

**CITY OF PALM BEACH GARDENS  
CITY COUNCIL  
Agenda Cover Memorandum**

**Meeting Date: August 5, 2021  
Ordinance 6, 2021 / \*Ordinance 7, 2021**

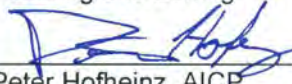

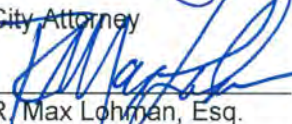



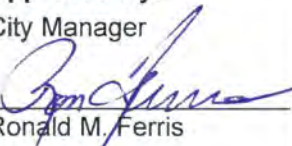
**Subject/Agenda Item:**

**Downtown Palm Beach Gardens - Large-Scale Comprehensive Plan Future Land Use Map Amendment and Rezoning**

**Second and Final Reading and Adoption Hearing:** A request from Excel Gardens, LLC for a Large-Scale Comprehensive Plan Future Land Use Map Amendment to change the land use designation of the 49.04-acre Downtown Palm Beach Gardens site to Mixed Use Development (MXD), limit the development intensity and density of the property to the proposed development program, and change the zoning to Planned Community Development (PCD) overlay with underlying zoning designation of Mixed Use Development (MXD). The subject site is generally located on the east side of Alternate A1A between Kyoto Gardens Drive and Gardens Parkway.

**[X] Recommendation to APPROVE**

**[ ] Recommendation to DENY**

<b>Reviewed By:</b> Assistant Director of Planning and Zoning  Peter Hofheinz, AICP Development Compliance and Zoning Manager  N/A Bahareh Wolfs, AICP Director of Planning and Zoning  Natalie M. Crowley, AICP City Attorney  R. Max Lohmen, Esq.	<b>Originating Dept.:</b> Planning & Zoning: Project Manager  Martin L. Fitts, AICP Principal Planner Project Manager  Samantha Morrone Senior Planner [X] *Quasi – Judicial [X] Legislative [X] Public Hearing	<b>Finance:</b> Accountant  Tresha Thomas  <b>Fees Paid:</b> <u>Yes</u>  <b>Funding Source:</b> [ ] Operating [X] Other <u>N/A</u>	<b>City Council Action:</b> [ ] Approval [ ] Approval w/ Conditions [ ] Denial [ ] Continued to: _____
<b>Approved By:</b> City Manager  Ronald M. Ferris	<b>Advertised:</b> [X] Required [ ] Not Required Date: 7/21/2021 Paper: Palm Beach Post	<b>Budget Acct.#:</b> <u>N/A</u>  Effective Date: <u>N/A</u>  Expiration Date: <u>N/A</u>	<b>Attachments:</b> <ul style="list-style-type: none"> <li>• Ordinance 6, 2021</li> <li>• Ordinance 7, 2021</li> <li>• Development Applications</li> <li>• Project Narrative</li> <li>• Location Map</li> <li>• Existing Future Land Use Map</li> <li>• Existing and Proposed Zoning Maps</li> <li>• Land Use Plan Map Amendment Traffic Evaluation</li> <li>• Land Use Traffic Approval Letter</li> <li>• Level of Service Letters</li> <li>• DEO Response Letter</li> </ul>
	<b>Affected parties:</b> [X] Notified [ ] Not Required		



## **EXECUTIVE SUMMARY**

The Applicant is requesting a Large-Scale Future Land Use Map Amendment for the Downtown Palm Beach Gardens (DPBG) project. The Map Amendment request is to change the land-use designation on the 49.04-acre site from Professional Office (PO) to Mixed Use Development (MXD), and to include a note on the Future Land Use Map capping the permitted intensity and density within the project's proposed development program, or equivalent trips. The project meets the criteria in the Comprehensive Plan and Florida State Statutes for a Comprehensive Plan Future Land Use Map Amendment.

The Applicant is also requesting to rezone the DPBG site from General Commercial (CG-1) / Professional Office (PO) to Mixed Use Development (MXD), while maintaining the existing Planned Community Development (PCD) Overlay designation.

The Applicant has submitted two other companion petitions. One of these petitions is a Planned Community Development (PCD) Amendment to permit residential and hotel uses on the DPBG site within the Regional Center PCD. Also, a Site Plan Amendment is requested to accommodate a 280-unit multifamily apartment building and 174-room hotel tower, as well as other site modifications to DPBG. The PCD Amendment and Site Plan Amendment petitions were presented to the Planning, Zoning & Appeals Board at the June 8, 2021, meeting, where both were recommended for approval by votes of 6 to 1 and 6 to 1, respectively. These petitions will also be heard at the August 5, 2021, City Council meeting. However, the Land Use Amendment and Rezoning petitions are not dependent on approval of the companion petitions.

The subject site is bound by Gardens Parkway to the north, Kyoto Gardens Drive to the south, and Alternate A1A to the east.

Staff is recommending approval of the subject petitions.

## **PROJECT BACKGROUND**

As Downtown Palm Beach Gardens (DPBG) has come under new ownership in recent years, the Applicant has been moving forward with redevelopment plans and updates to the project to modernize and rejuvenate the property. On November 4, 2019, the project's name change request by the Applicant was approved by the City's Addressing Committee from Downtown at the Gardens to Downtown Palm Beach Gardens. This followed the June 2019 approvals via Resolution 26, 2019 and Resolution 27, 2019, to approve the LifeTime health club facility. On June 25, 2020, the City Council approved Resolution 43, 2020 to amend the DPBG site plan to realign the drive aisle from Alternate A1A, relocate the carousel to the lakeside, make site modifications to hardscape and landscaping, approve architectural modifications, update building square footages and use allocations, and approved a Master Sign Program. A chronological history of the project is included below.



On February 16, 1984, the City Council approved the Regional Center Development of Regional Impact (DRI) through the approval of Resolution 9, 1984, the overall development order for the DRI. The Council also adopted Ordinance 5, 1984 that established the zoning for the development as a Planned Community Development (PCD). The overall maximum development density and intensity for the DRI was established on Exhibit "H" of Resolution 9, 1984. Resolution 9, 1984 was later amended by Resolution 23, 1984, Resolution 16, 1986, and Resolution 96, 1994.

On October 5, 1995, the City Council approved a Future Land Use (FLU) Map amendment via Ordinance 10, 1995, that amended the FLU designation of the Downtown at the Gardens parcel from Residential Medium (RM) to Professional Office (PO).

The Regional Center Master Plan was further amended through Resolution 96, 1999, Resolution 25, 2000, Resolution 36, 2001, and Resolution 81, 2001.

On June 5, 2003, the City Council approved Resolution 93, 2003 in order to revise the Regional Center Master Plan. Concurrently, the Downtown at the Gardens site plan was approved via Resolution 91, 2003. The original Downtown at the Gardens site plan authorized the development of 26,000 square feet of neighborhood commercial, 220,745 square feet of retail and restaurant, 67,690 square feet (up to 3,220 seats) of cinema, and 20,000 square feet of professional office. A shared parking study was approved as part of the Resolution.

On July 12, 2012, the City Council approved Resolution 67, 2012 to amend the list of permitted uses for Downtown at the Gardens to allow medical and dental office uses.

The Regional Center DRI was rescinded on April 4, 2013, when the City Council approved Resolution 22, 2013. The City Council subsequently approved Resolution 23, 2013 that approved the Regional Center PCD Master Plan. The overall development densities and intensities for the PCD were incorporated into Exhibit "B" of Resolution 23, 2013 as maximum leasable square footages.

On July 16, 2013, the City Council approved Resolution 37, 2013 to amend the Downtown at the Gardens site plan in order to incorporate a 0.28-acre right-of-way parcel on Kyoto Gardens Drive and allow associated parking lot modifications. The following month, on August 15, 2013, the City Council approved Resolution 59, 2013 for the conveyance of that 0.28-acre parcel of land to Downtown at the Gardens Associates, LTD.

On June 6, 2019, the City Council approved Resolution 26, 2019 to amend the Regional Center Planned Community Development (PCD) to add a 116,862-square-foot LifeTime Health Club facility and a 426-space parking garage. Concurrently, the City Council also approved Resolution 27, 2019 to amend the Downtown at the Gardens site plan to add the LifeTime Health Club and parking garage.



## **LAND USE AND ZONING**

The subject site currently has a Professional Office (PO) Future Land Use designation. One of the subject petitions seeks to modify the land use designation to Mixed Use Development (MXD). The site currently has a Planned Community Development (PCD) Overlay with underlying zoning designations of General Commercial (CG-1) and Professional Office (PO). The companion petition seeks to modify the underlying zoning to Mixed Use Development (MXD).

**Table 1. Existing Zoning & Future Land-Use Designations**

<b>EXISTING USE</b>	<b>ZONING</b>	<b>LAND USE</b>
<b><u>Subject Property</u></b> Downtown Palm Beach Gardens	Planned Community Development (PCD) Overlay / General Commercial (CG-1) and Professional Office (PO)	Professional Office (PO)
<b><u>North</u></b> Mira Flores	Planned Community Development (PCD) Overlay	Residential High (RH) / Professional Office (PO)
<b><u>South</u></b> Divosta Towers / Financial Center at the Gardens / Laser & Surgery Center	Planned Community Development (PCD) Overlay	Professional Office (PO)
<b><u>East</u></b> Landmark / Gardens Pointe	Planned Community Development (PCD) Overlay	Professional Office (PO)
<b><u>West</u></b> PGA Office Center – Preserve Tract / Plat 4 Residential	Planned Community Development (PCD) Overlay / Research and Light Industrial (M-1) / Residential Low – 3 (RL-3)	Industrial (I) / Bioscience Research Protection Overlay / Residential Low (RL)

## **COMPATIBILITY WITH SURROUNDING AREA**

**North:** To the north is the 352-unit Mira Flores multifamily residential development. This community is made up of 23 two-story buildings with a density of 14.95 du/ac.

**South:** To the south are the Divosta Towers, Financial Center at the Gardens, and Laser & Surgery Center office developments. The eleven-story Divosta Towers (Gardens Corporate Center Phase 1) are each 139.4 feet tall and contain a combined 223,942 square feet of professional office. The Financial Center at the Gardens (Gardens Corporate Center Phase 2) consists of a three-story 120-bed skilled nursing facility and a ten-story 151-foot-tall professional and medical office building. The Laser & Surgery Center is split into two one-story buildings with a total of 29,745 square feet of medical office.

**East:** To the east is the 166-unit Landmark multifamily residential development and the Gardens Pointe hotel, office, and bank development. The density of the Landmark site is 37.05 du/ac and the tallest of the three buildings is 192.5 feet tall. The Gardens Pointe



hotel contains 175 rooms within a six-story building at 87 feet tall. The three-story office and drive-through bank buildings together total 41,500 square feet.

**West:** To the west are the rights-of-way for Alternate A1A and the Florida East Coast railroad and then the Plat 4 single-family residential neighborhood on the north and the preserve tract of the PGA Office Center (FP&L) development.

The project site is bounded by Alternate A1A on the west, Gardens Parkway on the north and Kyoto Gardens Drive on the south with Lake Victoria Gardens Avenue heading north to south through the site. The intersections of Alternate A1A and Gardens Parkway, Alternate A1A and Kyoto Gardens Drive, and Lake Victoria Gardens Avenue and Kyoto Gardens Drive are signalized. The Applicant is required to signalize the intersection of Gardens Parkway and Lake Victoria Gardens Drive, when warranted, with the LifeTime facility approvals.

The site is surrounded by residential on the north and west, professional office on the south and residential and commercial on the east. The proposed Mixed Use Development land use and zoning are consistent with the zoning, land use, and the existing character of the surrounding uses.

### **EXISTING SITE**

The site is currently developed as a shopping center with retail, restaurant, and professional office uses. The LifeTime facility and accompanying garage are currently under construction and are anticipated to be completed in early 2022. The "In Place" redevelopment of the existing shopping center, consisting of elevation changes, landscape and hardscape upgrades, and relocation of the carousel to the lakeside is also currently underway, and is anticipated to be completed in late 2021.

### **CONSISTENCY WITH CITY'S COMPREHENSIVE PLAN**

The proposed Future Land Use Map Amendment and Rezoning are consistent with the overall Goals, Objectives, and Policies of the various elements of the City's adopted Comprehensive Plan. Some specific goals, objectives, and policies that are consistent with the proposed amendments are listed below.

