

# 2024 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

## Part 1. Amendment Data

### A. Amendment Data

Round	24-B2	Intake Date	February 7, 2024
Application Name	<b>Boca Raton Commerce Center III</b>	Revised Date	
Acres	4.79 Acres	Control Number	1997-032
		Text Amend?	No
PCNs	00-42-47-20-20-001-0000; 00-42-47-20-20-000-0011; 00-42-47-20-20-000-0012		
Location	0.25 miles south of Glades Road, west of Boca Rio Road.		
	<b>Current</b>	<b>Proposed</b>	
Tier	U/S	U/S	
Use	15,048 s.f. Professional Office & Vacant Lot	15,048 s.f. Professional Office & 110 Unit Multi-Family Residential	
Zoning	Multiple Use Planned Development (MUPD)	Multiple Use Planned Development (MUPD)	
Future Land Use Designation	Commercial Low – Office (CL-O)	Commercial Low – Office (CL-O)	
Underlying Future Land Use Designation	Industrial (IND)	High Density Residential, 12 units per acre (HR-12)	
Conditions	Ord. 2010-054. No Conditions of Approval.	No Conditions of Approval.	

### B. Development Potential

	Current FLU	Proposed FLU
Maximum Square Feet	0.85 FAR (IND) x 4.79 ac. = 177,355 s.f.	0.50 FAR (CL-O) x 4.79 ac. = 104,326 s.f.
Maximum Units	0 du/acre x 4.79 ac. = 0 units	12 du/acre x 4.79 ac. = 57 units  Total 110 units including 2 TDRs/ac. & 75% WHP Density Bonus.
Maximum Beds (for CLF proposals)	N/A	N/A

Population Estimate	0 max du x 2.39 = 0	110 max du x 2.39 = 263 persons
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## Part 2. Applicant Data

### A. Agent Information

Name	Cameron Ennis
Company Name	Schmidt Nichols
Address	1551 N Flagler Drive, Suite 102
City, State, Zip	West Palm Beach, FL 33401
Phone / Fax Number	561.684.6141
Email Address	cennis@snlandplan.com

### B. Applicant Information

Name	Charles M Auchinleck Jr.
Company Name	11 NW 28th St LLC
Address	21387 Sweetwater Ln N
City, State, Zip	Boca Raton, FL 33428
Phone / Fax Number	Contact Agent
Email Address	Contact Agent
Interest	Property Owner

Name	Haviv Cohen
Company Name	11 NW 28th St LLC
Address	21387 Sweetwater Ln N
City, State, Zip	Boca Raton, FL 33428
Phone / Fax Number	Contact Agent
Email Address	Contact Agent
Interest	Property Owner

### Part 3. Site Data

#### A. Site Data

<b>Built Features</b>	The existing site is comprised of 3 parcels. Only one of the three (3) included parcels contains a structure. This parcel is PCN: 00-42-47-20-00-000-0011 and currently has a 14,986 square foot two-story office built on site that was constructed in 2012. An Inventory Summary & map are enclosed as <b>Attachment F</b> .
<b>PCN</b>	00-42-47-20-20-001-0000, 00-42-47-20-20-000-0011, 00-42-46-20-20-000-0012 See Legal Description as Application <b>Attachment A</b> and Survey as <b>Attachment P</b>
<b>Street Address</b>	8230 210th Street South
<b>Frontage</b>	None, Property Depth: 632'
<b>Legal Access</b>	210th Street South
<b>Contiguous under same ownership</b>	All contiguous property under common ownership is included in the subject request
<b>Acquisition details</b>	<i>Site was purchased on December 19, 2023 by 8230 20 St S LLC from 11 NW 28<sup>th</sup> St, LLC via Warranty Deed. See <b>Attachment A</b>.</i>
<b>Size purchased</b>	<i>The land purchased was the entire parcel.</i>

#### B. Development History

<b>Previous FLUA Amendments</b>	Ordinance No. 2010-054 was adopted on October 28, 2010 that modified FLUA page 114 by changing a 4.79-acre parcel of land located at 600 feet west of Boca Rio Road and 1,400 feet south of Glades Road, from Industrial to Commercial-Low Office with an underlying Industrial.
<b>Concurrency</b>	Concurrency was previously secured for a 2-Story 14,986 s.f. Professional Office Building
<b>Plat, Subdivision</b>	Boca Raton Commerce Center MUPD (PB Page 115, Page 17)

### C. Zoning Approvals & Requests

Reso. No.	App. No.	Status	Type	Description	Changes proposed (if any)
R-1973-0618, R-1980-0375	2013-1470	Approved	DRO	Approval of 2 story, 14,986 s.f. Professional Office building.	None.
N/A	SCA-2020-010	Withdrawn	FLUA Amendment	Amend FLU from Commercial Low Office w/ underlying Industrial (CL-O/IND) to Commercial Low Office w/ underlying Congregate Living Residential (CL-O/CLR)	None. Applicant withdrew application.
N/A	SCA-2022-014	Withdrawn	FLUA Amendment	Amend FLU from Commercial Low Office w/ underlying Industrial (CL-O/IND) to Commercial Low Office w/ underlying High Density Residential, 12 units per acre (CL-O/HR-12)	None. Applicant withdrew application.

