COMPREHENSIVE PLAN AMENDMENT STAFF REPORT
AMENDMENT ROUND 17-A

DEO TRANSMITTAL, OCTOBER 26, 2016

A. Application Summary

I. General Data

<table>
<thead>
<tr>
<th>Project Name:</th>
<th>Johns Glades West MLU (LGA 2017-003)</th>
</tr>
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<tbody>
<tr>
<td>FLUA Summary:</td>
<td>LR-3 to MLU (CH, HR-8) (with conditions)</td>
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<td>Text Summary:</td>
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<td>Acres:</td>
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<td>Project Manager:</td>
<td>Bryce Van Horn, Senior Planner</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Glades 95th, LLC</td>
</tr>
<tr>
<td>Owner:</td>
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</tr>
<tr>
<td>Agent:</td>
<td>Wantman Group, Inc. (WGI)</td>
</tr>
<tr>
<td>Staff Recommendation:</td>
<td>Staff recommends approval with conditions based upon the findings and conclusions contained within this report</td>
</tr>
</tbody>
</table>

II. Assessment & Conclusion

The applicant has requested this future land use and text amendment to allow an infill mixed use project on one of the few remaining large tracts of vacant land in West Boca. The applicant has proposed a type of ‘entertainment’ and housing destination that would contribute to balancing land uses in this suburban area. The proposed Multiple Land Use (MLU) amendment with conditions of approval and Conceptual Plan demonstrates that the land uses will be functionally integrated, provide for a variety of housing in the area, be compatible with the surrounding land uses and meet all policy requirements of the Comprehensive Plan with the exception of the long range traffic requirements of Policy 3.5-d. The applicant proposes a text amendment to exempt the subject site from Policy 3.5-d stating that the additional commercial potential is necessary to achieve the dynamic for this mixed use design. To offset any potential negative impacts, the MLU designation allows the County to impose mitigation measures. Therefore, the Planning Division has proposed conditions of approval as follows: to limit the majority of the potential traffic impacts to off peak hours, to provide additional workforce housing, to ensure that a mix of uses is established, and to require that the rezoning and amendment public hearings are held concurrently.
III. Hearing History

Local Planning Agency: Approval, motion by Thomas Dennis, seconded by Judy Daversa, passed in a 7-0 vote at the October 21st public hearing. There was minimal board discussion. Three members of the public spoke in support citing enhancement of high end dining, entertainment, and retail opportunities and reducing travel time to reach those opportunities. An attorney for the adjacent commercial property to west spoke in opposition and requested a postponement citing that they did not receive adequate notification.

Board of County Commissioners Transmittal Public Hearing: Transmit, motion by Comm. Abrams, seconded by Comm. Taylor passed in a 5-0 vote (with Comm. Valeche and Comm. Vana absent) at the October 26th public hearing. The Board discussed the Policy 3.5-d traffic exemption and enforcement of the off peak hours maximum trips condition, the support from West Boca Community Council, the existing commercial uses in the area compared to the proposed project, and the potential for housing for persons with disabilities. Twelve members of the public spoke, consisting of eight in opposition and four in support. Three of the speakers in opposition were representatives of the adjacent Westwinds of Boca shopping center. Two letters were submitted as additional back up at the hearing and added to Exhibit 11 subsequent to the hearing.

State Review Comments:

Board of County Commissioners Adoption Public Hearing:

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B. Petition Summary

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II. Site Data

Current Future Land Use

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<thead>
<tr>
<th>Current FLU:</th>
<th>Low Residential, 3 units per acre (LR-3)</th>
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<tr>
<td>Existing Land Use:</td>
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<td>Current Zoning:</td>
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<td>Current Dev. Potential Max:</td>
<td>Residential, up to 114 dwelling units</td>
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Proposed Future Land Use Change

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<th>Multiple Land Use, with Commercial High and High Residential, 8 units per acre (MLU, with CH, HR-8)</th>
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<tr>
<td>Proposed Use:</td>
<td>Commercial and Residential</td>
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<tr>
<td>Proposed Zoning:</td>
<td>Mixed Use Planned Development (MXPD)</td>
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<tr>
<td>Dev. Potential Max/Conditioned:</td>
<td>Commercial (167,756 square feet) and Residential (304 dwelling units)</td>
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</tbody>
</table>

General Area Information for Site

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<tr>
<th>Tier:</th>
<th>Urban/Suburban Tier</th>
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<tr>
<td>Utility Service:</td>
<td>Palm Beach County Water Utilities Department</td>
</tr>
<tr>
<td>Overlay/Study:</td>
<td>None</td>
</tr>
<tr>
<td>Comm. District:</td>
<td>Mary Lou Berger, District 5</td>
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</tbody>
</table>
C. Introduction

I. Intent of the Amendment

The applicant is proposing a future land use and text amendment. The proposed future land use amendment is a request for a change from the Low Residential, 3 units per acre (LR-3) future land use designation to Multiple Land Use, with Commercial High and High Residential, 8 units per acre (MLU with CH and HR-8). The MLU future land use designation allows for development of a project with a mix of land uses with a minimum of two different future land use designations, one of which must be residential. The MLU affixes the development potential on the site to density and intensity ranges approved by condition of approval according to a Conceptual Plan. The request is for up to 167,756 square feet and 304 dwelling units. At this intensity and density, the proposed FLUA amendment fails to meet the traffic requirements of Policy 3.5-d of the Future Land Use Element. Therefore, the application includes a proposed text amendment to revise the Future Land Use Element to exempt the subject site from traffic requirements of Policy 3.5-d. The proposed text amendment is shown with added text in underline in Exhibit 2.

The applicant has submitted a zoning application to rezone the site from the current Agricultural Residential (AR) to Mixed Use Planned Development (MXPD) with a request for a 50% Workforce Housing Program (WHP) bonus density to further increase the density with an additional 152 units, from 304 dwelling units to 456.

II. Background/History

The subject site is located in the southern part of the County in the Urban/Suburban Tier, at the southwest corner of Glades Road and 95th Ave South. The 37.99 acre site has been farmed with row crops for more than 20 years. The subject site was designated with the LR-3 FLU with the adoption of the 1989 Comprehensive Plan and has not been the subject of any previous FLUA amendment. A zoning application was submitted in 2004 to rezone the site from AR to Planned Unit Development (PUD) for a zero lot line residential development for 113 units based on the 3 units per acre density and 48 Transfer of Development Rights (TDR) units for a total of 161 units. The application was withdrawn and no development orders have been approved.

Overview of the Area

The site is located in West Boca in an area that is largely built out with suburban commercial and residential development. The exception is 334 acres of land being farmed north of Glades Road, and approximately 2 1/2 acres of land to the south designated for private civic use. A full range of suburban community and regional scaled commercial shopping centers exist in the area, which include mix of big box and smaller retail stores, restaurants, a theatre, gyms, a funeral home, veterinary office, medical offices, banks, and gas stations. Several institutional uses exist in this area, including a church, a day care facility, a County library, and other medical and professional offices. There are also regional institutional and park uses that service the region such as the West Boca Medical Center Hospital south on SR-7, and the Burt Aaronson South County regional park to the west of SR-7. The built residential surrounding the site is comprised of both single family and multifamily housing. Palm Tran also services the area via a route along Glades Road and 95th Avenue South.
D. **Consistency and Compatibility**

I. **Data and Analysis Summary**

This section of the report 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 includes a Justification Statement (Exhibit 4) which proposes the amendment is justified on the basis of changed assumptions that have occurred since the adoption of the County’s Comprehensive Plan and that have resulted in the current FLU designations and development limitations on the site being no longer appropriate and the MLU (with CH, HR-8) designation being the most appropriate designation. The applicant states that the existing LR-3 supports a low density development pattern that are no longer representative of the characteristics of the community, and do not promote balanced growth within the County. The applicant provides further justification to support the request and is summarized as follows:

- The area supports higher density and intensity and wider range of uses due to accessibility to major transportation networks, high visibility along Glades Road, and opportunities to promote a mix of uses which meet community needs. The site is located adjacent and in proximity to existing commercial, institutional and civic uses, health care facilities, and public transport.
- The amendment will provide a wider variety of housing choice and satisfy demand for specialty commercial uses.
- The development pattern and demands of the local area have changed. Significant residential growth in the western Boca Raton community has generated a demand for alternative forms of residential housing opportunities
and commercial uses in a consolidated location which were not envisioned when the current FLU was established.

- The site is surrounded by established urban/suburban development.
- The proposed development will be of a density which will promote infill development, prevent urban sprawl and make efficient use of existing services and utilities.
- The existing LR-3 does not promote efficient use of available infill land.

**Staff Analysis:** This policy is the umbrella policy over the entire FLUA amendment analysis and many of the items are addressed elsewhere in this report as identified above. With regards to Justification, the applicant states that the current future land use designation of Low Residential 3 is not appropriate on this site considering that the density is lower than the surrounding densities and intensities. The applicant proposes that the MLU designation with CH and HR-8 is a more appropriate designation for this infill site and will contribute to meeting the residential and commercial characteristics and demands in the area, offering a more efficient, mixed use project that will complement the area. This site is unique along this corridor as the farming operations have continued on this site as the area surrounding it has developed. The site is now surrounded all sides by built non residential or residential development, much of it at higher density and intensity than the LR-3 FLU on the subject site. According to the definition in the Introduction and Administration Element of the Comprehensive Plan, this site would be considered infill based on the surrounding densities of at least three units per acre and average non-residential intensities of at least 0.20 floor area ratio (FAR). Staff concurs that a density and intensity increase for the purpose of an integrated mixed use project is appropriate for this location, and that the existing future land use designation is no longer appropriate considering the nature of the surrounding land use pattern. Therefore, the applicant has met the adequate justification requirements to support the amendment.

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 3. Infill, Redevelopment and Revitalization. Address the needs of developed urban areas that lack basic services, and encourage revitalization, redevelopment, and infill development in urban areas to increase efficient use of land and existing public facilities and services.

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.

Direction 7. Housing Opportunity. Ensure that housing opportunities are compatible with the County's economic opportunities by providing an adequate distribution of very-low and low-income housing, Countywide, through the Workforce Housing Program.

Staff Analysis: The proposed amendment is consistent with the character and development pattern of the surrounding communities, which can be characterized as a built development pattern with higher density and higher intensity. The applicant seeks a similar commercial designation of CH, as the adjacent commercial to the west. Overall, the proposed FLU promotes and furthers many of the County Directions, including Direction 4 Land Use Compatibility, given the surrounding FLU's and built environment, and Direction 7 Housing Opportunity, as additional opportunities for Workforce Housing would be provided at a higher density than the existing LR-3. With respect to land use compatibility, which is also addressed elsewhere, the proposed MLU with CH and HR-8 FLU's (as conditioned) is not in conflict with the surrounding land uses. The proposed Conceptual Master Plan will provide for a more predictable development plan on the subject site ensuring that future development will respect the characteristics of this geographical area and ensure that densities and intensities are not in conflict with surrounding areas.

Promoting the enhancement, creation, and maintenance of livable communities is part of Direction 1., Livable Community. A Livable Community, as stated in the Future Land Use Element of the Comprehensive Plan under 1.D. Characteristics of a Livable Community, comprises certain primary characteristics which either the existing surrounding community exhibits or the proposed FLU on the subject site will enhance create and maintain. Characteristics as stated under this section include the following: Employment opportunities; Civic uses, such as schools, places of worship, and libraries, parks, and government services; health facilities, adult and child care; higher density residential near commercial centers, transit lines, and parks; and compact, diverse mix of housing for a wide range of family and household types.

Under Direction 2. Growth Management, a key component and required method for most density increases is the TDR bonus density program. Through the concurrent zoning application, the applicant is only proposing to utilize the Workforce Housing density program and is not proposing to utilize the TDR program to attain the additional density above the existing LR-3. Although a density of up to approximately 10 dwelling units per acre may be possible with a FLUA request of MR-5 and utilizing a combination of the maximum TDR bonus density allowed and a 50% WHP bonus density, the density of 12 units per acre (gross) proposed by the applicant in the zoning application is not possible without an HR-8 FLU. Utilization of the TDR program would require workforce housing units to be built on site and provide funds for to support conservation lands. However, proposed conditions that will require a minimum percentage of workforce housing with no buy out (in lieu payment) option and that workforce housing units will be
constructed on site will ensure that workforce housing opportunities will be provided in this specific area. Therefore, the proposed FLU amendment furthers this direction.

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:** Existing development surrounds the site. There are properties under the same or related ownership ¼ north of Glades Road. The properties have a FLU designation of LR-3, comprise approximately 334 acres, and are currently being farmed. However, 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. **Proposed Text Amendment:** The applicant is requesting an exemption to Policy 3.5-d for the subject site and has provided a Justification for this change in Exhibit 3. The applicant states that Policy 3.5-d would limit the commercial square footage to a maximum of 54,000 square feet, and this figure would not allow for the high-quality mix of specialty restaurant, retail and entertainment uses necessary to achieve the mixed use concept proposed for the site and to meet the needs of the surrounding west Boca Raton community. Since the application is requesting a maximum of 167,756 square feet of commercial square footage, the requested exemption to Policy 3.5-d would essentially allow an additional 113,756 square feet of commercial development on the site. The applicant’s Justification discusses the differences between the long range traffic models (SERPM 6.5 and SERPM 7.0), and that the required SERPM 6.5 restricts the traffic much more so than the newer SERPM 7.0 version. The applicant refers to Map 6 in Exhibit 3, which illustrates the surrounding segments that fail under the current SERPM 6.5 model, by how much they fail even without the proposed development, and what the percentage of impact the proposed development would have on the specific segments. The applicant cites several studies to support the concept of this site as an entertainment destination close to the surrounding population, and that it could serve to capture trips from area residents that may currently be driving long distances to similar destinations in the Ag Reserve, downtown Boca Raton, and Coconut Creek (Broward County).

**Staff Analysis:** Policy 3.5-d of the Future Land Use Element provides that the County shall not approve a change to the Future Land Use Atlas which 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 impacts. The concept is to not over burden roadways that are already anticipated to be over capacity in the future. The four roadway segments that are anticipated to be over capacity in 2040 that will be impacted by this amendment are discussed in the Public Facilities Traffic Analysis Section of this Report. Typically, an applicant for a proposed future land use amendment will place a maximum square footage or dwelling unit cap on a proposed future land use amendment in order to meet the Policy’s long range traffic requirements, which in this case would be 54,000 square feet of commercial uses with the 304 residential units. As summarized above,
the applicant has requested that Policy 3.5-d be revised to exempt the subject site since that figure would not result in the amount of commercial uses stated as necessary to achieve the requested mixed use entertainment center and that this is an infill site surrounded by residential and non-residential development often in the high intensity/high density range.

Policy 3.5-d is one of several policies in the Comprehensive Plan that help ensure the proper monitoring and functioning of local roads. Policy 3.5-d is a local policy not required by Chapter 163. Exempting an application from Policy 3.5-d does not exempt any of the area subject to the amendment from concurrency, nor create an inconsistency with state concurrency requirements. Concurrency is regulated by Transportation Element Policy 1.1-b of the Comprehensive Plan and is demonstrated at the rezoning/development order stage, not the plan amendment stage.

The Board of County Commissioners has granted an exemption from Policy 3.5-d for a limited number of specific areas and economic development projects on over-riding public policy grounds as summarized below:

- The Agricultural Enclave in order to accommodate the residential densities supported by the Agricultural Enclave legislation;
- The Economic Development Overlay (EDO) in order to foster economic development in an area near SR-7 and Southern Boulevard/SR-80;
- Inland Logistics Center (LGA 2010-024) in order for the site to proceed pursuant to the settlement agreement approved by the Board of County Commissioners in May 2010 to resolve the noncompliance finding for the 09-1 Okeelanta ILC amendment;
- The Indian Trails Grove (LGA 2016-017) since the concurrency studies, and commitments by other developments, indicated that many of the long-term deficiencies could be effectively addressed by providing more lane and intersection capacity than what was expected in the long range model.

The proposed amendment does not demonstrate the characteristics of any of the prior sites that were granted Policy 3.5-d exemptions. The proposed exemption is not driven by legislation, does not provide a significant economic development benefit, and does not have traffic impacts that would be offset by future roadway improvements. However, the subject site does have attributes that warrant consideration for a traffic exemption. The subject site represents some of the last remaining large tracts of undeveloped and uncommitted land within the Urban/Suburban Tier. As supported by the applicant’s justification in Exhibit 4, this site represents an opportunity to develop a more sustainable development pattern on an infill site that can act as a transitional use. The proposed MLU would provide for a mix of housing opportunities in the area with a mixed use entertainment destination that demonstrates internal trip capture with functionally integrated land uses and the potential to reduce overall vehicle miles traveled by area residents by providing non-residential uses that typically generate off-peak vehicular trips. Further, the site presents an opportunity to establish much needed workforce housing in this largely built out area of the County. Therefore, staff can support the exemption request provided that the following conditions of approval are included in the adopting ordinance:
- A traffic condition of approval that limits the development on the site to trip generation identified in the traffic study which will provide a limit to the overall development and specifically limit the peak hour trips;
- A condition requiring additional workforce housing units and that these units are built on site;
- A condition requiring that a significant number of dwelling units are built prior to the issuance of non-residential building permits to ensure that the mix of uses is established;
- A condition requiring that the adoption of this amendment is held concurrently with the zoning application in order to ensure that the project meets all design and short term traffic analysis requirements.

5. ULDC Implications: The privately proposed text amendment would add the subject site to the list of locations that are exempt from compliance with the Policy 3.5-d.

Staff Analysis: The proposed text amendments would not require ULDC amendments to implement the proposed Comprehensive Plan text amendment.

B. Consistency with Urban/Suburban Tier Requirements

SUB-OBJECTIVE 1.1.1 Climate Change

Palm Beach County shall adopt, implement, and encourage strategies which increase community resiliency and protect property, infrastructure, and cultural and natural resources from the impacts of climate change, including sea level rise, changes in rainfall patterns, and extreme weather events.

