF)			
Library Name	Royal Palm Beach Library		
Address	500 Civic Center Way		
City, State, Zip	Royal Palm Beach, FL 33411		
Distance	8.2 miles		
Component	Level of Service	Population Change	Change in Demand
Collection	2 holdings per person	+2,132 people	4,264 holdings
All staff	0.6 FTE per 1,000 persons	+2,132 people	1.3 FTE
Library facilities	0.6 square feet per person	+2,132 people	1,279.2 SF
J. Public Schools - Residential Only (Not Including CLF)			
Please see Application Attachment O for the SCAD letter obtained from the School District of PBC.			
	Elementary	Middle	High
Name	Binks Forest	Wellington Landing	Wellington Community
Address	15101 Bent Creek Rd.	1100 Aero Club Drive	2101 Greenview Shores Blvd.
City, State, Zip	Wellington, FL 33414	Wellington, FL 33414	Wellington, FL 33414
Distance	4.0 miles	4.3 miles	6.6 miles

Exhibit 5
Applicant's Correspondence regarding compliance with Policy 3.5-d



August 17, 2023

Mr. Kevin Fischer, AICP
Palm Beach County Planning Director
2300 N. Jog Road
West Palm Beach, FL 33411

RE: Cresswind PUD – LGA-2023-009
Request to Amend Privately Initiated Text Amendment

Mr. Fischer:

On behalf of the applicant for the above referenced land use plan and text amendment requests, please consider this our request to amend the previously initiated text amendment to the Comprehensive Plan. In conjunction with the land use plan amendment request for the property from Rural Residential, 1 unit per 10 acres (RR-10) to Low Residential, 2 units per acre (LR-2), a text amendment was initiated by the Board of County Commissioners (BCC) on November 3, 2021 to allow for the expansion of the Glades Area Protection Overlay (GAPO) to include the land area subject to this request.

The initial land use plan amendment request was scheduled to be heard by the BCC on November 28, 2022, which was postponed to February 1, 2023, which was again postponed.

The initial request was to allow for up to 892 age restricted units or equivalent trips to remain in compliance with Policy 3.5-d of the Comprehensive Plan, inclusive of a requirement for 10% of workforce housing being proposed by staff. At that time, the applicant was proposing to locate the workforce units off-site. Since that time, and based on extensive coordination with the staff and district commissioner, the project's zoning application has been revised (now referred to as Lakehaven PUD) to reflect a maximum development density/intensity made up of 480 single family units and 54 for sale workforce housing townhome units to be constructed on site, with 47,000 square feet of commercial made up of 23,500 square feet of retail and 23,500 square feet of office. In addition, a civic site dedication is included in the current preliminary master plan depicting 3 acres for a 10,000 square foot fire station and five acres for a public library.

Due to the revisions to the development program to create more of a mixed-use project which allows for services and employment opportunities on site, and the conversion of the reduced number of units to a non-age restricted product, the assessment associated with Policy 3.5-d of the Plan exceeds the current plan allowance. As such, this request

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Mr. Kevin Fischer, AICP
August 18, 2023
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to amend the current privately initiated text amendment is being made to include the following:

This policy shall not be applicable to an Agricultural Enclave adopted pursuant to Policy 2.2.5-d. This policy shall not be applicable to the area designated as Industrial in the Urban Service Area of the Glades Tier amended by FLUA Amendment Inland Logistics Center (LGA 2010-024). This policy shall not be applicable to the Western Communities Residential Overlay. This policy shall not be applicable to the area designated as Multiple Land Use (MLU) on the southwest corner of Glades Road and 95th Avenue South, Boca Raton, as amended by FLUA Amendment Johns Glades West (LGA 2017-003) Ord. 2017- 14. This policy shall not be applicable to area designated as Low Residential 2 (LR2) as amended by FLUA Amendment Cresswind PUD (LGA-2023-009).

This amendment is being requested, in part, to acknowledge not only the benefits to the project and its future residents and the existing development in the area, but is also a reflection of approved and existing development in the western communities in this portion of the County. While the applicant's traffic study is not completely in agreement with the County's methodology for trip distribution, the development within the City of Westlake cannot be discounted in regard to the future expansion plans for State Road 80.

The Plan requires the traffic assessment rely on the Palm Beach County Transportation Agency's (TPA) Long Range Transportation Plan (LRTP). The 2045 plan depicts the segment of State Road 80 from Seminole Pratt west to be six lanes and the segment to the east of Binks Forest to be Cost Feasible to be widened to eight lanes. However, the segment between Binks Forest and Seminole Pratt is not addressed. The applicant is coordinating with the TPA staff to bring this to their attention as it is anticipated that the development of Westlake and their impact of the use of this section will necessitate the expansion from six to eight lanes from Binks Forest to Seminole Pratt. The TPA is currently in the visioning process for the 2050 LRTP with the Needs Assessment being scheduled for Winter of 2023 and the Plan Adoption for Fall of 2024.

Of note as well are the efforts of the Business Development Board in regard to fostering redevelopment in the Glades Tri-City area for the creation of employment. This is evident with the location of the Finrock Manufacturing Facility and continued efforts by the BDB. The provision of the on-site for sale workforce units in the proposed project will provide for additional housing options for employment not only in the Glades, but also for the Central Park of Commerce MUPD already approved to the west of the proposed project.

In conclusion, the benefits of providing the additional non-residential uses on the property to maximize internal trip capture, the provision of the on-site for sale workforce housing units and the dedication of land for civic uses are benefits to the County and its residents that should be taken into account in regard to consideration of this request. Additionally, it is anticipated that the 'missing link' of Southern between Seminole Pratt and Binks Forest will ultimately be addressed as the development north of Southern continues to be

Mr. Kevin Fischer, AICP
August 18, 2023
Page 3

constructed. We would request that this expansion to the application's current text amendment be included in the presentation to the BCC currently scheduled for September 28, 2023.

Sincerely,

Kenneth Tuma

Ken Tuma
Urban Design Studio

September 22, 2023

Patrick Rutter
Assistant County Administrator
Palm Beach County
2300 N. Jog Road
West Palm Beach, FL 33411



Re: **Lakehaven PUD (fka Fleming Property/Cresswind)
FLUA Amendment Process
Application No.: LGA 2023-009
Control No.: 2022-00058**

Dear Mr. Rutter,

Please accept this letter as a formal status report of the ongoing efforts related to the Lakehaven PUD Future Land Use Atlas (FLUA) Amendment application in relation to upcoming public hearings and ongoing coordination of traffic analysis.

A Future Land Use Atlas (FLUA) Amendment application (App. No. LGA 2023-009) was submitted on May 11, 2022 with a sufficiency letter issued on June 9, 2022. This application requested the assignment of the Low Residential, 2 units per acre, (LR-2) Future Land Use designation for the site to allow for up to 892 age-restricted single-family dwelling units. This application was postponed by the Board of County Commissioners (BCC) during the November 28, 2022 Transmittal hearing with direction to meet with the district commissioner. The applicant later requested and was approved for further postponements to the November 1, 2023 BCC Transmittal hearing. These postponements were requested to allow for the processing of a revised application package based on feedback received from the district commissioner and surrounding community. On July 18, 2023, revised FLUA Amendment application materials were submitted to propose the development of 534 dwelling units, including on-site workforce housing, and up to 47,000 square feet on non-residential uses.