## Part 4. Consistency

### A. Surrounding Land Uses.

Adjacent Lands	Use	Future Land Use	Zoning
<b>North</b>	Single Family Residential, West Lakes of Boca Raton Mobile Home (2.54 du/acre)	Medium Density Residential, 5 units per acre	Agricultural Residential
<b>South</b>	Post Office (24,439 S.F.)	Industrial	General Industrial, Petition No. 1979-00260
<b>East</b>	Self Service Storage, Multi-Access (76,516 S.F.); Self Service Storage, Limited Access (168,556 S.F.); Auto Repair (11,652 S.F.)	Industrial	Light Industrial, Petition No. 1984-00030
<b>West</b>	Residential Townhomes – Mizner Pointe of Boca Via Ancho (10.82 du/acre)	High Density Residential, 8 units per acre	Residential Planned Unit Development, Petition No. 1996-00048

## Part 5. Public Facilities Information

<b>A. Traffic Information</b>		
	<b>Current</b>	<b>Proposed</b>
<b>Max Trip Generator</b>	<i>Medical Office: T=42.97(X)-108.1 Light Industrial: 4.87/1000 SF</i>	<i>Medical Office: T=42.97(X)-108.1 Residential MultiFamily MidRise: 4.54/DU</i>
<b>Maximum Trip Generation</b>	<i>Medical Office: 3,937 <u>Underlying Use:</u> Light Industrial: 778</i>	<i>Maximum (Med Office): 3,937 <u>Underlying Use:</u> Proposed (Residential)(Max): 259 Proposed (Residential)(Prop): 499</i>
<b>Net Daily Trips:</b>	<u>0</u> (maximum minus current) <u>-519</u> (proposed minus current) (Max) <u>-279</u> (proposed minus current) (Prop)	
<b>Net PH Trips:</b>	<u>17</u> AM, <u>18</u> PM (maximum) <u>37</u> AM, <u>39</u> PM (proposed)	
<b>Significantly impacted roadway segments that fail Long Range</b>	None	None
<b>Significantly impacted roadway segments for Test 2</b>	None	None
<b>Traffic Consultant</b>	Pinder Troutman – Rebecca Mulcahy	
<b>B. Mass Transit Information</b>		
<b>Nearest Palm Tran Route (s)</b>	Route 91 (Glades Road), Route 92 (Palmetto Park Road)	
<b>Nearest Palm Tran Stop</b>	Stop 8326 (north side of Glades Road, approximately 130' west of the intersection of Glades Road & Boca Rio Road) is approximately 0.4 miles from the subject property.	
<b>Nearest Tri Rail Connection</b>	Deerfield Beach Station, 1300 Hillsboro Road, Deerfield Beach, FL 33442 (approx. 6.3 miles)	
<b>C. Potable Water &amp; Wastewater Information</b>		
<b>Potable Water &amp; Wastewater Providers</b>	Palm Beach County Water Utilities Department	

<b>Nearest Water &amp; Wastewater Facility, type/size</b>	PBCWUD has the capacity to provide the level of service required for the proposed land use designation of Commercial Low-Office (CL-O) w/ an underlying High Residential, 12 dwelling units per acre (HR-12). Potable water and sanitary sewer are currently provided to the northern parcel. Watermain extensions and lift station upgrades may be required.
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**D. Drainage Information**

The project drainage system will involve a reconfiguring of the current dry detention area and exfiltration trench current on the site as needed to support the new project site plan. The proposed drainage system will also include inlets and culverts. The site is proposing to maintain current legal positive outfall to Lake Worth Drainage Districts L-46 canal via an existing stormwater outfall/control structure at the northwest corner of the property. The propose project is covered under the original South Florida Water Management District Permit No. 50-07377-P with reference application numbers 050726-9 & 101123-3 such that there are no “off-site” historical drainage concerns for this project. The property is included in FEMA flood zone ‘X’, an area of minimal flood hazard.

The stormwater management design update to the existing layout on site currently will be in compliance with SFWMD, LWDD and PBC requirements for attenuation and discharge while also staying in conformance with the existing permits in place over the site.

Submitted

**E. Fire Rescue**

<b>Nearest Station</b>	Station 57, 9030 Vista Del Lago
<b>Distance to Site</b>	Station 57 is 2.50 miles from the subject site
<b>Response Time</b>	Based on the information provided by PBC Fire-Rescue the estimated response time is 7 minutes and 30 seconds. PBC Fire Letter provided at Attachment K.
<b>Effect on Resp. Time</b>	PBC Fire-Rescue has determined that the proposed amendment will have some impact on fire rescue response time. Please see Attachment K.

**F. Environmental**

<b>Significant habitats or species</b>	The subject property does not support any significant habitats or Listed Species. According to historic aerials, the subject property was drained and cleared of natural vegetation at some point between 1979 and 1969. The topography and soils remain relatively unchanged since the clearing of the site. Therefore, there will be minimal impact to the natural environment if the site is developed as intended.
<b>Flood Zone*</b>	The subject parcel is located in Flood Zone X
<b>Wellfield Zone*</b>	The subject property does not lay within any wellfield protection zones. The proposed planned development will have no negative impacts on the wellfield zones. A detailed map has been provided at Attachment M

**G. Historic Resources**

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

**H. Parks and Recreation - Residential Only (Including CLF)**

Park Type	Name & Location	Level of Svc. (ac. per person)	Population Change	Change in Demand
Regional	Burt Aaronson South County Regional Park	0.00339	270	0.915
Beach	South Inlet Park	0.00035	270	0.095
District	Logger's Run Park	0.00138	270	0.373

**I. Libraries - Residential Only (Including CLF)**

Library Name	Glades Road Branch Library			
Address	20701 95 <sup>th</sup> Avenue S.			
City, State, Zip	Boca Raton, FL 33434			
Distance	2.0 miles			
Component	Level of Service	Population Change	Change in Demand	
Collection	2 holdings per person	270	540	
All staff	0.6 FTE per 1,000 persons	270	0.162	
Library facilities	0.6 square feet per person	270	162	

**J. Public Schools - Residential Only (Not Including CLF)**

	Elementary	Middle	High
Name	Del Prado Elementary School	Omni Middle School	Olympic Heights High School
Address	7685 S Military Trail,	5775 Jog Rd	20101 Lyons Road
City, State, Zip	Lake Worth, FL 33463	Boca Raton, FL 33496	Boca Raton, FL 33434
Distance	3.1 Miles	4.6 Miles	2.0 Miles



## **Part 6. Attachments (see instructions on next page)**

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

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

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

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## Part 6. Attachments **INSTRUCTIONS**

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The following attachments must be provided in the binder and as a digital file

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### A. PCN's, Legal Description and Warranty Deed

- Provide a list of Property Control Numbers (include PDF and Word)
- Provide the Legal Description with Acres (include PDF and Word)
- Provide Warranty Deeds as evidence of both (e.g. purchase and sale agreement) and ownership (deed).