Policy 1.1.1-f: Palm Beach County shall consider the use of mitigation strategies to increase energy efficiency and conservation, and to reduce greenhouse gas emissions. These could include, but are not limited to, land use and transportation strategies such as encouraging compact residential development, providing incentives for mixed use and redevelopment that maximize internal trip capture, clustering residential densities along transit routes, improving access to transit, improving non-motorized movement, requiring interconnectivity among adjoining parcels, and providing incentives for green building methods.

Staff Analysis: The proposed amendment encourages existing strategies such as encouraging compact residential development and would utilize existing mixed use incentives. The MLU designation, with requirements for functional integration of residential and non residential land uses, will inherently promote internal trip capture within the site, and residential densities would be clustered along an existing transit route.

OBJECTIVE 1.2 Urban/Suburban Tier-Urban Service Area

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

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

Staff Analysis: The proposed amendment would introduce Commercial High intensity and high density residential FLU’s that are consistent with the character of the surrounding Urban/Suburban communities and will provide for additional housing and employment opportunities. Therefore the amendment is consistent with this Policy.

2. Policy 2.2.2-a: In order to discourage strip commercial development, to limit commercial development to nodes, to foster interconnectivity, and to promote the development of innovative mixed use projects inside the Urban Service Area, all new commercial future land use designations shall meet one of the following location requirements:

- Intersection Location:
  o Commercial Low, High Office, or High future land use designations shall have frontage on built roadway segments identified as an arterial road and a collector road, or two arterial roads.
- Contiguous Location – All new commercial future land use designations shall be contiguous to a lot(s) with a commercial future land use designation. Contiguous is defined as lot(s) that share a common border. Lots that touch point-to-point, and lots which are separated by waterways, streets, or major easements are not considered contiguous.; or
- Flexible Location – Mixed-use development patterns identified in the Future Land Use Element (e.g. LCC, TMD, TND) or Commercial Low-Office future land use designations may be allowed in any location along all arterial or collector roads.

Roadway classifications are listed in Figure TE 3.1, Functional Classification of Roads.

Staff Analysis: Only one of the criteria above must be met. The proposed CH is contiguous to the commercial center (Westwinds of Boca) to the west with a CH FLU designation. Therefore, the site meets the "Contiguous Location" criteria above and is consistent with this policy.

3. Policy 2.2.2-b: All new Commercial High future land use designations shall be located on a roadway classified as an arterial on Figure TE 3.1 – Functional Classification of Roads.

Staff Analysis: The proposed Commercial High (CH) is proposed to be located on Glades Road, a roadway classified as an arterial on Map Figure TE 3.1 – Functional Classification of Roads map in the Comprehensive Plan.

4. Strip Commercial – FLUE Policy 2.2.2-d: The County shall not designate additional commercial areas on the Future Land Use Atlas that would result in or encourage the proliferation of strip commercial development.

Staff Analysis: The site is surrounded by built higher density residential and non residential uses. The site also front on a major arterial roadway. A project developed under the MLU designation inherently mitigates strip commercial development as the site is required to comply with the Conceptual Master Plan, which is intended to integrate land uses and would serve to mitigate strip commercial characteristics. The proposed amendment would therefore not exhibit any of the
characteristics of strip commercial development as defined in the Introduction and Administration Element of the Comprehensive Plan, and would not result in or encourage the proliferation of strip commercial development as the site is surrounded by an existing built development environment. Therefore, this amendment is consistent with this policy.

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.

The applicant states that the density increase through the TDR and WH programs are inappropriate with the current LR-3 FLU, and that an HR-8 FLU with an allowable 50% WH bonus density is the most appropriate residential category as follows:

- A maximum density of 3.9 units per acre utilizing a maximum allowed 30% WHP bonus density for LR-3 properties, and a maximum 3 TDR’s per acre for 5.9 units per acre results in the subject property being highly underutilized and the existing land use of LR-3 restricting the subject property well under the market value considering the surrounding uses.

- The HR-8 FLU and utilization of the WHP bonus density of 50% is the appropriate way to provide increased housing opportunities due to the site’s location in a highly developed area surrounded by high intensity commercial and residential uses.

**Amendment/TDR/WFH Data:** The Unified Land Development Code (ULDC), Article 5.G.2, establishes the cost for a TDR as 10% of the median home sales price in Palm Beach County with the TDR workforce units at 5% of the median home sales price. Based on the 2016 median sales price, a TDR for a multi family/condo unit would be $15,500 and a multi family/condo TDR workforce unit available at cost of $775. It should be noted that the TDR units are discretionary and would require BCC approval. The table below is for informational purposes and is an example of the pricing structure for TDRs and the associated workforce housing units (35% of TDRs) based on 2016 median home sales prices.

<table>
<thead>
<tr>
<th>PBC Median Sales Price*</th>
<th>TDR Price (10%)</th>
<th>WHP Price (5%)</th>
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<tbody>
<tr>
<td>Multi Family/Condo: $155,000</td>
<td>$15,500</td>
<td>$775</td>
</tr>
</tbody>
</table>

* Data Source: Florida Realtors Association Median Sales Price, March 2016
This proposed amendment would increase the density on the subject site by 190 dwelling units; from 114 units at LR-3 to 304 units at HR-8. Using a combination of the TDR and WH programs, without the plan amendment, the site could achieve up to 5.9 dwelling units per acre (228 total units), which is 76 units less than the requested density and 228 units less than the requested density plus a 50% workforce housing bonus density.

**Applicant’s Justification:** The applicant states that the current LR-3 designation in combination with the TDR and WFH does not achieve a density that is appropriate for the subject site given the surrounding built development pattern and that the site is ideally located for more intense development. The applicant stresses that the HR-8 is appropriate for the site and that a justification and need is demonstrated to encourage greater concentrations of density to foster planning objectives such as sustainable development patterns and efficiency, and provide a greater variety of housing types and opportunities.

The applicant is actually seeking 12 units per acre on the subject site with the Zoning application in order to achieve the product type being sought for this mixed use project. Rather than requesting a High Residential, 12 units per acre, future land use designation, the applicant is pursuing the Workforce Housing Program in combination with the requested High Residential 8 units per acre future land use designation to achieve the 12 units per acre. Based upon the applicant’s Workforce Housing Pre-application, the Planning Division has determined that this project is eligible for a 50% workforce housing density bonus which is equivalent to up to 12 dwelling units per acre for HR-8. The proposal is for 456 total units, a 50% bonus density, of which a minimum 75 units would be required by the Code as workforce housing units. The full 152 bonus density units (50% bonus density) would not be available unless the applicant chose the Full Incentive Development Option currently in the Code. The would likely need to utilize some combination of the TDR and WHP bonus density programs to achieve the 12 unit per acre density proposed in the Zoning application.

**Staff Analysis:** Staff concurs that the subject site is appropriate for an increase in density. The densities and intensities of the surrounding area in combination with providing a mixed use form of development, which is encouraged by policies in the Comprehensive Plan, warrants a higher density HR-8 FLU. However, staff evaluated the Medium Residential, 5 units per acre (MR-5) in order to determine whether the requested 12 units per acre could be achieved through maximizing TDR’s and WHP bonus density with a maximum 50% WHP bonus density. The maximum density on the subject site if it were granted MR-5 would be a total of 397 dwelling units using both TDR and Full Incentive Develop Option for WHP bonus density. The base density (37.9 acres x 5 du/acre) would be 189 units, with an additional 114 TDR units (3 units per acre) available for purchase through the TDR Program. The WHP 50% bonus density would provide an additional 94 units, for a grand total of 397 dwelling units (or 10.4 units per acre). Therefore, the applicant could not achieve the requested 12 units per acre utilizing the TDR & WHP based upon a lower residential category MR-5 future land use designation.

In balancing the objectives of encouraging mixed use projects with densities that promote sustainable development patterns and a balance of land uses, and the requirement to utilize the County’s TDR program as the required method for increasing density, staff’s conclusion is that the TDR program does not provide a suitable method for achieving appropriate density and the applicant has therefore fulfilled the justification.
requirements for an HR-8 FLU, with an MLU request, without having to utilize the TDR program as the required method for increasing density on this specific site. Further, with the associated conditions of approval committing the applicant to providing Workforce Housing, the proposed amendment meets Criterion 2 of Policy 2.4-b and is, therefore, consistent with this policy.

6. **4.4.2 Multiple Land Use**

**Policy 4.4.2-a:** The Multiple Land Use (MLU) future land use designation may be applied for through the Future Land Use Atlas amendment process. The MLU is project specific and is limited to projects that demonstrate a functional integration and mix of land uses which exceeds minimum zoning code requirements.

**Policy 4.4.2-b:** The following minimum standards shall apply to proposed MLU designations during the amendment review process and will be affixed to the approved MLU project in the adopting ordinance:

1. **Underlying Land Use Designations:** The MLU is an umbrella category which requires a minimum of two different future land use designations at least one of which shall be residential. The project shall have minimum and maximum intensities/densities for each land use. The following criteria shall apply towards the land use designations:

   a) **Residential Density:** The maximum number of units for the parcel shall be calculated by multiplying the total acreage of the parcel by the density permitted through the residential designation. Additional density may be allowed, through the Transfer of Development Rights program, the Workforce Housing Program, or the Affordable Housing Program following an approval of an MLU project.

   b) **Non-residential Intensity:** The maximum intensity for each proposed non-residential use shall be calculated by assigning all non-residential uses a percentage of the total site area, not to exceed 100% for vertically integrated projects; 50% for non-vertically integrated projects. The maximum intensity for each of the projects non-residential land use designations may be reduced by the County, during the review process considering the extent of integration of uses within the project.

2. **Conceptual Master Plan:** The project shall include a conceptual master plan, which depicts (in a generalized or conceptual map format) the location of the various land uses, specifically including the location of open spaces and linkages which functionally integrate the different land use categories. The conceptual master plan shall comply with the following criteria:

   a) **Land Use Integration:** The project must demonstrate functional integration between the project’s land uses in the master plan. To facilitate integration, the placement of an interconnected system of streets within both the residential and non-residential components is required.

   b) **Open Space:** At a minimum, 10% of the property must be committed to usable open space (as defined by the Introduction and Administration Element). Open space must functionally integrate the project’s land uses
and may be applied to the recreation and/or parks requirements or other required civic dedication of land during the development review/re-zoning process, excluding right of way dedication. Water retention, lakes, drainage, and canals shall not be considered usable open space.

c) Pedestrian Oriented/Non-vehicular Pathways: The master plan must include a pedestrian/non-vehicular circulation system that integrates the project's land uses and open spaces. All rights-of-way or parking access drives must have shaded pedestrian pathways.

d) Mass Transit: The project and master plan must provide for mass transit and/or public transportation facilities.

3. Exceeding Code Requirements: The project must demonstrate that it exceeds minimum requirements in the ULDC and may concurrently submit an application for the Zoning review process for the entire site. In the event of a conflict between the project’s development standards or design guidelines and the existing ULDC requirements, the more restrictive requirement shall prevail.

4. Design Guidelines: To ensure that the project exceeds minimum Code requirements, the project may include design guidelines to identify built form and site design requirements, which may include:

   a) Vehicular and pedestrian circulation system, lighting, signage, recreation/open space/public amenities, buffering, landscaping requirements;
   b) Conceptual landscape plans and streets cross-sections; and
   c) Architectural features and use limitations may also be included.

5. Minimum Acreage: The minimum acreage for an MLU project is 10 acres.

6. Unity of Control: The non-residential portions of an MLU project shall be required to be the subject of a Unity of Control at the time of rezoning to ensure a consistent and cohesive project.

Staff Analysis: Based on the MLU policies above, "The MLU is project specific and is limited to projects that demonstrate a functional integration and mix of land uses which exceeds minimum zoning code requirements". The applicant has also submitted a zoning application for the "project". Although not required, the policies provide that a project, through a concurrent rezoning, "may" be submitted and that design guidelines "may" be submitted also. Either one or both serve to further ensure compliance with the MLU policies. The concurrent zoning application is still under review by the Zoning Division and is being reviewed as a rezoning from the AR Zoning District to the Mixed Use Planned Development (MXPD). The applicant’s intent is to continue forward with the zoning application to demonstrate that the future project will insure, in a predictable manner that it will comply with the MLU requirements above.

The Conceptual Master Plan provides adequate information to demonstrate the location of the various land uses and linkages between them that allow for vehicular and pedestrian interconnections and functional integration of land uses. All rights-of-way or parking access drives will be required to have shaded pedestrian pathways through the zoning review and the project will be required to provide for potential future mass transit...
and/or public transportation facilities as required per the MLU Policies. Palm Tran provides bus service via Route 91 along the frontage roadways of the site, Glades Road and down 95th Avenue South. A minimum of approximately 3.79 acres of useable open space, 10% of the overall 37.99 acres, will be required. This useable open space will be required to functionally integrate the land uses through pedestrian connections. The detailed depiction of the location of specific useable open space elements would be required with the review of the zoning application with the site plan and specific program of development. As the Zoning application will be required by condition of approval to be heard concurrently with the proposed amendment, the Conceptual Master Plan may be revised to align with the Zoning application and to ensure that any unanticipated conflicts can be resolved prior to adoption.

The main incentive that a project receives, if consistent with the above policies, is the ability to "double dip" with regard to density, meaning that an MLU project may calculate 100% of its allowable residential density based on the gross acreage of the entire MLU site (37.99 acres), and not solely the residential portion. This yields a greater number of allowed units. The applicant proposes horizontal integration, which limits the maximum potential for non-residential to 50%, or approximately 413,000 square feet. The concurrent zoning application proposes approximately 170,000 square feet, or a mix of uses that will generate the equivalent number of traffic trips (subject to the traffic condition of approval), which is within the maximum range allowed. As proposed, the amendment demonstrates compliance with these policies.

7. 4.4.2 Multiple Land Use, Policy 4.4.2-c: The County may impose mitigation measures on a proposed MLU during the amendment review process. Mitigation measures may include, but are not limited to, the following:

1. The requested intensity and/or density of the project may be altered.
2. The mix of land uses may be restricted to ensure that an efficient and appropriate land use balance is achieved within the project.
3. Conditions may be imposed to ensure that environmentally sensitive portions of the property are protected and/or to ensure preservation of existing native vegetation.
4. Timing criteria may be imposed on a proposed MLU designation when deemed essential to assure that necessary and appropriate land uses are developed in a timely manner and to assure reasonable and appropriate development opportunities for other property owners. Failure to comply with imposed timing criteria may result in the County’s initiation of a FLUA amendment to remove the MLU designation and replace it with the site’s original land use designation.

Staff Analysis: The applicant has provided a justification that demonstrates that the existing Low Residential, 3 units per acre, future land use designation is lower than the densities allowed by the surrounding land uses, and that a mixed use project through increasing the density and intensity on the site is appropriate considering it’s infill characteristics, and ability to act as a transitional use between the regional scaled commercial shopping center to the west and surrounding land uses is appropriate. However, the high density proposed by the applicant combined with the amount of proposed non-residential development would negatively impact long range and short range traffic (as discussed elsewhere in this report), thereby requiring a text amendment to exempt the subject site from Policy 3.5-d. Considering these impacts, and the ability
to impose mitigation measures on the MLU pursuant to Policy 4.4.2-c, the Planning Division is recommending additional conditions of approval for this amendment. The Division is recommending that a higher percentage than the minimum Code required of workforce housing units be provided, that all of the workforce housing units are built on site, and that timing requirements ensure that a portion of the housing and work force units are built prior to completion of a certain threshold of commercial development. These conditions of approval will ensure that the potential benefits of the subject site (a mixed use entertainment destination that may shorten and capture trips in the area, and including workforce housing) will be provided on site.

C. Compatibility

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

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

- **North** – Designated with MR-5. Immediately north of the subject site is the Glades Road right-of-way, 160 foot right of way constructed at 6 lanes and just north of Glades Road is the 53 acre West Boca Estates development comprised of two communities totaling 235 units; Boca Bay, a single family development on traditional lots, and Coral Lake, a multifamily luxury rental community. West Boca Estates is built at an average density of approximately 4.4 units per acre with the single family portion at just under 3 units per acre and the multifamily portion developed at 12.9 units per acre. A Daycare facility as well as the PBC Glades Road Branch Library is located in the civic portions of the development. These properties have a Zoning District of Planned Unit Development.

- **Northeast** - To the north-east are varying commercial uses (retail, office) with commercial FLU designations of CL, CL-O and CH. An 8 du/ac multifamily residential development with an HR-8 FLU is also located to the north east, known as Promenade at Boca Raton (aka The Charleston). This is a 23 acre development with 188 units and PUD Zoning.

- **Northwest** - To the north-west is the Shadowood Square Shopping Centre which comprises over 340,000 square feet of commercial uses with a CH FLU designation and Zoning District of CG (General Commercial with a Special Exception for a Planned Commercial Development).

- **East** – Designated with MR-5 FLU. Immediately to the east of the subject site is the 95th Avenue South right-of-way and just east of 95th Avenue S is Boca Ridge Glenn with Zoning District of RS (Single Family Residential) built at a density of 4.4 units per acre (2 story) with 87 units on 19.78 acres. While further to the east is higher density FLU designation of HR-12 (Boca Condos and Boca Ridge Park Condo) with 84 units on 9 acres and 77 units on 10.3 acres respectively. These are multi-family homes with RM Zoning built at a density ranging from 7.5 to 9.3 units per acre.

