

2019 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

Part 1. Amendment Data

A. Amendment Data

Round	20-B	Intake Date	November 4, 2019
Application Name	Fount MUPD	Concurrent?	Yes (Rezoning)
Acres	27.95 (See Survey at Attachment P)	Text Amend?	No
PCNs	00-42-43-26-05-004-0000, 00-42-43-26-00-000-1300, 00-42-43-26-00-000-1340		
Location	South side of Okeechobee Boulevard, approximately 1/3 mile west of Haverhill Road		
	Current	Proposed	
Tier	Urban/Suburban	Urban/Suburban	
Use	Vacant/Outdoor Storage	Mixed Use Commercial & Residential	
Zoning	Multi-Family Residential (High Density) District (RH)	Multiple Use Planned Development (MUPD) and/or Planned Unit Development (PUD)	
Future Land Use Designation	3.5 Acres as Commercial High 24.45 Acres as Utilities and Transportation	3.5 Acres as Commercial High 24.45 Acres as High Residential, 12 dwelling units per acre (HR-12)	
Underlying Future Land Use Designation	3.5 Acres – High Residential, 8 dwelling units per acre (HR-8)	3.5 Acres – High Residential, 12 dwelling units per acre (HR-12)	
Conditions	None	None	

B. Development Potential

Provide math for each item as indicated (e.g. 5 du/acre x 3 acres = 15 units)

	Current FLU	Proposed FLU
Density/ Intensity:	8 dwelling units per acre	12 dwelling units per 1 acre
Maximum Dwelling Units¹ (residential designations)	8 du/acre x 3.5 ac. = 28 D.U's	12 du/acre x 27.95 ac. = 335 du's Multi-Family Apartment Units
Maximum Beds (for CLF proposals)	None	None
Population Estimate	28 max du x 2.39 = 67 persons	335 max du x 2.39 = 801
Maximum Square Feet^{2,4} (non-residential designations)	0.5 FAR x 3.5 ac. = 76,230 SF Commercial 0.1 FAR x 24.45 ac. = 106,504 SF Utility	0.5 FAR x 3.5 ac. = 76,230 SF Commercial
Proposed or Conditioned Potential^{3,4}	None	0.5 FAR x 3.5 ac. = 76,230 SF Commercial Multi-Family Apartment Units – 721 DU's (WHP Units = 302)

		(TDR Units = 84)
Max Trip Generator	General Commercial, ITE # 820 Ln(T) = 0.68 Ln(x) + 5.57 Utility, ITE # 170 13.24 tpd/1,000 SF	General Commercial, ITE # 820 Ln(T) = 0.68 Ln(x) + 5.57 Multi-Family Mid-Rise Apartment, ITE #221 5.44 tpd/Dwelling Unit
Maximum Trip Generation	1410 daily trips	1822 daily trips (maximum potential) 3922 daily trips (proposed potential)
Net Daily Trips:	412 daily trips (maximum minus current) 2512 daily trips (proposed minus current)	
Net PH Trips:	121 AM, 147 PM (maximum) 260 AM, 317 PM (proposed)	

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

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Part 2. Applicant Data

A. Agent Information

Name	Josh Nichols, LEED AP
Company Name	Schmidt Nichols
Address	1551 N Flagler Drive, Ste. 102
City, State, Zip	West Palm Beach, FL 33401
Phone / Fax Number	561.684.6141 / 561.684.6142
Email Address	jnichols@snlandplan.com

B. Applicant Information

	Applicant A
Name	Ernesto Lopes, MGR
Company Name	Village at Banyan Ridge, LLC
Address	12895 SW 132 nd Street, Unit 202
City, State, Zip	Miami, FL 33186
Phone / Fax Number	Please Contact Agent
Email Address	Please Contact Agent
Type (Owner, Contract Purchaser)	Lessee

	Applicant B
Name	Kirk Blouin, Town Manager
Company Name	Town of Palm Beach
Address	P.O. Box 2029
City, State, Zip	Palm Beach, FL 33480
Phone / Fax Number	Please Contact Agent
Email Address	Please Contact Agent

Type (Owner, Contract Purchaser)	Owner
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Part 3. Site Data

A. Site Data

Built Features	The existing site is comprised of 3 parcels. Only one out of the three (3) included parcels contains a structure. This parcel is PCN: 00-42-43-26-00-000-1300 and currently has a 5,000 square foot clubhouse built on site that was constructed in 1974. An Inventory Summary & map are enclosed as Attachment F
PCN	00-42-43-26-05-004-0000, 00-42-43-26-00-000-1300, 00-42-43-26-00-000-1340 See Legal Description as Application Attachment A and Survey as Attachment P
Street Address	5976 Okeechobee Boulevard
Frontage	Okeechobee Blvd (587'); Property Depth: 1,962'
Legal Access	Okeechobee Blvd (140' ROW)
Contiguous under same ownership	All contiguous property under common ownership is included in the subject request
Acquisition details	<p>00-42-43-26-05-004-0000: Acquired via a purchase from the Tennessee Company by the Town of Palm Beach on August 17, 1940. See attached warranty deeds as Attachment A.</p> <p>00-42-43-26-00-000-1300: Acquired via a purchase from the Tennessee Company by the Town of Palm Beach on August 17, 1940. See attached warranty deeds as Attachment A.</p> <p>00-42-43-26-00-000-1340: Acquired via a purchase from the Tennessee Company by the Town of Palm Beach on August 17, 1940. See attached warranty deeds as Attachment A.</p>
Size purchased	The land purchased included the entire parcel, no residual parcels remain as a result of the purchase. See attached warranty deeds as Attachment A .