### B. Consent Form

- Provide the **original** consent forms from property owner(s) and contract purchaser.
- If the signatory is representing an LLC or organization, provide documentation that the undersigned is authorized to sign on the LLC or organization's behalf and provide Sunbiz registration information.
- Consent forms are only valid for one year after date of notary.

### C. Affidavit of Completeness and Accuracy

### D. Applicant's Notice Affidavit, Property Appraiser List, and Labels

- Provide a notarized affidavit stating that the said list is complete and accurate, and is based on the latest official tax rolls;
- Provide a copy of all of the address labels printed and in PDF (in addition to the ones placed on the envelopes);
- Provide legal size, white, self-adhesive envelopes that are addressed with return address on the upper left-hand corner to: Palm Beach County Planning Division, 2300 N Jog Rd, West Palm Beach, Florida 33411; and
- Provide stamps with first class postage (**forever stamps only**) for each envelope.

### E. Disclosure of Ownership Interests

- If the signatory is representing an LLC or organization, the person authorized to represent an LLC or corporation in the consent form should be the same person that signs the disclosure of ownership interest forms in Attachment E and shall be listed as one of the applicants in Part 2.B.

### F. Built Feature Inventory & Map

- Provide an inventory & map of all built features (including square footages of buildings) on the subject site.

**G. Consistency with the Comprehensive Plan and Florida Statutes** (include in PDF & Word)

- **Justification - Provide as G.1**

Provide a justification for the amendment as required by Future Land Use Element Policy 2.1-f. The adopted designations are presumed to be correct, and the justification statement must demonstrate that a change is warranted. The justification list all of the following headings with responses in order to be found sufficient for processing. To be considered adequate, the justification must demonstrate consistency with the factors 1 and 2.

- 1) The proposed use is suitable and appropriate for the subject site; **and**
- 2) There is a basis for the proposed amendment for the particular subject site based upon one or more of the following:
  - a. Changes in FLU designations on adjacent properties or properties in the immediate area and associated impacts on the subject site;
  - b. Changes in the access or characteristics of the general area and associated impacts on the subject site;
  - c. New information or change in circumstances which affect the subject site;
  - d. Inappropriateness of the adopted FLU designation; or
  - e. Whether the adopted FLU designation was assigned in error.

***Note:** If the amendment includes a Text change, then the Justification must be a single justification combined to support the Text and FLUA amendment.*

- **Residential Density Increases – Provide as G.2**

Per Future Land Use Element Policy 2.4-b, provide a written analysis of the following:

- 1) Demonstrate a need for the amendment.
- 2) Demonstrate that the current FLUA designation is inappropriate.

Provide a written explanation of why the Transfer of Development Rights, Workforce Housing, and Affordable Housing Programs cannot be utilized to increase density on the site.

- **Compatibility – Provide as G.3**

Provide written data and analysis to demonstrate compatibility with the surrounding and adjacent land uses.

- **Consistency with Comprehensive Plan – Provide as G.4**

The applicant has the option of including written data and analysis to demonstrate consistency with specific objectives and policies in the Comprehensive Plan, and Special Plans or Overlays identified in the Future Land Use Element (see the Special Planning Areas Map, LU 3.1).

- **Consistency with Florida Statutes – Provide as G.5**

The applicant has the option of including written data and analysis to demonstrate consistency with Chapter 163.3177, F.S.

## **H. Traffic Approval Letter & Traffic Study**

Provide a letter from the County Engineering Department indicating compliance with Policy 3.5-d of the Future Land Use Element of the Comprehensive Plan. The letter must state if the traffic generation for the amendment meets Policy 3.5-d at the maximum density/intensity for the proposed future land use designation or the square footage/use proposed to be assigned as a voluntary condition of approval.

## **I. Water & Wastewater Provider LOS Letters**

Provide a Potable Water & Wastewater Level of Service (LOS) comment letter. This letter should state the provider/s of potable water and wastewater is/are able to maintain their current level of service standard established by the potable water provider, while accommodating the increase of density/intensity of the proposed amendment.

## **J. Drainage Statement**

The application must include a drainage statement with the following:

1. Identify the drainage provider for the site and attach a drainage statement with an engineer's seal prepared within 90 days of submittal. Drainage providers include drainage districts, improvement districts, water control districts, the South Florida Water Management District, and the Florida Department of Transportation (for properties fronting on I-95 or the Florida Turnpike).
2. Indicate in which drainage basin the subject property is located (e.g. C-18 basin; C-51 basin; and the Hillsboro Canal basin).
3. Identify the drainage facility that would service the subject property and the point of legal positive outfall to that facility. Facilities include swales, ditches, canals, and storm sewers.
4. Describe the level of protection standard established for the site as identified in the Stormwater Management Sub-Element in the Comprehensive Plan. Identify what measures will be taken to assure that the volume, rate, timing, and pollutant load of runoff based on the proposed FLUA designation of the property do not exceed those which occurred based on the property's current FLUA designation. LOS information is available in Stormwater Management Sub-Element in the Comprehensive Plan.

## **K. Fire Rescue Letter**

Provide a letter from the Fire-Rescue Department identifying the impact on response time.

## **L. Natural Feature Inventory & Map**

Provide an inventory and map any listed animal and/or plant species and habitats of significant value that utilize the property. Significant habitats may include coastal habitats or surface waters and resources including vegetation or vegetated community, quality, and location of the resource. Listed species include endangered, threatened, and species of concern. If listed species are present, provide a brief discussion of measures that will be taken to avoid or minimize adverse impacts to their habitat. If there are no known occurrences, indicate whether listed species could reasonably be expected to be present based on the site-specific habitat characteristics and provide a brief discussion.