### **FUTURE LAND USE ELEMENT**

**GOAL 1.1.: CONTINUE TO ENSURE A HIGH QUALITY LIVING ENVIRONMENT THROUGH A MIXTURE OF LAND USES THAT WILL MAXIMIZE PALM BEACH GARDENS' NATURAL AND MANMADE RESOURCES WHILE MINIMIZING ANY THREAT TO THE HEALTH, SAFETY, AND WELFARE OF THE CITY'S CITIZENS THAT IS CAUSED BY INCOMPATIBLE LAND USES AND ENVIRONMENTAL DEGRADATION, BY MAINTAINING COMPATIBLE LAND USES WHICH CONSIDER THE INTENSITIES AND DENSITIES OF LAND USE ACTIVITIES, THEIR RELATIONSHIP TO SURROUNDING PROPERTIES AND THE PROPER TRANSITION OF LAND USES.**



Staff analysis: The existing mixture of non-residential uses within DPBG, including retail, restaurant, office, cinema, and health/physical fitness, is proposed to be further expanded with the addition of residential and hotel uses. Further, the surrounding properties contain a varied mix of both non-residential and residential uses. The properties adjacent to the south half of DPBG are non-residential, while the properties adjacent to the north half of DPBG are residential and nearest to the proposed DPBG residential building for compatibility. This provides a proper transition of land uses.

**Policy 1.1.1.15:** The Mixed Use Development category is designed for new development which is characterized by a variety of integrated land use types. The intent of the category is to provide for a mixture of uses on single parcels in order to develop sites which are sensitive to the surrounding uses, desired character of the community, and the capacity of public facilities to service proposed developments. This Future Land Use category is also intended to foster infill and redevelopment efforts, to deter urban sprawl and to encourage new affordable housing opportunities, as well as lessen the need for additional vehicular trips through the internalization of trips within a neighborhood or project. To create a functioning, multi-faceted type of development, mixed use development is dependent on the successful integration of distinct uses. Integration is defined as the combination of distinct uses on a single site where the impacts from differing uses are mitigated through site design techniques, and where impacts from differing uses are expected to benefit from the proximity of complementary uses. All requests for development approval based on a mixed-use concept must be able to demonstrate functional horizontal integration of the allowable uses, and where applicable, vertical integration as well.

Staff analysis: The proposed land use and zoning changes, which are intended to accommodate the proposed infill residential Mixed-Use project, is horizontally integrated, exemplifies the intent of the Mixed Use Development District with lessening the need for vehicular trips, and provides for strong internalization of trips within the project and to the complementary surrounding projects. Further, the subject site meets or exceeds all the minimum criteria for Mixed Use Development land use areas:

1. The Palm Beach Gardens site is developed within the Regional Center Planned Community Development.
2. The site has frontage on Alternate A1A, classified as an arterial roadway.
3. The residential component of the project is proposed below the maximum permitted density. The site is also located within the Transit Oriented Development (TOD) District and complies with the MXD land use maximum allowable height specified in Policy 1.3.9.9.
4. The Applicant has provided a distribution mix of residential and non-residential which meets code.
5. The Applicant is not seeking an exemption to the residential or non-residential mix requirements.



**GOAL 1.2.: ENCOURAGE DEVELOPMENT OR REDEVELOPMENT ACTIVITIES, WHILE PROMOTING STRONG SENSE OF COMMUNITY, AND CONSISTENT QUALITY OF DESIGN; AND DO NOT THREATEN EXISTING NEIGHBORHOOD INTEGRITY AND HISTORIC AND ENVIRONMENTAL RESOURCES.**

Staff analysis: The proposed mixed use residential and hotel infill development within the project is compatible with the uses existing in surrounding developments. The project is proposed with strong pedestrian, bicycle, and vehicular connections between the uses based on proximity and design. The proposed mix of uses will facilitate the internal capture of trips and the incorporation of mobility elements will assist in reducing the overall number of vehicle trips.

**Objective 1.2.3.: Issue development orders and permits for development and redevelopment activities only in areas where public facilities necessary to meet level of service standards (which are adopted as part of the Capital Improvements Element of this Comprehensive Plan) are available concurrent with the impacts of development.**

Staff analysis: The project has been designed to integrate within the existing infrastructure system of DPBG. Further, service availability letters have been issued for this project, confirming that the various levels of service established in the City's Comprehensive Plan can be maintained. Letters have been provided by Seacoast Utility Authority, Solid Waste Authority, the Palm Beach County School District, and the City's Police and Fire-Rescue Departments.

**Policy 1.3.9.2.:** The City shall encourage a mix of uses in the TOD District that shall include Retail and Personal Services, Office, Hotel/Conference Center, Residential, and Civic/Open Space/Recreation, in accordance with approved uses in City's Land Development Regulations and PGA Corridor Overlay District.

Staff analysis: The existing project contains a mix of non-residential uses including retail and personal services, office, and open space. The proposed project will provide hotel and residential uses.

**Policy 1.3.9.3.:** The TOD District shall include projects generally located within ½ mile of the planned light or rail transit station, including but not limited to the following site plan projects / Planned Unit Developments / Planned Community Developments or portions thereof: PGA Office Center (f.k.a 5A), PGA Station, 4150 PGA Boulevard (Shell Gas Station), Loehmann's Plaza, 4050 PGA Boulevard (Loehmann's outparcel restaurant), 4060 PGA Boulevard (Loehmann's outparcel medical office), Gardens Station West, Gardens Station East, Marriott Hotel, RCA Park, West Park Center, Northcorp Center, Downtown Palm Beach Gardens, Gardens Corporate Center (Divosta Towers and Financial Center at the Gardens), Viridian Office Centre, Laser and Surgery Center, Grand Bank Center, PBG Medical Pavilion, Legacy Place (Commercial and Residential), Gardens Plaza, Palm Beach Gardens Post Office, 3700 RCA Boulevard (AT&T Building), Arcadia Gardens, Palm Beach Gardens Moose Lodge, or however amended in the future.



Staff analysis: Downtown Palm Beach Gardens is specifically listed as a project within the TOD District.

## TRANSPORTATION ELEMENT

**Policy 2.1.1.7.:** Future Land Use Map Amendments shall be internally consistent with all Elements of the City's Comprehensive Plan. A Comprehensive Plan Amendment Study (CPAS) is required using the maximum amount of potential development based on the intensity standards established in the Future Land Use Element. The CPAS requirements shall be established in the land development regulations. The CPAS shall demonstrate whether there is available uncommitted capacity on impacted roadways for, but not limited to, five-year short-term analysis and a long-term analysis to the planning horizon for the comprehensive plan. If the analyses demonstrate a roadway will operate below the adopted level of service, then the necessary roadway improvement or alternative measures to maintain the adopted level of service should be identified. Needed road improvements shall either be included within the first five years of the Capital Improvement Program with a funding source identified or included in a developer agreement between the City and the development that establishes when the improvement will be constructed and how it will be funded. Alternatively, the potential amount of development that is permitted on the site shall be reduced to a level that can demonstrate that adequate roadway capacity is available for the duration of the analysis periods evaluated.

Staff analysis: A Level of Service Analysis was submitted for the purpose of reviewing traffic by the Applicant and reviewed by the City's traffic consultant in accordance with the standards consistent with the policy, including a 5-year and a long-term analysis. The proposed Mixed-Use land use will result in a net decrease in trips when restricted at the proposed development program of 280 multifamily units and the mix of 588,134 square feet of non-residential square footage. The site will be restricted with a notation on the Future Land Use Map; therefore, the proposed amendment is consistent with the Policy.

## **GOAL 2.2: CONTINUE TO DEVELOP AND MAINTAIN SUSTAINABLE, SAFE AND EFFICIENT INTERMODAL TRANSPORTATION LINKAGES THROUGH A BALANCE OF TRAFFIC CIRCULATION SYSTEMS, PUBLIC TRANSPORTATION, AND PEDESTRIAN AND BICYCLE NETWORKS.**

Staff analysis: The DPBG project has four points of vehicular access and an extensive pedestrian network that is proposed to be enhanced with the redevelopment. Pedestrian paths are integrated for connection between the various park and public amenity areas provided on site, as well as the full-circle lake path and internal 'Strand' through the center of the development. The vehicular circulation will be improved through the addition of the centrally located east-west drive aisle, as well as a new ingress from Gardens Parkway for the northeast parking garage. There are also existing bus stops on the north boundary of the site on Gardens Parkway and along Kyoto Gardens Drive on the south side of the site.



**Objective 2.2.1.: To encourage strategies which reduce demand on the City's transportation system and alleviate street traffic congestion.**

Staff analysis: The nature of Mixed-Use development provides for increased internal capture of vehicular trips based on the proximity and convenience of residential to commercial- and office-related uses. Therefore, external trips into and out of the site are reduced for the DPBG residents.

**LEVEL OF SERVICE ANALYSIS**

A Level of Service (LOS) analysis is required to address the potential impact of a land-use amendment on public services and facilities. The future-land use amendment has been analyzed relative to the provision of adequate urban services. All service providers have confirmed that there will be adequate capacity available for traffic, water, sewer, solid waste, drainage, police, fire, schools, and recreation services.

Traffic

The Applicant's traffic consultant has prepared a Level of Service Traffic Evaluation for the subject property. The analysis examined the traffic impacts of the current future land-use designation, Professional Office (PO), and the proposed future land-use designation, Mixed Use Development (MXD), and concludes that the proposed Comprehensive Plan Map Amendment meets the City's transportation standards and is consistent with the City's Comprehensive Plan Transportation Element.

The maximum allowable building square footage under the existing Professional Office (PO) future land use is a two-story building with a lot coverage of 35 percent, which yields approximately 1,495,389 square feet (49.042 acres x 43,560 x 0.35 x 2 = 1,495,389 SF). The maximum allowable residential development potential under a Mixed Use Development (MXD) future land use is 7 dwelling units per acre. This yields a development potential of 343 dwelling units (49.04 acres x 7 du/ac = 343 du). However, the proposed development program limits residential density to 5.71 dwelling units per acre for a total of 280 dwelling units (49.042 acres x 5.71 du/ac = 280 du). The maximum non-residential development potential under the proposed Mixed Use (MXD) future land use is being limited to 223,985 square feet of general commercial; 116,862 square feet of health club; 1700 cinema seats; 39,120 square feet of professional office; 13,720 square feet of medical office; and 174 hotel rooms.

The trip generation impacts of these maximum development potentials are summarized in Table 2.



**Table 2: Change in Net New External Trip Generation Calculation**

Land Use Designation	Use Assumption	Daily Trips	AM Peak Hour			PM Peak Hour		
			Total	In	Out	Total	In	Out
PO	Medical Office: 1,495,389 SF	46,836	3,741	2,918	823	4,657	1,304	3,353
MXD	Proposed Development Program*	16,651	532	296	236	1,269	645	624
<b>Net Change</b>		(30,185)	(3,209)	(2,622)	(587)	(3,388)	(659)	(2,729)

\*Land Use will be restricted to Proposed Development Program

As presented above, the proposed future land-use designation of Mixed Use (MXD), when restricted with the proposed residential units and non-residential development program, will result in a substantial decrease in the intensity of development that can be developed on the subject site under the Land Use criteria. The daily trips decrease by 30,185 trips, the AM Peak Hour trips decrease by 3,209 trips, and the PM Peak Hour trips decrease by 3,388 trips.

Because the Applicant has proposed a restriction to the number of residential units and non-residential intensity with a note on the Comprehensive Plan, the proposed land use modification results in a decrease in the number of trips generated by the site, and therefore is in compliance with the City's Comprehensive Plan standards. The City's traffic consultant has reviewed the Applicant's Comprehensive Plan Land Use Map Amendment analysis and issued an approval letter on March 23, 2021. A separate traffic study will be prepared and reviewed for the Planned Community Development (PCD) Amendment and the Site Plan Amendment petitions to be heard at a later date.

#### Potable Water and Sanitary Sewer

The subject site is located within the water and sewer service area of Seacoast Utility Authority (SUA). As of February 2021, SUA has additional potable water capacity of 3.69 Million Gallons per Day (MGD), and additional sanitary sewer capacity of 3.62 MGD available systemwide. Subject to prevailing fees, charges, policies, and practices, SUA proposes to provide sanitary sewer service collection, distribution, and treatment.

Currently, SUA has a total potable water capacity of 21.09 MGD with approximately 17.40 MGD committed and in use, which leaves 3.69 MGD of extra capacity available. The Applicant's proposed multifamily residential portion of the project will demand 0.071 MGD, which leaves SUA with a remaining capacity balance of 3.62 MGD ( $21.09 - 17.40 - 0.071 = 3.619$ ). Additionally, the Applicant's proposed non-residential redevelopment portion of the project will demand 0.162 MGD, which leaves SUA with a remaining capacity balance of 3.46 MGD [ $3.619$  (excess capacity after residential development)  $- 0.162$  (non-residential capacity)  $= 3.457$  (excess capacity after total development)]. Therefore, based upon the letter the Applicant received from the SUA on February 17, 2021, SUA has sufficient systemwide potable water capacity to meet the demands of this project.