III. Development History

Previous FLUA Amendments	There have not been any previous FLUA amendments on this property.
Zoning Approvals, Control Number	R-1973-0618, R-1980-0375

	<p>1. Petition No. 1979-00268, App: 2013-1470: ZZR for a Clubhouse (Governmental Accessory Use)</p> <p>A Final Site Plan was approved on October 1, 1979 for a Clubhouse (Governmental Accessory Use)</p>
Concurrency	Concurrency was previously secured for a Clubhouse (Governmental Accessory Use).
Plat, Subdivision	Westmoor Pines PL 1 In., Plat Book 4 Page 21

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Part 4. Consistency

A. Consistency – Provide responses in Attachment G as G.1 through G.5.

Justification Provide as G.1.	Please refer to Attachment G , Consistency with Comprehensive Plan and Florida Statutes
Residential Density Increases Provide as G.2.	Please refer to Attachment G , Consistency with Comprehensive Plan and Florida Statutes
Compatibility Provide as G.3.	Please refer to Attachment G , Consistency with Comprehensive Plan and Florida Statutes
Comprehensive Plan Provide as G.4.	Please refer to Attachment G , Consistency with Comprehensive Plan and Florida Statutes
Florida Statutes Provide as G.5.	Please refer to Attachment G , Consistency with Comprehensive Plan and Florida Statutes

B. Surrounding Land Uses. Indicate the following for each surrounding property:

- **Uses.** Indicate the existing land use, subdivision name, and existing density (residential) or square footage (non-residential).
- **FLUA Designations.** Indicate the future land use designations. No acronyms.
- **Zoning.** Indicate the Zoning and petition numbers. No acronyms.

Adjacent Lands	Use	Future Land Use	Zoning
North	Fire Station (9,735 s.f.); Funeral Home; Office (29,782 s.f.); Residential Condominiums (22.73 du/ac)	Commercial High with an underlying High Residential, 8 units per acre	Commercial General; Single Family Residential, 2003-00027, 2003-00050
South	Single Family Residential (4.58 du/ac), Mobilair 1 st Add In	Medium Residential, 5 units per acre	Residential High
East	Vehicle or Equipment Sales & Rental; Single Family Residential (4 du/ac), Townhomes (13.93 du/ac), Kelly Tractor, Park Place Townhomes, Haverhill Homesite In	Commercial High with an underlying High Residential, 8 units per acre; High Residential, 12 units per acre; High Residential, 8 units per acre	Multiple Use Planned Development; Residential High, 2006-00481
West	Vehicle Sales (23,820 s.f.); Single Family Residential (3.49 du/ac), Luxury Vehicles of West Palm Beach, Plantation Village Unrec on AM-8	Commercial High with an underlying High Residential, 8 units per acre; Commercial High with Cross-Hatching, with an underlying Medium Residential, 5 units per acre; Medium	Commercial General; Residential Medium, 1984-00051

		Residential, 5 units per acre	
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Part 5. Public Facilities Information

A. Traffic Information		
<p>In order to be accepted on the day of intake, the application must include a written letter from the County Engineering Department indicating compliance with Policy 3.5-d of the Future Land Use Element of the Comprehensive Plan. The letter must state if the traffic generation for the amendment meets Policy 3.5-d at the maximum density/intensity for the proposed future land use designation or the square footage/use proposed to be assigned as a voluntary condition of approval. For more information, contact the Traffic Division at 684-4030.</p>		
	Current	Proposed
Max Trip Generator	<p>General Commercial, ITE # 820 $Ln(T) = 0.68 Ln(x) + 5.57$ Utility, ITE # 170 13.24 tpd/1,000 SF</p>	<p>General Commercial, ITE # 820 $Ln(T) = 0.68 Ln(x) + 5.57$ Multi-Family Mid-Rise Apartment, ITE #221 5.44 tpd/Dwelling Unit</p>
Maximum Trip Generation	1410 daily trips	1822 daily trips (maximum potential) 3922 daily trips (proposed potential)
Net Daily Trips:	412 daily trips (maximum minus current) 2512 daily trips (proposed minus current)	
Net PH Trips:	121 AM, 147 PM (maximum) 260 AM, 317 PM (proposed)	
Significantly impacted roadway segments that fail Long Range	None	None
Significantly impacted roadway segments for Test 2	None	None
Traffic Consultant	Simmons & White – Kyle Duncan	
B. Mass Transit Information		
Nearest Palm Tran Route (s)	43 (Okeechobee Boulevard), 44 (Belvedere Road)	
Nearest Palm Tran Stop	Stop 3285 (South side of Okeechobee Boulevard approx. 2,010' west of the intersection of Okeechobee Blvd. & Haverhill Road located on the subject site's frontage on Okeechobee Boulevard)	

Nearest Tri Rail Connection	West Palm Beach, 209 South Tamarind Avenue
C. Portable Water & Wastewater Information	
The application must include a Potable Water & Wastewater Level of Service (LOS) comment letter as Attachment I . This letter should state the provider/s of potable water and wastewater is/are able to maintain their current level of service standard established by the potable water provider, while accommodating the increase of density/intensity of the proposed amendment.	
Potable Water & Wastewater Providers	Palm Beach County Water Utilities Department
Nearest Water & Wastewater Facility, type/size	Capacities are available, subject to a reservation agreement with PBCWUD. The nearest potable water mains are a 12" watermain located within Okeechobee Blvd road right of way adjacent to the subject property, an 8" watermain located within Elmhurst Road 250' from the subject property and 6" watermain located within Norma Elaine Road. Looping of the watermains will be required. The nearest sanitary sewer is a 4" forcemain located approximately 1200' east of the subject property on Okeechobee Blvd.
D. Drainage Information	
The site is located within the boundaries of the Lake Worth Drainage District and South Florida Water Management District C-51 Drainage Basin. Legal positive outfall for the project is available to the LWDD E-3 Canal located along the western boundary of the property. After the project design meets all storm water management requirements, outfall will be directly to the LWDD canal. Please refer to the Drainage Statement prepared by Reikenis & Associates, LLC. being included as Attachment J with this application for more details.	
E. Fire Rescue	
Nearest Station	Station 23, 5477 Okeechobee Blvd.
Distance to Site	Station 23 is 0.50 miles from the subject site
Response Time	Based on the information provided by PBC Fire-Rescue the estimated response time is 3 minutes and 30 seconds. PBC Fire Letter provided at Attachment K.
Effect on Resp. Time	PBC Fire-Rescue has determined that the proposed amendment will have minimal impact on fire rescue response time. Please see Attachment K.
F. Environmental	
Significant habitats or species	The subject property does not support any significant habitats or Listed Species. According to historic aerials, the subject property was drained and cleared of natural vegetation. The topography and soils remain relatively unchanged since the clearing of the site. Therefore, there will be minimal impact to the natural environment if the site is developed as intended.
Flood Zone*	The subject parcel is located in Flood Zone X & Flood Zone AE
Wellfield Zone*	The subject property does not lay within any wellfield protection zones. The proposed planned development will have no negative impacts on the wellfield zones. A detailed map has been provided at Attachment M