**M. Wellfield Zone**

Provide wellfield zone map and statement.

**N. Historic Resource Evaluation Letter**

Provide a letter from the County Archaeologist containing the information below:

1. Identify any historic or architecturally significant resources located on or within 500 feet of the site, including buildings, structures and other objects.
2. Identify any archaeological resources located on or within 500 feet of the site, including aboriginal mounds, forts, earthworks, village locations, campsites, middens, burial mounds, missions, or other artifacts at least seventy-five years old.

**O. Palm Beach County School District LOS Letter**

Provide a comment letter from the School District of Palm Beach County.

**P. Survey**

Provide a Survey (dated within 18 months of the intake date) with acres.

**Q. Text Amendment Application** (Part 7, if applicable, in PDF & Word)



**Attachment G**  
**Consistency with Comprehensive Plan & Florida Statutes**  
**Boca Raton Commerce Center**  
**Palm Beach County (PBC) Future Land Use Atlas (FLUA) Amendment**  
**Submittal**  
**Original Submittal: February 7, 2024**

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**Request**

The 4.79-acre subject property (PCN 00-42-47-20-20-001-0000; 00-42-47-20-20-000-0011; 00-42-47-20-20-000-0012) is located 0.25 miles south of Glades Road, west of Boca Rio Road at the western terminus of 210<sup>th</sup> Street South. Currently the subject property supports a Future Land Use Atlas (FLUA) designation of Commercial Low Office with an underlying Industrial (CL-O/IND) and is currently has a Multiple Use Planned Development (MUPD) Zoning designation as approved via Resolution No. R-2010-1764 on October 28, 2010. Final site plan approval for a 14,986 square foot, two-story office building was approved on November 19, 2011. The two-story office building was constructed and is proposed to remain on the site.

8230 210 ST S, LLC, herein referred to as the “Applicant,” requests a FLUA amendment from Commercial Low Office with Underlying Industrial (CL-O/IND) to Commercial Low Office with underlying High Density Residential, 12 units per acre (CL-O/HR-12) for the purposes of constructing a multifamily residential development. A companion application to the PBC Zoning Division for a Development Order Amendment will be submitted alongside the subject FLUA Amendment application. Below is a summary of surrounding properties:

Adjacent Lands	Uses	FLU	Zoning
<b>Subject Property</b>	<b>Office; Vacant</b>	<b>CL-O/IND (Existing) CL-O/HR-12 (Proposed)</b>	<b>MUPD (Existing/Proposed)</b>
<b>North</b>	Single Family	MR-5	AR
<b>South</b>	Post Office	IND	IG
<b>East</b>	Self Service Storage, Multi-Access; Self Service Storage, Limited Access	IND	IL
<b>West</b>	Residential Townhomes	HR-8	Residential PUD

## **Justification, Consistency & Compatibility**

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

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

**Response:** The proposed multifamily residential use is suitable and appropriate for the subject site. The subject property was originally planned to be developed as a light industrial warehouse use with access through the office property to the north. However, a lack of market interest and the less than ideal access situation resulted in this plan being abandoned. In contrast, the proposed multifamily residential use is generally considered to be a low traffic generator, particularly with regards to truck traffic. Furthermore, demand for housing has increased exponentially in recent years, while supply has not been able to keep up. As a result of the recent population and employment boom in Palm Beach County, thousands of new residential units are needed to keep up with demand. The subject site is an ideal location for multifamily residential, as it is situated between low-impact industrial uses to the east, and high density residential uses to the west. Therefore, the proposed multifamily use would act as a transition zone between the two neighboring uses. Moreover, the office use to the north creates little impact to the proposed residential use, as offices are typically considered to be compatible with multifamily uses.

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

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

**Response:** The Future Land Use designations on adjacent properties and on properties in the immediate area generally follow a residential development pattern. The subject property is located in a transitional zone between a legacy industrial pocket surrounded by mostly medium and high density residential FLU designations. The proposed future land use designation of HR-12 is appropriate for the site based on surrounding uses as it creates a transition between the existing industrial uses to the east and south and the high and medium density residential uses to the west and north. Multifamily uses typically have minimal impacts to public facilities when

compared to industrial-type uses. Furthermore the site's existing underlying Industrial FLU designation, although compatible with the existing industrial uses to the east, is not ideal to be directly abutting residential to the west of the site.

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

**Response:** The area surrounding the subject property has changed significantly over the past 50 years. The subject site is situated within a small pocket of legacy industrial uses which have existed as such for approximately 40 years. Surrounding this small pocket of industrial development are a variety of residential subdivisions which were constructed in the decades following said legacy uses. Furthermore, the Applicant's original plan for the subject property was to construct a self-service storage facility. Since then, the adjacent property owner to the east has constructed a limited access self-storage facility in addition to the existing multi-access self-storage facility that already existed which, as a result, filled the market demand for this use. Demand for housing in Palm Beach County is rising, while supply lags behind, resulting in greater market pressure for housing in this area. Considering the high and medium density uses surrounding the site that have been developed over the last several decades, the site is an ideal location for a multifamily use.

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

**Response:** The subject site is situated in a small pocket of industrial land uses surrounded on nearly all sides by residential land uses of a suburban character. The site directly abuts a residential townhome development to the west with an HR-8 FLU designation. The subject site serves as a transitional zone between the industrial uses to the east and the adjacent residential uses to the west. Furthermore, the site's existing Industrial FLU designation is no longer the highest and best use for the site due to changes in the market. The Applicant had previous plans to develop the site as a self-service storage facility which would similarly have minimal external impact on the surrounding area. However, the property adjacent to the east recently constructed a limited access self-storage facility in addition to the existing multi-access facility which significantly impacted the supply of this use in the market. A recent boom in population has occurred in Palm Beach County that has put significant strain on the housing market, which is struggling with limited supply. Due to the COVID-19 pandemic, a large number of employers either moved their operations to Palm Beach County, or moved to a remote-work



environment, both of which resulted in a large migration of new residents into the County from elsewhere. These new residents now compete with existing residents for a limited supply of housing, resulting in price increases and other market impacts. Therefore, recent changed circumstances have significantly increased the feasibility of constructing new housing units, particularly in the multifamily housing sector. Therefore the proposed HR-12 FLU designation is the highest and best use for the site.