Following the modification of the proposed development program, the applicant's professional consultants have continued coordination with Palm Beach County (County) staff. Specifically, the applicant's traffic engineer worked with the County's Traffic Engineering Division to process a revised traffic analysis for the proposed development program. The County's Comprehensive Plan (Plan) Future Land Use Element Policy 3.5-d requires a traffic analysis to confirm that the additional traffic generated by the proposed development will not create significant impacts to any roadway segment projected to fail to operate at the adopted level of service standard. The traffic assessment must contemplate projected traffic volumes and expected roadway improvements as included within the Transportation Planning Agency (TPA) Long Range Transportation Plan (LRTP).

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It was determined that a roadway link on State Road 80 (Southern Boulevard) between Seminole Pratt Whitney Road and Binks Forest Drive would prevent compliance with Policy 3.5-d. The TPA's 2045 LRTP depicts improvements to increase the capacity of State Road 80 in the area of the project site. The 2045 LRTP indicates the segment of State Road 80 west of Seminole Pratt Whitney Road is to be widened to six lanes and the segment east of Binks Forest Drive is to be widened to eight lanes. However, the segment between Seminole Pratt Whitney Road and Binks Forest Drive was not definitively addressed. The County's Traffic Engineering Division has advised that the FLUA Amendment could comply with Policy 3.5-d should the segment of State Road 80 between Seminole Pratt Whitney Road and Binks Forest Drive be included in the widening to eight lanes. This expansion must be reflected in the TPA's adopted 2045 LRTP in order to be considered in the traffic analysis.

Through coordination with the TPA and Florida Department of Transportation (FDOT), the limits of the widening along this roadway segment on State Road 80, between Seminole Pratt Whitney Road and Binks Forest Drive, was determined to be unclear in the TPA's 2045 LRTP. As such, the TPA has proposed revisions to the 2045 LRTP to specify the limits of the proposed eight-laning along this segment of State Road 80 (Amendment #2). Amendment #2 to the 2045 LRTP was introduced to the TPA Governing Board as an informational item on September 21, 2023 and is scheduled to be heard for adoption by the TPA Governing Board on October 19, 2023. Amendment #2 to the 2045 LRTP will include a revision to the planned eight-lane widening of State Road 80 changing the extent of the improvements from "West of Binks Forest to Royal Palm Beach Blvd" to reflect the limits of the planned eight-lane expansion as "Seminole Pratt Whitney to Royal Palm Beach Blvd". With this change, the County's Traffic Engineering Division will consider this planned expansion of the link on State Road 80 in their review the traffic analysis associated with this FLUA Amendment. It is expected that, with the inclusion of the planned improvements to expand this link, the project's traffic analysis will comply with Policy 3.5-d.

On August 17, 2023, the applicant submitted a request to the County's Planning Division for consideration of a Policy 3.5-d exemption to allow the FLUA Amendment application to move forward to public hearings in accordance with the County's Large-Scale FLUA Amendment Round 24-A. Specifically, the application is scheduled to be heard before the Planning Commission on October 13, 2023 followed by a BCC Transmittal hearing on November 1, 2023. As stated above, the applicant has coordinated with TPA and FDOT staff regarding the inclusion of the link in an amendment to the adopted 2045 LRTP. This amendment is scheduled to be heard by the TPA Board on October 19, 2023.

At this time, the applicant would like to withdraw the request for a Policy 3.5-d exemption which is currently scheduled to be heard by the BCC on September 28, 2023 based on the expectation that, with the amended 2045 LRTP, the traffic assessment will comply with the requirements of Policy 3.5-d. The applicant is requesting that the FLUA Amendment application be permitted to move forward to scheduled public hearings for transmittal contingent on the TPA's adoption of the above-described Amendment #2 on October 19, 2023. Should the TPA Board approve this amendment, the applicant will

submit a revised traffic analysis in order to obtain a TPS letter from the County's Traffic Engineering Division stating compliance with Policy 3.5-d. Should the TPA Board choose not to approve the amendment, the applicant will request to postpone the scheduled public hearings noted above for the FLUA Amendment application.

On behalf of the Applicant, Urban Design Studio appreciates your consideration of this request. Should you have any questions about the above request or require any additional documentation, please feel free to contact me at KTuma@udsflorida.com.

Sincerely,



Ken Tuma
Managing Principal

CC:

Quazi Bari, P.E., PTOE, Manager – Growth Management, Traffic Division
Stephanie Gregory, AICP, Principal Planner, Planning Division

Exhibit 6
Water & Wastewater Provider LOS Letter



**Water Utilities Department
Engineering**

8100 Forest Hill Blvd.
West Palm Beach, FL 33413
(561) 493-6000
Fax: (561) 493-6085
www.pbcwater.com



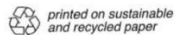
**Palm Beach County
Board of County
Commissioners**

Dave Kerner, Mayor
Robert S. Weinroth, Vice Mayor
Maria G. Marino
Gregg K. Weiss
Maria Sachs
Melissa McKinlay
Mack Bernard

County Administrator

Verdenia C. Baker

*"An Equal Opportunity
Affirmative Action Employer"*



November 3, 2021

Urban Design Kilday Studios
610 Clematis Street Suite CU02
West Palm Beach, Fl. 33401

RE: Fleming Property
PCN00-40-43-27-00-000-3010, 00-40-43-22-00-000-5000,
00-40-43-22-00-000-7010 & 00-40-43-27-00-000-1010
Service Availability Letter

Dear Mr. Woolsey,

This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area. PBCWUD has the capacity to provide the level of service required for the current RR-10 and the proposed LR-2-FLUA that would allow up to 892 dwelling units in an age restricted single family community subject to a Capacity Reservation Agreement.

The nearest potable watermain and wastewater forcemain are located within Southern Boulevard adjacent to the subject property.

Please note that this letter does not constitute a final commitment for service until the final design has been approved by PBCWUD.

If you have any questions, please give me a call at (561)493-6116.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jackie Michels".

Jackie Michels, P.E,
Project Manager

Exhibit 7 Disclosure of Ownership Interests

PALM BEACH COUNTY - ZONING DIVISION

FORM # 8

DISCLOSURE OF OWNERSHIP INTERESTS – APPLICANT

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

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared John Csapo, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the individual or Authorized Signatory [position—e.g., president, partner, trustee] of Kolter Group Acquisitions, LLC [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership], (hereinafter, "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for real property legally described on the attached Exhibit "A" (the "Property").

2. Affiant's address is: 9/0 Kolter Group Acquisitions LLC
105 NE 1st Street
Delray Beach, FL 33444

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

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

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

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

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



John Csapo, Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of physical presence or
 online notarization, this 1st day of JUNE, 2022 by
JOHN CSAPO (name of person acknowledging). He/she is personally
known to me or has produced _____ (type of identification) as
identification and did/did not take an oath (circle correct response).