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

G. Historic Resources

The subject parcels do not contain any historic or architecturally significant resources located on or within 500 feet of the site. To the best of our knowledge the parcels do not contain or are located within 500 of the subject properties. Comment Letter as Attachment N.

H. Parks and Recreation - Residential Only

Park Type	Name & Location	Level of Svc. (ac. per person)	Population Change	Change in Demand
Regional	Okeehetee Park	0.00339	1,723	5.84
Beach	R.G. Kreusler Park	0.00035	1,723	0.60
District	Lake Lytal Park	0.00138	1,723	2.38

I. Libraries - Residential Only

Library Name	Okeechobee Boulevard Branch Library			
Address	5689 Okeechobee Boulevard			
City, State, Zip	West Palm Beach, FL, 33417			
Distance	0.3 Miles			
Component	Level of Service	Population Change	Change in Demand	
Collection	2 holdings per person	1,723	3,446	
Periodicals	5 subscriptions per 1,000 persons	1,723	8.62	
Info Technology	\$1.00 per person	1,723	\$1,723.00	
Professional staff	1 FTE per 7,500 persons	1,723	0.23	
All other staff	3.35 FTE per professional librarian	1,723	.77	
Library facilities	0.34 sf per person	1,723	586 s.f.	

J. Public Schools - Residential Only - Based on the findings and evaluation of the proposed future land use atlas (FLUA) amendment, there will be no negative amendment on the public school system. School District has no comment on the proposed FLUA amendment to the subject property.

	Elementary	Middle	High
Name	Hope Centennial Elementary School	Bear Lakes Middle School	A.W. Dreyfoos High School of the Arts

Address	5350 Stacy Street	3505 Shenandoah Blvd.	501 S. Sapodilla Avenue
City, State, Zip	West Palm Beach, FL, 33417	West Palm Beach, FL, 33409	West Palm Beach, FL, 33401
Distance	1.5 Miles	2.9 Miles	4.1 Miles

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Part 6. Attachments

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- A. PCN's, Legal Description and Warranty Deed (include Legal in PDF & Word)**
 - B. Agent Consent Form**
 - C. Applicant's Ownership Affidavit**
 - D. Applicant's Notice Affidavit, Property Appraiser List, and Labels**
 - E. Disclosure of Ownership Interests**
 - F. Built Feature Inventory & Map**
 - G. Consistency with the Comprehensive Plan and Florida Statutes (include in PDF & Word)**
 - H. Traffic Approval Letter & Traffic Study**
 - I. Water & Wastewater Provider LOS Letters**
 - J. Drainage Statement**
 - K. Fire Rescue Letter**
 - L. Natural Feature Inventory & Map**
 - M. Wellfield Zone**
 - N. Historic Resource Evaluation Letter**
 - O. Palm Beach County School District LOS Letter**
 - P. Survey**
 - Q. Text Amendment Application (Part 7, if applicable, in PDF & Word)**

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

<http://www.pbcgov.org/pzb/planning/Pages/Comprehensive-Plan-Amendment-Applications.aspx>

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**Attachment F – Built Feature Inventory & Map Detail
Fount MUPD**

**Palm Beach County Future Land Use Atlas (FLUA) Amendment Submittal
Original Submittal: November 4, 2019**

Below is an aerial photograph taken in January 2019 with the subject property highlighted in red. Only one out of the three (3) included parcels contains a structure. This parcel is PCN: 00-42-43-26-05-004-0000, 00-42-43-26-00-000-1300, 00-42-43-26-00-000-1340 and currently has a 5,000 square foot clubhouse built on site that was constructed in 1974. Please see the following Aerial images for the entire site and each individual parcel.

Entire Site



Aerial Imagery Photo of the site. Photo dated January 13, 2019 downloaded from Google Earth Pro

PCN: 00-42-43-26-05-004-0000



Aerial Imagery Photo of the site. Photo dated January 13, 2019 downloaded from Google Earth Pro

PCN: 00-42-43-26-00-000-1300



Aerial Imagery Photo of the site. Photo dated January 13, 2019 downloaded from Google Earth Pro

PCN: 00-42-43-26-00-000-1340



Aerial Imagery Photo of the site. Photo dated January 13, 2019 downloaded from Google Earth Pro



Attachment G
Consistency with Comprehensive Plan & Florida Statutes
Fount MUPD
Palm Beach County (PBC) Future Land Use Atlas (FLUA) Amendment
Submittal
Original Submittal: November 4, 2019

Request

The 27.95-acre subject property (PCN 00-42-43-26-05-004-0000; 00-42-43-26-00-000-1300; 1340) is located on the south side of Okeechobee Boulevard, approximately 1,950 feet west of the intersection of Okeechobee Boulevard and Haverhill Road. Currently the subject property supports a Future Land Use Atlas (FLUA) designation of Commercial High with an underlying High Density Residential, 8 units per acre (CH/8) on the north 3.5 acres of the site, with the remainder 24.45 acres supporting a Utilities and Transportation (UT) designation. The entire site currently has a Zoning designation of Multifamily Residential, High Density (RH). Final site plan approval for the existing landscaping disposal site and 5,000 square foot, one-story clubhouse building was approved on October 1, 1979.