- *Inappropriateness of the adopted FLU designation;*

**Response:** The adopted FLU designation on the site is CL-O with an underlying IND. Generally, these two land uses produce relatively significant traffic demand, especially during peak hours. The subject site does not front a right-of-way which results in traffic being funneled through the existing office site to the north. Furthermore, the site is directly adjacent to a residential townhome development to the west which is not an ideal location for industrial development. Therefore, the proposed HR-12 FLU designation would be reasonable as it would create a transition between the residential uses to the west and the industrial uses to the east. Additionally, the proposed HR-12 FLU designation would allow for a multifamily residential development, which combined with the existing professional office, should result in minimal compatible traffic patterns with less overall impact to the vehicular circulation system and public facilities.

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

**Response:** The site's existing underlying IND FLU designation was assigned to the property when it was part of a larger industrial parcel. Since this time, the Applicant was approved to apply a Commercial Low Office FLU designation to the site and to change to zoning from Light Industrial (IL) to Multiple Use Planned Development (MUPD). Furthermore, prior to the applicant requesting the subject property be amended to allow a professional office, residential uses adjacent to the west were approved and constructed. This further reduces the compatibility of the subject property's existing underlying Industrial land use and surrounding uses.

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

- 1) *Demonstrate a need for the amendment.*

**Response:** Within the last several years, Palm Beach County has seen a population boom. The county is a prime destination for people

migrating out of the northern states in search of better weather, better taxes, and better public facilities. As a result of the COVID-19 pandemic, this migration pattern has been amplified, as a number of large employers have moved their operations into Palm Beach County, while others have gone to a remote-work environment which allows employees to live in a location of their choosing. These factors have resulted in a significant and novel increase in housing demand and have spurred a secondary significant and novel increase in housing prices. Housing supply remains low as a result of the development lull that occurred in the last decade following the Great Recession. Therefore, there is significant and unprecedented market demand for housing in Palm Beach County. While much of the market consists of fee-simple single family residences, the market for rental apartments has seen a very significant increase in demand and a subsequent increase in prices. As home prices have risen, a growing number of buyers have been pushed to the rental market as they need a place to live while working their way towards an ever increasing financial goal of homeownership. Moreover, a large percentage of Americans do not have enough savings to cover a major unexpected expense, indicating that renting is still a highly desired form of housing, as it requires less up-front costs to tenants. Therefore, there is a significant need for multifamily housing, as supply is lagging behind demand in Palm Beach County.

*2) Demonstrate that the current FLUA designation is inappropriate. Provide a written explanation of why the Transfer of Development Rights, Workforce Housing, and Affordable Housing Programs cannot be utilized to increase density on the site.*

**Response:** The existing underlying Industrial designation is no longer appropriate for this site. Industrial development typically results in high amounts of peak hour traffic demand, particularly for larger vehicles like tractor-trailers, box trucks, and delivery vans. The subject site has only one point of access, which is through the adjacent parcel to the north which holds an existing professional office use. This is not an ideal access and circulation situation for an industrial use and could result in negative external impacts to the neighboring parcel within the same MUPD. Therefore, the underlying IND designation is not appropriate for this site. With regards to the Transfer of Development Rights and Workforce Housing programs, the applicant proposes to utilize both of these programs to increase the proposed density, while also helping to provide much needed dwelling units that are affordable to the County's workforce.

**G.3 – Compatibility with Surrounding and Adjacent Uses:** The subject property is located between high and medium density residential uses to the west and north and industrial uses to the east and south. The site

inherently serves as a transition between the residential uses and the industrial uses due to its unique location. The proposed HR-12 FLU designation is compatible with surrounding and adjacent uses as it creates a buffer between the residential to the west and the more intense industrial uses to the east. High density residential uses can serve as a transition between lower density residential uses and non-residential uses, as their property values are typically less sensitive to external impacts from adjacent uses and they are typically marketed as rental units. Therefore, the proposed HR-12 FLU is compatible with surrounding and adjacent uses.

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

- **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:** Demand for housing has increased significantly in the last decade, mostly due to a new population boom from residents moving to Palm Beach County from other parts of the United States, Latin America, the Caribbean, and other parts of the state. Housing supply in Palm Beach County, however, has not kept up and resulted in rising housing costs and increased competitiveness amongst homebuyers and renters. Therefore, it is necessary to properly designate vacant developable lands in the County for residential development to meet the demand. The proposed FLU amendment from CL-O/IND to CL-O/HR-12 would do just that. Furthermore, the ideal housing density and type for this parcel of land is high density multifamily residential due to a number of factors. Its compact size makes it infeasible for low or medium density development, as the cost of construction infrastructure improvements would be infeasible for the current market. Furthermore, the site is located in a transitional zone between non-residential uses to the east and south and medium to high density residential uses to the north and west. This type of transitional zone is best suited to a high density multifamily rental community as it is less sensitive to external impacts and creates a buffer to the adjacent residential uses.

- **Future Land Use Element (FLUE) Policy 2.1-f:** *The following will detail how the impact of the proposed FLUA on the items listed:*

- *The natural environment, including topography, soils and other natural resources;*
  - **Applicant’s Description:** Please see Attachment L for the Natural Feature Inventory & Map.
  