Allison Babiak
(Name - type, stamp or print clearly)



(Signature)

My Commission Expires on: 7/22/25



EXHIBIT "A"
PROPERTY

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 22, 27 AND 34, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 27, THENCE 89° 08' 03" EAST ALONG THE NORTH LINE OF SAID SECTION 27 A DISTANCE OF 780.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE NORTH 1° 02' 42" EAST, ALONG A LINE 780.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID SECTION 27 A DISTANCE OF 360.00 FEET; THENCE SOUTH 89° 08' 03" EAST, ALONG A LINE 360.00 FEET NORTH OF AND PARALLEL TO THE NORTH LINE OF SAID SECTION 27 A DISTANCE OF 2154.93 FEET; THENCE SOUTH 1° 02' 42" WEST, ALONG A LINE 2934.91 EAST OF AND PARALLEL TO THE WEST LINE OF SAID SECTION 27 A DISTANCE OF 9031.73 FEET; THENCE NORTH 88° 24' 56" WEST, ALONG THE NORTH RIGHT OF WAY LINE OF SOUTHERN BOULEVARD (STATE ROAD 80) PER DEPARTMENT OF TRANSPORTATION SECTION 93120-2525 DATED MAY 1984, A DISTANCE OF 2154.92 FEET; THENCE NORTH 1° 02' 36" EAST, ALONG A LINE 780.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID SECTION 34, A DISTANCE OF 3354.28 FEET; THENCE NORTH 1° 02' 42" EAST, ALONG A LINE 780.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID SECTION 27 A DISTANCE OF 5290.42 FEET TO THE POINT OF BEGINNING, SAID PARCEL BEING 19433365.65 SQUARE FEET OR 446.129 ACRES MORE OR LESS.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

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

Name

Address

Robert & Julien % Kolter Group - 105 NE 1st St. Delray Beach, FL 33444

2005 Robert Julien Family Delaware Dynasty Trust %

Kolter Group -

105 NE 1st St. Delray Beach, FL 33444

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

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

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared JOHN CHRISTOPHER FLEMING hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the individual or MANAGING MEMBER [position - e.g., president, partner, trustee] of Fleming Properties, LLC [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
2. Affiant's address is: P.O. Box 548
POMPANO BEACH, FL
33061
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

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

FURTHER AFFIANT SAYETH NAUGHT.

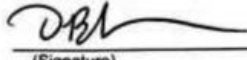

John Christopher Fleming, Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

Colorado
STATE OF FLORIDA
COUNTY OF PALM BEACH Denver

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 20th day of August, 2021 by John Christopher Fleming (name of person acknowledging). He/she is personally known to me or has produced us Passport card (type of identification) as identification and did/did not take an oath (circle correct response).

Dawn Ballow
(Name - type, stamp or print clearly)


(Signature)

My Commission Expires on: 03/20/2025

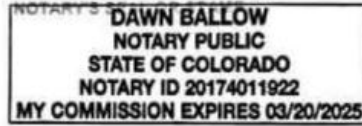


EXHIBIT "A"

PROPERTY

PARCEL 1

A PARCEL OF LAND LYING IN SECTION 27 AND 34, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 27; THENCE NORTH 89°08'03" WEST, ALONG THE NORTH LINE OF SAID SECTION 27, A DISTANCE OF 2,295.07 FEET; THENCE SOUTH 01°02'36" WEST, A DISTANCE OF 1,660.72 FEET TO A LINE PARALLEL WITH AND 1,660.71 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES TO, THE NORTH LINE OF SAID SECTION 27, THENCE NORTH 89°08'03" WEST, A DISTANCE OF 1063.98 FEET TO A POINT, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE SOUTH 01°02'39" WEST, A DISTANCE OF 6,997.63 FEET TO POINT ON THE NORTH RIGHT-OF-WAY LINE FOR STATE ROAD 80 (SOUTHERN BOULEVARD) AS SHOWN ON THE STATE OF FLORIDA RIGHT-OF-WAY MAP SECTION 93120-2515, DATED MAY, 1984; THENCE NORTH 88°24'56" WEST, ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 1,091.00 FEET TO THE SOUTHEAST CORNER OF ARDEN P.U.D. PLAT 1, AS RECORDED IN PLAT BOOK 122, PAGE 32, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE NORTH 01°02'36" EAST, ALONG THE EAST LINE OF SAID ARDEN P.U.D. PLAT 1, AND PARALLEL WITH THE WEST LINE OF SAID SECTION 34 AND 780.00 FEET EAST OF AS MEASURED AT RIGHT ANGLES TO THE WEST LINE OF SAID SECTION 34, A DISTANCE OF 3,362.44 FEET; THENCE NORTH 01°02'42" EAST, ALONG THE EAST LINE OF SAID ARDEN P.U.D. PLAT 1, AND PARALLEL WITH THE WEST LINE OF SAID SECTION 27 AND 780.00 FEET EAST OF AS MEASURED AT RIGHT ANGLES TO THE WEST LINE OF SAID SECTION 27, A DISTANCE OF 3,621.53 FEET; THENCE SOUTH 89°08'03" EAST, ALONG A LINE 1660.71 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES TO, THE NORTH LINE OF SAID SECTION 27, A DISTANCE OF 1090.94 FEET TO THE POINT OF BEGINNING.

SAID PARCEL BEING 7,626,192.57± SQFT OR 175.073± ACRES MORE OR LESS

PARCEL 2

A PARCEL OF LAND LYING IN SECTIONS 22 AND 27, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 27, THENCE SOUTH 44°04'57" EAST, ALONG THE SOUTHWESTERLY LINE OF DEER RUN, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 35, PAGES 34 THROUGH 39, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 311.14 FEET TO THE WEST LINE OF THE PLAT OF FOX TRAIL, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 31, PAGES 157 THROUGH 162, INCLUSIVE, OF THE SAID PUBLIC RECORDS; THENCE SOUTH 00°58'44" WEST, ALONG SAID LINE, A DISTANCE OF 383.46 FEET TO A POINT ON A LINE PARALLEL WITH AND 603.47 FEET SOUTHERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE NORTH LINE OF SAID SECTION 27; THENCE, NORTH 89°04'57" WEST, ALONG SAID LINE, A DISTANCE OF 2,516.83 FEET TO A POINT ON A LINE PARALLEL WITH AND 2934.91 FEET EASTERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE WEST LINE OF SAID SECTION 27; THENCE, SOUTH 01°05'36" WEST, ALONG SAID LINE, A DISTANCE OF 1,057.25 FEET TO A POINT ON A LINE PARALLEL WITH AND 1660.71 FEET SOUTHERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE NORTH LINE OF SAID SECTION 27; THENCE, NORTH 89°04'57" WEST, ALONG SAID LINE, A DISTANCE OF 1,077.84 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°04'57" WEST, ALONG SAID LINE, A DISTANCE OF 1,077.08 FEET; THENCE NORTH 01°05'36" EAST, ALONG A LINE PARALLEL WITH AND 780.00 FEET EASTERLY OF AS MEASURED AT RIGHT ANGLES TO THE WEST LINE OF SAID SECTION 27, A DISTANCE OF 1,667.99 FEET; THENCE, NORTH 00°19'35" WEST, ALONG A LINE PARALLEL WITH AND 780.00 FEET EASTERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE WEST LINE OF SAID SECTION 22, A DISTANCE OF 352.81 FEET TO THE SOUTH LINE OF SAID PLAT OF DEER RUN; THENCE SOUTH 89°04'57" EAST, ALONG SAID LINE, A DISTANCE OF 1,085.82 FEET; THENCE SOUTH 01°05'36" WEST, A DISTANCE OF 2,020.72 FEET TO THE POINT OF BEGINNING.