Town of Palm Beach and Village at Banyan Ridge, LLC, herein referred to as the "Applicant," requests a FLUA amendment from Commercial High with Underlying High Density Residential, 8 units per acre (CH/8) on the north 3.5 acres and Utilities and Transportation (UT) on the south 24.45 acres to Commercial High with underlying High Density Residential, 12 units per acre on the north 3.5 acres and High Density Residential, 12 units per acre on the south 24.45 acres for the purposes of constructing a multifamily residential development with a commercial development on the north 3.5 acres of the site.

A follow up application to the PBC Zoning Division for an Official Zoning Map Amendment (rezoning) from the RH Zoning District to the Multiple Use Planned Development (MUPD) will be submitted at a later date. A master plan will be submitted to the Zoning Department depicting the residential and commercial pods along with applicable recreation pods and water management tracts. The master plan will also show the phasing of the developments.

Below is a summary of surrounding properties:

Adjacent Lands	Uses	FLU	Zoning
Subject Property	Vacant; Clubhouse	CH/8 & UT (Existing) CH/8 & HR-12 (Proposed)	RH (Existing) MUPD (Proposed)
North	Fire Station; Funeral Home; Office; Multifamily Residential	CH/8	CG; RS
South	Single Family Residential	MR-5	RH
East	Vehicle or Equipment Sales & Rental; Multifamily Residential; Single Family Residential	CH/8; HR-12; HR-8	MUPD; RH
West	Vehicle Sales; Single Family Residential	CH/8; CHX/5; MR-5	CG; RM

Justification, Consistency & Compatibility

G.1 - Justification: The applicant is requesting to amend the FLUA designation of the subject property from CH/8 and UT to CH/12 and HR-12. Per Policy 2.1-f of the Future Land Use Element (FLUE) of the PBC Comprehensive Plan (Plan) an applicant must provide adequate justification for the proposed future land use. To be considered adequate, the justification must demonstrate consistency with the factors 1 and 2.

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

Response: The proposed addition HR-12 use is suitable and appropriate for the subject site. The subject property is currently used as a landfill for landscaping waste by the Town of Palm Beach. The proposed multifamily residential and commercial multiple use planned development is a higher and better use for the site. As the area surrounding the site has continually developed, infill sites such as the subject property have become more desirable for redevelopment. The market demand for workforce housing has recently begun to spike, resulting in housing communities becoming more feasible. Furthermore, the subject property is located on Okeechobee Boulevard, a major arterial roadway which can handle

the additional traffic expected with the proposed use.

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

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

Response: The properties adjacent to the site have been assigned FLU designations that are generally not considered compatible with the site's existing operation as a landscaping waste site. However, the adjacent uses are consistent with the general character of the area near the subject site, being of highly intense and relatively dense character. The existing site's use as a landfill for landscaping waste for the Town of Palm Beach is an obvious exception to this character. Therefore, to be more in line with the character of the immediate vicinity around the site, as assigned by the Comprehensive Plan, the Applicant proposes to amend the site's FLU designation from Commercial High with underlying High Density Residential, 8 units per acre and Utilities and Transportation, to Commercial High with underlying High Density Residential, 12 units per acre and High Density Residential, 12 units per acre.

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

Response: The area surrounding the site has become relatively built out resulting in minimal vacant land for new development. Additionally, the market demand for housing has increased recently, making workforce housing developments a viable form of development. The general area around the site includes a major commercial corridor along Okeechobee Boulevard with residential development nestled behind these uses. The Applicant proposes a multiple use planned development for the site which includes a portion of the site being developed for commercial uses along Okeechobee Boulevard. The remainder of the site is proposed to be developed as a multifamily residential development. Recent amendments to the ULDC permit residential development within the MUPD zoning district which is proposed for the site. Therefore, the site is a great opportunity for infill development.

- *New information or change in circumstances which affect the subject site;*

Response: The area surrounding the site has nearly reached build-out since the adoption of the Comprehensive Plan. Currently, there are very few vacant tracts of land of comparable size with direct access to a major arterial roadway such as Okeechobee Boulevard

in the immediate area of the site. As population growth in the county begins to accelerate in the time since the 2008 recession, demand for housing will also continue to grow. Therefore, it is reasonable to allow new residential development in this portion of the County to meet this demand. Furthermore, the Applicant proposes to preserve the existing Commercial High land use at the northern end of the site directly fronting along Okeechobee Boulevard. Similar to residential uses, commercial development has also nearly reached build-out along the Okeechobee Boulevard corridor in the immediate vicinity of the site. As the population continues to grow, demand for services and retail uses will also increase. The portion of the site proposed to preserve the existing Commercial High FLU designation is located in an ideal position on the site, directly fronting on Okeechobee Boulevard, a major urban arterial thoroughfare. Furthermore, the site has historically been used for the disposal of landscaping waste. The site has been underutilized since it was purchased in 1940, since, at that time, it was at the far western edge of development. Today, this is clearly no longer the case, which therefore constitutes infill development for the best and highest use.

- *Inappropriateness of the adopted FLU designation;*

Response: The adopted FLU designation for the site includes a portion of the site closest to Okeechobee Boulevard designated as Commercial High with underlying High Density Residential, 8 units per acre (CH/8). The remainder of the site is designated Utilities (UT). The site is no longer a primary location for landscaping waste for the Town of Palm Beach operations. Therefore, it is no longer appropriate for the site's UT designation to remain as it is no longer in use for this purpose. Additionally, the Applicant signed a lease with the Town of Palm Beach for use of their property for development signifying the Town of Palm Beach's desire to convert the property for purposes of revenue generation.

- *Whether the adopted FLU designation was assigned an error.*

Response: The adopted FLU designation for the site was adopted with the intention of allowing the Town of Palm Beach a site for the disposal of landscaping waste which is easily accessible to the Town's facilities operations while also being relatively removed and separated from the most intense development in the unincorporated County. Since this time, the area surrounding the site has become a major site for high density and high intensity development which is not compatible with the site's historic operation as a landfill for landscaping waste. While the site's existing Utilities and Transportation FLU designation was not assigned as an error, it is clearly no longer an appropriate use and designation for a site used

for landscape debris disposal and a clubhouse.