Currently, SUA has a total sanitary sewer capacity of 12.00 MGD with approximately 8.38 MGD committed and in use, which leaves 3.62 MGD of extra capacity available. The Applicant's proposed multifamily residential portion of the project will demand 0.071 MGD, which leaves SUA with a remaining capacity balance of 3.55 MGD ( $12.00 - 8.38 - 0.071 = 3.549$ ). Additionally, the Applicant's proposed non-residential redevelopment portion of the project will demand 0.013 MGD, which leaves SUA with a remaining capacity balance of 3.54 MGD [ $3.549$  (excess capacity after residential development)  $- 0.013$  (non-residential development)  $= 3.536$  (excess capacity after total development)]. Therefore, based upon the letter the Applicant received from the SUA on February 17, 2021, SUA has sufficient systemwide sanitary sewer capacity to meet the demands of this project.

The proposed project meets the City's potable water LOS standard of 189 gallons per day per capita (GPD) and the sanitary sewer LOS Standard of 107 gallons per day per capita. The Seacoast Utility Authority has stated that sufficient excess capacity exists to meet the needs of the proposed development and will not be negatively impacted by the project.

#### Solid Waste

The Solid Waste Authority of Palm Beach County (SWA) is the provider of solid waste disposal and recycling services for the proposed development. SWA has provided a letter, dated January 6, 2021, providing certification that SWA has disposal capacity available to accommodate the solid waste generation for the year of 2021 and forecasts the capacity will be available through the year 2054. The letter constitutes notification of sufficient capacity for concurrency management and comprehensive planning purposes. Capacity is available for the coming year, five-year and ten-year planning periods. As of September 2020, the Authority's Landfill located at the Palm Beach Renewable Energy Park has an estimated 26,926,868 cubic yards of landfill capacity remaining. The Applicant has sufficiently demonstrated that the proposed project will meet the City's LOS standard for solid waste for the proposed Mixed-Use development.

#### Drainage

The Applicant submitted a Drainage Statement prepared by Simmons & White, Inc. for the DPBG Full Vision redevelopment. The site is located within the boundaries of the South Florida Water Management District Intracoastal Basin. Runoff will be directed to the existing stormwater system by means of swales, inlets, and storm sewer. Compensating storage will be provided in underground storage chambers to offset the impact of the additional building footprint. Legal positive outfall is existing via the master stormwater management system. The Drainage Statement indicating that sufficient capacity exists for the project has been reviewed and accepted by the City's Engineering Department.

#### Public Safety

The City's Police Department (letter dated February 18, 2021) and Fire-Rescue Department (letter dated February 4, 2021) have both indicated that they have capacity to serve the proposed project and maintain the adopted Police and Fire/EMS Levels of Service (LOS).



### Schools

The School District of Palm Beach County issued a School Capacity Availability Determination (SCAD) letter on March 11, 2021. The School District's analysis projected 4 elementary, 2 middle, and 2 high school students, for a total of 8 students generated by the proposed development. The schools primarily serving the DPBG area are Dwight D. Eisenhower (elementary), H.L. Watkins (middle), and William T. Dwyer (high). The impact review reports that the elementary school is at 85% utilization, middle school at 72% utilization, and high school at 101% utilization. Based on the School District's analysis, the School District staff is requesting a contribution of \$27,620.00 based on school capacity deficiency at the high school level. A Condition of Approval will be included in the Site Plan Development Order requiring the Applicant to satisfy the School District's requirement.

### Recreation

The City's Comprehensive Plan and Land Development Regulations require the evaluation of the impact on the Recreation Level of Service generated by new residents from a project. The current citywide recreation and open space inventory total is approximately 546 acres. Based on the current City population estimate (56,709), the City exceeds the Level of Service (LOS) of 5.0 acres per 1,000 population ( $56,709 / 1,000 \times 5$  acres = 283.55 acres required). The proposed development will generate an estimated 592 residents (280 units  $\times$  2.1144 Population Per Housing Unit, per the Bureau of Economic and Business Research (BEBR) estimates = 592 residents), for a required total of 2.96 acres of improved neighborhood parks, community parks, and other recreation/open space facilities ( $592 \text{ residents} / 1,000 = .592 \times 5 \text{ acres} = 2.96 \text{ acres}$ ). The City has adequate open space to meet the Level of Service standard without additional facilities being provided by the Applicant (546 acres – 283.55 acres required = 262.45 acre surplus – 2.96 required for project = 259.49 acre surplus). The Applicant is, however, proposing on-site recreation and open space areas including two public dog parks, improving the existing lakeside park/lawn which is accessible to the public with a Perpetual Public Access Easement around the lake, and providing a courtyard garden area for the residential portion of the project.

### Conclusion of Level of Service Analysis

The proposed development demonstrates that there will be no adverse impacts on the adopted Level of Service (LOS) standards for sanitary sewer and potable water, solid waste, drainage, public safety, schools, recreation, and traffic. Therefore, the proposed Comprehensive Plan Map Amendment from PO to MXD will not pose a negative impact on the public facilities in the area. The City has determined that adequate capacity exists.

## **REZONING ANALYSIS**

The proposed rezoning to Planned Community Development overlay with an underlying zoning designation of Mixed Use Development is consistent with the goals and objectives of Transit Oriented Development and the City's Mobility Plan by allowing a mix of uses that complement each other and help reduce the number of vehicular trips on the surrounding road network by capturing trips internally. The underlying Mixed Use



Development designation will enable the site to be redeveloped utilizing vertically and horizontally integrated uses.

### **STAFF ANALYSIS**

The proposed Large-Scale Future Land Use Map Amendment and Rezoning provide an opportunity to allow the introduction of residential units to the DPBG site. Multifamily residential can assist in maintaining and supporting the existing non-residential uses on site by providing housing opportunities near shopping, entertainment, and employment. Additionally, the non-residential uses facilitate the internal capture of vehicular trips that could be added to the road network. The Mixed Use Development Future Land Use designation furthers the City's goals and policies of providing for residential development in locations where walking, bicycling, or taking public transportation to employment, shopping, and dining is feasible and more convenient through alternate modes of transportation. Finally, the Mixed Use Development Future Land Use and Rezoning will enable the transformation of the shopping center into a Transit Oriented Development consistent with the City's TOD Plan.

### **CONSISTENCY WITH THE STRATEGIC REGIONAL POLICY PLAN AND STATE COMPREHENSIVE PLAN**

The proposed Comprehensive Plan Amendment is consistent with the Treasure Coast Regional Planning Council's Strategic Regional Policy Plan that supports a balanced, well-planned, compatible mix of land uses appropriately located so that state, local, and regional goals are achieved. The proposed Comprehensive Plan Amendment is also consistent with the State Comprehensive Plan that contains policies pertaining to the health of residents, land use, urban and downtown revitalization, public facilities, and transportation.

### **HISTORICAL AND ARCHEOLOGICAL RESOURCES**

The subject site is developed with commercial/non-residential uses, and does not contain any historical, cultural, or archeological resources for preservation.

### **INTERGOVERNMENTAL COORDINATION**

Staff provided the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC) notice on April 22, 2021. No comments have been received to date.

### **COMMENTS FROM THE DEVELOPMENT REVIEW COMMITTEE (DRC)**

At this time, all DRC comments related to the Land Use Map Amendment and Rezoning have been satisfied.

### **PUBLIC NOTICE**

The petition has been publicly noticed according to Section 78-54. of the City's Code, with



published newspaper ads, mailed notices, and posting of signs on the property.

### **PLANNING, ZONING, AND APPEALS BOARD (PZAB)**

At the May 11, 2021, PZAB meeting, the PZAB recommended approval of CPMA-20-04-000030 and REZN-20-04-000023 by votes of 7 to 0 and 7 to 0, respectively.

### **CITY COUNCIL**

On June 3, 2021, the City Council adopted Ordinance 6, 2021 and Ordinance 7, 2021 on first reading by votes of 5 to 0 and 5 to 0, respectively.

### **TRANSMITTAL TO STATE LAND PLANNING AGENCY**

The Comprehensive Plan Amendment package was transmitted on June 8, 2021, to the Department of Economic Opportunity (DEO), the State land planning agency, and applicable agencies, including Treasure Coast Regional Planning Council, South Florida Water Management District, Palm Beach County Planning Division, Florida Department of Transportation (District Four), Florida Department of Environmental Protection, and Florida Department of State (Bureau of Historic Preservation), for review, as required by Section 163.3184, *Florida Statutes*, under the Expedited State Review (ESR) process. The DEO completed the expedited review and provided a letter on July 8, 2021, stating the agency had "no comment" on the proposed amendment.

### **STAFF RECOMMENDATION**

The proposed Land Use Map amendment is consistent with Chapter 163, *Florida Statutes*, the State Comprehensive Plan, and the City of Palm Beach Gardens Comprehensive Plan.

Staff recommends **APPROVAL** of Ordinance 6, 2021 as presented on second and final reading, based upon the following findings of fact:

- 1) The proposed amendment is consistent with the existing overall Goals, Objectives, and Policies of the City Comprehensive Plan.
- 2) The proposed amendment is consistent with the existing Goals, Objectives, and Policies of the Regional Strategic Policy Plan.
- 3) The proposed amendment is consistent with the existing Goals, Objectives, and Policies of the State Comprehensive Plan.
- 4) The proposed Comprehensive Plan Future Land Use Map Amendment has demonstrated the proposed development meets the Levels of Service standards for all service providers.
- 5) The proposed change to the Future Land Use Map is compatible with the surrounding area.

Staff recommends **APPROVAL** of Ordinance 7, 2021 as presented on second and final reading.



ORDINANCE 6, 2021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA, ADOPTING A LARGE-SCALE AMENDMENT TO ITS COMPREHENSIVE PLAN FUTURE LAND USE MAP IN ACCORDANCE WITH THE MANDATES SET FORTH IN CHAPTER 163, FLORIDA STATUTES, SPECIFICALLY SECTION 163.3184, ET SEQ., FLORIDA STATUTES, PURSUANT TO APPLICATION NO. CPMA-20-04-000030 IN ORDER TO CHANGE THE LAND USE DESIGNATION ON 49.04 ACRES FROM PALM BEACH GARDENS PROFESSIONAL OFFICE (PO) TO PALM BEACH GARDENS MIXED USE (MXD); PROVIDING A NOTATION ON THE FUTURE LAND USE MAP PERTAINING TO THE PERMITTED LAND USE DENSITY AND INTENSITY RELATED TO THE SUBJECT PROPERTY; THE SUBJECT PROPERTY BEING LOCATED ON THE EAST SIDE OF ALTERNATE A1A BETWEEN KYOTO GARDENS DRIVE AND GARDENS PARKWAY; PROVIDING FOR COMPLIANCE WITH ALL REQUIREMENTS OF CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY (DEO) AND OTHER REVIEWING AGENCIES; PROVIDING THAT THE FUTURE LAND USE MAP OF THE CITY OF PALM BEACH GARDENS BE AMENDED ACCORDINGLY; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**WHEREAS**, the City has received a petition from Excel Gardens, LLC requesting a large-scale amendment to the Comprehensive Land Use Plan of the City of Palm Beach Gardens, as more specifically described herein; and

**WHEREAS**, on May 11, 2021, the Planning, Zoning, and Appeals Board, sitting as the duly constituted Local Planning Agency for the City, recommended approval of an amendment to the Future Land Use Map of the Comprehensive Plan of the City of Palm Beach Gardens by a vote of 7 to 0; and

**WHEREAS**, the City Council finds that the subject amendment is consistent with the City's Comprehensive Plan and that the subject amendment is consistent with Section 163.3184, *Florida Statutes*; and

**WHEREAS**, the City Council acknowledges that this amendment is subject to the provisions of Section 163.3184, *Florida Statutes*, and that the City shall maintain compliance with all provisions thereof; and

**WHEREAS**, the City has received public input and participation through public hearings before the Local Planning Agency and the City Council in accordance with Section 163.3181, *Florida Statutes*; and



1       **WHEREAS**, the City Council deems approval of this Ordinance to be in the best  
2 interests of the health, safety, and welfare of the residents and citizens of the City of Palm  
3 Beach Gardens and the public at large.

4  
5  
6       **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY**  
7 **OF PALM BEACH GARDENS, FLORIDA**, that:

8  
9       **SECTION 1.** The foregoing recitals are hereby affirmed and ratified.