SAID PARCEL BEING 2,176,469.32± SQFT OR 49.965± ACRES MORE OR LESS

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

Name	Address
Fleming Properties, LLC	P.O. Box 548 Pompano Beach FL 33061
John Christopher Fleming	P.O. Box 548 Pompano Beach, FL 33061

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

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

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

STATE OF FLORIDA
 COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Donald Stevenson, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the individual or manager *[position - e.g., president, partner, trustee] of* Lomco Farms, LLC *[name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership]* that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.

2. Affiant's address is: 631 U.S. Highway One, Suite 409
North Palm Beach, FL 33408

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

4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.

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

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

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

FURTHER AFFIANT SAYETH NAUGHT.

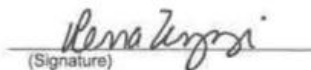

Donald Stevenson, Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 20th day of August, 2021 by Donald Stevenson (name of person acknowledging). He/she is personally known to me or has produced _____ (type of identification) as identification and did/did not take an oath (circle correct response).

Rena Uzzi
(Name - type, stamp or print clearly)


(Signature)

My Commission Expires on: 6-30-2024

NOTARY'S SEAL OR STAMP



EXHIBIT "A"

PROPERTY

A PARCEL OF LAND LYING IN SECTIONS 22 AND 27, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 27; THENCE SOUTH 44°04'57" EAST, ALONG THE SOUTHWESTERLY LINE OF DEER RUN, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 35, PAGES 34 THROUGH 39, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 311.14 FEET TO THE WEST LINE OF THE PLAT OF FOX TRAIL, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 31, PAGES 157 THROUGH 162, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 00°58'44" WEST, ALONG SAID LINE, A DISTANCE OF 383.46 FEET TO A POINT ON A LINE PARALLEL WITH AND 603.47 FEET SOUTHERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE NORTH LINE OF SAID SECTION 27; THENCE, NORTH 89°04'57" WEST, ALONG SAID LINE, A DISTANCE OF 2516.83 FEET TO A POINT ON A LINE PARALLEL WITH AND 2934.91 FEET EASTERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE WEST LINE OF SAID SECTION 27; SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE, SOUTH 01°05'36" WEST, ALONG SAID LINE, A DISTANCE OF 1057.25 FEET TO A POINT ON A LINE PARALLEL WITH AND 1660.71 FEET SOUTHERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE NORTH LINE OF SAID SECTION 27; THENCE, NORTH 89°04'57" WEST, ALONG SAID LINE, A DISTANCE OF 1077.84 FEET TO A POINT ON A LINE PARALLEL WITH AND 1857.07 FEET EASTERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE WEST LINE OF SAID SECTION 27; THENCE NORTH 01°05'36" EAST, ALONG SAID LINE, A DISTANCE OF 2020.72 FEET TO THE SOUTH LINE OF SAID PLAT OF DEER RUN; THENCE, SOUTH 89°04'57" EAST, ALONG SAID LINE, A DISTANCE OF 1077.84 FEET; THENCE, SOUTH 01°05'36" WEST, A DISTANCE OF 963.47 FEET TO THE POINT OF BEGINNING.

SAID PARCEL BEING 2,178,007.64± SQFT OR 50.000± ACRES MORE OR LESS

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

Name	Address
Donald W. Stevenson 2007 Irrevocable Trust	13345 Rolling Green Road, North Palm Beach, FL 33408
Peggy Stevenson	13345 Rolling Green Road, North Palm Beach, FL 33408
Ava Stevenson	13345 Rolling Green Road, North Palm Beach, FL 33408
Celene Stevenson	13345 Rolling Green Road, North Palm Beach, FL 33408
Hannah Stevenson	1400 Oak Bluff Road, Edgewater, MD 21037

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

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

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Robin Fleming, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the individual or Robin Fleming [position - e.g., president, partner, trustee] of _____ [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
2. Affiant's address is: 11924 Forest Hill Blvd., Ste. 10A-176
Wellington, FL 33414
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

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

FURTHER AFFIANT SAYETH NAUGHT.

Robin Fleming
Affiant

(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 3 day of May, 2022 by Robin Fleming (name of person acknowledging). He/she is personally known to me or has produced Florida Driver License (type of identification) as identification and did/did not take an oath (circle correct response).

Katherine Hamilton
(Name - type, stamp or print clearly)

[Signature]
(Signature)

My Commission Expires on: 12/1/2025



EXHIBIT "A"

PROPERTY

PARCEL 1B

A PARCEL OF LAND LYING IN SECTION 27 AND 34. TOWNSHIP 43 SOUTH, RANGE 40 EAST. PALM BEACH COUNTY, FLORIDA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 27; THENCE NORTH 89°08'03" WEST, ALONG THE NORTH LINE OF SAID SECTION 27, A DISTANCE OF 2,295.07 FEET; THENCE SOUTH 01°02'36" WEST, A DISTANCE OF 1,660.72 FEET TO A LINE PARALLEL WITH AND 1,660.71 FEET SOUTH OF , AS MEASURED AT RIGHT ANGLES TO, THE NORTH LINE OF SAID SECTION 27. SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 01°02'36" WEST. A DISTANCE OF 7,010.97 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE FOR STATE ROAD 80 (SOUTHERN BLVD.) AS SHOWN ON STATE OF FLORIDA RIGHT OF WAY MAP SECTION 93120-2515, DATED MAY, 1984; THENCE NORTH 88°24'56" WEST ALONG SAID RIGHT OF WAY LINE. A DISTANCE OF 1,064.13 FEET; THENCE NORTH 01°02'39" EAST A DISTANCE OF 6,997.63 FEET; THENCE SOUTH 89°08'03" EAST ALONG A LINE 1,660.71 FEET SOUTH OF, AS MEASURED AT RIGHT ANGLES TO THE NORTH LINE OF SAID SECTION 27, A DISTANCE OF 1,063.98 FEET TO THE POINT OF BEGINNING.

SAID PARCEL BEING 7,452,387+ SQUARE FEET OR 171.0833 ACRES, MORE OR LESS.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

Name	Address
Robin Fleming	1924 Forest Hill Blvd., Ste. 10A-176 Wellington, FL 33414