G.2 – Residential Density Increases: Per Future Land Use Element Policy 2.4-b, a written analysis of the following criteria is provided below:

- *Demonstrate a need for the amendment.*
Response: The proposed amendment is needed to allow for the infill of the subject property to its highest and best use. The subject property is one of very few undeveloped properties located east of the Turnpike along Okeechobee Boulevard. The site's current Utilities and Transportation FLU designation is no longer appropriate for the site. Recently, there has been an increase in demand for multifamily housing in the South Florida region, particularly in areas of relatively urban character close to jobs and amenities. The subject property meets these geographic demands quite well and has the added benefit of being a previously undeveloped and currently underused. Furthermore, the proposed HR-12 FLU designation is consistent with surrounding land uses as they currently consist mainly of medium to high density housing with a considerable amount of aging multifamily housing stock.

- *Demonstrate that the current FLUA designation is inappropriate.*
Response: The current FLUA designation of Utilities and Transportation is inappropriate for the site. The subject property is one of the few remaining undeveloped parcels in the urban core of the County located between the Turnpike and I-95 on Okeechobee Boulevard, the County's central urban corridor. Now that the surrounding area has been entirely built out, the site is now ideal for infill development. The Utilities and Transportation FLU designation is intended to allow for the operations of public utilities and transportation maintenance, storage, and support facilities, however, the site has never been utilized for this purpose. The majority of the site area is vacant land which has no inherent use. A small building on the south end of the property is used as a clubhouse for the Fraternal Order of Police, which therefore leaves it unused most of the time. Finally, a section on the western half of the site is partitioned off for a landscaping waste landfill for the Town of Palm Beach which is no longer being used and is therefore unutilized space. Overall, the site is almost never actively used and is therefore under-utilized for utilities and transportation purposes.

- *Provide a written explanation of why the Transfer of Development Rights, Workforce Housing, and Affordable Housing Programs cannot be utilized to increase density on the site.*
Response: The subject development will be utilizing density bonuses associated with the Transfer of Development Rights and the Workforce Housing Programs in addition to the requested density associated with the proposed HR-12 FLU designation. To make the

subject development financially viable and to meet current and future demand for conveniently located multifamily housing, the Applicant is requesting 302 units be assigned via the Workforce Housing Density Bonus Program and 84 units be purchased from the Transfer of Development Rights Program. These 384 units will be applied in addition to the 335 units allowed by the HR-12 FLU designation (27.95 acres x 12 = 335.4 or 335) resulting in a total of 721 units for the site. The maximum density allowed by the HR-12 FLU designation is not sufficient for the site to be economically viable. Therefore, since there are no higher density FLU designations to choose from, it is necessary the Applicant request the maximum density in addition to density bonuses through the Workforce Housing Density Bonus and Transfer of Development Rights programs which also include the provision of workforce units.

G.3 – Compatibility with Surrounding and Adjacent Uses: The subject property which is proposed to have an HR-12 for the southern portion of the site with the northern 3.5 acres proposed to have a CH/12 FLU designation. The surrounding uses along the Okeechobee Boulevard corridor in the immediate vicinity of the site all fall under Commercial High use classifications. These adjacent commercial properties are developed with relatively high intensity commercial and office uses. Furthermore, the uses adjacent to the site south of Okeechobee Boulevard are high density and medium density residential uses. To the east of the site are multifamily residential subdivisions with HR-12 and HR-8 FLU designations. To the south and west of the site are subdivisions with Medium Density Residential FLU designations. These adjacent properties consist of multifamily condo and rental residential developments. Therefore, it is reasonable that the proposed FLU designation of HR-12 and CH/12 on the northern 3.5 acres of the site is compatible with the surrounding and adjacent uses.

G.4 - Consistency with Policies in the Comprehensive Plan: The proposed FLUA amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan as follows:

- **Future Land Use Element (FLUE) Policy 2.1-f:** The following will detail how the impact of the proposed FLUA on the items listed:
 - The natural environment, including topography, soils and other natural resources;
 - **Applicant’s Description:** Please see Attachment L for the Natural Feature Inventory & Map.
 - The availability of facilities and services;
 - **Applicant’s Description:** As part of the previous development the availability of facilities and services had to be confirmed. Below is more detailed information on each of those facilities and services:

- *Traffic:* Please see Attachment H for the FLUA Amendment Traffic Analysis.
- *Mass Transit:* The nearest Palm Tran bus routes are Route 43 and Route 4 and the closest Tri-Rail connection is the West Palm Beach Tri-Rail Station.
- *Potable Water and Wastewater:* Please see level of service letter from the Palm Beach County Water Utilities Department in Attachment I that confirms that the proposed FLUA can be accommodated by existing facilities and services.
- *Drainage:* Legal positive outfall is available to the site via discharge to the Okeechobee Boulevard drainage system along the north side of the property. The proposed project will meet all applicable rules and regulations for that outfall. Please refer to the Drainage Statement prepared by Reikenis and Associates being included as Attachment J with this application for more details.
- *Fire Rescue:* The nearest PBC Fire Rescue station is West Palm Beach Fire Rescue Station #23 located at 5477 Okeechobee Boulevard that is approximately 135 feet from the subject property.
- The adjacent and surrounding development;
 - **Applicant’s Description:** To the north (across Okeechobee Boulevard with a 140’ ultimate right-of-way width) are three developed properties with Commercial High FLU designations; to the south, directly abutting the property are seven single family homes with Medium Density Residential, 5 units per acre FLU designations; directly abutting the site to the east are developed properties which contain a heavy vehicle sales and service facility with a Commercial High FLU designation, a multifamily residential condo development with a High Density Residential FLU designation, and two single family residences with High Density Residential FLU designations; to the west of the site (separated by a 100 foot wide Lake Worth Drainage District Canal) is a car dealership with a Commercial High FLU designation and eight residential properties, some of which are single family, others of which are multifamily, with a Medium Density Residential FLU designation. Below are the existing FLUA designations for the surrounding properties:
 - North: Commercial High with underlying High Density Residential, 8 units per acre.
 - South: Medium Density Residential, 5 units per

acre

- East: Commercial High with underlying High Density Residential, 8 units per acre; High Density Residential, 12 units per acre; High Density Residential, 8 units per acre.
- West: Commercial High with underlying High Density Residential, 8 units per acre; Commercial High with cross hatching and underlying Medium Density Residential, 5 units per acre; Medium Density Residential, 5 units per acre.