- **South** – Designated as LR-3 and MR-5 and CL/3 FLU. Immediately south is the Lake Worth Drainage District E-46 Canal and just southwest of that are multifamily / single family homes within Ponte Verde PUD (aka Gables Palma Vista Luxury Rental Homes
and Townhomes and Palm Vista Estates). This community has an MR-5 FLU and is
developed at an average density of 5 units per acre (101 Single family, 189 multi family
on 58 acres) with access to State Rd. 7. Also to the southwest is CL/3 designated land
with an electrical substation and medical office. Most of the area to the south and
southwest is designated with LR-3 FLU and comprised of The Rainberry PUD / Jewish
Federation of South Palm Beach County property, which includes a mix of civic,
institutional, and residential uses including the Katz Hillel Day School (130,000 s.f & 684
students) a Daycare (200 Children), Sinai Residences (4 story 538 bed Congregate
Living Facility), Nursing/Convalescent facility (60 beds), Adult Daycare (90 adults),
Assembly non-profit (80,000 s.f.) multi-family housing (125 units), Resource Center (97
student & 4 story) and other civic and institutional uses.

- **West** – Designated with CH FLU. To the west of the subject property is the Westwinds of
Boca Shopping Center which is approved for approximately 337,000 sf of commercial
uses. It has a Zoning District of CG (General Commercial with a Special Exception for a
Planned Commercial Development).

**FLUE Policy 2.1-f states that** "the County shall review and make a determination that the
proposed future land use is compatible with existing and planned development in the immediate
vicinity.” And **FLUE Policy 2.2.1-b** states that “Areas designated for Residential use shall be
protected from encroachment of incompatible future land uses and regulations shall be maintain
to protect residential areas from adverse impacts of adjacent land uses. Non-residential future
land uses shall be permitted only when compatible with residential areas, and when the use
further the Goals, Objectives, and Policies of the Plan.”

**Staff Analysis:** The applicant indicates that the surrounding development pattern
reflects higher density and intensities of development than the current LR-3 on the
subject site and that the proposed MLU with CH and HR-8 designations are compatible
with the intensities and densities of development in the adjacent and surrounding area.

Staff agrees that the proposed FLU is compatible with existing and planned development
in the immediate vicinity and that it does not represent an encroachment of incompatible
future land uses. Future land uses of MR-5 surrounding the site to the north across
Glades Road, to the east across 95th Ave. South, and to the southwest, south of the
Lake Worth Drainage District E-46 canal have developed over time in the 70’s, 80’s, and
90’s. These MR-5 designated and built areas coexist adjacent to higher intensity
residential and non residential properties designated as CH, CL, UT, and HR-12. The
properties directly to the south are designated as LR-3 however are built with a relatively
intense combined civic, institutional, and multifamily mix of uses that also coexist
adjacent to properties designated with higher density of MR-5, HR-8, and HR-12.
Therefore, given the surrounding FLU’s and existing development, the proposed FLU
designations of MLU with CH and HR-8 are compatible with the adjacent and
surrounding areas and furthers the Goals, Objectives, and Policies of the Plan.

C. **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.”
**Staff Analysis:** The proposed amendment is not located within an overlay. It is located within a Growth Management Tier (Urban/Suburban Tier) as identified on Map LU 1.1, Managed Growth Tier System, in the Map Series of the Comprehensive Plan.

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 property is not located within a Neighborhood Plan or Planning Area Special Study recognized by the Board of County Commissioners.

**D. Public Facilities and Services Impacts**

The proposed amendment would change the development potential of the site to allow for the maximum density and intensity identified in the Conceptual Master Plan and within the proposed conditions of approval to be adopted by ordinance. 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), Traffic (Engineering), Historic Resources (PBC Archeologist), Parks and Recreation, Health (PBC Dept. of Health), Community Services (Health & Human Services) and Fire Rescue, School District.

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):*………

The 3.5-d Traffic study prepared by the applicant provides an analysis of the traffic impacts of the proposed increase in density and intensity as required. This analysis identifies the trips that would be associated with the current future land use designation and the trips that would be generated by the proposed Future Land Use Atlas.
amendment, and calculates the trip increase. The analysis is performed at the increment of increase which is the difference between the two figures as shown below. Any trips associated with the TDR or WFH Programs are not part of this analysis as they are pursued through the zoning process and not the amendment process.

<table>
<thead>
<tr>
<th>FLU</th>
<th>Land Use</th>
<th>Net New External Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Daily</td>
</tr>
<tr>
<td>LR-3</td>
<td>Single Family 114 units</td>
<td>1,140</td>
</tr>
<tr>
<td>MLU (CH, HR-8)</td>
<td>• 304 multifamily units</td>
<td>11,164</td>
</tr>
<tr>
<td></td>
<td>• 79,000 s.f. commercial retail</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• 30,000 s.f. quality restaurant</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• 20,000 s.f. sit down restaurant</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• 10,500 s.f. fast food restaurant</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• 638 seat movie theater</td>
<td></td>
</tr>
<tr>
<td>Difference (MLU minus LR-3)</td>
<td>10,024</td>
<td>481</td>
</tr>
</tbody>
</table>

According to the County’s Traffic Division (see letter dated March September 6, 2016 in Exhibit 7), the traffic study indicates that the amendment would result in an increase of 10,024 net daily trips and 481 AM and 782 PM net peak hour trips. The Traffic letter concludes “Based on the review, the Traffic Division has determined that the proposed amendment does not Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan due to the failure of 2040 Long Range Test on some of the significantly impacted links, based on the proposed development intensity/density.” The letter provides the following links that fail the 2040 Long Range Test:

- Glades Road from Jog Road to Cain Boulevard
- SR-7 from SW 18th Street to Clint Moore Road
- SR-7 from Winners Circle to Atlantic Avenue
- Lyons Road from SW 18th Street to Glades Road

The Traffic Study 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](http://discover.pbcgov.org/pzb/planning/Pages/Active-Amendments.aspx)

**Staff Analysis:** Typically, an applicant for a proposed future land use amendment will place a maximum square footage or dwelling unit cap on a proposed future land use amendment in order to meet the Policy’s long range traffic requirements. The applicant is seeking this land use change in order to develop an entertainment destination with a mix of shops, restaurants, theater, and high density residential, and states that Policy 3.5-d would restrict the development on the site to a figure that would not allow the mixed use dynamic that is being sought. Therefore, the applicant has requested that Policy 3.5-d be revised to exempt the proposed plan from this policy. Rather than exempting an infinite amount of traffic on this site, the applicant has voluntarily committed to the maximum traffic impacts as identified in the study as summarized above. However, in order to provide some flexibility within the uses, this amendment will be capped on the trip generation in the study rather than the specific uses. The initial review of the traffic concurrency study for the concurrent zoning application indicates that the traffic from the site would have a short term traffic impact at the intersection of SR7 and Glades road intersection of approximately 3 to 3.5% increase in traffic. See the Data & Analysis Section, A. Consistency with the Comprehensive Plan – General, for discussion of the proposed text amendment.
E. Florida Statutes (FS) Consistency

1. Consistency with Urban Sprawl Rule: The proposed amendment is not considered sprawl as it is within the Urban/Suburban Tier and within the Urban Service Area Boundary. This tier is also the target of the County's redevelopment and revitalization strategies with the purpose of redirecting growth to older unincorporated areas, promoting mixed used development concepts, and transit oriented developments, where feasible, all with the explicit purpose of reducing sprawl.

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 September 27, 2016. To date, no comments have been received.

B. Other Notice: Public notice by letter was mailed to the owners of properties within 500' of the perimeter of the site on September 23 and October 11, 2016. In addition, on September 23 and October 11, 2016 interested parties were notified by mail including the West Boca Community Council. To date, several phone calls have been received with inquiries about the proposed amendment and requests for information. Letters have been received in support to date; letters are added to Exhibit 11 as they are received during the course of the amendment process.

C. Informational Meeting: The Planning Division is hosting a meeting with area residents and interested parties to relay information regarding the amendment and development approval process on October 21, 2016. This meeting was originally scheduled for October 5th, 2016 but rescheduled due to Hurricane Matthew.

III. Conclusions and Recommendation

The applicant has requested this future land use and text amendment to allow an infill mixed use project on one of the few remaining large tracts of vacant land in West Boca. The applicant has proposed a type of ‘entertainment’ and housing destination that would contribute to balancing land uses in this suburban area. The proposed Multiple Land Use (MLU) amendment with conditions of approval and Conceptual Plan demonstrates that the land uses will be functionally integrated, provide for a variety of housing in the area, be compatible with the surrounding land uses and meet all policy requirements of the Comprehensive Plan with the exception of the long range traffic requirements of Policy 3.5-d. The applicant proposes a text amendment to exempt the subject site from Policy 3.5-d stating that the additional commercial potential is necessary to achieve the dynamic for this mixed use design. To offset any potential negative impacts, the MLU designation allows the County to impose mitigation measures. Therefore, the Planning Division has proposed conditions of approval as follows: to limit the majority of the potential traffic impacts to off peak hours, to provide additional workforce housing, to ensure that a mix of uses is established, and to require that the rezoning and amendment public hearings are held concurrently.
As such, staff recommends **approval with conditions** of the future land use amendment and **approval of a text** amendment.

### Exhibits

<table>
<thead>
<tr>
<th>Exhibit Description</th>
<th>Page</th>
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<tbody>
<tr>
<td>1. Future Land Use Map &amp; Legal Description</td>
<td>E-1</td>
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<tr>
<td>2. Applicant’s Proposed Text Amendment (Policy 3.5-d)</td>
<td>E-4</td>
</tr>
<tr>
<td>3. Conceptual Master Plan</td>
<td>E-6</td>
</tr>
<tr>
<td>4. Applicant’s Justification/Consistency with Comprehensive Plan and Florida Statutes</td>
<td>E-7</td>
</tr>
<tr>
<td>5. Applicant’s Public Facility Impacts Table</td>
<td>E-41</td>
</tr>
<tr>
<td>6. Applicant’s Traffic Study <em>(available to the LPA/BCC upon request)</em></td>
<td>E-44</td>
</tr>
<tr>
<td>7. Palm Beach County Traffic Division Letter</td>
<td>E-45</td>
</tr>
<tr>
<td>8. Water &amp; Wastewater Provider LOS Letter</td>
<td>E-46</td>
</tr>
<tr>
<td>10. Applicant’s Disclosure of Ownership Interests</td>
<td>E-49</td>
</tr>
<tr>
<td>11. Correspondence</td>
<td>E-73</td>
</tr>
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</table>
**Exhibit 1**

<table>
<thead>
<tr>
<th>Amendment No:</th>
<th>Johns Glades West MLU (LGA 2017-003)</th>
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</thead>
<tbody>
<tr>
<td>FLUA Page No:</td>
<td>110, 114</td>
</tr>
<tr>
<td>Amendment:</td>
<td>From Low Residential, 3 units per acre (LR-3) to Multiple Land Use with Commercial High and High Residential, 8 units per acre (MLU with CH, HR-8).</td>
</tr>
<tr>
<td>Location:</td>
<td>Southwest Corner of Glades Road and 95th Ave S., approximately ¼ mile east of State Road 7.</td>
</tr>
<tr>
<td>Size:</td>
<td>37.99 acres</td>
</tr>
<tr>
<td>Property No:</td>
<td>00-42-43-27-05-077-1050; 1060; 1070; 1080; 1091; 1170; 1180; 1190; 1200</td>
</tr>
</tbody>
</table>

![Map](image)
Conditions: Development of the subject site shall be subject to the following.

A. Land Use Matrix

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Acres</th>
<th>Intensity/Density¹</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Minimum</td>
<td>Maximum</td>
</tr>
<tr>
<td>CH</td>
<td>5</td>
<td>20</td>
</tr>
<tr>
<td>HR-8</td>
<td>15</td>
<td>32</td>
</tr>
<tr>
<td>Usable Open Space³</td>
<td>3.79 ac. minimum</td>
<td>-----</td>
</tr>
</tbody>
</table>

Note:
1. excluding any additional units obtained through the County’s bonus density programs

B. Conceptual Plan in Exhibit 3

C. Conditions

1. Development of the site is limited residential dwelling units and non-residential square footage that is equal to or less than, a maximum net daily trips of 10,024 and a maximum net peak hour trips of 481 am and 782 pm above the allowable trips for the LR-3 FLU. Dwelling units on the site over the initial 304 units that are obtained through the Transfer of Development Rights, Workforce Housing, and/or Affordable Housing Programs are not subject to this limitation.

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

3. The Zoning development order shall provide at least 33% of the residential units as workforce housing subject to the following requirements:
   a. The property owner shall provide these units on site, and between 60-120% of the Average Median Income ranges for the County, in three ranges (60-80%, 81-100% and 101-120%).

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

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

DESCRIPTION:

PARCEL A


LESS AND EXCEPT THE LAND CONVEYED TO THE COUNTY OF PALM BEACH BY THE RIGHT-OF-WAY DEED RECORDED IN OFFICIAL RECORDS BOOK 57, PAGE 330 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ALSO LESS AND EXCEPT THE LAND CONVEYED TO THE STATE OF FLORIDA, FOR THE USE AND BENEFIT OF THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, BY THE DEEDS RECORDED IN OFFICIAL RECORDS BOOK 6782, PAGE 1185 AND OFFICIAL RECORDS BOOK 6782, PAGE 1187, BOTH OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ALSO LESS AND EXCEPT ANY PORTION OF SAID LAND CONVEYED TO EZON INVESTMENT COMPANY BY THE WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 6912, PAGE 863 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ALSO LESS AND EXCEPT THE LAND VESTED IN PALM BEACH COUNTY BY THE ORDER OF TAKING ON PLAINTIFF’S PETITION RECORDED IN OFFICIAL RECORDS BOOK 9830, PAGE 702 AND THE AMENDED ORDER OF TAKING ON PLAINTIFF’S PETITION RECORDED IN OFFICIAL RECORDS BOOK 9840, PAGE 984, BOTH OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL B

TRACTS 118 AND 119, BLOCK 77 OF PALM BEACH FARMS COMPANY PLAT NO. 3, RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 1,654,834 SQUARE FEET/37.9902 ACRES, MORE OR LESS
A. **Future Land Use Element**, Johns Glades West MLU, Text Amendment

REVISED: To add the subject site to the list of identified exemptions to Policy 3.5-d. The revisions are numbered below, and shown with the added text underlined.

**OBJECTIVE 3.5  Levels of Service Required for Development**

1. **REVISED 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.

   For purposes of applying this Policy, traffic from land use amendments in parts b), and c) shall be layered on top of traffic from part a). If the cumulative traffic from parts a), b), and c) violates this Policy, then the traffic study for the land use amendment shall not be pre-approved by the Traffic Division and the land use amendment application shall not be accepted by the Planning Division for consideration in the current Comprehensive Plan Round.

   Traffic from land use amendments in parts b), c), and d) shall then be layered on top of traffic from part a). If the cumulative traffic from parts a), b), c) and d) violates this Policy, then this information shall be provided to the County Commission for consideration in deciding which land use amendments and what densities/intensities for these amendments can be approved in the current Round to comply with this Policy.

   Significant impact shall be as defined in Table 3.5 -1.
### TABLE 3.5-1

**Significant Impact**

<table>
<thead>
<tr>
<th>Net Trip Generation**</th>
<th>Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 - 50</td>
<td>No significant impact</td>
</tr>
<tr>
<td>51 - 1,000</td>
<td>Only address directly accessed link on first accessed major thoroughfare*</td>
</tr>
<tr>
<td>1,001 - 4,000</td>
<td>One (1) mile*</td>
</tr>
<tr>
<td>4,001 - 8,000</td>
<td>Two (2) miles*</td>
</tr>
<tr>
<td>8,001 - 12,000</td>
<td>Three (3) miles*</td>
</tr>
<tr>
<td>12,001 - 20,000</td>
<td>Four (4) miles*</td>
</tr>
<tr>
<td>20,001 - up</td>
<td>Five (5) miles*</td>
</tr>
</tbody>
</table>

* A project has significant traffic: (1) when net trip increase will impact FIHS and SIS facilities which are already exceeding the adopted LOS or cause the adopted LOS for FIHS or SIS facilities to be exceeded; and/or (2) where net trip increase impacting roads not on the FIHS or SIS is greater than one percent (1%) for volume to capacity ratio (v/c) of 1.4 or more, two percent (2%) for v/c of 1.2 or more and three percent (3%) for v/c of less than 1.2 of the level of service "D" capacity on an AADT basis of the link affected up to the limits set forth in this table. The laneage shall be as shown on the MPO’s latest adopted LRTP.

** When calculating net trip increase, traffic associated with all prior Land Use Atlas amendment approvals for the property that has not yet received development order approvals, shall be cumulatively included in the analysis. Consideration will also be given to alternative modes of transportation (i.e. bicycle lanes, bicycle paths, bus lanes, fixed rail, and light rail facilities) in reducing the number of net trips. These alternative modes must either be operating at the time of the change to the Future Land Use Atlas or be included in both the Transportation Element (Mass Transit) and the Capital Improvement Element of the Comprehensive Plan.

or;

2) results in a project that fails Test 2 regulations adopted to implement TE Policy 1.1-b.

This policy shall not be applicable to an Agricultural Enclave adopted pursuant to Policy 2.2.5-d. This policy shall not be applicable to the area designated as SR-7 Economic Development Overlay (EDO). This policy shall not be applicable to the area designated as Industrial in the Urban Service Area of the Glades Tier amended by FLUA Amendment Inland Logistics Center (LGA 2010-024). This policy shall not be applicable to the area designated as Multiple Land Use (MLU) on the south–west corner of Glades Road and 95th Avenue South, Boca Raton, as amended by FLUA Amendment Johns Glades West (LGA 2016-XXX).*
Exhibit 4
Applicant’s Justification/Consistency with Comprehensive Plan

The following is a combined Justification Statement for the proposed FLUA Map Amendment and Text Amendment for the project known as ‘Johns Glades West’, located on a 37.99 acre property on Glades Road, Boca Raton, in Unincorporated Palm Beach County.