Exhibit 8 Urban Sprawl Analysis

Primary Indicators that an amendment does not discourage urban sprawl	Staff Assessment	Sprawl Indicated?
Criteria Related to Land Use Patterns		
Promotes, allows or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.	This amendment does not promote, allow or designate a substantial area of the County to develop as low-intensity, low-density, or single-use development or uses.	No
Promotes, allows or designates urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban developments.	This amendment does not designates urban development emanating from existing urban development in a strip pattern. Arden PUD is already a developing residential community to the west of 2,334 units on 1,200 acres. The subject site proposes development eastward toward the Urban Suburban area and not further west.	No
Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.	This amendment does not discourage or inhibit infill development or the redevelopment of existing neighborhoods and communities.	No
Fails to encourage functional mix of uses.	This amendment will introduce new housing opportunities.	No
Results in poor accessibility among linked or related land uses.	The proposed amendment does not result in poor accessibility among related land uses.	No
Results in the loss of significant amounts of functional open space.	The proposed amendment on this site will convert 446 acres of land currently in agriculture use to residential development. However, the proposed master plan includes significant amounts (78 acres) of open space on the northern, eastern and western boundaries of the site.	No
Criteria related to sites located outside or at the edge of the Urban Service Area		
Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development	The site is proposed to be a Limited Urban Service Area (LUSA) which allows for a mix of urban and rural levels of service, and therefore, does not promote, allow, or designate a significant amount of urban development to occur in rural areas at substantial distances from existing urban areas.	No
Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems	The property is currently farmed with row crops. Any areas that may be environmentally sensitive areas that are not being farmed would be addressed in the development review process. The site is not within a Wellfield Protection Area.	No
Fails adequately to protect adjacent agricultural areas and activities, including silviculture, and including active agricultural and silvicultural activities as well as passive agricultural activities and dormant, unique and prime farmlands and soils.	The only directly adjacent agricultural property is the 497 acre Leonard property to the east. Adequate buffering between the subject site and the Leonard property will be addressed through the development review process. Both the amendment and the zoning application will be required to be heard at the same hearing which will provided the opportunity to address any additional protections.	No
Fails to provide a clear separation between rural and urban uses.	More than 200 feet of land is required to be dedicated on the north of the site for future ROW which amendment does not provide a clear separation between rural and higher density 2 units per acre development. Additional buffering can be addressed between the site and agricultural land to the east through the concurrent zoning process.	No
Criteria Related to Public Facilities		
Fails to maximize use of existing public facilities and services.	Public facilities and services will be provided and water and wastewater is available within the Southern Boulevard ROW along the frontage of site.	No

Primary Indicators that an amendment does not discourage urban sprawl	Staff Assessment	Sprawl Indicated?
Fails to maximize use of future public facilities and services.	The amendment proposes a LUSA, which is a mix of urban and rural levels of service. The subject site would maximize the use of future public facilities available in the area.	No
Allows for land use patterns or timing which disproportionately increase the cost in time, money and energy, of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.	There are no adverse impacts to public facilities and services as indicated by service providers through department review. Palm Beach County Fire Rescue provides service already to the Arden PUD further west. Although the site is closer to the nearest station that also serves Arden PUD, PBC Fire-Rescue did indicate that residents should expect extended response times.	No
Overall Assessment: As demonstrated above, the proposed amendment does not meet any of the indicators of urban sprawl, and would not contribute to urban sprawl in the county.		

Exhibit 9

Hearing History and Correspondence from Previous Request

Round 23-A

Local Planning Agency: *Approval with modifications*, motion by Edwin Ferguson, seconded by Barbara Roth passed in a 12 to 0 vote at the November 4, 2022 public hearing. The modification included a revision to Condition 2 to keep the 10% WHP requirement but to allow them to be constructed offsite for sale, and to modify Condition 3 to keep the 50 foot wide open space trail corridor and the Okeechobee Blvd right-of-way reservation, but to delete the requirement that the corridor be on the south side of the right-of-way. An initial motion for approval with staff's conditions made by Glenn Gromann and seconded by David Serle was withdrawn. Under discussion, Commission members expressed the challenges in providing onsite WHP units due to the age-restriction (55+). Commission members asked questions regarding the age-restricted units, including whether WHP units have been required onsite with other amendments, the status of the right of way acquisition for the Okeechobee Blvd. extension and the location of the open space corridor. There was no public comment.

BCC Transmittal Hearing: *Postponed to February 1, 2023*, substitute motion by Commissioner Baxter, seconded by Commissioner Kerner, passed in a 7 to 0 vote at the November 28, 2022 public hearing. An initial motion was made by Commissioner Bernard, seconded by Commissioner Marino, to transmit with modifications as proposed by the applicant. Regarding the postponement, the Board expressed concerns over the proposed density not being appropriate for the location and the need to provide additional time for the applicant to address Commissioners concerns. Two members of the public, including a representative of the Fox Trail Property Owners Association, spoke in opposition citing concerns over the encroachment of the rural lifestyle of residents and the potential for other locations to request a similar density. A letter by Fox Trail Property Owners Association was submitted for the record.

Round 23-A2

On January 10, 2023, the applicant requested a postponement from the February 1, 2023 BCC transmittal hearing to the May 3, 2023 hearing.

Round 23-B

On March 30, 2023, the applicant requested a postponement from the May 3, 2023 BCC transmittal hearing to the August 30, 2023 hearing.

Round 24-A

On July 20, 2023, the applicant requested a postponement from the August 30, 2023 BCC transmittal hearing to the November 1, 2023 hearing.

Bryce Van Horn

From: john starr <bearlee4@yahoo.com>
Sent: Sunday, October 31, 2021 10:54 PM
To: Bryce Van Horn
Subject: Fleming property

***** Note: This email was sent from a source external to Palm Beach County. Links or attachments should not be accessed unless expected from a trusted source. *****

Before you cast your vote on the density changes requested for this property please consider all ramifications. Please consider that it will negatively impact the existing wells in the area ; an increase in usage for lawn maintenance and other home maintenance demands, an increase in traffic on Southern Boulevard, an increase in traffic on Pratt Whitney and Lion country Safari Rd. due to the extension of Okeechobee Blvd., the negative impact on property values for the surrounding properties and the negative impact it will make on those who have moved into this area to escape the over crowding of our county. I know commissioners are always look for change. However, not all change is desirable or beneficial. Please DO NOT allow two units per acre. Thank you, Mr. and Mrs. L. Jones , 905 Stallion Dr.,Loxahatchee

Bryce Van Horn

From: Facella, Mario A <Mario.Facella@td.com>
Sent: Tuesday, November 02, 2021 1:48 PM
To: Melissa McKinlay
Cc: Kelley Burke A; Joseph Sophie; Bryce Van Horn
Subject: Fleming Properties GAPO Expansion / Agenda Item 6. A. 1

***** Note: This email was sent from a source external to Palm Beach County. Links or attachments should not be accessed unless expected from a trusted source. *****

Dear Commissioner McKinlay:

As a resident of Fox Trail and a voter in your district, I writing you today to oppose staff recommendation to initiate the proposed text amendment that would allow the applicant to proceed with a potential future land use amendment on the 446 acre site to change the future land use designation in the site from Rural Residential, 1 unit per 10 acres (RR-10) to Low Residential, 2 units per acre (LR-2). Voting along with staff recommendation would likely result in two specific rural communities (Fox Trail & Deer Run) to directly suffer a substantial hardship from Staff's intent to identify the right-of-way for a connector road from the future extension of Okeechobee Boulevard to Southern Boulevard. The current right-of-way for the western extension of Okeechobee Blvd. runs through these two neighborhoods along the northern boundary of Fox Trail alongside Deer Run Blvd. Increased traffic counts traveling at higher speeds running through equestrian communities with active horse riding pedestrians is an equation that doesn't compute.

Addressing an equally concerning issue is allowing the density being proposed by the applicant and being recommended by staff. With the additions of Westlake and Arden book shelving our communities, allowing another highly dense housing development creates even greater impact on traffic counts, fire rescue & police and our schools. Given the impacts caused by the pandemic and, specifically highlighting Palm Beach County schools being severally understaffed (approx. need for 340 teachers), why would you and your fellow commissioners agree to more density when the system can't handle what currently exists? As an observation and someone that's in the commercial real estate industry, the Commission should focus on redevelopment of more densely populated blighted areas within the County rather than continuing the trend to allow rural & agricultural lands to be developed into highly dense communities.

I'm sure the 1,600 +/- residents of Fox Trail / Deer Run and, the surrounding Loxahatchee community at large, would agree with me.