10  
11       **SECTION 2.** The Future Land Use Map of the City's Comprehensive Plan is  
12 hereby amended, in accordance with Exhibit "A", attached hereto and incorporated herein,  
13 for the following described real property:

14  
15       **LEGAL DESCRIPTION**

16  
17 ALL OF DOWNTOWN AT THE GARDENS, ACCORDING TO THE PLAT THEREOF, AS  
18 RECORDED IN PLAT BOOK 118, PAGES 130 THROUGH 133, INCLUSIVE, OF THE  
19 PUBLIC RECORDS OF PALM BEACH COUNTY.

20  
21 CONTAINING 49.04 ACRES MORE OR LESS.

22  
23       **SECTION 3.** The Future Land Use Map of the City's Comprehensive Plan is hereby  
24 amended in order to include the following symbol and development intensity restriction note  
25 for the subject property:

26  
27 Mixed Use (MXD) Land-Use designation limited to Retail Shopping Center – 223,985 SF,  
28 Health, Physical Fitness, Weight Reduction, and Spa – 116, 862 SF, Cinema – 68,087 SF,  
29 Professional Office – 39,120 SF, Medical Office – 13,720 SF, Hotel – 174 Rooms, and  
30 Residential Multi-Family – 280 DU.

31  
32       **SECTION 4.** The Future Land Use Map of the City's Comprehensive Plan is hereby  
33 amended, based on the following findings of fact:

- 34       1. The proposed amendment is consistent with the existing overall Goals, Objectives, and  
35 Policies of the City's Comprehensive Plan.
- 36       2. The proposed amendment is consistent with the overall existing Goals, Objectives, and  
37 Policies of the Regional Strategic Policy Plan and State Comprehensive Plan.
- 38       3. The proposed Comprehensive Plan Map Amendment has demonstrated the proposed  
39 development meets the Level of Service standards for all service providers.

40  
41       **SECTION 5.** All Ordinances or parts of Ordinances in conflict be and the same are  
42 hereby repealed.



1       **SECTION 6.** Should any section or provision of this Ordinance or any portion  
2 thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction  
3 to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.  
4

5       **SECTION 7.** Specific authority is hereby granted to codify this Ordinance.  
6

7       **SECTION 8.** The City's Director of Planning and Zoning is hereby directed to  
8 transmit the proposed Comprehensive Plan Amendment to the Department of Economic  
9 Opportunity of the State of Florida and other appropriate public agencies, and upon  
10 adoption of this Ordinance is further directed to ensure that this Ordinance and all other  
11 necessary documents are forwarded to the Florida Department of Economic Opportunity  
12 (DEO) and other agencies in accordance with Section 163.3184, *Florida Statutes*.  
13

14       **SECTION 9.** This plan amendment shall become effective 31 days after the State  
15 Land Planning Agency notifies the City of Palm Beach Gardens that the plan amendment  
16 package is complete, or if timely challenged, this plan amendment will not become  
17 effective until the State Land Planning Agency or the Administration Commission enters  
18 a final order determining the adopted amendment to be in compliance, in accordance with  
19 Section 163.3184, *Florida Statutes*, whichever is applicable. No development orders,  
20 development permits, or land uses dependent on this amendment may be issued before  
21 it has become effective.  
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PASSED this 3<sup>rd</sup> day of June, 2021, upon first reading.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2021, upon second and final reading.

**CITY OF PALM BEACH GARDENS**                      FOR                      AGAINST                      ABSENT

BY: \_\_\_\_\_

Rachelle A. Litt, Mayor

\_\_\_\_\_

Chelsea Reed, Vice Mayor

\_\_\_\_\_

Carl W. Woods, Councilmember

\_\_\_\_\_

Mark T. Marciano, Councilmember

\_\_\_\_\_

Marcie Tinsley, Councilmember

**ATTEST:**

BY: \_\_\_\_\_

Patricia Snider, CMC, City Clerk

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY**

BY: \_\_\_\_\_

R. Max Lohman, City Attorney





# EXHIBIT "A"





## ORDINANCE 7, 2021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA, REZONING CERTAIN REAL PROPERTY, SUCH PROPERTY BEING COMPRISED OF 49.04 ACRES IN SIZE, MORE OR LESS, AND LOCATED ON THE EAST SIDE OF ALTERNATE A1A BETWEEN KYOTO GARDENS DRIVE AND GARDENS PARKWAY; PROVIDING THAT THIS PARCEL OF REAL PROPERTY, WHICH IS MORE PARTICULARLY DESCRIBED HEREIN, SHALL BE REZONED FROM PLANNED COMMUNITY DEVELOPMENT (PCD) OVERLAY WITH UNDERLYING ZONING DESIGNATIONS OF GENERAL COMMERCIAL (CG-1) AND PROFESSIONAL OFFICE (PO) TO PLANNED COMMUNITY DEVELOPMENT (PCD) OVERLAY WITH AN UNDERLYING ZONING DESIGNATION OF MIXED USE (MXD); PROVIDING THAT THE ZONING MAP OF THE CITY OF PALM BEACH GARDENS BE AMENDED ACCORDINGLY; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE, AND AUTHORITY TO CODIFY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**WHEREAS**, the City Council, as the governing body of the City of Palm Beach Gardens, Florida, pursuant to the authority in Chapter 163 and Chapter 166, *Florida Statutes*, and the City's Land Development Regulations (LDRs), is authorized and empowered to consider petitions related to zoning and land development orders; and

**WHEREAS**, the subject site is currently zoned Planned Community Development (PCD) overlay with underlying zoning designations of General Commercial (CG-1) and Professional Office (PO) and has a future land-use designation of Professional Office (PO); and

**WHEREAS**, the Planning and Zoning Department has received a petition by Excel Gardens, LLC requesting to change the underlying zoning designations for approximately 49.04 acres located on the east side of Alternate A1A between Kyoto Gardens Drive and Gardens Parkway; and

**WHEREAS**, the Planning and Zoning Department has reviewed the application, has determined that it is sufficient and consistent with the City's Comprehensive Plan and Land Development Regulations, and has recommended approval; and

**WHEREAS**, the Planning, Zoning, and Appeals Board reviewed the petition at its May 11, 2021, meeting and recommended approval of the subject petition (REZN-20-04-000023) by a vote of 7 to 0; and

**WHEREAS**, the City Council has considered the evidence and testimony presented by the Applicant and other interested parties and the recommendations of the various City of Palm Beach Gardens and Palm Beach County reviewing agencies and staff; and



1       **WHEREAS**, the City Council deems approval of this Ordinance to be in the best  
2 interests of the health, safety, and welfare of the residents and citizens of the City of Palm  
3 Beach Gardens and the public at large; and

4  
5       **WHEREAS**, the City Council has determined that this Ordinance is consistent with  
6 the City's Comprehensive Plan based on the following findings of fact:  
7

- 8       1. The proposed rezoning of Planned Community Development (PCD) overlay,  
9 with an underlying zoning designation of Mixed Use (MXD) is consistent with  
10 the overall Goals, Objectives, and Policies of the City's Comprehensive Plan  
11 and the future land-use designation of Mixed Use (MXD).  
12
- 13       2. The proposed rezoning is in harmony with the general purpose and intent of  
14 the Comprehensive Plan and the Land Development Regulations (LDRs) and  
15 is compatible with the intensity and density of the surrounding, existing, and  
16 future land uses.  
17  
18

19       **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY**  
20 **OF PALM BEACH GARDENS, FLORIDA, that:**  
21

22       **SECTION 1.** The foregoing recitals are hereby affirmed and ratified.  
23

24       **SECTION 2.** That certain parcel of real property located within the corporate limits  
25 of the City of Palm Beach Gardens totaling approximately 49.04 acres, more or less,  
26 located on the east side of Alternate A1A between Kyoto Gardens Drive and Gardens  
27 Parkway and currently zoned Planned Community Development (PCD) overlay with  
28 underlying zoning designations of General Commercial (CG-1) and Professional Office  
29 (PO) is hereby rezoned to Planned Community Development Overlay District (PCD) with  
30 underlying zoning designation of Mixed Use (MXD) and is legally described as follows:  
31

32       **LEGAL DESCRIPTION:**  
33

34       ALL OF DOWNTOWN AT THE GARDENS, ACCORDING TO THE PLAT THEREOF, AS  
35 RECORDED IN PLAT BOOK 118, PAGES 130 THROUGH 133, INCLUSIVE, OF THE  
36 PUBLIC RECORDS OF PALM BEACH COUNTY.  
37

38       CONTAINING 49.04 ACRES MORE OR LESS.  
39

40       **SECTION 3.** The City Zoning Map is hereby amended to confirm to this  
41 Ordinance, and the City Manager is hereby authorized and directed to implement these  
42 changes to the City Zoning Map.  
43

44       **SECTION 4.** All Ordinances or parts of Ordinances in conflict be and the same are  
45 hereby repealed.  
46



1       **SECTION 5.** Should any section or provision of this Ordinance or any portion  
2 thereof, any paragraph, sentence, or word be declared by a Court of competent  
3 jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this  
4 Ordinance.  
5

6       **SECTION 6.** This Ordinance shall become effective 31 days after the State Land  
7 Planning Agency notifies the City of Palm Beach Gardens that the companion plan  
8 amendment package (Ordinance 6, 2021) is complete, or if timely challenged, this plan  
9 amendment will not become effective until the State Land Planning Agency or the  
10 Administration Commission enters a final order determining the adopted amendment to  
11 be in compliance, in accordance with Section 163.3184, *Florida Statutes*, whichever is  
12 applicable. No development orders, development permits, or land uses dependent on this  
13 amendment may be issued before it has become effective.  
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PASSED this 3<sup>rd</sup> day of June, 2021, upon first reading.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2021, upon second and final reading.

## CITY OF PALM BEACH GARDENS

FORAGAINSTABSENT

BY: \_\_\_\_\_

Rachelle A. Litt, Mayor

\_\_\_\_\_  
Chelsea Reed, Vice Mayor\_\_\_\_\_  
Carl W. Woods, Councilmember\_\_\_\_\_  
Mark T. Marciano, Councilmember\_\_\_\_\_  
Marcie Tinsley, Councilmember

## ATTEST:

BY: \_\_\_\_\_

Patricia Snider, CMC, City Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

BY: \_\_\_\_\_

R. Max Lohman, City Attorney





**CITY OF PALM BEACH GARDENS**  
**DEVELOPMENT APPLICATION**

**Planning and Zoning Department**  
**CITY OF PALM BEACH GARDENS**  
10500 North Military Trail  
Palm Beach Gardens, FL 33410  
(561) 799-4243 Fax (561) 799-4281

**Request:**

- |   |   |
|---|---|
| <input type="checkbox"/> Planned Community Development (PCD)            | <input type="checkbox"/> Annexation   |
| <input type="checkbox"/> Planned Unit Development (PUD)                 | <input type="checkbox"/> Rezoning   |
| <input type="checkbox"/> Amendment to PCD, PUD or Site Plan             | <input type="checkbox"/> Site Plan Review   |
| <input type="checkbox"/> Conditional Use                                | <input type="checkbox"/> Concurrency Certificate  |
| <input checked="" type="checkbox"/> Amendment to the Comprehensive Plan | <input type="checkbox"/> Time Extension   |
| <input type="checkbox"/> Administrative Approval                        | <input type="checkbox"/> Miscellaneous  |
| <input type="checkbox"/> Administrative Appeal                          | <input type="checkbox"/> Other <span style="border: 1px solid black; padding: 2px;">FLUM Amendment</span> |

Date Submitted:

**Project Name:** Downtown Palm Beach Gardens

Owner: Excel Gardens, LLC

Applicant (if not Owner): \_\_\_\_\_

Applicant's Address: 10920 Via Frontera, Ste 220 Telephone No. 312-798-5193

Agent: Cotleur & Hearing

Contact Person: Don Hearing/Nicole Plunkett

E-Mail: dhearing@cotleur-hearing.com

Agent's Mailing Address: 1934 Commerce Ln, Ste 1, Jupiter, FL 33458

Agent's Telephone Number: 561.747.6336

**FOR OFFICE USE ONLY**

Petition Number: \_\_\_\_\_

Date & Time Received: \_\_\_\_\_

**Fees Received**

Application \$ \_\_\_\_\_

Engineering \$ \_\_\_\_\_

Receipt Number: \_\_\_\_\_



Architect: \_\_\_\_\_

Engineer: \_\_\_\_\_

Planner: Cotleur & Hearing

Landscape Architect: \_\_\_\_\_

**Site Information:**

**Note: Petitioner shall submit electronic digital files of approved projects. See attachment for details.**

General Location: Southeast corner of Alternate A-1-A and Gardens Parkway

Address: 11701 Lake Victoria Gardens Ave.