SECTION 1 – PROPOSED FLUA MAP AMENDMENT

INTRODUCTION
This Large Scale Future Land Use Atlas (FLUA) amendment request is necessary in order to amend the Future Land Use (FLU) designation of an approximately 37.99 acre site, known as “Johns Glades West” (herein referred to as the “subject property”) in Boca Raton, Unincorporated Palm Beach County. As shown on Exhibit 1, the subject property is located on the south side of Glades Road and west side of 95th Avenue South, approximately 1,500 ft. east of S State Road 7, within the Urban/Suburban Tier of Palm Beach County. The subject property is comprised of nine (9) parcels, identified by a current FLU designation of LR-3 (Low Residential – up to 3 du/ac) and a Zoning District of AR (Agriculture Residential). The subject property is located in a predominantly urban context, is currently vacant and presently used for agricultural purposes.

REQUEST
On behalf of the Applicant, Glades 95th LLC, WGI is requesting a FLUA amendment in order to facilitate future development the subject property for a mixed use residential / commercial development. The request is to amend the current FLU designation of LR-3 to MLU (Multiple Land Use) – HR-8 (High Residential – up to 8 du/ac) and CH (Commercial High). The Applicant intends to submit a concurrent Zoning Application seeking rezoning of the subject property to a Mixed-Use Planned Development (MXPD).

JUSTIFICATION FOR FUTURE LAND USE ATLAS AMENDMENT
Since the current FLU designation was adopted, West Boca development patterns have evolved and demand for local services has increased. The steady development growth and resulting traffic increase have catalyzed significant demand for residential housing and commercial uses in a consolidated location, which subsequently maximizes user convenience and minimizes traffic impacts with fewer vehicle trips of shorter lengths. The existing FLU designation of LR-3 limits the maximum residential development potential to 114 dwelling units at 3 dwelling units per acre, and does not permit commercial development despite the subject property’s adjacent mixed uses, and highly visible and accessible location on Glades Rd. The proposed FLUA amendment is necessary to provide the policy framework required to develop a well-planned, mixed use project that is more consistent with the subject property’s location and surrounding uses.

Specifically, this application seeks to amend the current FLU designation from LR-3 to Multiple Land Use (MLU) with Commercial High (CH) and High Residential 8 (HR-8). As shown on Exhibit 2 and per Policy 4.4.2-b.1. in the Comprehensive Plan, the 37.99-acre property is proposed to be designated
MLU with 18.9 acres allocated to CH, which permits a maximum of 827,422 commercial building area, and 18.9 acres allocated to HR-8 at 8 units per acre, which permits a maximum of 304 residential dwelling units. It should be noted that while the CH FLU designation allows 827,422 square feet of commercial use on the subject property, the proposed commercial floor area is only 167,756 square feet, 20% of the maximum area allowed.

The proposed amendment to the MLU FLU designation is consistent with Policy 4.4.2-a of the Comprehensive Plan through the provision of multi-family residential development that is horizontally integrated with a mix of commercial uses including specialty restaurant, retail and entertainment uses (such as a boutique movie theater) that currently do not exist near the subject location. The nearest comparable facilities available to western Boca Raton residents include ‘Delray Marketplace’ on Atlantic Avenue in Delray Beach (approximately 7 miles to the north), ‘Mizner Park’ (approximately 8 miles to the east) and ‘Promenade at Coconut Creek’ on Lyons Rd/Wiles Road (approximately 7 miles to the south), as shown on Exhibit 3. By providing a consolidated mix of specialty uses such as quality restaurants, retail and entertainment in close proximity to high density residential development, vehicle miles traveled (VMT) on the surrounding road networks will be reduced, as presently western Boca Raton residents must travel significant distances to multiple locations for access to similar commercial uses.

In assessing the surrounding FLU designations shown on Exhibit 4, the map identifies the subject property as the only property designated LR-3 FLU with no underlying commercial land use designation along Glades Rd. between State Road 7 and the Turnpike. Given that the majority of properties fronting on Glades Rd. between State Road 7 and the Turnpike consist of commercial, mixed use or higher density residential FLU designations, the proposed mix of CH and HR-8 future land uses is the most suitable land use as it provides an appropriate transition between adjacent property designated Commercial High (CH) to the west and designated Medium and High Residential (MR and HR) to the east. Moreover, the Future Land Use Map illustrates that the proposed FLU of HR-8 for the subject property would be consistent with the substantial number of properties within a two mile radius that are designated HR-8. Further, the surrounding multi-family residential dwellings in LR-3, MR-5, HR-8 and HR-12 designated lands are generally clustered in planned development pods with higher net densities than permitted by the underlying land use. As such, clustering the proposed residential density in the southern portion of the subject property is consistent with surrounding development patterns and the established implementation of the County’s Future Land Use Plan. Considering the foregoing, this FLUA amendment is necessary to develop the subject property in a manner compatible with the surrounding mixed-use context as the existing LR-3 FLU designation is unsuitably restrictive with regard to commercial use and residential density given nearby development conditions. As required, the development proposal is within the maximum allowed density / intensity established by the ULDC and Comprehensive Plan under the proposed FLU designation.

The Conceptual Master Plan for the subject property shown on Exhibit 5 and required per Policy 4.4.2-b.2 demonstrates a functional integration of the proposed uses for both pedestrian and vehicular access. The master plan has been developed with the commercial located on the north
side of the site with the frontage on Glades Road and adjacency to neighboring commercial corridor. The horizontally integrated residential portion of the plan is located on the south side of the property acting as a transition between the commercial and the adjacent Rainberry PUD to the south. Great care was taken to create a cohesive and integrated pedestrian pathway system that will allow for the dynamic mixture of the uses for the public and residents thru the core of the site as well as around the perimeter of the residential property.

Additionally, as shown on the Master Plan, the proposed development program meets the 10% active open space requirement. To meet this requirement, the plan we have designed includes a series of broad pedestrian pathways with integrated outdoor seating / dining areas, landscaping, and gathering spaces that will provide opportunities for a variety of specialty events that are to the public benefit. Residents, retailers, and the public will be given priority thru the pedestrian system on the site that will promote activity and connectivity among the varied uses.

**COMPATIBILITY AND SURROUNDING USES**

The surrounding uses vary, yet are consistent and compatible with the proposed development program. The following is a summary of the uses surrounding the subject property. Additional information is included on the Built Features Inventory Maps at Attachment F.

<table>
<thead>
<tr>
<th>EXISTING USE</th>
<th>DENSITY</th>
<th>FLU DESIGNATION</th>
<th>ZONING DISTRICT</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>North</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>West Boca Estates Mixed Residential PUD</td>
<td>4.4 - 12.9 du/acre</td>
<td>MR-5</td>
<td>PUD</td>
</tr>
<tr>
<td>Palm Beach County Library</td>
<td>--</td>
<td>CL/5</td>
<td>MUPD</td>
</tr>
<tr>
<td>Shadowood Square commercial complex</td>
<td>--</td>
<td>CH/3</td>
<td>CG (SE/PCD)</td>
</tr>
<tr>
<td>Promenade at Boca Raton</td>
<td>10.8 du/acre</td>
<td>HR-8</td>
<td>PUD</td>
</tr>
<tr>
<td><strong>South</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jewish Federation (including Katz Hillel Day School &amp; Sinai Residences)</td>
<td>7 - 29.1 du/acre</td>
<td>MR-5 &amp; LR-3</td>
<td>PUD &amp; RTS</td>
</tr>
<tr>
<td>Pointe Verde Mixed Residential</td>
<td>4.91 - 17.4 du/acre</td>
<td>MR-5</td>
<td>PUD</td>
</tr>
<tr>
<td>Arbor Oaks Apartments (Rainberry PUD)</td>
<td>11.2 - 25.2 du/acre</td>
<td>HR-12</td>
<td>RTS</td>
</tr>
<tr>
<td><strong>East</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boca Ridge Mixed Residential</td>
<td>4.4 - 9.3 du/acre</td>
<td>MR-5 &amp; HR-12</td>
<td>RS &amp; RM</td>
</tr>
<tr>
<td>Pine Springs PUD</td>
<td>4.24 du/acre</td>
<td>MR-5</td>
<td>RS</td>
</tr>
<tr>
<td><strong>West</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Westwinds of Boca Shopping Center</td>
<td>--</td>
<td>CH/3</td>
<td>CG (SE/PCD)</td>
</tr>
<tr>
<td>Medical Offices</td>
<td>--</td>
<td>CL/3</td>
<td>CS</td>
</tr>
</tbody>
</table>

The table of surrounding uses presented above demonstrates that the proposed land use will be compatible with overall surrounding land uses and promote development that will make a positive contribution to the character of the locality. The high intensity commercial uses proposed on the
subject property are consistent with the surrounding commercial FLU designations, while the residential FLU designations in the area range between MR-5 and HR-12. The proposed HR-8 designation for the residential component of the proposed request and resulting future built form is compatible with the built character of the area, which includes the recently competed 4 story Sinai Residences on the Jewish Federation of South Palm Beach County property. Other parts of the Federation property further to the south are also characterized by a FLU of HR-12, as is the Arbor Oaks Apartments on the east side of SR 7, approx. 0.3 miles from the subject property.

The FLUA amendment is necessary in order to change the existing land use designation which is no longer appropriate. The mixed residential / commercial nature of the proposed development on the subject property is compatible and consistent with the character of the surrounding area. The development will be designed to ensure the land uses and development activity provide for appropriate transition and integration with the surrounding uses.

**COMPLIANCE WITH COMPREHENSIVE PLAN FLUE POLICY 2.1-F**

The proposed FLUA amendment to the MLU FLU designation is in compliance with the requirements of the County’s Comprehensive Plan, as outlined below.

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

The subject property is the ideal infill location to develop the proposed use. It is a vacant, underutilized parcel located in an urban context and bound on all sides by established urban / suburban development. It is situated in close proximity to established residential and commercial uses, as well as medical and civic uses to the south. Additionally, the significant residential growth in western Boca Raton has generated a demand for alternative forms of residential development and a mix of commercial uses to meet the needs of the community.

The proposed development will be of a density which will promote infill development, prevent urban sprawl and make efficient use of existing services and utilities. The ultimate layout of the site will be determined as part of the concurrent Zoning Application. However, the proposed use is able to be developed to provide appropriate buffering to surrounding properties, integration with the built fabric of the surrounding community and provide a high level of amenity for both future and existing residents of the community.

The proposed use will satisfy demand for housing alternatives and commercial alternatives which do not currently exist in the locality. The nearest comparable facilities available to the western Boca Raton community include ‘Delray Marketplace’ on Atlantic Avenue in Delray Beach (approximately 7 miles to the north), ‘Mizner Park’ (approximately 8 miles to the east) and ‘Promenade at Coconut Creek’ on Lyons Rd/Wiles Road (approximately 7 miles to the south). The presence of a high quality, mixed use development will serve as an asset for western Boca Raton and Palm Beach County generally.

1. There is a basis for the proposed FLU change 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;

The continuing growth of the immediate area necessitates alterations to a Future Land Use from future low density residential uses to more realistic and compatible land uses that support end users in appropriate locations.

The inappropriateness of the existing LR-3 FLU designation is further demonstrated by FLUA amendments to properties in the immediate surrounding area from low density residential designations to medium / high density residential and high intensity commercial FLU designations. This includes several approvals for Commercial High (CH) FLU designations on land to the north and east of the subject property, many of which include underlying high density residential FLU designations. Additionally, land to the south has also undergone FLU amendments to the MR-5 FLU designation in order to support higher density multi-family residential uses that were not previously anticipated under the Comprehensive Plan. Some of these amendments are summarized as follows:

<table>
<thead>
<tr>
<th>FLUA Amendment</th>
<th>Ordinance Number</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>HR-8</td>
<td>1995-058</td>
<td>North of Glades Rd, East of Lyons</td>
</tr>
<tr>
<td>CH/5</td>
<td>1999-070</td>
<td>Commercial development spanning intersections of Glades Rd / Lyons Rd.</td>
</tr>
<tr>
<td></td>
<td>2001-087</td>
<td></td>
</tr>
<tr>
<td>CH</td>
<td>2001-058</td>
<td>North of Glades Rd, east of subject property</td>
</tr>
<tr>
<td>MR-5</td>
<td>1996-060</td>
<td>Land south of the subject property, including</td>
</tr>
<tr>
<td></td>
<td>1996-061</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1998-008</td>
<td></td>
</tr>
<tr>
<td>HR-8</td>
<td>1995-055</td>
<td>South side of Glades Rd, between Lyons Rd and FL Turnpike.</td>
</tr>
<tr>
<td>CH/8</td>
<td>2001-087</td>
<td>West side of SR 7, south of the subject property.</td>
</tr>
</tbody>
</table>

Overall, changes in FLU designations of the immediate surrounding properties further contribute to the notion that the existing FLU designation for the subject property is no longer appropriate.

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

The continuing evolution of the built form in the general area has further made the existing land use inappropriate for the subject property. Since the time of the subject property’s FLU designation of LR-3, the general area has continued to see incremental growth of higher density residential and introduction of commercial uses in the immediate vicinity. Coupled with this, western Boca Raton generally has continued to develop in a traditional suburban pattern without access to a specialty mixed use development to serve residents. Rather, access to commercial, retail and such services in the area is limited to various inline style commercial developments in dispersed locations. Consequently, local residents are required to undertake
longer vehicle trips, sometimes in excess of seven (7) miles, to access similar services to those that are proposed on the subject property.

The recent completion of the 4 story Sinai Residences CLF on the Jewish Federation of South Palm Beach County property immediately to the south-east of the subject property is also a good example of the changing nature and character of the surrounding area to support higher density residential uses.

As the surrounding area has developed, the subject property has remained vacant and utilized for agricultural purposes whilst being bound on all sides by urban development. The outcome is that the subject property has become one of the last remaining and underutilized large vacant parcels that can accommodate a mixed use development of the type proposed.

With excellent accessibility and visibility to Glades Road, the subject property is more suited to a horizontally-integrated mixed use development rather than a suburban low density development that could be achieved under the existing FLU designation.

- New information or change in circumstances which affect the subject site;
Maintaining the current FLU of LR-3 on the property is detrimental to the subject property and does not promote urban consolidation and efficient use of available infill land. The proposed FLUA amendment will enable the Applicant to enjoy property rights more conducive to the best use for the subject property and provide a well-planned, high amenity, mixed use development for the western Boca Raton community.

- Inappropriateness of the adopted FLU designation
The adopted FLU designation of the subject property is inappropriate given the nature of the broader area and surrounding uses, and the opportunity to provide development outcomes which meet a community need and prevent urban sprawl. The change in FLU designation will provide for the opportunity to develop the site at a density which will provide alternative housing options and satisfy a need for higher end, specialty commercial uses in western Boca Raton.

As aforementioned, development of the subject property at the proposed intensity is not possible under the existing FLU and Zoning District and does not support the uses as proposed. The resultant outcome is that the existing FLU designation on the site is no longer appropriate.

**COMPLIANCE WITH COMPREHENSIVE PLAN FLUE POLICY 2.4-B**

- Demonstrate a need for the amendment
As previously demonstrated, the adopted LR-3 FLU designation of the subject property is inappropriate given the nature of the broader area and surrounding uses, and the opportunity to provide development outcomes that meet a community need and prevent urban sprawl. Since the current FLU designation was adopted, West Boca development patterns have evolved and demand for local services has increased. The steady development growth and resulting
traffic increase have catalyzed significant demand for residential housing and commercial uses in a consolidated location, which subsequently maximizes user convenience and minimizes traffic impacts with fewer and shorter vehicle trips travelled. The existing FLU designation of LR-3 limits the maximum residential development potential to 114 dwelling units at 3 dwelling units per acre, and does not permit commercial development despite the site’s adjacent mixed uses, and highly visible and accessible location on Glades Rd.

- Demonstrate that the current FLUA designation is inappropriate
As described herein, the area surrounding the subject property has undergone significant change and growth since the adoption of the LR-3 FLU. In addition the subject property is the only property in the corridor with LR-3 FLU without an associated Commercial FLU. As such, it is not possible to develop the subject property to its highest and best use under the current FLUA designation, thus making the existing FLUA designation inappropriate. This FLUA amendment is necessary to develop the subject property with a mix of commercial uses and residential density in compatibility with the surrounding mix of uses and FLU designations as shown on Exhibit 4.

- Demonstrate that the bonus density program is not applicable
It is preferred that applications contemplating increasing density utilize the bonus density programs such as Transfer Development Rights (TDR) and Workforce Housing (WFH) to maximize development rights prior to requesting a land use plan amendment. The subject property is highly underutilized and the existing land use of LR-3 restricts the subject property well under the market value considering the surrounding uses. For example, through a Workforce Housing Determination request, Palm Beach Planning Division has determined the subject property qualifies for a 30% WFH bonus density increasing the gross density from 3 units per acre to 3.9 units per acre. The subject property could also utilize the TDR program to further increase the density; however, it would be limited by Article 5.3.I .4.c Density Limitations in the ULDC that would restrict this site due to the LR-3 designation to 3 units per acres of TDR bonus density for a total of 5.9 units per acre overall on the site.

<table>
<thead>
<tr>
<th>Density Categories</th>
<th>Max Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard</td>
<td>2 DU/Acre</td>
</tr>
<tr>
<td>PDD</td>
<td>1 DU/Acre</td>
</tr>
<tr>
<td>WHP 30% Incentive</td>
<td>.9 DU/Acre</td>
</tr>
<tr>
<td>SUBTOTAL</td>
<td>3.9 DU/Acre</td>
</tr>
<tr>
<td>TDR*</td>
<td>2 DU/Acre</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>5.9 DU/Acre</strong></td>
</tr>
</tbody>
</table>

Due to the subject property’s location in a highly developed area of western Boca Raton with frontage on Glades Road and completely surrounded by high intensity commercial and residential uses it is more appropriate to increase the land use designation which allows for the highest and best use of the site. The concurrent zoning application is pursuing approximately 12 du/acre across the subject property, which is a more appropriate and consistent density for
this site. In keeping with the goals of the Comprehensive Plan, the applicant requests a FLU designation of HR-8, rather than HR-12, and intends to utilize a 50% bonus density allocation thru the WFH program to achieve the most suitable density. The applicant understands the benefits of the WFH program and believes the utilization of this program is the appropriate way to provide increased housing opportunities within this highly desired area of Palm Beach County.