Of the properties listed above the subject property directly abuts the properties to the east, south, and west, with the properties to the north being separated by the Okeechobee Boulevard right-of-way. Proper assurances will be made to ensure that the proposed development does not have a negative impact on the surrounding uses or any native species on the site.

The subject property is separated from all three other properties by public rights-of-way that range in width from 60' to 240'. Any incompatibilities among the properties will be addressed through landscaping, traffic circulation, and limits on hours of operation and lighting.

- The future land use balance;
Applicant's Description: The subject property is entirely surrounded by similar land uses. The site's current Utilities (UT) designation over the majority of the site area is no longer reasonable for the site. The proposed High Density Residential, 12 units per acre FLU designation over the majority of the site is consistent with the land uses in the immediate area of the site. Furthermore, the site is located east of Florida's Turnpike where the majority of medium and high density residential land uses are located in unincorporated Palm Beach County. As development west of the Turnpike has continued, demand for infill development and redevelopment east of the Turnpike has increased substantially.
- The prevention of urban sprawl as defined by 163.3164(52) in the Florida Statutes (F.S.);
 - **Applicant's Description:** The request is not in conflict with Florida Statutes Section 163.3177.(6).(a).9.b in that:

- The site was previously cleared and currently contains an existing landfill use for landscaping waste on the site. The site will be converted and remediated for residential uses and, therefore would not have an impact on natural resources or ecosystems;
 - The site is easily serviced by existing infrastructure, more specifically, Okeechobee Boulevard is a major urban arterial roadway which has the ability to handle additional traffic generated by the proposed use, water and wastewater capacity exists for the site, and legal positive outfall can be achieved;
 - Does not remove land intended for agricultural uses; and
 - Creates a balance of uses in the area as the applicant is proposing residential and commercial use designations similar to what exists in the immediate area surrounding the site.
- Community Plans and/or Planning Area Special Studies recognized by the Board of County Commissioners; and
 - **Applicant’s Description:** The subject property is not located within the boundaries of a community plan or planning area special study.
- **FLUE Policy 2.2.1-b:** This policy states that “Areas designated for Residential use shall be protected from encroachment of incompatible future land uses and regulations shall be maintain to protect residential areas from adverse impacts of adjacent land uses. Non-residential future land uses shall be permitted only when compatible with residential areas, and when the use furthers the Goals, Objectives, and Policies of the Plan.” The proposed FLU designation will remove the site’s existing Utilities designation. The site is located directly adjacent to other residential uses. The subject site is currently used as a landscaping waste landfill site for the Town of Palm Beach, this is not as ideal of a use adjacent to residential uses as the proposed High Density Residential designation.
 - **Policy 2.2.1-o:** This policy outlines specific uses which are discouraged from locating in areas of predominant residential use. Specifically, some of the relevant uses discouraged from locating in predominantly residential use areas are Public Facilities, Utilities and Transportation uses serving regional needs, and solid waste disposal sites. The subject property falls under these three uses in some aspect as it is currently used by the Town of Palm Beach for the disposal of landscaping waste. Therefore, the proposed FLU

designation amendment to replace the site's Utilities use with High Density Residential will rectify this and make the site consistent with this policy.

In conclusion it is the agent's contention that the requested FLUA Amendment from UT and CH/8 to HR-12 and CH/12 is justified, consistent with the Plan and State of Florida laws and is compatible with surrounding uses.



**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**

Mack Bernard, Mayor
Dave Kerner, Vice Mayor
Hal R. Valeche
Gregg K. Weiss
Robert S. Weinroth
Mary Lou Berger
Melissa McKinlay

County Administrator

Verdenia C. Baker

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November 19, 2019

Reikenis & Associates, LLC
13081 SE Green Turtle Way
Tequesta, Fl 33469

Attn: Ms. Glaesner

RE: Fount MUPD

PCN 00-42-43-26-05-004-0000, 00-42-43-26-00-000-1300 & 00-42-
43-26-00-000-1340
Service Availability Letter

Dear Ms. Glaesner,

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

The nearest potable water mains are a 12" watermain located within Okeechobee Blvd road right of way adjacent to the subject property, an 8" watermain located within Elmhurst Road 250' from the subject property and 6" watermain located within Norma Elaine Road. Looping of the watermains will be required. The nearest sanitary sewer is a 4" forcemain located approximately 1200' east of the subject property on Okeechobee Blvd.

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

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

Sincerely,

Jackie Michels, P.E.
Plan Review Manager



REIKENIS & ASSOCIATES, LLC

CONSULTING ENGINEERS

801 South Olive Avenue,
Sec. 105 West Palm
Beach, FL 33401
(561) 818-5381 • www.reikenis.com

October 21, 2019

LAND USE PLAN AMMENDMENT
APPLICATION STATEMENT OF LEGAL
POSITIVE OUTFALL

Fount MUPD
Palm Beach County, Florida

SITE DATA

The subject parcel is located at the south side of Okeechobee Boulevard, just west of Haverhill Road in Palm Beach County and contains approximately 27.95 acres. The Property Control Numbers (PCNs) for the subject parcel include the following: 00-42-43-26-05-004-0000, 00-42-43-26-00-000-1300, 00-42-43-26-00-000-1340. The property is currently zoned as Multi-Family Residential High Density (RH). The property owner is requesting a change in the zoning to MUPD (Multiple Use Planned Development).