- *The availability of facilities and services;*
  - **Applicant’s Description:** As part of the previous development the availability of facilities and services had to be confirmed. Below is more detailed information on each of those facilities and services:
    - *Traffic:* Please see Attachment H for the FLUA Amendment Traffic Analysis.
    - *Mass Transit:* The nearest Palm Tran bus routes are Route 91 and Route 92 and the closest Tri-Rail connection is the Deerfield Beach Tri-Rail Station.
    - *Potable Water and Wastewater:* Please see level of service letter from the Palm Beach County Water Utilities Department in Attachment I that confirms that the proposed FLUA can be accommodated by existing facilities and services.
    - *Drainage:* Legal positive outfall is available to the site via discharge to the Boca Rio Road drainage system along the north side of the property. The proposed project will meet all applicable rules and regulations for that outfall. Please refer to the Drainage Statement prepared by Simmons & White being included as Attachment J with this application for more details.
    - *Fire Rescue:* The nearest PBC Fire Rescue station is West Palm Beach Fire Rescue Station #57 located at 9030 Vista Del Lago that is approximately 2.1 miles from the subject property.
  
- *The adjacent and surrounding development;*
  - **Applicant’s Description:**

To the north (across an 80 foot wide Lake Worth Drainage District canal) are seven single family homes; directly abutting the site to the south is a United States Post Office facility; directly abutting the site to the west are twenty five residential townhomes part of the Mizner Pointe of Boca Via Ancho subdivision; Directly abutting the site to the east is a self service storage facility which includes both multi-access and limited access facilities. Below are the existing FLUA designations for the surrounding properties:

- North: Medium Density Residential, 5 units per acre (MR-5)
- South: Industrial (IND)
- East: Industrial (IND)
- West: High Density Residential, 12 units per acre (HR-12)

Of the properties listed above the subject property only directly abuts the properties to the east, south, and west. Proper assurances will be made to ensure that the proposed development does not have a negative impact on the adjacent uses. Any incompatibilities among the properties will be addressed through landscaping, traffic circulation, and lighting.

- *The future land use balance;*
  - **Applicant’s Description:** The area surrounding the site is mainly residential in nature. The subject property is part of a small pocket of bona-fide industrial uses which pre-date the medium to high density residential development that surrounds it. The demand for industrial designated properties has continually declined in the vicinity of the site. As the area surrounding the subject pocket of industrial development has been enveloped by residential uses, the viability and compatibility of these legacy industrial uses has been diminished. Therefore, it is reasonable for the applicant to propose the subject amendment to a Congregate Living Residential underlying FLU designation to create an ideal transition between the residential uses to the north and west and the industrial uses to the east and south. As the area surrounding the site continues to develop a primarily residential character, the appropriateness of industrial land uses is reduced significantly.
- *The prevention of urban sprawl as defined by 163.3164(52) in the Florida Statutes (F.S.);*
  - **Applicant’s Description:** The request is not in conflict with Florida Statutes Section 163.3177.(6).(a).9.b in that:
    - As an infill development on a previously cleared site the proposed congregate living development would be directed to a geographic location that would not have an impact on natural resources or ecosystems;
    - The site is easily serviced by existing

- infrastructure;
  - Does not remove land intended for agricultural uses; and
  - Creates a balance of uses for the residential population in the area in that there are minimal commercial properties in the immediate area of the site.
- *Community Plans and/or Planning Area Special Studies recognized by the Board of County Commissioners; and*
    - **Applicant’s Description:** The subject property is not within the boundaries of a community plan or planning area special study recognized by the Board of County Commissioners.
- ***FLUE Policy 2.2.1-b:*** *Areas designated for residential use shall be protected from encroachment of incompatible future land uses and regulations shall be maintained to protect residential areas from adverse impacts of adjacent land uses.*

**Response:** The proposed HR-12 FLU designation is consistent with this policy. The subject FLU amendment will allow for the development of a high density multifamily residential complex. As a result, the site will serve as a transition from the industrial and commercial uses to the east and south to the residential uses to the west and north. In contrast, the site’s current underlying IND designation would allow for uses which are not considered compatible with the residential uses to the west.

In conclusion it is the agent’s contention that the requested FLUA Amendment from CL-O/IND to CL-O/12 is justified, consistent with the Plan and State of Florida laws and is compatible with surrounding uses.



**Water Utilities Department  
Engineering**

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



**Palm Beach County  
Board of County  
Commissioners**

Gregg K. Weiss, Mayor  
Maria Sachs, Vice Mayor  
Maria G. Marino  
Michael A. Barnett  
Marci Woodward  
Sara Baxter  
Mack Bernard

**County Administrator**

Verdenia C. Baker

February 12, 2024

Schmidt Nichols  
1551 N Flagler Dr. Ste. 102  
West Palm Beach, FL 33401

Project: Boca Raton Commerce Center  
PCN 00-42-47-20-20-001-0000, 00-42-47-20-20-000-0011, 00-42-47-20-20-001-0012

Dear Mr. Ennis,

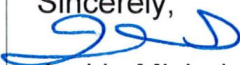
This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area. Based on a review of current PBCWUD infrastructure and existing customers within the general vicinity of the referenced property, PBCWUD currently has the capacity to serve this property based on the current FLU designation of Commercial Low Office with underlying Industrial (CL-O/IND) and the proposed amendment only changing the underlying designation to High Density, 12 units per acre for an overall designation of CL-O/HR-12.

Potable water and sanitary sewer are currently provided to the northern parcel. Water main extensions, lift station upgrades, new lift station and force main extensions may be required.

Please note that this letter does not constitute a final commitment for service until the final design has been approved by PBCWUD. In addition, the addition of new developments/customers prior to service initiation to the property may affect the available capacity. PBCWUD does not make any representations as to the availability of capacity as of the future service initiation date.