**FLORIDA STATUTES CHAPTER 163.3177**

163.3177 Required and optional elements of comprehensive plan; studies and surveys.

Florida Statute, Chapter 163.3177 is the principle state statute governing the comprehensive plans and plan amendments for all of the Counties within the State of Florida. In 2011, Chapter 163, F.S. was substantially revised and Rule 9J-5 was repealed and removed from the Florida Administrative Code (House Bill 7207). Today, Chapter 163.3177(1) (f) states, “all mandatory and optional elements of the comprehensive plan and plan amendments shall be based upon relevant and appropriate data and an analysis by the local government, that may include but not be limited to, surveys, studies, community goals and vision, and other data available at the time of the adoption of the comprehensive plan or plan amendment. To be based on data means to react to it in an appropriate way and to the extent necessary indicated by the data available on that particular subject at the time of adoption of the plan or plan amendment at issue”.

The data and analysis presented in the subject application and justification statement support the request for amendment of the Future Land Use Atlas and demonstrates consistency with the Florida Statutes.

163.3177 – 6.a. Requires that a local government’s future land use plan element be based on a number of factors, including population projections, the character of undeveloped land, availability of public services and other planning objectives.

The proposed amendment will make a positive contribution to the amenity of the locality and character of the surrounding area. Given the nature of the proposed development and site characteristics with access available to Glades Road and 95th Avenue South, the subject property is able to develop to ensure minimal impact on public utilities and traffic generation. Utility connections and public services are able to be provided and upgraded where necessary, whilst vehicular access options are available to ensure traffic generated by the development does not adversely impact the amenity of the surrounding area.

It is anticipated the character of the proposed development and uses will actually minimize the impacts currently created by residents of the west Boca Raton community travelling on the roadway network. By providing a consolidated mix of uses such as quality restaurants, retail and entertainment in close proximity to residents, vehicle miles travelled (VMT) on the road network will be reduced by providing a centralized location for residents, who currently have to travel longer distances and to multiple locations to access similar services. Opportunities for internal trip capture between the residential and commercial components of the future development of the subject property will also increase as a result of the proposed FLUA amendment.
The subject property is vacant and although some modification to existing vegetation will be required, adequate area is available on site to ensure synergy is maintained with surrounding built and natural forms.

It is demonstrated in this justification statement and subject application that the proposed change to the Future Land Use Atlas is a more appropriate and suitable land use designation for the subject property. The changes that have occurred in the area since the adoption of the 1989 Comprehensive Plan also support the proposed amendment. The future development of the land will provide alternative housing choice and options for access to specialty commercial uses that are not otherwise available in western Boca Raton. The proposal will provide for a greater balance and broader allocation of land uses to enable alternative forms of housing and commercial uses to meet the needs of the community.

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.

The proposed amendment is not considered sprawl as the subject property is located within the Urban/Suburban Tier and within the Urban Service Boundary and also provides an array of urban services. This Tier is also the target of the County’s redevelopment and revitalization strategies with the purpose of redirecting growth to older unincorporated areas, promoting mixed use development concepts, transit oriented developments where feasible, all with the purpose of reducing sprawl.

The existing FLU designation limits the maximum development potential of the subject property to 114 dwelling units and supports future low density development patterns that are no longer representative of the needs of the local community and do not promote balanced growth within the County. The proposed amendment is for a higher density/ intensity land use on an infill site within an established urban area. It is close to essential services, facilities and infrastructure and will not contribute to urban sprawl.

**FUTURE LAND USE ELEMENT/CONSISTENCY WITH COMPREHENSIVE PLAN**

**Objective 1.2 (Urban / Suburban Tier – Urban Service Area):** Accommodate the bulk of the population and its need for employment, goods and services, cultural opportunities, and recreation. Supports a variety of lifestyle choices, ranging from urban to residential estate, however, the predominant development form in the unincorporated area is suburban in character.

The purpose of Objective 1.2 is to direct future growth and development potentials to existing areas, with established infrastructure and services, as a means to promote compact, sustainable forms of development, while reducing urban sprawl and proliferation of development in other less suitable locations.
The development proposal, which requires a FLU amendment to the MLU designation in order to construct the proposed mixed use development furthers this objective by locating on an infill site in an urban area, with established levels of service able to accommodate the development. The proposal will also provide for consolidation of a mix of uses within a centralized location and employment opportunities to existing and future residents of the area, including those who will reside on the subject property.

Furthermore, the applicable service providers have reviewed the development proposal, at the maximum development potential and have confirmed that the required levels of service can be accommodated. Discussions regarding compliance with traffic levels of service are addressed in Section 2 of this report.

All of these elements demonstrate a reduction in sprawl, and appropriate situation of such a use in an otherwise established urban area.

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

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

The subject property is located within the Urban/Suburban Tier of Palm Beach County, where adequate facilities are provided. The change in FLU designation is consistent with the character of the development and area. There will be no compatibility issues with this objective as a result of the request. The proposed FLUA amendment will allow the development of a mixed use that provides alternative housing options and specialty commercial uses for the western Boca Raton community, including generation of employment opportunities in a consolidated location. The development will provide open space and recreational areas for enjoyment by residents and users of the commercial facilities and be designed to protect existing vegetation where feasible. The development will be designed in a way that is compatible in scale, mass and intensity with the urban area and provide buffering and architectural design to integrate with surrounding areas. Historical or cultural resources will not be impacted as a result of this development, wherever feasible.

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

The amendment to the FLUA for the subject property will enable the development of a specialty mixed use development, where adequate infrastructure and services are already available.
Currently, the site is vacant and situated in an established urban area. The proposal will facilitate infill redevelopment of the land and provide an opportunity for the Applicant to develop a use that is more appropriate for the local area.

**Objective 2.1 Balanced Growth**

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

The proposed alteration in the FLU designation of the subject site adheres to the management of growth through its ability to allocate land for the development of a range of housing choices and provide employment opportunities and services to residents in the local area.

The surrounding area does not have access to a specialty mixed use development and the proposed amendment will satisfy a need in an appropriate location. Altering the FLU designation of the subject property provides the Applicant the opportunity to create a well-planned mixed use development, meeting the demands of the local community. The proposed development will complement the other residential / commercial choices available in the area and allow residents to access facilities and services within their local community rather than travelling longer distances to other locations which adds stress to County infrastructure.

**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.

The request is consistent with this policy, as the subject property is located in an established urban setting that does not exceed the natural or manmade constraints of the area or transportation networks, and is able to be serviced by adequate infrastructure and public facilities.

**Policy 2.1-f:** Before approval of a future land use amendment, the applicant shall provide an adequate justification for the proposed future land use and for residential density increases demonstrate that the current land use is inappropriate. In addition, and the County shall review and make a determination that the proposed future land use is compatible with existing and planned development in the immediate vicinity and shall evaluate its impacts on:
The existing FLU designation of the subject property has proven to be inappropriate as the continuing growth of the area has necessitated the alterations to a Future Land Use from future low density residential uses to more realistic and compatible land uses that support appropriate end users. As stated previously, amendments to the FLUA for properties in the vicinity of the subject property demonstrate a change in demand compared to that expected at the time the 1989 Comprehensive Plan was adopted.

With regards to immediate and surrounding impacts:

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

An Environmental Report has been included as part of the submittal. Appropriate areas will be identified for management of impacts on natural resources, where feasible.

2. The availability of facilities and services;

The proposed use will be located on a site that has services and facilities available. Additionally, letters from the appropriate service providers have been provided as part of the submittal, demonstrating the ability to serve the subject property at maximum capacity.

3. The adjacent and surrounding development;

The proposed development will be developed to minimize external impacts on adjacent properties.

Existing development to the north and east is separated by existing roads and no impacts are anticipated as a result of the proposed development. To the west, existing commercial development abuts the property and the proposed use is able to provide appropriate buffering to ensure no adverse impacts arise.

To the south, existing residential developments and civic uses will be provided with buffering and screening. The residential component of the proposed amendment will be situated to the south of the subject property to provide an appropriate transition between the commercial aspects and adjoining residential developments.

Access opportunities are available to Glades Road and 95th Avenue South in order to assist with circulation of vehicles and pedestrians and utilize existing road networks. Vehicular access is available to ensure that traffic generated by the proposed development does not have an adverse impact on surrounding development.
4. The future land use balance;

The proposed FLUA amendment provides an alternative land use which will make a positive contribution to the land use balance in the area. It is not a traditional commercial or residential use, but instead a proposal for a specialty mixed use that will facilitate development which provides additional housing choice, commercial services / facilities and employment opportunities that are not otherwise available in the western Boca Raton community. In addition, approval and location of additional density within the Urban/Suburban Tier will help to meet the County’s increasing housing demands and reduce the proliferation of urban sprawl in the agricultural and rural areas.

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

According to the State of Florida’s definition, “urban sprawl” is “characterized by low density, automobile-dependent development with either a single use or multiple uses that are not functionally related, requiring the extension of public facilities and services in an inefficient manner, and failing to provide a clear separation between urban and rural uses.”

The proposed use will facilitate development for an integrated commercial / residential development within an established urban setting and does not contribute to urban sprawl. The subject property is an infill development site, being surrounded on all sides by existing urban development and located within the Urban/Suburban Tier. Finally, connections to existing utility services are available and will not necessitate the inefficient provision of additional public services as a result of this request.

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

The subject property is not located within any Community Plans or Planning Area Special Studies recognized by the Board of County Commissioners.

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

The Applicant will continue to abide by the Comprehensive Plan in place by the County.

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.

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.

The proposed development will provide a variety and range of residential development and commercial uses which facilitate urban consolidation and provide additional choice and alternatives to the surrounding community. The proposed mixed use development will achieve a balance of land uses and provide current and future residents of Palm Beach County the opportunity to access specialty commercial uses and alternative housing options. The proposal thus promotes Palm Beach County’s intention to promote the enhancement, creation and maintenance of livable communities.

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.

The subject property proposed to be developed is in an infill location, surrounded by existing urban uses. The development seeks to promote an integrated mixed use development which satisfies smart growth principles by developing in an existing urban area, makes efficient use of existing vacant land and will enable the provisions of facilities and services in an appropriate manner so as not to adversely impact on the community.

3. Infill, Redevelopment and Revitalization. Address the needs of developed urban areas that lack basic services, and encourage revitalization, redevelopment, and infill development in urban areas to increase efficient use of land and existing public facilities and services.

The proposed use will be constructed at an infill location within the Urban/Suburban Tier and presents an opportunity to redevelop the subject property with a more appropriate land use on a site that has remained underutilized for many years.

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.

As aforementioned, the proposed development will be compatible with surrounding areas with regards to density and types of uses. Development of a mixed use development on the subject property will not be in conflict with the surrounding area.
5. **Neighborhood Integrity.** Respect the integrity of neighborhoods, including their geographic boundaries and social fabric.

The proposed FLUA amendment is located on a large, vacant parcel that will be designed to accommodate future development which will respect the integrity of the neighborhood through appropriate buffering, architectural design and access solutions.

6. **Housing Opportunity.** Ensure that housing opportunities are compatible with the County's economic opportunities by providing an adequate distribution of very-low and low-income housing, Countywide, through the Workforce Housing Program.

The residential component of the proposed use and future Zoning Applications will ensure adequate housing opportunities and distribution to various income levels are provided in accordance with the provisions of the County Workforce Housing Program.

12. **Environmental Integrity.** Encourage restoration and protection of viable, native ecosystems and endangered and threatened wildlife by limiting the impacts of growth on those systems; direct incompatible growth away from them; encourage environmentally sound land use planning and development and recognize the carrying capacity and/or limits of stress upon these fragile areas.

The subject property is an agricultural property with very minimal native habitat or vegetation. Existing vegetation on the subject property will be managed to ensure an appropriate level of protection to natural resources is provided, where feasible.

13. **Design.** Promote the concept of design to direct development, in rural and urban areas. Design is used to prepare and implement policies and plans that guide the physical development of the built environment and make such development functional, orderly, efficient, visually pleasing, environmentally sound, economically viable and supportive of generally accepted community goals.

The subject property is located within the County’s Urban/Suburban Tier and is proposed to be redeveloped with mixed use that will adhere to be an orderly, planned use befitting of the local area with regards to architecture and visual appeal.

**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.

The FLUA amendment to MLU does not encourage piecemeal development as the subject property is almost entirely surrounded by built developments. To the contrary, the subject property has
remained vacant within an urban setting for many years and the amendment of the FLUA will allow the Applicant to provide a specialty mixed use development that is befitting of the local area. The approval of the amendment will further the County’s objective to encourage infill and redevelopment opportunities.

**Policy 2.1-i: Residual Parcel** - 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 interconnectivity 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.

No residual parcels will be created as a result of this request.

**OBJECTIVE 2.4 Transfer of Development Rights**

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

**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.

As previously discussed, the continued growth and change in development pattern of the surrounding area now supports a change in FLU designation on the subject property. The proposed MLU FLU is considered to be the most appropriate FLUA designation, with additional density likely to be sought under the County’s Density Bonus Programs (including possibly TDRs) as part of the future Zoning Application for the subject property.
OBJECTIVE 4.4 Mixed-Use Development

Palm Beach County shall encourage the development of a variety of innovative types of mixed-use projects.

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

The proposed request complies with this Policy by establishing an MLU FLU designation on the infill subject property and an intended PDD Zoning designation, such as MXPD, Mixed Use Planned Development.

Policy 4.4-b: All proposed mixed-use projects shall demonstrate that the land uses included on site are functionally integrated, and meet all level of service standards and all relevant land development criteria as stated in the Unified Land Development Code.

The proposed development will allow for functional horizontal integration as allowed under the proposed MLU FLU.

Policy 4.4-c: Planned Developments shall require approval of a preliminary development plan, which shall:

1. Depict the location and distribution of future land uses and public facilities and demonstrate compliance with the Comprehensive Plan;
2. Depict the average density and/or intensity of the overall development; and,
3. Allow flexibility in the allocation of density and intensity within the overall development.

The future Zoning Application will include a Preliminary Development Plan depicting location and density/intensity of land uses.

Policy 4.4-d: Prior to a Planned Development District (PDD) being approved, the County shall ensure that the proposed PDD is reasonably compact and non-serpentine in form; does not create isolated pockets which are not able to be functionally tied to the PDD with respect to roadways, pedestrian pathways, bike paths, or architectural treatments; and does not result in the creation of incompatible uses being approved and creation of residual parcels.

The future Zoning Application will include a Preliminary Development Plan depicting the overall intended site layout and integration/relationship with the surrounding area.

Policy 4.4.2-a: The Multiple Land Use (MLU) future land use designation may be applied for through the Future Land Use Atlas amendment process. The MLU is project specific and is limited to projects that demonstrate a functional integration and mix of land uses which exceeds minimum zoning code requirements.
The request it to utilize the MLU (HR-8 and CH) FLU designation and is project specific. The project will be horizontally integrated and as discussed, is intended to provide a specialty development with a mix of uses which provides services and facilities to the western Boca Raton community that are not currently available and which exceeds minimum zoning code requirements.

**Policy 4.4.2-b:** The following minimum standards shall apply to proposed MLU designations during the amendment review process and will be affixed to the approved MLU project in the adopting ordinance:

1. **Underlying Land Use Designations:** The MLU is an umbrella category which requires a minimum of two different future land use designations at least one of which shall be residential. The project shall have minimum and maximum intensities/densities for each land use. The following criteria shall apply towards the land use designations:

   a) **Residential Density:** The maximum number of units for the parcel shall be calculated by multiplying the total acreage of the parcel by the density permitted through the residential designation. Additional density may be allowed, through the Transfer of Development Rights program, the Workforce Housing Program, or the Affordable Housing Program following an approval of an MLU project.

   b) **Non-residential Intensity:** The maximum intensity for each proposed non-residential use shall be calculated by assigning all non-residential uses a percentage of the total site area, not to exceed 100% for vertically integrated projects; 50% for non-vertically integrated projects. The maximum intensity for each of the projects non-residential land use designations may be reduced by the County, during the review process considering the extent of integration of uses within the project.

The proposed request seeks an underlying HR-8 and CH FLU designation, in compliance with this policy.

The proposed density has been calculated based on the total acreage of the property. Additional residential density will possibly be sought as part of the future Zoning Application for the subject property utilizing the County’s Density Bonus Programs.

The residential and commercial uses are to be horizontally integrated and as such the maximum non-residential intensity has been calculated by assigning 50% of the total site area to the commercial uses.

2. **Conceptual Master Plan:** The project shall include a conceptual master plan, which depicts (in a generalized or conceptual map format) the location of the various land uses, specifically including the location of open spaces and linkages which functionally integrate the different land use categories. The conceptual master plan shall comply with the following criteria:
a) Land Use Integration: The project must demonstrate functional integration between the project’s land uses in the master plan. To facilitate integration, the placement of an interconnected system of streets within both the residential and non-residential components is required.

b) Open Space: At a minimum, 10% of the property must be committed to usable open space (as defined by the Introduction and Administration Element). Open space must functionally integrate the project’s land uses and may be applied to the recreation and/or parks requirements or other required civic dedication of land during the development review/re-zoning process, excluding right of way dedication. Water retention, lakes, drainage, and canals shall not be considered usable open space.

c) Pedestrian Oriented/Non-vehicular Pathways: The master plan must include a pedestrian/non-vehicular circulation system that integrates the project’s land uses and open spaces. All rights-of-way or parking access drives must have shaded pedestrian pathways.

d) Mass Transit: The project and master plan must provide for mass transit and/or public transportation facilities.