Please vote to oppose the staff recommendation.

Thank you,

Mario Facella

1587 Gallop Drive

Loxahatchee, FL 33470

T: 561-361-1622 C: 305-205-9080

Bryce Van Horn

From: NancyJ Gribble <nancy.gribble@att.net>
Sent: Tuesday, November 02, 2021 3:01 PM
To: Bryce Van Horn
Cc: Melissa McKinlay; Kelley Burke A; Joseph Sophie
Subject: Fleming Properties GAPO Expansion- Agenda Item 6.A.1

***** Note: This email was sent from a source external to Palm Beach County. Links or attachments should not be accessed unless expected from a trusted source. *****

Mr. Van Horn,

Thank you for speaking with me this morning.

Please add this email to the record and pass along to the BCC as part of the Fleming Amendment's packet.

As stated in our conversation, I am currently the president of the Fox Trail Property Owners Association, but am writing as a 30-year resident of Fox Trail. The Fox Trail community is comprised of 211 5-acre lots. Fox Trail is located in the rural tier of the PBC Comp Plan, zoned AR, with many Equestrian property owners. Fox Trail was platted in July 1975 and is located approximately one mile east of the proposed Fleming Development.

I will list my concerns as follows:

1) Although this is the initiation public hearing for the privately proposed Fleming Properties GAPO Expansion Proposed Text Amendment which I have been told does not meet PBC requirements for public sign notification, or property owner notification, I would like to bring to your attention that no property owners in Deer Run, which will abut the northern border of the Fleming Development, nor property owners in White Fences, which will be affected by the proposed new 80 foot connector roadway for the future extension of Okeechobee Boulevard to Southern Boulevard have been contacted by the Planning Department nor made aware of the proposed Fleming Development.

2) The GAPO created in 2004 for the Highland Dunes project, n/k/a the Arden PUD and approved again in 2014 for the Central Park Commerce Center was purported to be a strategy to protect the Everglades Agricultural Area (EAA) from encroachment of urban/suburban densities to support the restoration of the Everglades and maintain existing rural and semi-rural communities in the central western communities. While the GAPO intent was to provide for restrictions on annexation, limitations on uses, and prevent urban/suburban density encroachment, neither Arden with its zero lot line homes, nor a large Economic Development/Employment Center meet these goals. The addition of Fleming's proposed 892 dwelling units will not meet these goals. Rather Fleming will create more urban intensities and uses, exacerbate existing surrounding rural residential communities, add additional traffic, and require more public services, i.e., police, fire-rescue, libraries, schools to name a few.

3) Of most concern is the addition of the proposed new 80 foot connector roadway from the future extension of Okeechobee Boulevard to Southern Boulevard into this proposed Amendment. In January of 2021, the Department of Engineering staff presented this 80 foot connector roadway on

the Thoroughfare Right of Way Identification (TIM) Map 14.1 amendment. At the initiation meeting, the Board voted not to initiate the addition of that segment. There were many concerns expressed by surrounding property owners in Fox Trail, Deer Run and also the Town of Loxahatchee Groves. At the Palm Beach Transportation Planning Agency governing board presentation on November 15, 2019, this proposed 80 foot connector roadway, LRTP# PBC077, is listed on the Projects and Programs Recommended for Inclusion in the Plan as having "Potentially adverse environmental impacts". At the time this 80 foot connector roadway was presented to the Planning Commission on December 12, 2020, myself and several others expressed concern that purchasing this 80 foot right-of-way between the Fleming property (446 acres) and the Leonard Property (497 acres) would encourage increased development and provide incentive to the landowners to sell their properties to developers. Well it appears that forecast for one property owner, Fleming, has come to fruition. Now that the Fleming Amendment has been submitted to the county, the Engineering Department is using the proposed development as justification for the 80 foot connector roadway that was NOT approved by the BCC in January 2021. It has the appearance of dodging the accepted process for consideration as a roadway listed in TPA Long Range Plan, and presented to the public for full consideration by the PB TPA.

It is no secret that Fox Trail, Deer Run, White Fences and the Town of Loxahatchee Groves have been consistently opposed to the future extension of Okeechobee Boulevard to Southern Boulevard west from its current terminus at Cheetham Hill Boulevard, and have requested this roadway be removed from the thoroughfare map. This roadway will box in the community of Fox Trail between Southern Boulevard and Okeechobee Boulevard, resulting in loss of rural lifestyle and degradation of quality of everyday life. The negative consequences to Deer Run and White Fences will forever change their rural equestrian existence.

Instead of removing more agricultural farmland from Palm Beach County, serious consideration should be given to the negative effects the change in farmland zoning has on surrounding rural communities and the residents who made the choice to live in an agriculture rural community.

Thank you for your time and consideration.

Sincerely,
Nancy Gribble
1525 Gallop Drive
Loxahatchee, FL 33479
(561) 596-4573

Bryce Van Horn

From: Bob Daglian <bobdaglian@yahoo.com>
Sent: Saturday, October 29, 2022 9:51 AM
To: Bryce Van Horn
Subject: Fleming property development

This Message Is From an Untrusted Sender

You have not previously corresponded with this sender.

Hi Bryce,

I am writing to express my concerns with a proposal to change this property from 1 house per 10 acres to a retirement community. Our area has always been rural and development should stay within that theme.

Since we moved to Foxtrail in 1998, we have lost so much of that rural life. Let's keep this type of development East.

Thank you

Bob Daglian

Sent from my iPhone

FOX TRAIL

PROPERTY OWNERS ASSOCIATION
P. O. Box 211 • Loxahatchee, Florida 33470

November 27, 2022

Palm Beach County Board of County Commissioners
301 N. Olive Avenue
Suite 1102
West Palm Beach, FL 33401

Re: Agenda Item: 4.B.2.-Comprehensive Plan Hearing (Round 23-A Transmittal)
Cresswind PUD / Fleming Properties-GAPO (LGA 2023-009)

Honorable County Commissioners,

This letter is written on behalf of the Fox Trail Property Owners Association Board of Directors to bring to your attention several concerns regarding the proposed Cresswind PUD development on the Fleming Property. The Fox Trail community is located approximately 1.5 miles east of the proposed Cresswind development. The Fox Trail PUD, developed in the mid-1970s, consists of 211 5-acre agriculture/residential lots is a recognized equestrian community in Palm Beach county.

As stated in the staff report, the amendment site, "Fleming property", is 446-acre farmland in the Rural Tier of the County's Growth Management Tier System and the Rural Service Area (RSA), with a Rural Residential, 1 unit per 10 acres (RR-10) future land use designation. The development request would increase the units developed from currently zoned 45 units to 892 units.

Concerns expressed by the Fox Trail Property Owners Association Board of Directors and property owners include the following:

- 1) The increase in development units creates infrastructure pressures and costs to all Palm Beach County taxpayers, i.e., roads, water resources, flood management, environmental, and public safety services.
- 2) The loss of night sky darkness with increased lighting.
- 3) The loss of farmland in Palm Beach County as food source.
- 4) The degradation of the Rural Tier and negative impacts on surrounding intact rural communities of Fox Trail, Deer Run, and White Fences.
- 5) The location of a Cresswind Palm Beach development in the City of Westlake merely 10 miles from the 'Fleming property'

The Fox Trail Board of Directors contends the Cresswind development is incompatible with the Rural Tier and does not respect the integrity of surrounding well-established rural equestrian/agriculture neighborhoods. Palm Beach County must encourage more rural equestrian neighborhoods to preserve the County's Growth Management Tier System.