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

Sincerely,

  
Jackie Michels, P.E.,  
Project Manager

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Affirmative Action Employer"*



**CAULFIELD & WHEELER, INC.**

Consulting Engineers • Surveyors & Mappers

Celebrating  
**35**  
years

Engineering EB0003591  
Surveying LB0003591  
Landscape Architecture LC0000318

February 5, 2024

Scott Cantor, P.E.  
Director of Land Development  
Palm Beach County, Department of Engineering & Public Works  
2300 N Jog Road, 3W  
West Palm Beach, FL 33411  
561-684-4090  
[SCantor@pbcgov.org](mailto:SCantor@pbcgov.org)

**Re: Drainage Statement**  
**Boca Raton Commerce Center**  
**PCN: 00-42-47-20-00-000-0012**  
**8230 210<sup>th</sup> Street South**  
**Palm Beach County, Florida**  
**CWI Project #6170-5**

Dear Mr. Cantor:

My client is proposing to redevelop the existing 4.77 acre parcel at 8230 210th Street South to keep the existing office use on the north end of the project while developing the vacant portion of the south end of the project into multifamily housing. to include proposed parking lots, landscaping and stormwater management controls necessary to support the development.

The project drainage system will involve a reconfiguring of the current dry detention area and exfiltration trench current on the site as needed to support the new project site plan. The proposed drainage system will also include inlets and culverts. The site is proposing to maintain current legal positive outfall to Lake Worth Drainage Districts L-46 canal via an existing stormwater outfall/control structure at the northwest corner of the property. The propose project is covered under the original South Florida Water Management District Permit No. 50-07377-P with reference application numbers 050726-9 & 101123-3 such that there are no “off-site” historical drainage concerns for this project. The property is included in FEMA flood zone ‘X’, an area of minimal flood hazard.

The stormwater management design update to the existing layout on site currently will be in compliance with SFWMD, LWDD and PBC requirements for attenuation and discharge while also staying in conformance with the existing permits in place over the site.

Submitted By:  
Caulfield & Wheeler, Inc.



Digitally signed by Matthew V. Kahn  
Date: 2024.02.05 16:48:39 -05'00'  
Adobe Acrobat version: 2023.008.20470

Matthew V. Kahn, P.E.  
Professional Engineer  
License #82227  
State of Florida  
(on behalf of Caulfield & Wheeler, Inc.)

MVK

P:\06170-00-00-00-NGVD1929\eng-docs\permits\PBCLD\submittals\Drainage Statement\2024-02-05\_6170-5\_PBCLD Drain State.doc





**Fire Rescue**

Chief Patrick J. Kennedy  
405 Pike Road  
West Palm Beach, FL 33411  
(561) 616-7000  
www.pbcgov.com



**Palm Beach County  
Board of County  
Commissioners**

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Michael A. Barnett  
Marci Woodward  
Sara Baxter  
Mack Bernard

**County Administrator**

Verdenia C. Baker

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Official Electronic Letterhead

January 30, 2024

Schmidt Nichols  
Attention: Cameron Ennis  
1551 N Flagler Dr, Ste 102  
West Palm Beach, FL 33401

Re: Boynton Commerce

Dear Cameron Ennis:

Per your request for response time information to the subject property located at 8230 10<sup>th</sup> Street S and consists of two parcels (00-42-47-20-20-000-0011; 00-42-47-20-20-000-0012). This property is served currently by Palm Beach County Fire-Rescue Station #57, which is located at 9030 Vista Del Lago. The maximum distance traveled to subject property is approximately 2.25 miles from the station. The estimated response time to the subject property is 7 minutes. For fiscal year 2023, the average response time (call received to on scene) for this stations zone is 7:28.

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

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

Sincerely,

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

Cheryl Allan, Planner II  
Palm Beach County Fire-Rescue

**Attachment L - Significant Habitats or Species Detail**  
**Palm Beach County Future Land Use Atlas (FLUA) Amendment Submittal**  
**Boca Raton Commerce Center**  
**Original Submittal: February 7, 2024**

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Significant habitats or species:

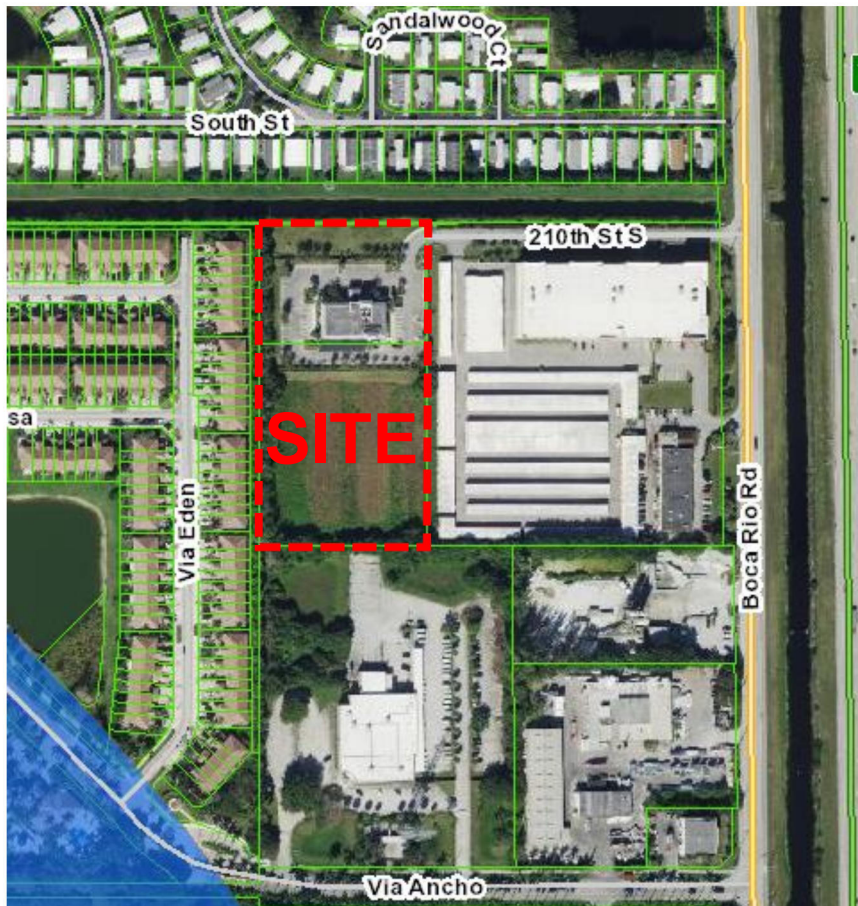
Below is an aerial photograph with the subject property highlighted in red. The subject property does not support any significant habitats or Listed Species.