Section: 06 Township: 42 Range: 43

Property Control Number(s): 52-43-42-06-26-001-0000

Acreage: 49.04 Current Zoning: PCD Requested Zoning: N/A

Flood Zone X Base Flood Elevation (BFE) – to be indicated on site plan \_\_\_\_\_

Current Comprehensive Plan Land Use Designation: PO/CG-1

Existing Land Use: PO/CG-1 Requested Land Use: MXD

Proposed Use(s) i.e. hotel, single family residence, etc.: Restaurant,  
retail, cinema, office, hotel, residence

Proposed Square Footage by Use: Please see the enclosed SF matrix

Proposed Number and Type of Dwelling Unit(s) i.e. single family, multifamily, etc. (if applicable):  
280 units



## Justification

Information concerning all requests (attach additional sheets if needed.)  
{Section 78-46, Application Procedures, Land Development Regulations.}

1. Explain the nature of the request: Applicant is requesting approval of a Future Land Use Map amendment wherein the future land use for Downtown is Mixed Use. This amendment will facilitate the revitalization of Downtown with the development of a mixed use tower which will have hotel, office, retail and restaurant uses, the development of multi-family apartments and supporting garage, and the installation of additional landscaping, among other things. Please see the enclosed project narrative for additional information.

2. What will be the impact of the proposed change on the surrounding area?

The proposed change will provide a positive impact on the surrounding area by providing a true life/work/play environment with the new proposed office, hotel and residential components of Downtown.

3. Describe how the rezoning request complies with the City's Vision Plan and the following elements of the City's Comprehensive Plan - Future Land Use, Transportation, Housing, Infrastructure, Coastal Management, Conservations, Recreation and Open space, Intergovernmental Coordination and Capital Improvement.

The proposed request does not include rezoning.



4. How does the proposed project comply with City requirements for preservation of natural resources and native vegetation (Section 78-301, Land Development Regulations)?

This request will not impact natural resources or native vegetation.

5. How will the proposed project comply with City requirements for Art in Public Places (Chapter 78-261, Land Development Regulations)?

Please see the enclosed project narrative for details regarding this code requirement.

6. Has project received concurrency certification?

Yes

Date Received:

### **Legal Description of the Subject Property**

(Attach additional sheets if needed)

**Or see attached deed for legal description.**

### **Location**

The subject property is located approximately 0 mile(s) from the intersection of Alt. A-1-A  
and Gardens Parkway, on the ☐ north, ☒ east, ☐ south, ☐ west side of Alt. A-1-A  
(street/road).



## Statement of Ownership and Designation of Authorized Agent

Before me, the undersigned authority, personally appeared Kevin Mysliwiec, as  
authorized agent of owner \_\_\_\_\_ who, being by me first duly sworn, on oath depose and says:

1. That he/she is the fee simple title owner of the property described in the attached Legal Description.
2. That he/she is requesting Future Land Use Map amendment in the City of Palm Beach Gardens, Florida.
3. That he/she has appointed Coleur & Hearing to act as authorized agent on his/her behalf to accomplish the above project.

Excel Gardens, LLC  
Name of Owner: \_\_\_\_\_

Signature of Owner

10920 Via Frontera, Suite 220

Street Address

Kevin Mysliwiec, as authorized agent of owner

By: Name/Title

San Diego, CA 92127

City, State, Zip Code

P. O. Box

312-798-5193

Telephone Number

kmysliwiec@shopcore.com

E-mail Address

City, State, Zip Code

Fax Number

Sworn and subscribed before me this 16 day of April, 2020.

Notary Public

My Commission expires:

01/15/22





**CITY OF PALM BEACH GARDENS**  
**DEVELOPMENT APPLICATION**

**Planning and Zoning Department**  
**CITY OF PALM BEACH GARDENS**  
10500 North Military Trail  
Palm Beach Gardens, FL 33410  
(561) 799-4243 Fax (561) 799-4281

**Request:**

- |  |   |
|--|---|
| <input type="checkbox"/> Planned Community Development (PCD) | <input type="checkbox"/> Annexation                 |
| <input type="checkbox"/> Planned Unit Development (PUD)      | <input checked="" type="checkbox"/> Rezoning        |
| <input type="checkbox"/> Amendment to PCD, PUD or Site Plan  | <input type="checkbox"/> Site Plan Review           |
| <input type="checkbox"/> Conditional Use                     | <input type="checkbox"/> Concurrency Certificate    |
| <input type="checkbox"/> Amendment to the Comprehensive Plan | <input type="checkbox"/> Time Extension             |
| <input type="checkbox"/> Administrative Approval             | <input type="checkbox"/> Miscellaneous              |
| <input type="checkbox"/> Administrative Appeal               | <input type="checkbox"/> Other <input type="text"/> |

Date Submitted:

**Project Name:** Downtown Palm Beach Gardens

Owner: Excel Gardens, LLC

Applicant (if not Owner): \_\_\_\_\_

Applicant's Address: 10920 Via Frontera, Ste 220 Telephone No. 312-798-5193

Agent: Cotleur & Hearing

Contact Person: Don Hearing/Nicole Plunkett E-Mail: dhearing@cotleur-hearing.com

Agent's Mailing Address: 1934 Commerce Ln, Ste 1, Jupiter, FL 33458

Agent's Telephone Number: 561.747.6336

**FOR OFFICE USE ONLY**

Petition Number: \_\_\_\_\_

Date & Time Received: \_\_\_\_\_

**Fees Received**

Application \$ \_\_\_\_\_

Engineering \$ \_\_\_\_\_

Receipt Number: \_\_\_\_\_



Architect: \_\_\_\_\_

Engineer: \_\_\_\_\_

Planner: Cotleur & Hearing

Landscape Architect: \_\_\_\_\_

**Site Information:**

**Note: Petitioner shall submit electronic digital files of approved projects. See attachment for details.**

General Location: Southeast corner of Alternate A-1-A and Gardens Parkway

Address: 11701 Lake Victoria Gardens Ave.

Section: 06 Township: 42 Range: 43

Property Control Number(s): 52-43-42-06-26-001-0000

Acreage: 49.04 Current Zoning: PCD Requested Zoning: N/A

Flood Zone X Base Flood Elevation (BFE) – to be indicated on site plan \_\_\_\_\_

Current Comprehensive Plan Land Use Designation: PO/CG-1

Existing Land Use: PO/CG-1 Requested Land Use: MXD

Proposed Use(s) i.e. hotel, single family residence, etc.: Restaurant,  
retail, cinema, office, hotel, residence

Proposed Square Footage by Use: Please see the enclosed SF matrix

Proposed Number and Type of Dwelling Unit(s) i.e. single family, multifamily, etc. (if applicable):  
280 units



## **Justification**

Information concerning all requests (attach additional sheets if needed.)  
{Section 78-46, Application Procedures, Land Development Regulations.}

1. Explain the nature of the request: Applicant is requesting approval to rezone Downtown which would facilitate the revitalization of Downtown. Please see the enclosed project narrative for additional information.

2. What will be the impact of the proposed change on the surrounding area?

The proposed change will provide a positive impact on the surrounding area by providing a true life/work/play environment with the new proposed office, hotel and residential components of Downtown.

3. Describe how the rezoning request complies with the City's Vision Plan and the following elements of the City's Comprehensive Plan - Future Land Use, Transportation, Housing, Infrastructure, Coastal Management, Conservations, Recreation and Open space, Intergovernmental Coordination and Capital Improvement.

Please see the enclosed narrative which describes how the proposed rezoning request complies with various elements of the City's comprehensive plan.



4. How does the proposed project comply with City requirements for preservation of natural resources and native vegetation (Section 78-301, Land Development Regulations)?

This request will not impact natural resources or native vegetation.

5. How will the proposed project comply with City requirements for Art in Public Places (Chapter 78-261, Land Development Regulations)?

Please see the enclosed project narrative for details regarding this code requirement.

6. Has project received concurrency certification?

Yes

Date Received:

**Legal Description of the Subject Property**

(Attach additional sheets if needed)

**Or see attached deed for legal description.**

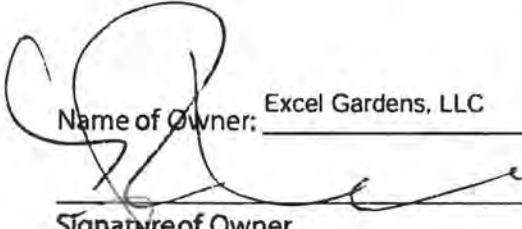
**Location**

The subject property is located approximately 0 mile(s) from the intersection of Alt. A-1-A  
and Gardens Parkway, on the ☐ north, ☒ east, ☐ south, ☐ west side of Alt. A-1-A  
(street/road).

## Statement of Ownership and Designation of Authorized Agent

Before me, the undersigned authority, personally appeared Kevin Mysliwec, as  
authorized agent of owner \_\_\_\_\_ who, being by me first duly sworn, on oath deposed and says:

1. That he/she is the fee simple title owner of the property described in the attached Legal Description.
2. That he/she is requesting rezoning in the City of Palm Beach Gardens, Florida.
3. That he/she has appointed Cotleur & Hearing to act as authorized agent on his/her behalf to accomplish the above project.

  
Name of Owner: Excel Gardens, LLC

Signature of Owner

10920 Via Frontera, Suite 220

Street Address

Kevin Mysliwec, as authorized agent of owner

By: Name/Title

San Diego, CA 92127

City, State, Zip Code

P. O. Box

312-798-5193

Telephone Number

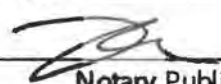
kmysliwec@shopcore.com

E-mail Address

City, State, Zip Code

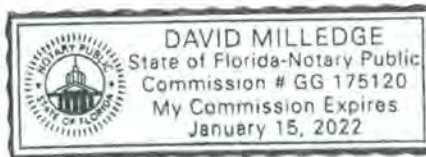
Fax Number

Sworn and subscribed before me this 16 day of April, 2020.

  
Notary Public

My Commission expires:

01/15/22





DOWNTOWN PALM BEACH GARDENS  
Full Vision Application-Future Land Use Map Amendment  
*Justification Statement*  
*April 27, 2021*

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## I. Introduction

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Excel Gardens, LLC ("Applicant") owns the property in the City of Palm Beach Gardens (the "Subject Property") known as Downtown Palm Beach Gardens ("Downtown"), a mixed-use development with retail shops, offices, restaurants, a wellness facility, and a movie theater. The Applicant seeks to transform the Subject Property into a sophisticated, thriving, urban core that reflects the City's character. The redevelopment will draw residents, professionals, and visitors to the site to take advantage of the new, integrated mix of uses and create a true "live, work, and play" Downtown community.

The recently approved Life Time Facility was the first phase of the redevelopment, which brought a nationally-renowned personal wellness brand to the center. Life Time set the tone for the vision of high-end, quality design, an integrated mix of uses, and a unique pedestrian experience for Downtown.

Subsequent to the Life Time approval, the second phase of upgrades known as the "In-Place Application" were approved, which enhanced the existing retail façades and created the Strand (the north/south interactive pedestrian corridor). Those upgrades complement the high-quality design and architectural elements embodied within the proposed redevelopment and will remain as part of the overall vision for the future of the Subject Property.

The "Full Vision" application is the third and final phase of the redevelopment. It seeks to add hotel and multi-family residential uses to the Subject Property, re-orient retail space towards the newly activated lake front, increase pedestrian connectivity and vehicular access through a variety of design tools, and create an urban core community through purposeful, unique place-making, landscaping, hardscaping. The Full Vision Application consists of four integrated components (collectively, the "Project"):

1. Future Land Use Map Amendment: application to change the Subject Property's future land use designation from Professional Office (PO) to Mixed Use Development (MXD);
2. Rezoning: application to rezone the Subject Property from the General Commercial (CG-1) zoning district to the Mixed Use Development (MXD) zoning district;
3. Downtown Site Plan Amendment: application to amend the existing Downtown Site Plan to add 174-key hotel room use, 280-unit multi-family residential use, an additional 461 parking space, 4-floor addition to the East Parking Garage, mobility improvements, and complementary pedestrian and vehicular amenities; and
4. Regional Center PCD Master Plan Amendment: application to add hotel and multi-family residential entitlements to the operative master plan.

In coordination with City staff, the Full Vision application has been bifurcated for purposes of timing and hearing schedules so that the Future Land Use Map Amendment and Rezoning requests are considered together first, followed closely by the Downtown Site Plan and Regional Center PCD Master Plan Amendments. This Justification Statement relates to the proposed Future Land Use Map Amendment ("FLU Map Amendment" or "Application"). A separate Justification Statement for the Rezoning has been submitted concurrently.