The 27.95 acre site currently has a future land use designation of 3.5 Acres as Commercial High and 24.45 Acres as Utilities and Transportation with an underlying Future land use designation of High Residential, 8 dwelling units per acre (HR-8) for 3.5 acres and the property owner wants to change the future land use designation to 3.5 Acres as Commercial High and 24.45 Acres as High Residential, 12 dwelling units per acre (HR-12) with an underlying Future Land Use Designation of High Residential, 12 dwelling units per acre (HR-12) for 3.5 acres.

STATEMENT OF LEGAL POSITIVE
OUTFALL

The site is located within the boundaries of the Lake Worth Drainage District and South Florida Water Management District C-51 Drainage Basin. Legal positive outfall for the project is available to the LWDD E-3 Canal located along the western boundary of the property. After the project design meets all storm water management requirements, outfall will be directly to the LWDD canal.



Richard V. Reikenis, PE
FL Reg No. 26978



REIKENIS & ASSOCIATES, LLC

CONSULTING ENGINEERS

801 South Olive Avenue, Sec. 105
West Palm Beach, FL 33401
(561) 818-5381 • www.reikenis.com

October 21, 2019

LAND USE PLAN AMMENDMENT APPLICATION

FLOOD ZONE

Fount MUPD
Palm Beach County, Florida

SITE DATA

The subject parcel is located at the south side of Okeechobee Boulevard, just west of Haverhill Road in Palm Beach County and contains approximately 27.95 acres. The Property Control Numbers (PCNs) for the subject parcel include the following: 00-42-43-26-05-004-0000, 00-42-43-26-00-000-1300, 00-42-43-26-00-000-1340. The property is currently zoned as Multi-Family Residential High Density (RH). The property owner is requesting a change in the zoning to MUPD (Multiple Use Planned Development).

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FLOOD ZONE

The majority of the above referenced project is located in Flood Zone X as shown on the FEMA Flood Rate Insurance Map. Minor portions of the property are designated in Flood Zone AE.



Richard V. Reikenis, PE
Registration No 26978



Fire Rescue

Chief Reginald K. Duren
405 Pike Road
West Palm Beach, FL 33411
(561) 616-7000
www.pbcgov.com



**Palm Beach County
Board of County
Commissioners**

Mack Bernard, Mayor
Dave Kerner, Vice Mayor
Hal R. Valeche
Gregg K. Weiss
Robert S. Weinroth
Mary Lou Berger
Melissa McKinlay

County Administrator

Verdenia C. Baker

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Official Electronic Letterhead

October 4, 2019

Schmidt Nichols
1551 N Flagler Drive
Suite 102
West Palm Beach, FL 33401

Re: Fount MUPD

Dear Josh Nichols:

Per your request for response time information to the subject property located on the south side of Okeechobee Blvd., just west of Haverhill Road in unincorporated Palm Beach County. This property is served currently by Palm Beach County Fire-Rescue station #23, which is located at 5477 Okeechobee Blvd. The subject property is approximately .50 miles from the station. The estimated response time to the subject property is 3 minutes 30 seconds. For fiscal year 2018, the average response time (call received to on scene) for this stations zone is 6:10.

Changing the land use of this property will have minimal impact on Fire Rescue.

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

Sincerely,

A handwritten signature in blue ink that reads "Cheryl Allan".

Cheryl Allan, Planner
Palm Beach County Fire-Rescue

Attachment L - Significant Habitats or Species Detail
Palm Beach County Future Land Use Atlas (FLUA) Amendment Submittal
Fount MUPD
Original Submittal: November 4, 2019

Significant habitats or species:

Below is an aerial photograph with the subject property highlighted in red. The subject property does not support any significant habitats or Listed Species.

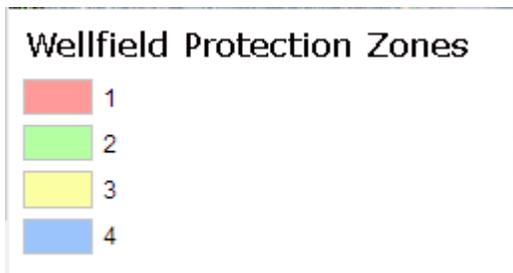
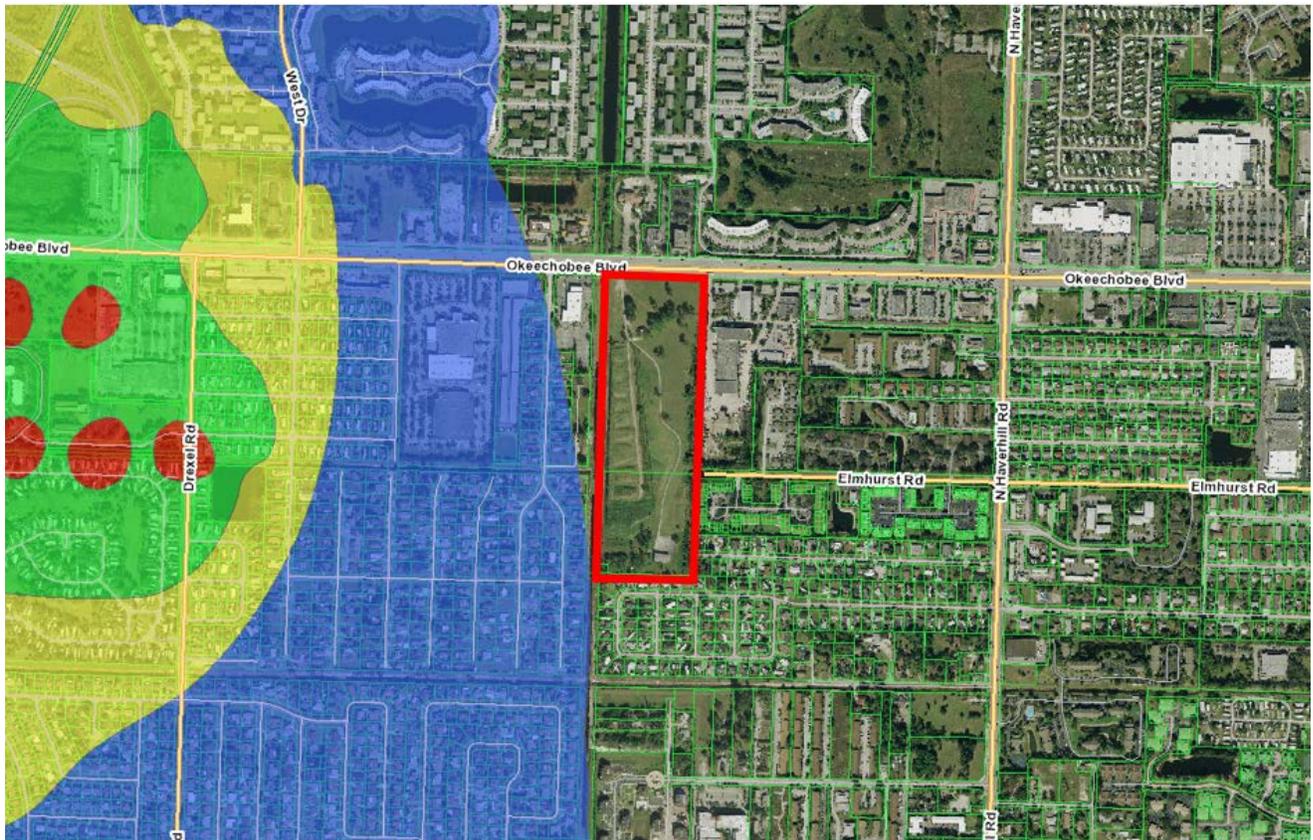
According to historic aerials, the subject property was drained and cleared of natural vegetation. The topography and soils remain relatively unchanged since the clearing of the site. Therefore, there will be minimal impact to the natural environment if the site is developed as intended.