A conceptual master plan is included with the proposed FLU amendment (Refer to Attachment G_Exhibit I) which depicts the generalized location of the proposed land uses, open space, linkages, integration and interconnection between the commercial and residential components and overall relationship to the surrounding area. The intent is to provide a functional integrated development which provides a high level of amenity and pedestrian mobility.

3. Exceeding Code Requirements: The project must demonstrate that it exceeds minimum requirements in the ULDC and may concurrently submit an application for the Zoning review process for the entire site. In the event of a conflict between the project’s development standards or design guidelines and the existing ULDC requirements, the more restrictive requirement shall prevail.

A concurrent Zoning Application will be submitted demonstrating adherence to this Policy and ULDC standards.

4. Design Guidelines: To ensure that the project exceeds minimum Code requirements, the project may include design guidelines to identify built form and site design requirements, which may include:

a) Vehicular and pedestrian circulation system, lighting, signage, recreation/open space/public amenities, buffering, landscaping requirements;

b) Conceptual landscape plans and streets cross-sections; and

c) Architectural features and use limitations may also be included.
A concurrent Zoning Application will be submitted demonstrating adherence to this Policy and ULDC standards.

5. **Minimum Acreage:** The minimum acreage for an MLU project is 10 acres.

The +/- 37.99 acre subject property complies with the minimum acreage requirement.

6. **Unity of Control:** The non-residential portions of an MLU project shall be required to be the subject of a Unity of Control at the time of rezoning to ensure a consistent and cohesive project.

A concurrent Zoning Application will be submitted demonstrating the design intent for the subject property, which will include a cohesive non-residential component which is proposed to provide specialty services to the community. A Unity of Control will be prepared and executed as a part of the rezoning approval process.

**CONCLUSION**

On the basis of this assessment, it is considered that the proposal to amend the FLU designation as indicated is appropriate. The proposal is consistent with the policies of the Palm Beach County Comprehensive Plan and will comply with the density / intensity parameters established for the MLU (HR-8 and CH) FLU designation. The allowance of the subject property to develop at the permitted density will promote design options to develop the subject property in a cohesive and effective manner while respecting the surrounding community.

**SECTION 2 – PROPOSED TEXT AMENDMENT**

**ELEMENTS & POLICIES TO BE REVISED**

The Element proposed to be amended is the Future Land Use Element of the Comprehensive Plan. The Policy to be amended is Policy 3.5-d, specifically as it relates to the subject property identified within the accompanying proposed FLUA Map Amendment.

**PURPOSE**

The County Comprehensive Plan, specifically Policy 3.5-d, establishes levels of service that proposed FLUA amendments are required to satisfy with respect to traffic generation arising from the proposed map amendment. The Applicant requests to amend the Comprehensive Plan text to exempt the subject property identified in the accompanying FLUA Amendment from the requirements of Policy 3.5-d in order for the property to be assigned a FLU designation of MLU (HR-8 / CH) at the maximum density and intensity allowed under the Plan. The requested Text Amendment would provide the potential of the subject property to be realized based on the proposed FLU designations under the Comprehensive Plan, as follows:
- HR-8: maximum 304 dwelling units (8 du/ac x 37.99 ac); and
- CH: 827,422 square feet of (maximum FAR of 1.0 x 37.99 ac with further restriction of 50% intensity – horizontal integration per Policy 4.4.2-b.1.b).

**JUSTIFICATION**

The subject property is an infill development parcel, which has been surrounded by urban development since the adoption of the 1989 Comprehensive Plan, and is the last property of its kind available for development in the area. The subject property benefits from excellent accessibility to Glades Road and development at the maximum densities / intensities required to satisfy Policy 3.5-d does not provide a functional framework to provide a specialty mixed use development to serve the western Boca Raton community. The characteristics of the subject property and the proposed FLUA Amendment request are such that development of high density and high intensity residential and non-residential uses that are horizontally integrated in a mixed use development will promote connectivity between proposed uses and the surrounding area.

Policy 3.5-d is a policy adopted legislatively by the County in part to determine whether or not there would be significant potential impacts upon the transportation network based on an analysis using the Metropolitan Planning Organization's (MPO) long range transportation model. It is a planning tool to determine whether there will be transportation infrastructure deficiencies and is intended as a "gatekeeper" policy, to indicate that impacts upon roadway segments would occur with a given project. If they are so indicated, a larger policy discussion and evaluation is warranted, and the impacts should be addressed comprehensively in the FLUA amendment process as is done with this FLUA. In order to satisfy the requirements of Policy 3.5-d, development on the subject property would be limited to a maximum of 304 dwelling units and 54,000 square feet of commercial uses based on the proposed HR-8/CH FLU designation, which would not allow for the high-quality mix of specialty restaurant, retail and entertainment uses necessary to meet the needs of the surrounding west Boca Raton community. The proposed development program consists of 304 dwelling units and 167,756 square feet of commercial building area, and 6,000 square feet of outdoor seating area. As such, this application requests an exemption to Policy 3.5-d to allow the proposal to exceed the maximum thresholds for dwelling units and commercial floor area set forth by the traffic generation model. It should be noted that while the CH FLU designation allows 827,422 square feet on the subject property, the proposed commercial development, including outdoor seating areas, on the subject property is only 173,756 square feet, 21% of the maximum area allowed.

Additionally, while the proposed development exceeds the traffic generation model threshold, there are notable discrepancies in development potential between the current South East Regional Planning Models (SERPM) 6.5 model, the SERPM 7.0 model and what the MLU FLU permits on the subject property, as illustrated by the following bar chart. This application recognizes the SERPM are complex computer based models that are used for planning purposes meant to anticipate roadway utilization based on a wide variety of factors including existing development, future development trends, anticipated roadway improvements, public transportation, etc. We recognize that Palm Beach County utilizes SERPM 6.5, which this application has been evaluated against, however, there
is a more current model SERPM 7.0 that has been developed but not yet adopted by Palm Beach County. It is important to note that though the applicant does not challenge the utilization of the adopted SERPM 6.5 model, the discrepancy between the models is substantial when considering the subject property’s compliance with Policy 3.5.D. For example, under the SERPM 6.5 model required by Policy 3.5-d the subject property would be limited to 54,000 square feet of commercial uses. Alternatively, utilizing the SERPM 7.0 model the subject property would be limited to 122,000 square feet of commercial use to remain compliant with Policy 3.5-d. This variation, illustrated on the bar chart, sheds light on the complexity of long range traffic models that inherently limit the development potential for this and similar infill opportunities.

Although the subject property will not be developed at the maximum commercial intensity that Commercial High (CH) permits, the exemption request will provide a more flexible framework to attract high-quality, specialty commercial tenants that would not otherwise be viable under compliance with the limitations set by Policy 3.5-d. In fact, the failing roadway linkage are failing even without the proposed development on the subject property. Please refer to the attached Exhibit 6, which illustrates the surrounding segments that fail under the current SERPM 6.5 model, by how much they fail even without the proposed development, and what the percentage of impact the proposed development would have on the specific segments. It should be noted that the impacts resulting from the proposed development do not exceed 5% on any segment as demonstrated in Exhibit 6.

The current LR-3 FLU designation allows residential density of up 3 units per acre and does not permit commercial uses. As shown in the attached existing Future Land Use map in Exhibit 4 the subject property’s land use designation is conspicuously inconsistent with the land uses of adjacent properties along the north and south side of Glades Rd between State Road 7 and the Turnpike, as they are designated both intense commercial and denser residential uses. With the existing land use limitation of 114 units (3 units per acre) for residential land use only, which is incompatible with surrounding uses and the least intense FLU designation along the corridor, there is a logical land use pattern argument for seeking the Policy 3.5.D. exemption for the CH/HR-8 FLU designation on this specific site.

When projecting the long range roadway impacts of a development, as required by Policy 3.5-d, it is not possible to differentiate between the different types of uses that create an engaging and active
mixed-use development as is proposed. Not all retail uses draw customers at the same time of the day; therefore, the “peak” time for many of the uses will vary which is not considered in the Comprehensive Plan traffic evaluation. As an example, the peak customer time for a Grocery Store will differ from the peak customer times for a Quality Restaurant or Movie Theater, which generally occur in the later evening hours. As such, the impact on the roadway network for the proposed project is not as great during the peak hours. The nuance of this dynamic is not contemplated when doing the initial long term traffic evaluation and consequently all retail trips are considered equal. This limitation places an inaccurate burden of traditional peak hour trips (7am-9am and 4pm-6pm) on this proposed development and limits the project’s ability to comply with Policy 3.5-d.

Moreover, another factor that contributes stress on the area’s roadway network is the distances residents of the western Boca Raton area must travel to dine, shop or enjoy a movie in a similarly composed development. These trips contribute to an increase of total Vehicle Miles Traveled (VMT) for the local residents and impact roadway networks due to a lack of similar services within their local area. Similar mixed use developments range from the University Commons Shopping Center at the intersection of Glades and I-95 (6 miles) to Mizner Park (9 miles), Delray Marketplace (8 miles) and the Promenade Coconut Creek (7 miles). These existing developments draw the residents of this market increasing the time wasted on congested roadways, the energy used by the vehicles and total costs of auto travel. The mixed use nature of the proposed FLUA Amendment will also promote internal trip capture and empirical evidence from various sources supports the justification that a more compact urban form than currently allowed could be accommodated. By capturing these trips in the local area, the overall Vehicle Miles Traveled (VMT) for the residents would be reduced in the immediate vicinity of the project, as well as the long term benefit of reducing these same impacts in other areas of the County.

In 2010, the study Land Use and Driving was published by the Urban Land Institute, which investigated the role of compact urban development in reducing greenhouse gas emissions. As it relates to vehicle trips, the study found the following:

- 45% of all trips in a compact development fall into the category of family/personal trips and 27% of all trips fall into the category of social/recreation trips. Furthermore, where commercial components of the site serve as places of employment; another 18% of trips are work or work-related trips; and
- By increasing the percentage of residential development which exceeds a density of 5 dwelling units per acre, the number of vehicle miles traveled (VMT) is reduced, summarized as follows:
Based on the breakdown of land uses and taking into consideration the findings in the ULI study, the proposed development of the subject property has the potential to capture 72% or more of trips generated by residential uses in the area.

A further study, *Land Use and Traffic Congestion*, published by the Arizona Department of Transportation in March 2012, compared land use characteristic and travel characteristics for higher-density mixed use areas and lower-density mixed use areas and concluded as follows:

- Regions which have a density of 6.14-6.94 units per acre and 42.4 retail/service opportunities within a half mile exhibited a per capita VMT of 10.5 miles/day.
- Regions which have a density of 2.86-3.61 units per acre and 15.4 retail/service opportunities within a half mile exhibited a per capita VMT of 15.4 miles/day.

Based on the results of the aforementioned studies, the surrounding land uses and the proposed mix of uses:

- The proposed development is anticipated to provide a mix of uses, specifically quality restaurant, boutique movie theater and an upscale specialty grocery store, which are not currently provided in the western Boca Raton community;
- The mix of complementary land uses serves to maximize the internal capture within the site; and,
- Although a higher density / intensity is being proposed than what would typically be allowed by Policy 3.5-d, this helps promote reductions in vehicle miles traveled (VMT) based on the mixed use nature of the proposal.

The site specific nature of the proposed FLUA and Text Amendments further ensures that the exemption will be limited to the subject property alone and will not result in inadvertent consequences on subsequent FLUA amendments elsewhere in the County.
CONSISTENCY

**Goals** – The proposed Text Amendment furthers the County’s goals as further described below.

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

  *Response:* Approval of the subject Text Amendment will allow for the development of specialty mixed uses for the western Boca Raton community, which will ensure this area of Palm Beach County has the needed services to serve residents; thus, promoting and enhancing the quality of life for current and future residents of the area.

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

  *Response:* The subject Text Amendment will provide a functional range of residential development and commercial uses which facilitate urban consolidation and provide additional choice and alternatives to the surrounding community. The proposed mixed use development will achieve a viable balance of land uses and provide current and future residents of Palm Beach County the opportunity to access specialty commercial uses and alternative housing options. The proposal thus promotes Palm Beach County’s intention to promote the enhancement, creation and maintenance of livable communities.

- **Community Planning and Design** – “…to develop and implement strategies that will enhance the quality of life within its neighborhoods and communities by ensuring that these areas are well-planned, visually pleasing, safe, and devoid of substandard housing and blight.”

  *Response:* Approval of the proposed Text Amendment will allow for a compact, well planned, functionally integrated mixed use development which will serve community needs. The very definition of a well planned community is one that is compact and self-contained with a mix of uses and the proposed FLUA Amendment, combined with the proposed Text Amendment, achieves this objective.

**Objectives** – The proposed Text Amendment furthers the County’s objectives as further described below.
**Objective 1.1 Managed Growth Tier System** – “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 to:

1. Ensure sufficient land, facilities and services are available to maintain a variety of housing and lifestyle choices, including urban, suburban, exurban, and rural living;
2. Preserve, protect, and improve the quality of natural resources, environmentally sensitive lands and systems by guiding the location, type, intensity, and form of development;
3. Accommodate future growth but prohibit further urban sprawl by requiring the use of compact forms of sustainable development;
4. Enhance existing communities to improve or maintain livability, character, mobility, and identity;
5. Facilitate and support infill development and revitalization and redevelopment activity through coordinated service delivery and infrastructure upgrades;
6. Protect agricultural land for farm uses, including equestrian uses;
7. Strengthen and diversify the County’s economic base to satisfy the demands of the population for employment growth, and provide opportunities for agricultural operations and employment centers; and,
8. Provide development timing and phasing mechanisms in order to prioritize the delivery of adequate facilities and services to correct deficiencies in existing communities and accommodate projected growth in a timely and cost effective manner.”

**Objective 1.2 Urban / Suburban Tier – Urban Service Area** – “Palm Beach County shall plan to accommodate approximately 90% of the County’s existing and projected population through the long-range planning horizon within the Urban/Suburban Tier. The Urban/Suburban Tier shall include all land within the Urban Service Area, as depicted on the Service Areas Map in the Map Series. These areas have a development pattern generally characterized as urban or suburban, considering the intensity and/or density of development. The Urban/Suburban Tier shall be afforded urban levels of service.”

*Response:* Approval of the subject Text Amendment will direct mixed use development into the Urban/Suburban tier. The request furthers the above objectives by utilizing existing infill land within an established urban area, preventing sprawl by co-locating a mix of uses in a compact urban form and providing opportunity to utilize existing infrastructure.

The proposed uses will be located on a 37.99 acre vacant property within an existing urban area. Approval of the subject Text Amendment will allow the uses thereon to be consolidated in one location, rather than additional density / intensity being directed to areas of the County where less efficient forms of development could result.
Objective 2.1 Balanced Growth – “Palm Beach County shall designate on the Future Land Use Atlas sufficient land area in each land use designation to manage and direct future development to appropriate locations to achieve balanced growth. This shall be done to plan for population growth and its need for services, employment opportunities, and recreation and open space, while providing for the continuation of agriculture and the protection of the environment and natural resources through the long-range planning horizon.”

Response: Approval of the subject Text Amendment will direct mixed use development into an infill development site which is appropriately located to serve the uses thereon and the needs of the surrounding area. The request furthers the above objectives by utilizing existing infill land within an established urban area, preventing sprawl by co-locating a mix of uses in a compact urban form, providing opportunity to utilize existing infrastructure. The requested Text Amendment will also enable future development to generate a mixture of employment opportunities in a centralized location.

Objective 3.1 Service Areas - General – “Palm Beach County shall establish graduated service areas to distinguish the levels and types of services needed within a Tier, consistent with sustaining the characteristics of the Tier. These characteristics shall be based on the land development pattern of the community and services needed to protect the health, safety and welfare of residents and visitors; and, the need to provide cost effective services based on the existing or future land uses.”

Response: The proposed Text Amendment will ensure that services are provided in the most cost-effective and viable manner. The land development pattern that has been established within the immediate vicinity of the property comprises a mix of residential and commercial uses. The proposed Text Amendment will also provide opportunity for needed services to the residents in the immediate vicinity and not require them to travel long distances to obtain such services, thus ensuring that the characteristics of the Tier be sustained, creating a mix of uses that are compact and self-contained.

Objective 3.5 Levels of Service Required for Development – “Palm Beach County shall require the availability of services concurrent with the impacts of development, as provided by Section 163.3177(10) (h), F.S. Decisions regarding the location, extent and intensity of future land use in Palm Beach County, particularly urban-type expansion, shall ensure consistency with the type of uses and development established within each Tier. Future land use decisions shall also be based on the physical constraints and financial feasibility of providing areas with services at levels of service (LOS) that meet or exceed the minimum standards adopted in the Comprehensive Plan.”

Response: The proposed Text Amendment will ensure that services are provided in the most cost-effective and viable manner. The proposed future uses are compatible with uses and intensity of development expected for the Urban / Suburban Tier. Density / intensity will be
consistent with the maximum density / intensity permissible under the Comprehensive Plan for the proposed FLU designation (Tables 2.2.1-g.1 and III.C.2). The land development pattern that has been established within the immediate vicinity of the property comprises a mix of residential and commercial uses. The proposed Text Amendment, in conjunction with the proposed FLUA Amendment, will provide a framework for future development of the land which is financially feasible and does not adversely impact on the physical characteristics of the area. It will also provide opportunity for needed services to the residents in the immediate vicinity and not require them to travel long distances to obtain such services.

**Policies** – The proposed Text Amendment furthers the County’s policies as further described below.

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

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

**Response:** The subject property is located within the Urban/Suburban Tier of Palm Beach County, where adequate facilities are provided. The proposed Text Amendment will facilitate development that is consistent with the character of the development and area. The proposal will allow the development of a mixed use that provides alternative housing options and specialty commercial uses for the western Boca Raton community.