Downtown Palm Beach Gardens  
Future Land Use Map Amendment  
April 27, 2021

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## Fees

<b>Application Request</b>	<b>Fee</b>
Comp Plan Land Use Map Amendment	\$2,500
PCD Amendment	\$2,000
Rezoning Fee	\$2,500
Site Plan Review in conjunction with Rezoning for same project	\$250
Concurrency Certificate	\$550
GIS Review Open Space	\$300
Advertising Escrow	\$1,000
Legal Escrow	\$1,000
Engineering Escrow	\$1,000
Traffic Escrow	\$1,000
<b>TOTAL</b>	<b>\$12,100</b>

## **II. Project Overview**

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### Location

Downtown encompasses approximately 49.04 acres and is located at the southeast corner of Alternate A-1-A and Gardens Parkway. It is bound by Kyoto Gardens Drive along its southern boundary and Gardens Parkway along its northern boundary. Lake Victoria Gardens Avenue bisects the property and connects Kyoto Gardens Drive to Gardens Parkway. To the north of the Subject Property is Mira Flores apartments, to the south is the DiVosta Towers and the Financial Center at the Gardens, to the west is Alternate A-1-A and the FEC railroad, and to the east is the Landmark condominiums and Garden Pointe.

### Project History

On February 16, 1984, the City Council approved Resolution 9, 1984 allowing the Regional Center Development of Regional Impact (DRI). Concurrently, Ordinance 5, 1984 was adopted, establishing a zoning designation of Planned Community Development (PCD) for the entire Regional Center DRI, with the exception of the Gardens Mall property.

In 2003, the City Council approved Resolution 91, 2003, establishing the PCD site plan for the Subject Property. At the time, the site was located within the Regional Center DRI. The 2003 approval allowed for the development of up to 26,000 square feet of neighborhood commercial use, 220,745 square feet of retail/restaurant use, 67,690 square feet of cinema (up to 3,220 seats), and 20,000 square feet of professional office use. The site plan has since been modified several times, the most notable of which are addressed herein.

In 2003, Resolution 212, 2003 reduced the number of cinema seats from 3,220 to 3,130 and increased retail square footage by 1,473 square feet.

In 2009, the City Council adopted Resolution 58, 2009, which modified the allocation of uses for the Subject Property to include 271,050 square feet of mixed-use shopping center use, including up to 70,000 square feet of restaurant use, and 68,087 square feet of cinema (3,032 seats). A second parking garage for the Subject Property was approved and depicted on the master plan just north of the cinema. The approved parking garage consisted of 547 spaces on five levels. The approval gives the owner of the site the ability to build the garage to increase the square footage of the site. That garage has not been constructed.

Resolution 81, 2012 further amended the site plan and in 2013, as a result of House Bill 7207, the City Council approved a series of development orders, which rescinded the Regional Center DRI. Resolution 22, 2013 rescinded the development order for the Regional Center DRI and transferred applicable conditions of approval to the new PCD development order for the Regional Center. Ordinance 6, 2013 reaffirmed and amended the Regional Center PCD development order.

Resolution 23, 2013 approved the PCD Master Plan and most recently Resolution 27, 2019 added 116,862 square feet of Health, Physical Fitness, Weight Reduction and Spa use for the Life Time facility located in the northern section of the Subject Property, in addition to approving a 426-space garage in lieu of the previously approved 547-space garage.

Resolution 43, 2020 amended the site plan to realign the drive aisle from Alternate A1A, relocate the carousel to the lakeside, make modifications to the hardscape and landscape, make architectural modifications to the elevations for Building A, D/E, G/H, I/J, K/F, and L, update the building square footages and use allocations, and approve a master sign program with waivers and conditions of approval.

### Land Use and Zoning

The current zoning designation of the Subject Property is PCD Overlay, with underlying zoning designations of General Commercial (CG-1) and Professional Office (PO). The Subject Property's existing land use is Commercial, and its future land use is Professional Office (PO). Resolution 91, 2003, Resolution 58, 2009, Resolution 81, 2012, Resolution 27, 2019, and Resolution 43, 2020 approved and amended, respectively, the current site plan and set forth the following uses for the Subject Property:

- Retail/Restaurant (226,448 sq. ft., which includes up to 71,764 square feet of restaurant)
- Health, Physical Wellness, Weight Reduction and Spa (116,862 sq. ft.)
- Neighborhood Commercial (26,000 sq. ft.)
- Movie Theater (68,087 sq. ft. or 2,474 cinema seats)
- R&D/Office (17,581 sq. ft.)
- Medical Office (3,900 sq. ft.)



SURROUNDING PROPERTIES			
DIRECTION	PROJECT	FUTURE LAND USE	ZONING
NORTH	Mira Flores	RH	PCD
SOUTH	DiVosta Towers Financial Center at the Gardens	PO	PCD
EAST	Landmark	PO	PCD
WEST	Plat 4 Residential FPL (Parcel 5A)	RL I	RL PCD/I

### III. Future Land Use Map Amendment

The Application proposes to amend the Subject Property's designation on the City's Future Land Use Map from Professional Office (PO) to Mixed Use Development (MXD). Bringing *residents* to the Subject Property is an essential component of the new Downtown "live, work, and play" mission. The MXD designation will allow the residential use to be added and integrated with the existing non-residential uses, thereby transforming the existing retail site into an urban core community and true mixed-use development. The FLU Map Amendment is consistent with the City's Comprehensive Plan and satisfies Florida's statutory requirements, as discussed herein.

#### A. Consistency with the Comprehensive Plan

Future Land Use Element Goal 1.1.: Continue to ensure a high quality living environment through a mixture of land uses that will maximize Palm Beach Gardens' natural and manmade resources while minimizing any threat to the health, safety, and welfare of the City's citizens that is caused by incompatible land uses and environmental degradation, by maintaining compatible land uses which consider the intensities and densities of land use activities, their relationship to surrounding properties and the proper transition of land uses.

*The Subject Property is currently zoned General Commercial (CG-1) and contains a mix of non-residential uses, including retail, restaurant, cinema, office, and health and wellness. The Subject Property is surrounded by the Mira Flores and Landmark residential communities to the north and east. The proposed MXD land use will maintain the existing non-residential uses and allow the multi-family residential use to be located at the northeast corner of the Subject Property closest to the surrounding residential neighborhoods. The FLU Map Amendment will allow a transition from the surrounding residential land uses to the new residential use on the Subject Property before reaching the existing non-residential uses. The MXD land use will integrate the mix of uses on the Subject Property, provide for a proper transition of land uses with the surrounding residential communities, and create a relationship to the surrounding properties.*

#### Future Land Use Element Objective 1.1.1: Future Land Use Categories

*The Project is consistent with the Zoning Consistency Chart set forth in Table 1-1 in Objective 1.1.1 because the Subject Property has an existing PCD overlay district and the Full Vision Application proposes a rezoning from CG-1 to the MXD Zoning District, consistent with the proposed MXD future land use designation.*



Future Land Use Element Policy 1.1.1.15.: Mixed Use Development (MXD)

The Mixed Use Development category is designed for new development which is characterized by a variety of integrated land use types. The intent of the category is to provide for a mixture of uses on single parcels in order to develop sites which are sensitive to the surrounding uses, desired character of the community, and the capacity of public facilities to service proposed developments. This Future Land Use category is also intended to foster infill and redevelopment efforts, to deter urban sprawl and to encourage new affordable housing opportunities, as well as lessen the need for additional vehicular trips through the internalization of trips within a neighborhood or project. To create a functioning, multi-faceted type of development, mixed use development is dependent on the successful integration of distinct uses. Integration is defined as the combination of distinct uses on a single site where the impacts from differing uses are mitigated through site design techniques, and where impacts from differing uses are expected to benefit from the close proximity of complementary uses. All requests for development approval based on a mixed use concept must be able to demonstrate functional horizontal integration of the allowable uses, and where applicable, vertical integration as well.

*The Project satisfies the intent of the MXD land use for several reasons. The FLU Map Amendment fosters redevelopment of the Subject Property by permitting the new multi-family residential use, which sparks the redesign of the site. The FLU Map Amendment creates the mixture of uses on a single parcel envisioned for the MXD land use. The new residential use, located close to the new Tri-Rail station and other mobility options, fosters redevelopment efforts and deters urban sprawl consistent with the City's vision for a multi-modal community. The FLU Map Amendment results in a reduction in maximum trip generation potential. The integrated mix of residential, commercial, office, and health and wellness uses will internalize trips within the community. These uses complement each other by bringing visitors to the Subject Property to vacation, shop, dine, and relax, encouraging professionals to utilize the convenient access to restaurants and bars, and bringing City residents to live on the site and create the sense of community envisioned for Downtown.*

The compatible zoning district for this category shall be the Mixed Use Development Zoning District. The Mixed Use Development category is a site specific designation and shall have frontage on at least one arterial. The following are the minimum criteria to be used for development of sites designated as Mixed Use Development:

1. A Mixed Use Development shall be developed as a Planned Community District or a Planned Unit Development. However, Land Development Regulations adopted to implement this Comprehensive Plan shall maintain mixed-use supplemental regulations to provide additional criteria for the development of sites with Mixed Use Development Future Land Use categories, including parking requirements, permitted uses, setbacks and other considerations.

*The Subject Property has an existing PCD Overlay designation and the concurrent Rezoning Application seeks to rezone the Subject Property from the existing CG-1 zoning district to the MXD zoning district.*

2. Mixed Use Developments shall have frontage on at least one arterial. The City's Conceptual Thoroughfare Plan shall be utilized to determine the expansion of the roadway



network through the provision of new local streets which serve new neighborhoods in the City's developing areas.

*The Mixed Use Development fronts A-1-A (SR 811), an arterial road.*

3. The purpose of the Mixed Use Development category is to create an aesthetically pleasing and livable mixed use environment within the City. The maximum lot coverage/height standards and the maximum residential density provided in the table below represent the maximum that would be permitted for development within the Mixed Use Development Category. Recognizing that mixed use projects have varying characteristics, an applicant is not ensured of the maximum density or intensity allowed within this classification and may be further limited by specific standards set forth in the City's MXD Land Development Regulations.

*The proposed MXD future land use designation is the foundation of the Project and necessary to support the Project's overall rezoning and site plan amendments, which will create the aesthetically pleasing and livable mixed use environment envisioned by the City. The Project will comply with the density and intensity standards set forth in the MXD and TOD District land use designations.*

#### Minimum Percentage Mix

Residential: 40%-60% of the total Mixed Use acreage

Non-residential: 35%-55% of the total Mixed Use acreage

This distribution range represents the mix of uses within each area designated as Mixed Use Development category. The land use mix shall be applied to each individual parcel with the only exception to be granted for de minimis sized parcels of 15 acres or less that demonstrate that they cannot effectively achieve the required land use mix distribution on a specific parcel as described in Item 5 below. The total prescribed mix for the Mixed Use Development Category shall be monitored by the City to ensure continuity and compatibility with adjacent land uses. The mix requirement is designed to ensure that there is an appropriate mix of uses within the total Mixed Use Development Category acreage (where the term "appropriate mix" is defined by the mix requirements stated herein) within the City and will be monitored citywide during each Evaluation and Appraisal Review to ensure overall consistency with this standard.

*The Project proposes a 45% residential and 55% non-residential mix of uses, which is consistent with the MXD Future Land Use requirement.*

Future Land Use Element Policy 1.3.1.3. New commercial properties shall be developed in nodes, at intersections rather than strips. A mix of uses within commercial developments shall be encouraged, including residential, as well as parks and open spaces.

*The proposed FLU Map Amendment accomplishes the desired mix of uses by adding residential to the existing retail site. The residential component of the Project will add parks and open spaces. Additionally, the new retail Podium and hotel will be developed similarly to a "node" within the by creating a vertically integrated mixed-use tower rather than spreading out the restaurant, retail, office, and hotel uses in a strip-mall fashion.*



Future Land Use Element Policy 1.3.9.2. The City shall encourage a mix of uses in the TOD District that shall include Retail, Personal Services, Office, Hotel/Conference Center, Residential, and Civic/Open Space/Recreation, in accordance with approved uses in City's Land Development Regulations and PGA Corridor Overlay District.

*The Subject Property is located within the TOD District. The FLU Map Amendment permits the addition of the residential use to the Subject Property, which contributes to the full range of uses envisioned for the MXD future land use designation. The existing retail and office uses will remain and be integrated with the new residential use through architectural design, hardscape and landscape, and pedestrian connectivity and amenities. The Project's new hotel use and open spaces will also support the desired mix of uses.*

Future Land Use Element Policy 1.3.9.3. The TOD District shall include projects generally located within ½ mile of the planned light or rail transit station, including but not limited to the following site plan projects/ Planned Unit Developments/ Planned Community Developments or portions thereof. . . Downtown Palm Beach Gardens.