**Attachment M - Wellfield Zone Map
Fount MUPD**

**Palm Beach County Future Land Use Atlas (FLUA) Amendment Submittal
Original Submittal: November 4, 2019**

The subject property does not lay within any wellfield protection zones. The proposed planned development will have no negative impacts on the wellfield zones.





REIKENIS & ASSOCIATES, LLC

CONSULTING ENGINEERS

801 South Olive Avenue, Ste. 105
West Palm Beach, FL 33401
(561) 818-5381 • www.reikenis.com

October 21, 2019

LAND USE PLAN AMMENDMENT APPLICATION

WELLFIELD PROTECTION ZONE STATEMENT

Fount MUPD
Palm Beach County, Florida

SITE DATA

The subject parcel is located at the south side of Okeechobee Boulevard, just west of Haverhill Road in Palm Beach County and contains approximately 27.95 acres. The Property Control Numbers (PCNs) for the subject parcel include the following: 00-42-43-26-05-004-0000, 00-42-43-26-00-000-1300, 00-42-43-26-00-000-1340. The property is currently zoned as Multi-Family Residential High Density (RH). The property owner is requesting a change in the zoning to MUPD (Multiple Use Planned Development).

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WELLFIELD PROTECTION ZONE STATEMENT

The subject parcel is not located within any Wellfield Protection Zones based on the "Wellfield Protection Zones in Palm Beach County's map of the Palm Beach Comprehensive Plan (Map LU 4.1) adopted June 12, 2015.



Richard V. Reikenis, PE
FL Reg No. 26978



**Department of Planning,
Zoning & Building**

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

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

**Palm Beach County
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County Administrator

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November 4, 2019

Jordan Sperling
Schmidt Nichols, Landscape Architecture & Urban Planning
1551 N. Flagler Dr., Suite 102
West Palm Beach, Florida 33401

RE: Historical and Archaeological Resource Review for the following project named Fount MUPD under PCN's: 00-42-43-26-05-004-0000, 00-42-43-26-00-000-1300 and 00-42-43-26-00-000-1340.

Dear Mr. Sperling:

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

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

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

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

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

Sincerely,

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

cc: Patricia Behn, Planning Director, PBC Planning Division
Bryan Davis, Principal Planner, PBC Planning Division



**THE SCHOOL DISTRICT OF
PALM BEACH COUNTY, FL**

**KRISTIN K. GARRISON, AICP
DIRECTOR**

**WANDA F. PAUL
CHIEF OPERATING OFFICER**

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

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

SCHOOL CAPACITY AVAILABILITY (SCAD) DETERMINATION

Application	Submittal Date	11/12/2019		
	SCAD Case No.	19111201F - FLUA		
	FLU /Rezoning/D.O. No.	Not Provided – Palm Beach County		
	PCN No. / Address	00-42-43-26-05-004-0000/5976 Okeechobee Blvd. & more		
	Development Name	Fount MUPD		
	Owner / Agent Name	Town of Palm Beach / Josh Nichols		
	SAC No.	137A		
	Proposed Amendment	Maximum 721 Residential Units		
Impact Review		Hope Centennial Elementary School	Bear Lakes Middle School	Palm Beach Lakes High School
	# of New Students Generated	113	62	89
	Capacity Available	157	514	183
	Utilization Percentage	84%	64%	93%
School District Staff's Recommendation	Based on the findings and evaluation of the proposed future land use atlas (FLUA) amendment, there will be no negative impact on the public school system. Therefore, School District has no comment on the proposed FLUA amendment to the subject property.			
Validation Period	<p>1) This determination is valid from 11/15/2019 to 11/14/2020 or the expiration date of the site-specific development order approved during the validation period.</p> <p>2) A copy of the approved D.O. must be submitted to the School District Planning Department prior to 11/14/2020 or this determination will expire automatically on 11/14/2020.</p>			
Notice	School age children may not necessarily be assigned to the public school closest to their residences. Students in Palm Beach County are assigned annually to schools under the authority of the School Board and by direction of the Superintendent, public school attendance zones are subject to change.			

School District Representative Signature

Joyce C. Cai, Senior Planner

Print Name & Title of School District Representative

November 15, 2019

Date

joyce.cai@palmbeachschools.org

Email Address

CC: Patricia Behn, Planning Director, Palm Beach County
Joyell Shaw, PIR Manager, School District of Palm Beach County