Sincerely,
Nancy Gribble
Nancy Gribble, President

On Behalf of The Fox Trail Property Owners Association Board of Directors

Exhibit 10

Correspondence

Correspondence provided at the November 1, 2023 BCC Transmittal Hearing

Item: 4.A.1

Stephanie Gregory

From: Daglian, Bob <Bob.Daglian@holman.com>
Sent: Tuesday, October 31, 2023 8:52 AM
To: Sara Baxter; Maria Sachs; Marci Woodward; Mack Bernard; Gregg Weiss
Cc: Bryce Van Horn; Bob Daglian
Subject: Lakehaven Development

This Message Is From an External Sender

This message came from outside your organization.

Dear Commissioners,

I have been a homeowner in the Fox Trail neighborhood since 1998. I have seen development beyond what I thought was possible and I never thought I would see homes west of me. The rural escape of Fox Trail will soon be surrounded by urban sprawl. Can we not keep the area west of Fox trail rural? Adding commercial frontage and your typical suburban neighborhood in a 1 home per 10 acre zoned area is way too much growth for this area.

I encourage you to vote no to this excessive development of our agricultural area. I can always be reached on my cell phone if you would like to hear more.

Kind regards,

Bob Daglian
1836 Gallop Drive
bobdaglian@yahoo.com
609-247-9328



October 26, 2023

Susan E. O'Rourke, P.E.
 O'Rourke Engineering & Planning
 3725 SE Ocean Boulevard
 Stuart, Florida 34996

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

**RE: Lakehaven FKA Cresswind PUD
 FLUA Amendment Policy 3.5-d Review
 Round 2022-23-B2**

Dear Ms. O'Rourke:

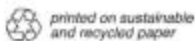
Palm Beach County Traffic Division has reviewed the Land Use Plan Amendment Application Traffic Study for the proposed Future Land Use Amendment for the above-referenced project, revised on September 22, 2023, pursuant to Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan. The project is summarized as follows:

**Palm Beach County
 Board of County
 Commissioners**
 Gregg K. Weiss, Mayor
 Maria Sachs, Vice Mayor
 Maria G. Marino
 Michael A. Barnett
 Marci Woodward
 Sara Baxter
 Mack Bernard

County Administrator
 Verdenia C. Baker

Location:	North side of Southern Boulevard approximately 1.75 miles west of Seminole Pratt Whitney Road	
PCN:	00-40-43-27-00-000-3010 (<i>others on file</i>)	
Acres:	446.14 acres	
	Current FLU	Proposed FLU
FLU:	Rural Residential, 1 unit per 10 acres (RR-10)	Low Residential, two units per acre (LR-2)
Zoning:	Agricultural Residential (AR)	Planned Unit Development (PUD)
Density/ Intensity:	1 Unit/10 Acres	2 Units/Acre
Maximum Potential:	Single Family Detached = 45 DUs	Single Family Detached = 892 DUs
Proposed Potential:	None	Single Family Detached = 480 DUs Townhomes = 54 DUs General Office = 23,500 SF Shopping Center = 23,500 SF
Net Daily Trips:	8,470 (maximum – current) 5,194 (proposed – current)	
Net PH Trips:	624 (162/462) AM, 838 (528/310) PM (maximum) 398 (131/267) AM, 544 (324/220) PM (proposed)	
	<i>* Maximum indicates typical FAR and maximum trip generator. Proposed indicates the specific uses and intensities/densities anticipated in the zoning application.</i>	

"An Equal Opportunity
 Affirmative Action Employer"





Susan E. O'Rourke, P.E.
October 26, 2023
Page 2

Based on the review, the Traffic Division has determined that the traffic impacts of the proposed amendment **meet** Policy 3.5-d of the Future Land Use Element of the Palm Beach County Comprehensive Plan at the **proposed potential** density shown above in accordance with the following conditions:

- a. The proposal shall be limited to the proposed development potential as shown above or equivalent trips.
- b. The segment below, on which the development has a significant impact, has a background deficiency for Test 2 based on the traffic report.

Southern Boulevard from Seminole Pratt Whitney to Binks Forest Drive as a 6LD facility.

As such, a concurrent zoning application must be submitted, demonstrating compliance with Traffic Performance Standards to address the deficiency for Test 2, or this conditional Land Use Element Policy 3.5 approval will be rendered null and void.

Please contact me at 561-684-4030 or email me at DSimeus@pbcgov.org with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "DS", is written over a light blue horizontal line.

Dominique Simeus, P.E.
Professional Engineer
Traffic Division

DS
cc:

Quazi Bari, P.E., PTOE – Manager – Growth Management, Traffic Division
Lisa Amara – Director, Zoning Division
Bryan Davis – Principal Planner, Planning Division
Stephanie Gregory – Principal Planner, Planning Division
Khurshid Mohyuddin – Principal Planner, Planning Division
Kathleen Chang – Senior Planner, Planning Division
Bryce Van Horn – Senior Planner, Planning Division
David Wiloch – Senior Planner, Planning Division

File: General - TPS – Unincorporated - Traffic Study Review
N:\TRAFFIC\Development Review\Comp Plan\23-B2\Lakehaven.docx

State Comments received after the November 1, 2023 BCC Transmittal Hearing

Stephanie Gregory

From: Irving, Robert <Robert.Irving@MyFWC.com>
Sent: Thursday, December 21, 2023 8:28 AM
To: Kevin Fischer
Cc: Conservation Planning Services; 'DCPexternalagencycomments@deo.myflorida.com'; Stephanie Gregory; Schad, Morgan
Subject: FWC's Comments on Palm Beach County 23-12ESR (Lakehaven PUD/LGA 2023-009 and Verdura Farms/LGA 2024-001)

This Message Is From an External Sender

This message came from outside your organization.

Dear Mr. Fischer:

Florida Fish and Wildlife Conservation Commission (FWC) staff received your request for review of the proposed comprehensive plan amendments. We have no comments, recommendations, or objections related to listed species and their habitat or other fish and wildlife resources to offer on this amendment. While there are no objections to the amendment, the following general technical assistance information is provided to assist the applicant and the county when considering the potential for impacts to state-listed species. FWC staff strongly recommends early planning coordination meetings if impacts to state-listed species and their habitat are expected. To schedule a coordination meeting, please contact our office by email at ConservationPlanningServices@MyFWC.com and staff will be happy to meet with the applicant, county, or Department of Economic Opportunity staff.

If on-site wildlife surveys have not yet been conducted, they are considered as the most reliable method for determining the presence of listed species or potential habitat. Species-specific surveys are time sensitive and are best conducted by trained wildlife biologists with recent documented experience. Species-specific survey protocols approved by the U.S. Fish and Wildlife Service (USFWS) and the FWC are provided in the Florida Wildlife Conservation Guide at <https://myfwc.com/conservation/value/fwcg/> [myfwc.com] or in the FWC Species Conservation Measures and Permitting Guidelines available at <https://myfwc.com/wildlifehabitats/wildlife/species-guidelines/> [myfwc.com].