*The Project is located within ½ a mile of the new Tri-Rail station and is specifically designated as being within the TOD District pursuant to Policy 1.3.9.3. The FLU Map Amendment provides the mix of uses, particularly residential, necessary to bring residents and visitors to the site and ultimately support the City's goal to achieve a multi-modal community.*

Future Land Use Element Policy 1.3.9.13. New projects that do not generate pedestrian activity or contribute to the walkable environment, as specifically listed and designated in the City's Land Development Regulations, are prohibited in the TOD District.

*The FLU Map Amendment generates pedestrian activity and contributes to the walkable environment through its proposed mix of uses. Bringing permanent residents to the site will internalize trips, encourage the use of pedestrian amenities, and help create the urban core community envisioned for Downtown.*

## **B. Consistency with the Mobility Plan**

The Transportation Element of the Comprehensive Plan encourages the City to adopt a Mobility Plan. The City did so in September 2019 to implement its vision for the City and encourage multi-modal transportation. The proposed FLU Map Amendment satisfies the purpose and intent of the Mobility Plan and will allow the Subject Property to integrate and accomplish its elements of mobility, connectivity, accessibility, visibility, continuity, safety, and social value.

The Mobility Plan encourages the use of multi-modal transportation and improvements to the existing roadway system, including safety upgrades for pedestrians. The FLU Map Amendment will encourage new residential and nonresidential uses to complement existing sites and support the Project's envisioned roadway and pedestrian upgrades. The multi-family residential and mixed-use components of this Project allow for improvements to the existing roadway system. For example, the residential component of the Project will add the Gardens Parkway entrance to the East Parking Garage to disburse traffic within and around the site. Additionally, the existing parking garage entryway will be redesigned to 2 lanes in-2 lanes out to improve access. The new East/West Connection, an element similar to the woonerf specified in the Mobility Plan, improves the roadway system on site by connecting the new residential use on the east to the existing nonresidential uses on the west. This disburses traffic on site. The East/West Connection



upgrades pedestrian safety by establishing traffic-slowing measures, such as pedestrian crosswalks, bollards, pavers, and landscaping as well as including illuminated crosswalks.

The Mobility Plan encourages increased densities near the new transit-oriented development stations and seeks to allow greater residential uses through height bonuses. The FLU Amendment accomplishes both goals. First, the FLU Map Amendment permits residential density on the Subject Property, which is located within a ½ mile of the new Tri-Rail station and is specifically included within the new TOD District pursuant to Future Land Use Policy 1.3.9.3. Second, the addition of the multi-family residential use to the existing retail site encourages the new development to build up, instead of out, in order to create a cohesive, compact development with an integrated mix of uses. This site design, in conjunction with the Subject Property's proximity to convenient access, supports the increased densities and intensities afforded by the Mobility Plan's increased height limits.

The Mobility Plan emphasizes the use of mobility hub elements, such as vehicle and bicycle share programs, ride hailing services, and trolley services to reduce the need for parking. Adding the residential use to the Subject Property provides the permanent residents on site needed to support and encourage the use of these mobility elements.

### **C. Compliance with Florida law**

Section 163.3184 of Florida's Community Planning Act requires any amendment to the City's Comprehensive Plan to be consistent with Sections 163.3177, 163.3178, 163.3180, 163.3191, 163.3245, and 163.3248, the appropriate strategic regional policy plan, principles for guiding development in designated areas of critical state concern, and with part III of chapter 369, where applicable. Section 163.3184, Florida Statutes. The proposed amendment satisfies the requirements of Sections 163.3177 and 164.3180.<sup>1</sup>

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

- (6)(a)8. Future land use map amendments shall be based upon the following analyses:
- a. An analysis of the availability of facilities and services
  - b. An analysis of the suitability of the plan amendment for its proposed use considering the character of the undeveloped land, soils, topography, natural resources, and historic resources on site.
  - c. An analysis of the minimum amount of land needed to achieve the goals and requirements of this section.

*The Subject Property is currently developed with available facilities and services. There are no historic resources on site and any existing natural resources will not be adversely impacted. The MXD future land use designation requires a minimum of 15 acres of land to accommodate the required mix of uses without granting an exception. The Subject Property exceeds that minimum requirement.*

(6)(a)9. The future land use element and any amendment to the future land use element shall discourage the proliferation of urban sprawl.

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<sup>1</sup> Section 163.3178 regarding Coastal Management, 163.3191 regarding the City's evaluation of its comprehensive plan, 163.3245 regarding sector plans, and 163.3248 regarding rural land stewardship areas are not applicable to the Subject Property.



*The FLU Map Amendment discourages the proliferation of urban sprawl by integrating a residential use with the existing non-residential uses. The residential component is supported by multi-modal transportation opportunities and increased height allowances that encourage a compact urban core community, as opposed to urban sprawl.*

b. The future land use element or plan amendment shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves four or more of the following:

(I) Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.

*The Project locates economic growth and associated development on an existing, developed site that will not adversely impact natural resources or ecosystems. The FLU Map Amendment will permit the mix of uses needed to accomplish the Downtown vision and bring residents and professionals to the site to take advantage of the new multi-family residential use, hotel, and convenient, high-end office space. Those new residents and visitors will also use the existing retail, restaurant, and health and wellness uses on site, which encourages and contributes to economic growth on the existing Subject Property.*

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

*The Project redevelops a portion of the existing center in an efficient and cost-effective manner because the site contains adequate public infrastructure and services. The FLUM Amendment will permit the new multi-family residential component to be located on the existing site to take advantage of the existing infrastructure and services, as well as improve the existing lift station and water main system connection.*

(III) Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.

*The MXD land use designation promotes walkable and connected communities by allowing the new residential use on site. Because the site contains existing retail uses, the new residential development must be integrated with those existing uses and take advantage of the increased height allowances to accommodate the necessary density to support the Project. This results in a compact community with a mix of densities and intensities. These densities and intensities bring residents, professionals, and visitors to the site, which support the new nearby transit-oriented development station and pedestrian amenities, including the traffic-calming and pedestrian-friendly East/West Connection, ride and bike share areas, and a new trolley stop. A new sidewalk from Kyoto Gardens Drive also connects the site at the south entrance*

(IV) Promotes conservation of water and energy.

N/A



(V) Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.

N/A

(VI) Preserves open space and natural lands and provides for public open space and recreation needs.

*The FLU Map Amendment preserves open and recreation space. The new residential use brings new open and green space in addition to the existing open space provided by the nonresidential uses. Because the mix of uses, height allowances, and densities and intensities promote a compact development that builds up, rather than out, more open space can be utilized throughout the Subject Property.*

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

*Palm Beach Gardens continues to grow with new residents and businesses, while the Subject Property currently has vacancies in its retail and restaurant space. The MXD land use designation will bring the multi-family residential component needed to support Downtown. Bringing permanent residents to the site, as well as bringing guests to the new hotel, will provide a support system to the existing retail uses on site and will create a community that attracts new visitors to Downtown. This balance provides an exciting community for City residents to live and work, while satisfying the nonresidential needs of the site.*

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

*The FLU Map Amendment brings a new transit-oriented development pattern to the Subject Property consistent with the City's Mobility Plan, resulting in an innovative development pattern that brings a new mix of uses to Downtown.*

#### Section 163.3180. Concurrency

*The Project will satisfy all required concurrency standards as set forth in the City's Comprehensive Plan and detailed below.*

#### D. Level of Service Analysis

The following is an analysis of the maximum impact potential on facilities and services based on the proposed MXD Future Land Use designation.

**Water and Wastewater:** Seacoast Utility Authority (SUA) provided the enclosed letters dated February 17, 2021 confirming the current status of water and wastewater capacity and commitments.

**Solid Waste:** As of February 3, 2020, the Solid Waste Authority's north county landfills had an estimated 24,681,879 cubic yards of landfill capacity remaining. This capacity is expected to be

available through the year 2049. Sufficient capacity exists for concurrency management and comprehensive planning purposes related to this project.

Pursuant to Policy 4.B.1.1.1 of the Comprehensive Plan Infrastructure Element, the minimum Level of Service for solid waste generation for non-residential and residential development includes:

- (1) Provide bi-weekly residential solid waste collection service;
- (2) Provide residential vegetative waste collection service;
- (3) Provide residential bulk waste collection service;
- (4) Provide residential recycling collection service;
- (5) Provide collection of non-residential solid waste;
- (6) Require subscription for collection service to residential and non-residential;
- (7) Provide regulations to enforce the utilization of tarps to cover trash loads.

The Project meets the Comprehensive Plan's level of service requirements for solid waste.

**Fire Rescue:** The City's Fire Rescue department has provided a level of service letter to the City confirming their ability to service the Subject Property.

**Police Department:** The City's Police Rescue department has provided a level of service letter to the City confirming their existing and future ability to service the Subject Property.

**Traffic:** The proposed FLU Map Amendment from PO to MXD results in a reduction in maximum trip generation potential and will not significantly impact the surrounding transportation network. Kimley-Horn has prepared a detailed Traffic Evaluation for the proposed amendment and the report has been submitted with this Application.

## IV. Conclusion

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This Application provides the framework for the Full Vision redevelopment by adding the new multi-family residential use to be integrated with the existing non-residential uses. This new mix of uses supports the City's vision for MXD developments and encourages the use of multi-mobility components as described in the City's Mobility Plan and TOD District. Bringing residents to the site to support the existing and new non-residential uses and multi-modal transportation options will create the urban core envisioned for Downtown.





Cotleur &  
Hearing

LC26000535

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## DOWNTOWN PALM BEACH GARDENS

### Full Vision Application-Rezoning

#### *Justification Statement*

*April 27, 2021*

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## I. Introduction

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Excel Gardens, LLC ("Applicant") owns the property in the City of Palm Beach Gardens (the "Subject Property") known as Downtown Palm Beach Gardens ("Downtown"), a mixed-use development with retail shops, offices, restaurants, a wellness facility, and a movie theater. The Applicant seeks to transform the Subject Property into a sophisticated, thriving, urban core that reflects the City's character. The redevelopment will draw residents, professionals, and visitors to the site to take advantage of the new, integrated mix of uses and create a true "live, work, and play" Downtown community.

As discussed in the Future Land Use Map Amendment Justification Statement, which has been submitted concurrently with this application, the "Full Vision" application is the third and final phase of the Subject Property's redevelopment. It follows the Life Time Facility approval, which added a new, state of the art wellness and physical fitness center to the site, and the "In-Place" approval, which revitalized and upgraded existing retail components throughout the site. The third and final "Full Vision" application consists of four integrated components (collectively, the "Project"):

1. Future Land Use Map Amendment: application to change the Subject Property's future land use designation from Professional Office (PO) to Mixed Use Development (MXD);
2. Rezoning: application to rezone the Subject Property from the General Commercial (CG-1) zoning district to the Mixed Use Development (MXD) zoning district;
3. Downtown Site Plan Amendment: application to amend the existing Downtown Site Plan to add 174-key hotel room use, 280-unit multi-family residential use, an additional 461 parking space, 4-floor addition to the East Parking Garage, mobility improvements, and complementary pedestrian and vehicular amenities; and
4. Regional Center PCD Master Plan Amendment: application to add hotel and multi-family residential entitlements to the operative master plan.

This Justification Statement relates to the proposed rezoning request to change the Subject Property's existing General Commercial (CG-1) zoning district to the Mixed Use Development (MXD) zoning district (the "Application"). The proposed rezoning request is consistent with the concurrent Future Land Use Map amendment and is necessary to accommodate the Downtown Site Plan and Regional Center PCD Master Plan Amendments.

Downtown Palm Beach Gardens  
Rezoning  
April 27, 2021

**Project Contacts:**

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Downtown Palm Beach Gardens  
Rezoning  
April 27, 2021

Fees

<b>Application Request</b>	<b>Fee</b>
Comp Plan Land Use Map Amendment	\$2,500
PCD Amendment	\$2,000
Rezoning Fee	\$2,500
Site Plan Review in conjunction with Rezoning for same project	\$250
Concurrency Certificate	\$550
GIS Review Open Space	\$300
Advertising Escrow	\$1,000
Legal Escrow	\$1,000
Engineering Escrow	\$1,000
Traffic Escrow	\$1,000
<b>TOTAL</b>	<b>\$12,100</b>

## **II. Project Overview**

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### Location

Downtown encompasses approximately 49.04 acres and is located at the southeast corner of Alternate A-1-A and Gardens Parkway. It is bound by Kyoto Gardens Drive along its southern boundary and Gardens Parkway along its northern boundary. Lake Victoria Gardens Avenue bisects the property and connects Kyoto Gardens Drive to Gardens Parkway. To the north of the Subject Property is Mira Flores apartments, to the south is the DiVosta Towers and the Financial Center at the Gardens, to the west is Alternate A-1-A and the FEC railroad, and to the east is the Landmark condominiums and Garden Pointe.