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

**Response:** The proposed Text Amendment will enable the development of a viable, specialty mixed use development, where adequate infrastructure and services are already available. The proposal will facilitate infill redevelopment of the subject property to provide an opportunity for the Applicant to develop a use that is more appropriate for the local area.

**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.
Response: The proposed Text Amendment will assign density and intensity that is consistent with the maximum permissible under the proposed FLUA designation. The request for exemption from Policy 3.5-d is for density and intensity above the limitations required to satisfy the traffic levels of service. Given the infill location of the subject property and the opportunity for the proposal to reduce VMT and accommodate internal trip capture due to the mix of uses, the request is considered to satisfy the intent of Policy 2.1-a.

Policy 3.5-d – Traffic Levels of Service

Response: It is acknowledged the proposed Text Amendment seeks exemption from satisfying the requirements of this Policy. The justification for the proposed amendment to the Policy, as well as proposed text changes, are provided elsewhere in this report.

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

Response: Approval of the proposed Text Amendment will allow for development of the subject property with an MLU FLU designation at an infill location. The intensity and densities proposed will facilitate sustainable urban development by providing a compact urban form which reduces VMT and promotes internal trip capture, consistent with sustainable planning principles.

ULDC CHANGES

No ULDC changes are anticipated as result of the proposed Text Amendment.

CONCLUSION

The proposed Text Amendment seeking exemption from Policy 3.5-d will make a positive contribution to the urban fabric of the locality and provide a framework for development of this infill property as a specialty mixed use development at the maximum density and intensity allowed by the FLU designation under the Comprehensive Plan. When balancing other considerations, including the opportunity to develop the property with a use that meets the needs of the western Boca Raton community and promotes infill development, balanced growth and urban consolidation, the requested exemption is considered to be an acceptable outcome in this instance.
Project Location
Johns Glades West
Comprehensive Plan Amendment
Palm Beach County
EXHIBIT 1
Proposed Future Land Use

Johns Glades West

Comprehensive Plan Amendment
Palm Beach County

EXHIBIT 2
COMPARABLE SERVICES MAP

EXHIBIT 3
Future Land Use Map
Johns Glades West
Comprehensive Plan Amendment
Palm Beach County
EXHIBIT 4
## VIII. Public Facilities Information

### A. Traffic Information

<table>
<thead>
<tr>
<th></th>
<th>Current FLU</th>
<th>Maximum Conditioned / Concurrent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Max Trip Generation</td>
<td>1,140</td>
<td>14,128 daily trips</td>
</tr>
<tr>
<td>Trip Increase Max.</td>
<td>12,988 Daily Trips</td>
<td></td>
</tr>
<tr>
<td>Trip Inc. Conditioned or Concurrent</td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>

- **Significantly impacted roadway segments that fail Long Range**
  - US 441 from Palmetto Park Road to Clint Moore Road
  - US 441 from Winners Circle to Atlantic Avenue
  - Glades Road from Lyons Road to St. Andrews Boulevard

- **Significantly impacted roadway segments for Test 2**
  - US 441 from Palmetto Park Road to Atlantic Avenue
  - Glades Road from Palmetto Park Road to Ponderosa Drive and from Cain Boulevard to Florida’s Turnpike
  - Lyons Road from Palmetto Park Road to Glades Road

**Traffic Consultant**: Christopher W. Heggen, P.E. - Kimley-Horn and Associates, Inc.

### B. Mass Transit Information

- **Nearest Palm Tran Route (s)**: Route 91 - BCR X-Town via Glades

- **Nearest Palm Tran Stop**
  - Bus Stop #8364 – approx. 150ft to the west on the southern side of Glades Road.
  - Bus Stop #8365 – approx. 150ft to the east on the southern side of Glades Road, east of 95th Avenue South.
  - Bus Stop #8838 – approx. 150ft to the north on the northern side of Glades Road (in front of the Glades Road Branch Library).

- **Nearest Tri Rail Connection**: Boca Raton (Yamato Road) – approx. 7 miles.
C. Potable Water & Wastewater Information

| Potable Water & Wastewater Providers | Palm Beach County Water Utilities Department (PBCWUD)  
Refer to Application Attachment I |
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Nearest Water &amp; Wastewater Facility, type/size</td>
<td>The nearest potable water mains are located in Glades Road and 95 Avenue South, approximately 100 feet from the property. The nearest wastewater main is located in 95th Ave South, approximately 900 feet south of the property.</td>
</tr>
</tbody>
</table>

D. Drainage Information

A Drainage Statement is provided as Application Attachment J. In summary, the proposed drainage system will be designed following the requirements and criteria of Palm Beach County, SFWMD and the LWDD. Dry Pre-Treatment and water quality will be provided in an on-site stormwater management area prior to discharge. The site will comply with the SFWMD Hillsboro Basin criteria at build-out. Legal positive outfall will be provided to the adjacent LWDD L-46 canal.

E. Fire Rescue

| Nearest Station | PBC Fire Rescue Station #57  
9030 Vista Del Lago, Boca Raton |
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Distance to Site</td>
<td>2.25 miles</td>
</tr>
<tr>
<td>Response Time</td>
<td>Approximate response time is 7 minutes</td>
</tr>
<tr>
<td>Effect on Resp. Time</td>
<td>Minimal effect on Fire Rescue response time (Refer to Application Attachment K)</td>
</tr>
</tbody>
</table>

F. Environmental

| Significant habitats or species | An Environmental Report is included at Application Attachment L.  
In summary, no native upland or wetland communities are located on the parcel. Vegetation within the row crop areas is comprised of mostly grasses and weeds.  
No significant habitat occurs on the assessed parcel. No state or federal listed plant or animal species were located within the review area. |
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Flood Zone*</td>
<td>The subject site is located in Flood Zones AO and V according to the PBC Flood Insurance Rate Map No. 230B, dated October 15, 1982.</td>
</tr>
<tr>
<td>Wellfield Zone*</td>
<td>The subject site is not located in a Wellfield Zone (Refer to Wellfield Zone Map at Application Attachment M).</td>
</tr>
</tbody>
</table>

* 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 PBC Archaeologist has advised no known cultural (historical and archaeological) resources are identified within 500 feet of the subject property, by way of letter dated April 15, 2016 (Refer to Application Attachment N)
## H. Parks and Recreation

<table>
<thead>
<tr>
<th>Park Type</th>
<th>Name &amp; Location</th>
<th>Level of Svc. (ac. per person)</th>
<th>Population Change</th>
<th>Change in Demand</th>
</tr>
</thead>
<tbody>
<tr>
<td>Regional</td>
<td>Burt Aaronson South County Regional Park, Glades Road, Boca Raton (approx. 2 miles)</td>
<td>0.00339</td>
<td>+ 454 persons</td>
<td>+ 1.54 ac</td>
</tr>
<tr>
<td>Beach</td>
<td>South Inlet Park, South Ocean Blvd, Boca Raton (approx. 10 miles)</td>
<td>0.00035</td>
<td>+ 454 persons</td>
<td>+ 0.16 ac</td>
</tr>
<tr>
<td>District</td>
<td>Veteran's Park, Palmetto Park Road, Boca Raton (approx. 2.5 miles)</td>
<td>0.00138</td>
<td>+ 454 persons</td>
<td>+ 0.63 ac</td>
</tr>
</tbody>
</table>

## I. Libraries

<table>
<thead>
<tr>
<th>Library Name</th>
<th>Glades Road Branch Library</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>20701 95th Avenue South</td>
</tr>
<tr>
<td>City, State, Zip</td>
<td>Boca Raton, FL, 33434</td>
</tr>
<tr>
<td>Distance</td>
<td>150ft – north side of Glades Road, opposite subject property</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Component</th>
<th>Level of Service</th>
<th>Population Change</th>
<th>Change in Demand</th>
</tr>
</thead>
<tbody>
<tr>
<td>Collection</td>
<td>2 holdings per person</td>
<td>+ 454 persons</td>
<td>+ 908 holdings</td>
</tr>
<tr>
<td>Periodicals</td>
<td>5 subscriptions per 1,000 persons</td>
<td>+ 454 persons</td>
<td>+ 2.27 subscriptions</td>
</tr>
<tr>
<td>Info Technology</td>
<td>$1.00 per person</td>
<td>+ 454 persons</td>
<td>$454</td>
</tr>
<tr>
<td>Professional staff</td>
<td>1 FTE per 7,500 persons</td>
<td>+ 454 persons</td>
<td>+ 0.06 FTE</td>
</tr>
<tr>
<td>All other staff</td>
<td>3.35 FTE per professional librarian</td>
<td>+ 454 persons</td>
<td>+ 0.20 FTE</td>
</tr>
<tr>
<td>Library facilities</td>
<td>0.34 sf per person</td>
<td>+ 454 persons</td>
<td>+ 154.36 sf</td>
</tr>
</tbody>
</table>

## J. Public Schools - Refer to PBC School District Letter (Application Attachment O)

<table>
<thead>
<tr>
<th>Name</th>
<th>Elementary</th>
<th>Middle</th>
<th>High</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Sandpiper Shores Elementary</td>
<td>Eagles Landing Elementary</td>
<td>Olympic Heights Community High School</td>
</tr>
<tr>
<td>Address</td>
<td>11201 Glades Road</td>
<td>19500 Coral Ridge Dr</td>
<td>20101 Lyons Road</td>
</tr>
<tr>
<td>City, State, Zip</td>
<td>Boca Raton, FL, 33498</td>
<td>Boca Raton, FL, 33498</td>
<td>Boca Raton, FL 33434</td>
</tr>
<tr>
<td>Distance</td>
<td>Approx. 1.58 miles</td>
<td>Approx. 2.28 miles</td>
<td>Approx. 0.83 miles</td>
</tr>
</tbody>
</table>
Exhibit 6
Traffic Study

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
Exhibit 7
Traffic Division Letter

September 6, 2016
Christopher W. Heggen, P.E.
Kimley-Horn and Associates, Inc.
1920 Wekiva Way
West Palm Beach, FL 33411

RE: Round 2017-A
Johns Glades West
PBC Comprehensive Plan FLUE Policy 3.5-d Review

Dear Mr. Heggen:

Palm Beach County Traffic Division has reviewed the revised traffic study for the proposed Future Land Use Amendment for the above referenced project, dated August 29, 2016, pursuant to Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan. The study was performed by Kimley-Horn and Associates, Inc.

The project is summarized as follows:

Location: SWC of Glades Rd and 95th Ave
PON #: On file
Size: 37.99 acres
Existing FLU: LR-3
Existing Zoning: AR
Existing Use: Vacant
Existing Max Potential: Single Family Residential=114 DU
Proposed FLU: MLU(HR,CH)
Prop. Zoning: PUD/MUPD
Prop Max Potential: General Commercial = 413,820 sf (using FAR=0.50 on 50% of site)
Multi-Family = 304 DU (using 8 units/ac)
Site Specific Prop Dev: Apartments=304 DU, Retail=79,000 sf, Movie Theater=638 seats, HT-Sit Down Restaurant=20,000 sf, FF Rest w/DKT=10,500 sf, Quality Rest=30,000 sf
Net Daily Trips: 12,968 (Max)/10,024 (Dev)
Net PH Trips: AM =330(Max)/481(Dev), PM =1168(Max)/782(Dev)

Based on the review, the Traffic Division has determined the proposed amendment does not meet Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan due to the failure of 2040 Long Range Test on some of the significantly impacted links, based on the proposed development intensity/density. Proposed maximum potential has not been analyzed in the report. The following links fail the 2040 Long Range test:

- Glades Rd from Jog Road to Cain Boulevard
- SR-7 from SW 18th Street to Clint Moore Road
- SR-7 from Winners Circle to Atlantic Avenue
- Lyons Rd from SW 18th Street to Glades Road

Please contact me at 561-684-4030 or email qbar@pbegov.org with any questions or concerns.

Sincerely,

Quazi Bari, P.E.
Professional Engineer - Traffic Engineering

"An Equal Opportunity Affirmative Action Employer"

File: General - TPS - Traffic Study Review
M:\TRAFFIC\Development Review\Comp Plan\17-A\Johns Glades West 8-29-2016 Prop Development.docx
Exhibit 8
Water & Wastewater Provider LOS Letter

April 18, 2016

WGI
400 Columbia Drive
Suite 110
West Palm Beach, FL 33411
Attn: Mr. Steve Graham

RE: Johns Glades West (38 Acres on SW Corner of Glades Road and 95th Ave South)
Future Land Use Atlas Amendment
Your Letter Dated 04-14-16

Dear Mr. Graham,

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.
PBCWUD is able to maintain the current level of service standards, based on a PLU designation of LR-3 and a Zoning District of AR.
PBCWUD will be able to meet the utility needs at the increased intensity of this proposed amendment, based on Multiple Land Use with an underlying HR-8 and CL designations, with a maximum development potential of 304 dwelling units and 206,896 square feet non-residential use.
The nearest potable water mains are located in Glades Road and 95 Avenue South, approximately 100 feet from the property.
The nearest wastewater main is located in 95th Ave South, approximately 900 feet south of the property.

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

Sincerely,

Adam Galiecki
Manager of Technical Services

AG/mc
Exhibit 9
School District Concurrency LOS Letter

THE SCHOOL DISTRICT OF
PALM BEACH COUNTY, FL
PLANNING AND INTERGOVERNMENTAL RELATIONS
3300 FOREST HILL BOULEVARD, SUITE B-102
WEST PALM BEACH, FL 33406

KRISTIN K. GARRISON, A.I.C.P
DIRECTOR
DONALD E. FENNOY II, Ed.D
CHIEF OPERATING OFFICER
STEPHEN BACKHUS
ACTING CHIEF SUPPORT OPERATIONS

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

May 4, 2016

Mr. Steve Graham
Wantman Group, Inc.
400 Columbia Drive, Suite 110
West Palm Beach, FL 33405


Dear Mr. Graham:

The Palm Beach County School District has reviewed the above referenced Future Land Use (FLU) Map Amendment from the current designation of Low Residential of up to 3 dwelling units per acre (LR-3) to the proposed designation of Multiple Land Use (MLU) with an underlying High Residential of up to 8 dwelling units per acre (HR-8) and Commercial Low (CL).

As indicated in the application, the subject property is 37.99 acres in size. It is located on the south side of Glades Road and east side of State Road 7. The current land use allows for a maximum of 114 residential units. The proposed land use would permit 304 residential units. As a result of this amendment, there will be an increase of 190 residential units.

According to the School District’s adopted student multipliers, there would be 57 potential students generated from the proposed land use change (25-elementary school, 12-middle school, 18-high school). The following table lists projected school enrollments for school year 2015/16 and 2019/20 as well as the projected utilizations with additional students generated from the subject property for the schools currently serving the site.

<table>
<thead>
<tr>
<th>Schools</th>
<th>Capacity</th>
<th>Enrollment (15/16)</th>
<th>Enrollment (15/20)</th>
<th>New Students From the Subject Property</th>
<th>Utilization (15/16) %</th>
<th>Utilization (15/20) %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sandpiper Shores ES</td>
<td>1064</td>
<td>907</td>
<td>938</td>
<td>29</td>
<td>87%</td>
<td>91%</td>
</tr>
<tr>
<td>Eagle Landing MS</td>
<td>1260</td>
<td>1232</td>
<td>1384</td>
<td>12</td>
<td>103%</td>
<td>100%</td>
</tr>
<tr>
<td>Olympic Heights</td>
<td>2271</td>
<td>2023</td>
<td>2173</td>
<td>16</td>
<td>90%</td>
<td>90%</td>
</tr>
</tbody>
</table>

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

The School District of Palm Beach County, Florida
A Top-Rated District by the Florida Department of Education Since 2005
An Equal Education Opportunity Provider and Employer
As indicated in the table on the first page, the projected utilizations for elementary and high school do not exceed 100%. However, the middle school utilization is projected to exceed 100% in the School Year 2015/2016 and the School Year 2019/2020. This may require mitigation or some other solutions in order to keep the school from becoming overcrowded.

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

If you have any questions regarding this letter, please feel free to contact us at (561) 982-1941.

Sincerely,

Joyce C. Cai
Senior Planner

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

The School District of Palm Beach County, Florida
A Top-Rated District by the Florida Department of Education Since 2005
An Equal Education Opportunity Provider and Employer
Disclosure of Ownership Interests

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 Alexander S. Rosemurgy, II, 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 Gables 99th 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: 1201 EAST HILLSBORO BOULEVARD
DEERFIELD BEACH, FL 33441

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.
FURTHER AFFIANT SAYETH NAUGHT.

Alexander S. Rosemurgy, II.  Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 15 day of April, 2016, by Alexander S. Rosemurgy, II.  [X] who is personally known to me or [ ] who has produced as identification and who did take an oath.

Carol M. Zoldos
Notary Public
(Print Notary Name)

FloridaNotaryService.com

Disclosure of Beneficial Interest - Applicant form
Page 2 of 4

Revised 08/25/2011
Web Format 2011
DESCRIPTION:

PARCEL A


LESS AND EXCEPT THE LAND CONVEYED TO THE COUNTY OF PALM BEACH BY THE RIGHT-OF-WAY DEED RECORDED IN OFFICIAL RECORDS BOOK 57, PAGE 300 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THE LAND CONVEYED TO THE STATE OF FLORIDA, FOR THE USE AND BENEFIT OF THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, BY THE DEEDS RECORDED IN OFFICIAL RECORDS BOOK 6782, PAGE 1185 AND OFFICIAL RECORDS BOOK 6783, PAGE 1187, BOTH OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT ANY PORTION OF SAID LAND CONVEYED TO EICON INVESTMENT COMPANY BY THE WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 6912, PAGE 863 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THE LAND VESTED IN PALM BEACH COUNTY BY THE ORDER OF TAKING ON PLAINTIFF'S PETITION RECORDED IN OFFICIAL RECORDS BOOK 9830, PAGE 702 AND THE AMENDED ORDER OF TAKING ON PLAINTIFF'S PETITION RECORDED IN OFFICIAL RECORDS BOOK 9840, PAGE 984, BOTH OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL B

TRACTS 118 AND 119, BLOCK 77 OF PALM BEACH FARMS COMPANY PLAT NO. 3, RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 1,864,834 SQUARE FEET/37.9902 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.