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





**Attachment M - Wellfield Zone Map  
Boca Raton Commerce Center  
Palm Beach County Future Land Use Atlas (FLUA) Amendment Submittal  
Original Submittal: February 7, 2024**

As shown in the aerial below, the subject property is not located within any wellfield protection zones.



**Wellfield Protection Zones**

-  1
-  2
-  3
-  4





**Department of Planning,  
Zoning & Building**

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

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



**Palm Beach County  
Board of County  
Commissioners**

- Maria Sachs, Mayor
- Maria G. Marino, Vice Mayor
- Gregg K. Weiss
- Michael A. Barnett
- Marci Woodward
- Sara Baxter
- Mack Bernard

**County Administrator**

Verdenia C. Baker

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Affirmative Action Employer"*

February 1, 2024

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

**RE: Historical and Archaeological Resource Review for the project  
named: Boca Raton Commerce Center, under PCN's: 00-42-47-20-20-  
000-0011 & 00-42-47-20-20-000-0012.**

Dear Mr. Ennis:

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

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

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

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

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

Sincerely,

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

cc: Kevin Fischer, AICP, Planning Director, PBC Planning Division  
Jeff Gagnon, AICP, Deputy Planning Director, PBC Planning Division  
Bryan Davis, CNU-A, Principal Planner, PBC Planning Division  
Nydia Pónton-Nigaglioni, PhD, RPA, Archaeologist/Planner I, PBC Planning Division



THE SCHOOL DISTRICT OF  
PALM BEACH COUNTY, FL

KRISTIN K. GARRISON, AICP  
DIRECTOR

MICHAEL J. BURKE  
SUPERINTENDENT

PLANNING & INTERGOVERNMENTAL RELATIONS  
3661 INTERSTATE PARK ROAD NORTH, 200  
RIVIERA BEACH, FL 33404

JOSEPH M. SANCHES, MBA  
CHIEF OPERATING OFFICER

PHONE: 561-434-8020 / FAX: 561- 434-8942  
[WWW.PALM BEACHSCHOOLS.ORG](http://WWW.PALM BEACHSCHOOLS.ORG)

## SCHOOL CAPACITY AVAILABILITY DETERMINATION (SCAD)

<b>Application</b>	<b>Submittal Date</b>	02/23/2024		
	<b>SCAD No.</b>	24020701F / FLU and 24020701D/ D. O.		
	<b>FLU /Rezoning/D.O. No.</b>	Not Provided – Palm Beach County		
	<b>Property Control Number</b>	00-42-47-20-20-001-0000; 00-42-47-20-20-000-0011, 0012		
	<b>Development Name</b>	Boca Raton Commerce Center		
	<b>Owner / Agent Name</b>	8230 210 ST S LLC / Cameron Ennis		
	<b>SAC No.</b>	331B		
	<b>Proposed FLU Proposed D. O.</b>	<b>Maximum 113 Residential Units 110 Mid-Rise Apt/Condo Units</b>		
<b>Impact Review</b>		<b>Del Prado Elementary School</b>	<b>Omni Middle School</b>	<b>Olympic Heights High School</b>
	New Students Generated	3	2	2
	Capacity Available	236	264	-517
	Utilization Percentage	75%	81%	123%
<b>School District Staff's Recommendation</b>	<p><b>Based on the findings and evaluation of the proposed development, there will be a negative impact on the public-school system. Given the recent increases in school impact fees, effective January 1, 2023, much of these impacts will be mitigated. The impact fees, however, will not fully cover impacts to the school system. Therefore, if the proposed development is approved by Palm Beach County government and if the Developer voluntarily agrees, School District staff recommends the following condition to mitigate such impacts.</b></p> <p>In order to address the school capacity deficiency generated by this proposed development at the District <b>high school level</b>, the property owner shall contribute <b>\$27,156.00</b> to the School District of Palm Beach County prior to the issuance of first building permit.</p> <p>This voluntary school capacity contribution is intended to supplement the required school impact fee (impact fee credit has already been applied).</p> <p>Please note that the school impact fee credit is calculated based on the Net Impact Cost per Student, as calculated in the County's latest Impact Fee Ordinance, which was adopted on September 13, 2022.</p>			
<b>Validation Period</b>	<p>1) This determination is valid from <b>02/27/2024 to 02/26/2025</b> or the expiration date of the site-specific development order approved during the validation period.</p> <p>2) A copy of the approved D.O. must be submitted to the School District Planning Dept. prior to <b>02/26/2025</b> or this determination will expire automatically on <b>02/26/2025</b>.</p>			
<b>Notice</b>	<p>1) This letter replaces the previous one under 21121701F and 21121701D issued on 2/7/22.</p> <p>2) School age children may not necessarily be assigned to the public school closest to their residences. Students in Palm Beach County are assigned annually to schools under the authority of the School Board and by direction of the Superintendent, public school attendance zones are subject to change.</p>			

*Joyce Cai*

February 27, 2024

School District Representative Signature

Date

Joyce C. Cai, Senior Planner

joyce.cai@palmbeachschools.org

Print Name & Title

Email Address

CC: Jeff Gagnon, Interim Planning Director, Palm Beach County  
Vismary Dorta, Site Plan Technician, Palm Beach County  
Joyell Shaw, PIR Manager, School District of Palm Beach County