There are several public data sources and online tools available that may be useful during preliminary reviews before conducting field surveys. For example, the Florida Natural Areas Inventory (FNAI) Biodiversity Matrix Map Server (<https://www.fnai.org/biointro.cfm> [fnai.org]) which provides access to rare species occurrence information statewide, FWC Gopher Tortoise Permit Map (<https://public.myfwc.com/maps/gtmapping/gtpermitmap.html> [public.myfwc.com]), and the USFWS's Information for Planning and Consultation (IPaC) system (<https://ecos.fws.gov/ipac/> [ecos.fws.gov]). Natural resource mapping data downloads, including listed species data, are available at <https://geodata.myfwc.com/pages/upland> [geodata.myfwc.com] and the Florida Geographic Data Library at <https://www.fgd.org/metadataexplorer/explorer.jsp> [fgdl.org].

The liability to not impact or cause "take" of listed species, migratory wildlife, and other regulated species of wildlife is the responsibility of the applicant or developer associated with this site. Any interested party can refer to the Florida Administrative Code, 68A-27 for definitions of "take" and a list of species. If state-listed species are observed on-site, FWC staff are available to provide decision support information or assist in

obtaining the appropriate permits. If federally-designated Critical Habitat or federally listed species are present, please contact the appropriate regional USFWS Ecological Service Office (<https://www.fws.gov/offices/Directory/ListOffices.cfm?statecode=12> [fws.gov]).

FWC staff appreciate the opportunity to review this project. Please send any requests for further information to ConservationPlanningServices@MyFWC.com.

Sincerely,

Robert Irving
Land Use Planning Program Supervisor
Office of Conservation Planning Services
Florida Fish and Wildlife Conservation Commission
Phone: (850) 354-3578

Palm Beach County_23-12ESR_57744

Stephanie Gregory

From: Hymowitz, Larry <Larry.Hymowitz@dot.state.fl.us>
Sent: Friday, December 8, 2023 4:17 PM
To: DCPexternalagencycomments; Kevin Fischer
Cc: Krane, John; Martinez, Cesar; Fasiska, Christine; Walia, Kent; Bush, Lois; Harari, Laurie; Kareiva, Ronald; Naselius, Ben; Senger, Gregor; Andrew Uhlir; Stephanie Heidt; Stephanie Gregory; Bryce Van Horn; Khurshid Mohyuddin; Quazi Bari; Dom Simeus; Shanmugam, Raj
Subject: Palm Beach County 23-12ESR - FDOT District Four Review Comments

This Message Is From an External Sender

This message came from outside your organization.

Pursuant to Section 163.3184(3), Florida Statutes (F.S.), in its role as a reviewing agency as identified in Section 163.3184(1)(c), F.S., the Florida Department of Transportation (FDOT) reviewed the proposed Palm Beach County 23-12ESR comprehensive plan amendment relating to a future land use map change on 446.14 acres from Rural Residential, 1 unit per 10 acres (RR-10) to Low Residential, 2 units per acre (LR-2) with a proposed development potential of 534 dwelling units for the Lakehaven development.

FDOT is providing the following technical assistance comment and recommendations consistent with Section 163.3168(3), Florida Statutes. This technical assistance comment will not form the basis of a challenge. This comment is intended to strengthen the County’s comprehensive plan to foster a vibrant, healthy community and is designed to ensure consistency with the Community Planning Act in Chapter 163, Part II, F.S.

Technical Assistance Comment #1

The Department finds this amendment to not be consistent with the County’s Comprehensive Plan Policy 3.5-d., which is intended to prevent a change to the Future Land Use Map in situations where capacity improvements to address level of service deficiencies on roadway links impacted by the amendment are not included in the Palm Beach Transportation Planning Agency’s (TPA) Cost Feasible Long Range Transportation Plan to be relied upon for prioritization and future implementation. More specifically.

- 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):*
 - a) Projected traffic volumes from the MPO’s latest adopted Long Range Transportation Plan (LRTP) as amended to include latest available Future Land Use Atlas amendments that became effective subsequent to the adoption of the LRTP, and*
 - b) Projected traffic from proposed land use amendment, and*
 - c) Projected traffic from latest available Land Use Atlas amendments that were previously adopted but have not yet become effective, and*

d) Projected traffic from concurrent Land Use Atlas amendments that are approved in the same Comprehensive Plan Amendment Round that significantly impact the same roadway segments as the proposed land use change.”

The information from the TPA’s 2045 transportation model volume on State Road 80 indicates a volume of 52,586 vehicular trips west of Seminole Pratt with a 4 lane LOS AADT service volume for level of service D at 37,300 trips (2023 QLOS Handbook Generalized Tables) based on a system-wide preliminary context classification of C3R (Suburban Residential). This would indicate the need for six lanes where no roadway capacity improvement is planned.

The TPA’s 2045 transportation model volume on State Road 80 east of Seminole Pratt Whitney Road is 65,276, which indicates a level of service failure at six and eight lanes based on an 8-lane LOS D service volume of 64,200 trips (2023 QLOS Handbook Generalized Tables). There are no improvements identified in the TPA Cost Feasible Long Range Transportation Plan or the Department’s Strategic Intermodal System (SIS) 2045 Cost Feasible Plan to address both roadway link failures east and west of Seminole Pratt Whitney Road on State Road 80.

The County’s determination of compliance with the policy is based on its Traffic Performance Standards requirements contained in the Unified Land Development Code that include level of service capacities from the 2009 FDOT Quality/LOS Handbook. This document has been revised multiple iterations, with the latest being the 2023 Multimodal Quality/Level of Service Handbook. The latest edition incorporates context classification in the determination of roadway capacity service volumes at various level of service thresholds, including the County’s adopted level of service D.

Allowing additional development density and intensity while failing to address long term transportation deficiencies in the County’s adopted level of service standard can lead to undesirable transportation impacts. These could include a less resilient transportation network, excess vehicle trip lengths/vehicle miles traveled, excess travel times, and congestion.

Recommendations for Technical Assistance Comment #1

It’s recommended that the County work with its transportation partners to meet the identified needs of the projected transportation system as required by Florida Statute 163.3177(6)(b)1.e. The County should consider participation in future updates of the TPA Cost Feasible Long Range Transportation Plan and the Department’s Strategic Intermodal System (SIS) 2045 Cost Feasible Plan to evaluate cost feasibility and inclusion of needed capacity projects to serve future demand using State Road 80.

The County should also consider the roadway connectivity scenarios and other recommendation from the SR 80 Action Plan completed in 2018 (<https://sr80actionplan.com/> [sr80actionplan.com]) in helping to lessen the anticipated demand for capacity on State Road 80.

We welcome the County to consult with the Department early in the development of amendment staff reports and prior to issuance of concurrency (Traffic Performance Standards) letters, especially when SIS roadways are likely to be affected.

The Department requests an electronic copy of all adopted comprehensive plan amendment materials, including graphic and textual materials and support documents.

Please don't hesitate to contact me if you have any questions or need assistance with any of the recommendations. We appreciate hearing from the County prior to adoption.

Thank you.



Larry Hymowitz

Planning Specialist, Policy and Mobility Planning Section
Planning & Environmental Management - FDOT District Four
p: (954) 777-4663 f: (954) 677-7892
a: 3400 W. Commercial Boulevard, Ft. Lauderdale, FL 33309
e: larry.hymowitz@dot.state.fl.us w: www.dot.state.fl.us



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