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
</tr>
</thead>
</table>
| Alexander E. Rosenurgy | Manager of Glades 95th, LLC  
|             | 1201 E. Hillsboro Blvd.              
|             | Deerfield Beach, FL. 33441          |
| Richard F. Gies   | Manager of Glades 95th, LLC  
|             | 1201 E. Hillsboro Blvd.              
|             | Deerfield Beach, FL. 33441          |
| Brian Schmer   | Manager of Glades 95th, LLC  
|             | 1201 E. Hillsboro Blvd.              
|             | Deerfield Beach, FL. 33441          |
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
DIXIE A. HOUSTON and DANIEL F. JOHNS, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the Manager of Glades W95, LLC, a Florida limited liability company 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: 132 Intracoastal Circle
   Tequesta, FL 33469
   or 4850 SW 51st Terrace
   Ocala, FL 34474

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.

GLADES W95, LLC, a Florida limited liability company

DIXIE A. HOUSTON, Manager

DANIEL F. JOHNS, Manager

Affiant (Print Affiant Name)

The foregoing instrument was acknowledged before me this 26th day of February, 2016, by DIXIE A. HOUSTON and DANIEL F. JOHNS, as Managers of Glades W95, LLC, a Florida limited liability company [ ] who are personally known to me or [ ] who have produced as identification and who did take an oath.

M. ADAM BANKIER
Notary Public

(Print Notary Name)

NOTARY PUBLIC
State of Florida at Large
My Commission Expires: _____

Disclosure of Beneficial Interest - Ownership form
Page 2 of 4

Revised 08/25/2011
Web Format 2011
Tracts 118 and 119, Block 77 of PALM BEACH FARMS COMPANY PLAT NO. 3, recorded in Plat Book 2, Page 45 of the Public Records of Palm Beach County, Florida.
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.

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Individual Owner</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dixie J. Houston, as Trustee of the Dixie J. Houston Revocable Trust</td>
<td>132 Intracoastal Circle, Tequesta, FL 33469</td>
<td>Dixie J. Houston, Beneficiary - 12.5%</td>
</tr>
<tr>
<td>Under Agreement dated October 15, 2006</td>
<td></td>
<td></td>
</tr>
<tr>
<td>David E. Houston, as Trustee of the Dixie J. Houston Trust fbo David E. Houston dated December 10, 2015</td>
<td>103 Benjamin Drive, Eufaula, AL 36027</td>
<td>David E. Houston, Beneficiary - 18.75%</td>
</tr>
<tr>
<td>Jennifer Jay Houston, as Trustee of the Dixie J. Houston Trust fbo Jennifer Jay Houston dated December 10, 2016</td>
<td>131 Brookwood Drive, Eufaula, AL 36027</td>
<td>Jennifer Jay Houston, Beneficiary - 18.75%</td>
</tr>
<tr>
<td>DFJT Trust dated December 18, 2016</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trustees: Daniel Flinton Johns</td>
<td>4850 SW 51st Terrace, Miami, FL 33447</td>
<td>Daniel Flinton Johns, Beneficiary - 50%</td>
</tr>
<tr>
<td>Joseph Ray Johns</td>
<td>1105 Weber Street, Orlando, FL 32803</td>
<td></td>
</tr>
<tr>
<td>Tia Counts</td>
<td>1221 Brickell Ave, Suite 400, Miami, FL</td>
<td></td>
</tr>
</tbody>
</table>
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 DANIEL F. JOHNS, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the Trustee of the Yolanda E. Ringger Family Trust dated November 17, 1993 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: _132 IntraCostal Circle_
_Tequesta, FL 33469_

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.

DANIEL F. JOHNS, as Trustee of the Yolanda E. Ringger Family Trust dated November 17, 1993

Affiant (Print Affiant Name)

The foregoing instrument was acknowledged before me this 26th day of February, 2016, by DANIEL F. JOHNS, as Trustee of the Yolanda E. Ringger Family Trust dated November 17, 1993 [ ] who is personally known to me or [ ] who has produced as identification and who did take an oath.

M. ADAM BANKIER
Notary Public - State of Florida
My Comm. Expires Jan 13, 2017
Commission # FF 026239

ADAM BANKIER
(Print Notary Name)

NOTARY PUBLIC
State of Florida at Large
My Commission Expires: __________
Tracts 105, 106, 107, 108, 117 and 120, and the East 51 feet of Tracts 109 and 116, Block 77 of PALM BEACH FARMS COMPANY PLAT NO. 3, recorded in Plat Book 2, Page 45 of the Public Records of Palm Beach County, Florida.

Less and except the land conveyed to the County of Palm Beach by the Right-of-Way Deed recorded in Official Records Book 57, Page 330 of the Public Records of Palm Beach County, Florida.

Also less and except the land conveyed to the State of Florida, for the use and benefit of the State of Florida Department of Transportation, by the Deeds recorded in Official Records Book 6782, Page 1185 and Official Records Book 6782, Page 1187, both of the Public Records of Palm Beach County, Florida.

Also less and except any portion of said land conveyed to Ezon Investment Company by the Warranty Deed recorded in Official Records Book 6912, Page 863 of the Public Records of Palm Beach County, Florida.

Also less and except the land vested in Palm Beach County by the Order of Taking on Plaintiff's Petition recorded in Official Records Book 9830, Page 702 and the Amended Order of Taking on Plaintiff's Petition recorded in Official Records Book 9840, Page 984, both of the Public Records of Palm Beach County, Florida.
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.

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yolande E. Ringger</td>
<td>c/o Daniel F. Johns</td>
<td>100%</td>
</tr>
<tr>
<td></td>
<td>132 Intracoastal Circle</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Tequesta, FL 33489</td>
<td></td>
</tr>
</tbody>
</table>
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 DANIEL FRANKLIN JOHNS, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant 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: 4850 SW 51st Terrace, Ocala, FL 34474

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.

DANIEL FRANKLIN JOHNS
Affiant (Print Affiant Name)

The foregoing instrument was acknowledged before me this __________ day of February,
2016, by DANIEL FRANKLIN JOHNS [ ] who is personally known to me or [ ] who has produced
as identification and who did take an oath.

M. ADAM BANKIER
Notary Public - State of Florida
My Comm. Expires Jun 13, 2017
Commission # FF 026239

M. ADAM BANKIER
(Print Notary Name)

NOTARY PUBLIC
State of Florida at Large
My Commission Expires: __________
Tracts 105, 106, 107, 108, 117 and 120, and the East 51 feet of Tracts 109 and 116, Block 77 of PALM BEACH FARMS COMPANY PLAT NO. 3, recorded in Plat Book 2, Page 45 of the Public Records of Palm Beach County, Florida.

Less and except the land conveyed to the County of Palm Beach by the Right-of-Way Deed recorded in Official Records Book 57, Page 330 of the Public Records of Palm Beach County, Florida.

Also less and except the land conveyed to the State of Florida, for the use and benefit of the State of Florida Department of Transportation, by the Deeds recorded in Official Records Book 6782, Page 1185 and Official Records Book 6782, Page 1187, both of the Public Records of Palm Beach County, Florida.

Also less and except any portion of said land conveyed to Ezon Investment Company by the Warranty Deed recorded in Official Records Book 6912, Page 863 of the Public Records of Palm Beach County, Florida.

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<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Daniel Franklin Johns</td>
<td>4850 SW 51st Terrace</td>
<td>100%</td>
</tr>
<tr>
<td></td>
<td>Ocala, FL 34474</td>
<td></td>
</tr>
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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 DIXIE A. HOUSTON, hereinafter referred to as “Affiant,” who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the Trustee of the Yoland E. Ringer Family Trust dated November 17, 1993 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: 132 INTRACOASTAL CIRCLE

TEQUESTA, FL 33469

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.

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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.

DIXIE A. HOUSTON, as Trustee of the
Yolande E. Ringer Family Trust dated
November 17, 1993
Affiant (Print Affiant Name)

The foregoing instrument was acknowledged before me this 26th day of February, 2016, by DIXIE A. HOUSTON, Trustee of the Yolande E. Ringer Family Trust dated November 17, 1993, who is personally known to me or [/] who has produced _____ as identification and who did take an oath.

M. ADAM BANKIER
Notary Public
State of Florida at Large
My Commission Expires: _____

Disclosure of Beneficial Interest - Ownership form
Page 2 of 4
Revised 08/25/2011
Web Format 2011
Tracts 105, 106, 107, 108, 117 and 120, and the East 51 feet of Tracts 109 and 116, Block 77 of PALM BEACH FARMS COMPANY PLAT NO. 3, recorded in Plat Book 2, Page 45 of the Public Records of Palm Beach County, Florida.

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EXHIBIT "B"

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<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Ownership %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yolanda E. Ringger</td>
<td>c/o Dixie A. Houston</td>
<td>100%</td>
</tr>
<tr>
<td></td>
<td>132 Intracoastal Circle</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Tequesta, FL 33469</td>
<td></td>
</tr>
</tbody>
</table>

Disclosure of Beneficial Interest - Ownership form
Page 4 of 4
Revised 06/25/2011
Web Format 2011
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
DIXIE J. HOUSTON, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the Trustee under agreement dated October 15, 2008 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: 132 INTRACOASTAL CIRCLE

   TEPUESTA, FL 33469

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.

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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.

DIXIE J. HOUSTON, Trustee under agreement dated October 15, 2008,
Affiant (Print Affiant Name)

The foregoing instrument was acknowledged before me this 24th day of February, 2016, by DIXIE J. HOUSTON, Trustee under agreement dated October 15, 2008 who is personally known to me or who has produced as identification and who did take an oath.

M. ADAM BANKIER
Notary Public
State of Florida at Large
My Commission Expires: _______

Disclosure of Beneficial Interest - Ownership form
Page 2 of 4
Revised 08/25/2011
Web Format 2011
Tracts 105, 106, 107, 108, 117 and 120, and the East 51 feet of Tracts 109 and 116, Block 77 of PALM BEACH FARMS COMPANY PLAT NO. 3, recorded in Plat Book 2, Page 45 of the Public Records of Palm Beach County, Florida.

Less and except the land conveyed to the County of Palm Beach by the Right-of-Way Deed recorded in Official Records Book 57, Page 330 of the Public Records of Palm Beach County, Florida.

Also less and except the land conveyed to the State of Florida, for the use and benefit of the State of Florida Department of Transportation, by the Deeds recorded in Official Records Book 6782, Page 1185 and Official Records Book 6782, Page 1187, both of the Public Records of Palm Beach County, Florida.

Also less and except any portion of said land conveyed to Ezon Investment Company by the Warranty Deed recorded in Official Records Book 6912, Page 863 of the Public Records of Palm Beach County, Florida.

Also less and except the land vested in Palm Beach County by the Order of Taking on Plaintiff's Petition recorded in Official Records Book 9830, Page 702 and the Amended Order of Taking on Plaintiff's Petition recorded in Official Records Book 9840, Page 984, both of the Public Records of Palm Beach County, Florida.
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.

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
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<tbody>
<tr>
<td>Dixie J. Houston, as Trustee of the Johns J. Houston Revocable Trust</td>
<td>132 Intracoastal Circle</td>
</tr>
<tr>
<td>under agreement dated October 15, 2008</td>
<td>TALLAHASSEE, FL 32304</td>
</tr>
</tbody>
</table>
September 30, 2016

Mr. Patrick W. Rutter, Executive Director
Department of Planning, Zoning and Building
Palm Beach County
2300 North Jog Road
West Palm Beach, FL 33411

Dear Mr. Rutter:

We are writing this support in support of the proposed shopping center and multi-family residential community at the southwest corner of Glades Road and 95th Avenue South.

Everglades University is a private non-profit university with five campuses in the State of Florida with its main campus located in Palm Beach on Yamato Road in the T-REX Campus. We appreciate that this project will provide potential housing, dining, and entertainment opportunities for both our students and employees.

Everglades University is a member of the Independent Colleges and Universities of Florida (ICUF) providing undergraduate and graduate degree programs to over 1400 students and staffing over 250 employees and faculty members.

Please do not hesitate to contact me if you have questions or need additional information.

Sincerely,

Krist J. Mollis
President/CEO
Dear Mayor and Commissioners:

I have been contacted by the developers of the proposed development at the southwest corner of Glades Road and 95th Avenue South and am aware that the property is subject to land use and zoning applications seeking approval for a mix of multi-family residential and commercial uses ("Project"). I am very supportive of the Project in this location and believe it will be a welcome addition to the West Boca area and Palm Beach County.

In the event that you have any questions please feel free to contact me at your convenience.

Sincerely,

THANK-YOU

Rick Summers
American Eagle Fire Protection Inc
4711 N Dixie Hwy
Boca Raton, FL 33431
Cell: 561-239-8651
Phone: 561-750-3698
Fax: 561-750-8496
Email: rick@americaneaglefp.com
The Planning Division received 70 letters from individuals using the form letter provided below.

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**Bring New Development to West Boca**

**RE:** Proposed Redevelopment on Glades Road at 95th Avenue South

To Whom it May Concern:

As a resident of Palm Beach County, I was thrilled to hear that a new development is proposed at Glades Road and 95th Avenue South in the West Boca area that will include a mix of high-end commercial and residential uses. As someone familiar with the West Boca area, I know that this vibrant shopping center, which includes a grocery store and variety of retail establishments and restaurants, will enliven and update the area by providing a wider range of options for dining, shopping, entertainment and housing for residents and visitors of the immediate area and Palm Beach County at large.

I encourage you to approve the Project and allow this development to bring additional housing, employment and entertainment options to the County.

I support this project.

Sincerely,

Signature: [Signature]

Name: [Name]

Address: [Address]

Boca Raton, FL 33498
October 20, 2016

Board of County Commissioners  
Palm Beach County  
301 North Olive Ave., Suite 1201  
West Palm Beach, FL 33401

RE: West Boca Community Council Support for Johns Glades West – MXPD

Dear Mayor and Commissioners:

As you know, the West Boca Community Council is an umbrella organization of more than 200 homeowner and condominium member associations that serves as the voice for West Boca with the governments of Palm Beach County and the State of Florida. It was founded in 1980 to fight for quality of life issues. The WBCC mission is to identify issues of common concern in the West Boca community, solicit input from member associations and their residents, propose solutions, and work with county and state governments to enhance the quality of life in West Boca.

We have been meeting with the contract purchaser / developer of the +/- 38 acre vacant parcel located on the south side of Glades Road and the west side of 95th Avenue for almost one year. It is our understanding that they are seeking approvals for a planned development that includes commercial/retail/lifestyle uses on the north side of the property adjacent to Glades Road and residential apartments on the south side of the property. As stated above, we have been discussing this for almost one year with the purchaser / developer who has been incredibly responsive in addressing questions and concerns that have been raised by myself and the WBCC members that have been present at many of the meetings held thus far.

WBCC believes that the proposed development will bring exciting new commercial uses to the West Boca area which are much needed, as well as improve the quality of life for our residents. As such, the WBCC is supportive of the pending land use and zoning applications. We anticipate continued dialogue with the developer and its consultants throughout the application review and approval process. In the event anything changes or there are issues I need your assistance with, I will reach out immediately.

Thank you for your time and consideration.

Sincerely,

Sheri A. Scarborough, President  
West Boca Community Council
October 20, 2016

Via: E-mail and Federal Express

Mr. Jon P. MacGillis
Zoning Director
Palm Beach County
2300 N. Jog Road
West Palm Beach, Florida 33411

Re: John Glades West; Amendment No. LGA 2017-003
   Our File: WWOB002

Dear Mr. MacGillis:

The undersigned represents RREEF America REIT II Corp J, the owner of the property immediately to the west of the above captioned property with an address of 9774 -9960 Glades Road, Boca Raton, Florida. In explanation, but not in limitation of my client’s rights, we wish to inform you that my client has appropriate standing to challenge the above captioned Future Land Use Atlas Amendment Application (“John Glades West Application”). Without limitation of those rights, my client is an “aggrieved or adversely affected person” as defined in Article 1.1.39 of the Palm Beach County Unified Land Development Code (ULDC), as well as an “interested party” pursuant to Article 2.C.5.B.1.d.

My client is adjacent to the property which is the subject of the John Glades West Application. For convenience, this property is being referred to as “John Glades West.” My client is a taxpayer and owner of its property. My client would have special or additional damage to its property upon the granting of the John Glades West Application. Among other things, John Glades West may obtain a competitive advantage as a result of receiving a special privilege contrary to law.

The public hearing of the Local Planning Agency (LPA) is scheduled for Friday, October 21, 2016. The only notice my client received of this hearing was a letter dated October 11, 2016. To comply with Palm Beach County ordinance (Ord. 2012-027), the notice must be mailed to neighboring property owners, such as my client, a minimum of fifteen (15) calendar days prior to the date of the first public hearing. Palm Beach County failed to send sufficient notice to my client. In order to ensure compliance with the notice requirements, the County must postpone the hearing. We expect that you will schedule the hearing for a date for which you can provide sufficient notice.
Mr. Jon MacGillis  
October 20, 2016  
Page 2

My client reserves all rights, including but not limited to supplementing this letter with written materials and documents. My client requests to receive notice of all public hearings in accordance with Article 2.A.1.J.3 of the ULDC. My client also requests that this letter be made part of the public record and be given to all members of the Local Planning Agency and all Commissioners of Palm Beach County sitting as the Board of County Commissioners.

Very truly yours,

Rebecca C. Zissel
Cc: Robert Banks, Esq.