### Project History

On February 16, 1984, the City Council approved Resolution 9, 1984 allowing the Regional Center Development of Regional Impact (DRI). Concurrently, Ordinance 5, 1984 was adopted, establishing a zoning designation of Planned Community Development (PCD) for the entire Regional Center DRI, with the exception of the Gardens Mall property.

In 2003, the City Council approved Resolution 91, 2003, establishing the PCD site plan for the Subject Property. At the time, the site was located within the Regional Center DRI. The 2003 approval allowed for the development of up to 26,000 square feet of neighborhood commercial use, 220,745 square feet of retail/restaurant use, 67,690 square feet of cinema (up to 3,220 seats), and 20,000 square feet of professional office use. The site plan has since been modified several times, the most notable of which are addressed herein.

In 2003, Resolution 212, 2003 reduced the number of cinema seats from 3,220 to 3,130 and increased retail square footage by 1,473 square feet.

In 2009, the City Council adopted Resolution 58, 2009, which modified the allocation of uses for the Subject Property to include 271,050 square feet of mixed-use shopping center use, including up to 70,000 square feet of restaurant use, and 68,087 square feet of cinema (3,032 seats). A second parking garage for the Subject Property was approved and depicted on the master plan just north of the cinema. The approved parking garage consisted of 547 spaces on five levels. The approval gives the owner of the site the ability to build the garage to increase the square footage of the site. That garage has not been constructed.

Resolution 81, 2012 further amended the site plan and in 2013, as a result of House Bill 7207, the City Council approved a series of development orders, which rescinded the Regional Center DRI. Resolution 22, 2013 rescinded the development order for the Regional Center DRI and transferred applicable conditions of approval to the new PCD development order for the Regional Center. Ordinance 6, 2013 reaffirmed and amended the Regional Center PCD development order.

Resolution 23, 2013 approved the PCD Master Plan and most recently Resolution 27, 2019 added 116,862 square feet of Health, Physical Fitness, Weight Reduction and Spa use for the Life Time facility located in the northern section of the Subject Property, in addition to approving a 426-space garage in lieu of the previously approved 547-space garage.



Resolution 43, 2020 amended the site plan to realign the drive aisle from Alternate A1A, relocate the carousel to the lakeside, make modifications to the hardscape and landscape, make architectural modifications to the elevations for Building A, D/E, G/H, I/J, K/F, and L, update the building square footages and use allocations, and approve a master sign program with waivers and conditions of approval.

### Land Use and Zoning

The current zoning designation of the Subject Property is PCD Overlay, with underlying zoning designations of General Commercial (CG-1) and Professional Office (PO). The Subject Property's existing land use is Commercial, and its future land use is Professional Office (PO). Resolution 91, 2003, Resolution 58, 2009, Resolution 81, 2012, Resolution 27, 2019, and Resolution 43, 2020 approved and amended, respectively, the current site plan and set forth the following uses for the Subject Property:

- Retail/Restaurant (226,448 sq. ft., which includes up to 71,764 square feet of restaurant)
- Health, Physical Wellness, Weight Reduction and Spa (116,862 sq. ft.)
- Neighborhood Commercial (26,000 sq. ft.)
- Movie Theater (68,087 sq. ft. or 2,474 cinema seats)
- R&D/Office (17,581 sq. ft.)
- Medical Office (3,900 sq. ft.)

SURROUNDING PROPERTIES			
DIRECTION	PROJECT	FUTURE LAND USE	ZONING
NORTH	Mira Flores	RH	PCD
SOUTH	DiVosta Towers Financial Center at the Gardens	PO	PCD
EAST	Landmark	PO	PCD
WEST	Plat 4 Residential FPL (Parcel 5A)	RL I	RL PCD/I



### III. Rezoning

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The Application seeks to rezone the Subject Property from the existing CG-1 zoning district to the MXD zoning district to be consistent with the concurrent Future Land Use Map Amendment and to permit the Site Plan and Master Plan Amendments. The proposed rezoning is consistent with the Comprehensive Plan and complies with Florida law.

#### A. Consistency with the Comprehensive Plan

The MXD zoning district is consistent with the City's Comprehensive Plan because it is consistent and compatible with the MXD future land use designation pursuant to Objective 1.1.1 and Policy 1.1.1.15, as well as the new TOD District policies. The rezoning permits the mix of uses and densities and intensities intended for mixed-use developments and provides the multi-mobile transportation community envisioned by the City and established by the TOD District.

#### Future Land Use Element Objective 1.1.1: Future Land Use Categories

*This request is consistent with the Zoning Consistency Chart set forth in Table 1-1 in Objective 1.1.1 because the Subject Property has an existing PCD overlay district and the Application proposes a rezoning from CG-1 to the MXD Zoning District, consistent with the proposed MXD future land use designation.*

#### Future Land Use Element Policy 1.1.1.15.: Mixed Use Development (MXD)

The Mixed Use Development category is designed for new development which is characterized by a variety of integrated land use types. The intent of the category is to provide for a mixture of uses on single parcels in order to develop sites which are sensitive to the surrounding uses, desired character of the community, and the capacity of public facilities to service proposed developments. This Future Land Use category is also intended to foster infill and redevelopment efforts, to deter urban sprawl and to encourage new affordable housing opportunities, as well as lessen the need for additional vehicular trips through the internalization of trips within a neighborhood or project. To create a functioning, multi-faceted type of development, mixed use development is dependent on the successful integration of distinct uses. Integration is defined as the combination of distinct uses on a single site where the impacts from differing uses are mitigated through site design techniques, and where impacts from differing uses are expected to benefit from the close proximity of complementary uses. All requests for development approval based on a mixed use concept must be able to demonstrate functional horizontal integration of the allowable uses, and where applicable, vertical integration as well.

*The Project satisfies the intent of the MXD land use for several reasons. The proposed MXD zoning fosters redevelopment of the Subject Property by permitting the new multi-family residential use, consistent with the MXD land use designation, which sparks the redesign of the site. The rezoning creates the mixture of uses on a single parcel envisioned for the MXD land use designation. The new residential use, located close to the new Tri-Rail station and other mobility options, fosters redevelopment efforts and deters urban sprawl consistent with the City's vision for a multi-modal community. The integrated mix of residential, commercial, office, and health and wellness uses will internalize trips within the community. These uses complement each other by bringing visitors to the Subject Property to vacation, shop, dine, and relax, encouraging*



*professionals to utilize the convenient access to restaurants and bars, and bringing City residents to live on the site and create the sense of community envisioned for Downtown.*

The compatible zoning district for this category shall be the Mixed Use Development Zoning District. The Mixed Use Development category is a site specific designation and shall have frontage on at least one arterial. The following are the minimum criteria to be used for development of sites designated as Mixed Use Development:

1. A Mixed Use Development shall be developed as a Planned Community District or a Planned Unit Development. However, Land Development Regulations adopted to implement this Comprehensive Plan shall maintain mixed-use supplemental regulations to provide additional criteria for the development of sites with Mixed Use Development Future Land Use categories, including parking requirements, permitted uses, setbacks and other considerations.

*The Subject Property has an existing PCD Overlay designation to support the proposed MXD underlying zoning designation.*

2. Mixed Use Developments shall have frontage on at least one arterial. The City's Conceptual Thoroughfare Plan shall be utilized to determine the expansion of the roadway network through the provision of new local streets which serve new neighborhoods in the City's developing areas.

*The Mixed Use Development fronts A-1-A (SR 811), an arterial road.*

3. The purpose of the Mixed Use Development category is to create an aesthetically pleasing and livable mixed use environment within the City. The maximum lot coverage/height standards and the maximum residential density provided in the table below represent the maximum that would be permitted for development within the Mixed Use Development Category. Recognizing that mixed use projects have varying characteristics, an applicant is not ensured of the maximum density or intensity allowed within this classification and may be further limited by specific standards set forth in the City's MXD Land Development Regulations.

*The proposed MXD zoning district is consistent with the concurrent FLU Map Amendment and is needed to achieve the permitted mix of uses required to support the Project's overall redevelopment. The redevelopment will create the aesthetically pleasing and livable mixed use environment envisioned by the City. The Project will comply with the density and intensity standards set forth in the MXD and TOD District land use designations.*

#### Minimum Percentage Mix

Residential: 40%-60% of the total Mixed Use acreage

Non-residential: 35%-55% of the total Mixed Use acreage

This distribution range represents the mix of uses within each area designated as Mixed Use Development category. The land use mix shall be applied to each individual parcel with the only exception to be granted for de minimis sized parcels of 15 acres or less that demonstrate that they cannot effectively achieve the required land use mix distribution on a specific parcel as



described in Item 5 below. The total prescribed mix for the Mixed Use Development Category shall be monitored by the City to ensure continuity and compatibility with adjacent land uses. The mix requirement is designed to ensure that there is an appropriate mix of uses within the total Mixed Use Development Category acreage (where the term "appropriate mix" is defined by the mix requirements stated herein) within the City and will be monitored citywide during each Evaluation and Appraisal Review to ensure overall consistency with this standard.

*The rezoning is necessary to accommodate the residential component of the underlying MXD future land use designation's required mix of uses. The Project proposes a 45% residential and 55% non-residential mix of uses, which is consistent with the Comprehensive Plan.*

Future Land Use Element Policy 1.3.9.2. The City shall encourage a mix of uses in the TOD District that shall include Retail, Personal Services, Office, Hotel/Conference Center, Residential, and Civic/Open Space/Recreation, in accordance with approved uses in City's Land Development Regulations and PGA Corridor Overlay District.

*The rezoning is necessary to add the multi-family residential use to the Subject Property. This new residential use, in conjunction with the existing retail, office, restaurant, and open space, along with the new hotel use, creates the mix of uses encouraged within the TOD District.*

Future Land Use Element Policy 1.3.9.13. New projects that do not generate pedestrian activity or contribute to the walkable environment, as specifically listed and designated in the City's Land Development Regulations, are prohibited in the TOD District.

*Rezoning the Subject Property to MXD generates pedestrian activity and contributes to the walkable environment through its proposed mix of uses. Bringing permanent residents to the site will internalize trips, encourage the use of pedestrian amenities, and help create the urban core community envisioned for Downtown.*

## **B. Compliance with Florida Law**

The Subject Property's existing zoning designation is General Commercial (CG-1). This zoning designation seeks to provide "retail goods and services supplied by the neighborhood business districts and the wider range of goods and services required by residents or a group of neighborhoods." It limits the Subject Property to non-residential uses and requires enclosed activities. This zoning district (as applied to this site) promotes a typical shopping center development approach that focuses on singular retail activity and encourages individual vehicular trips and onsite parking. Currently, the Subject Property has retail and restaurant vacancies and is being underutilized in terms of lakefront and open space, pedestrian walkability, and connectivity to surrounding properties and the City's transportation system. The existing zoning designation is no longer viable to support the Subject Property, the City's development goals, or a legitimate public purpose.

The City's recent adoption of its Mobility Plan and amendments to the TOD District encourage an integrated mix of uses, densities, and intensities, and the development of compact communities connected through multi-modal transportation initiatives. The Subject Property is an important component of the City and is located near a new transit development station. Its size and accessibility make it a desirable location for a Downtown urban core community that reflects the City's character and intent to be a more walkable, integrated City. The existing zoning designation does not accomplish that goal and is no longer supported by the existing uses on site or the



surrounding properties. Rezoning the Subject Property to the MXD zoning district will provide the framework needed to achieve these goals.

The Subject Property currently has the required PCD overlay district and utilizes a mix of land use categories, including commercial and office, which is consistent with the MXD zoning district. Rezoning the Subject Property will implement the proposed MXD future land use designation and add the new residential use to the mix, which is needed to create a true Downtown urban core. The rezoning will allow the multi-family residential use to utilize the City's new densities, intensities, and height allowances permitted for properties located near transit-oriented development. The residential use will be vertically integrated with the existing site and will allow the Subject Property to transform from a retail center into a compact community that creates a sense of place within the City. Bringing residents to the site through the proposed rezoning will provide support for the mix of uses, including new and existing retail, restaurant, office, and health and wellness uses. The residential component will help disburse traffic, reduce trips on site, provide and utilize pedestrian amenities, limit urban sprawl, provide employment opportunities, and create a sense of place within the City—all legitimate public purposes and goals sought to be achieved through the proposed MXD zoning district. The rezoning request allows the Applicant to utilize a comprehensive approach to planning and developing this large underutilized and underperforming site and to implement the Full Vision for the Subject Property.

#### **IV. Conclusion**

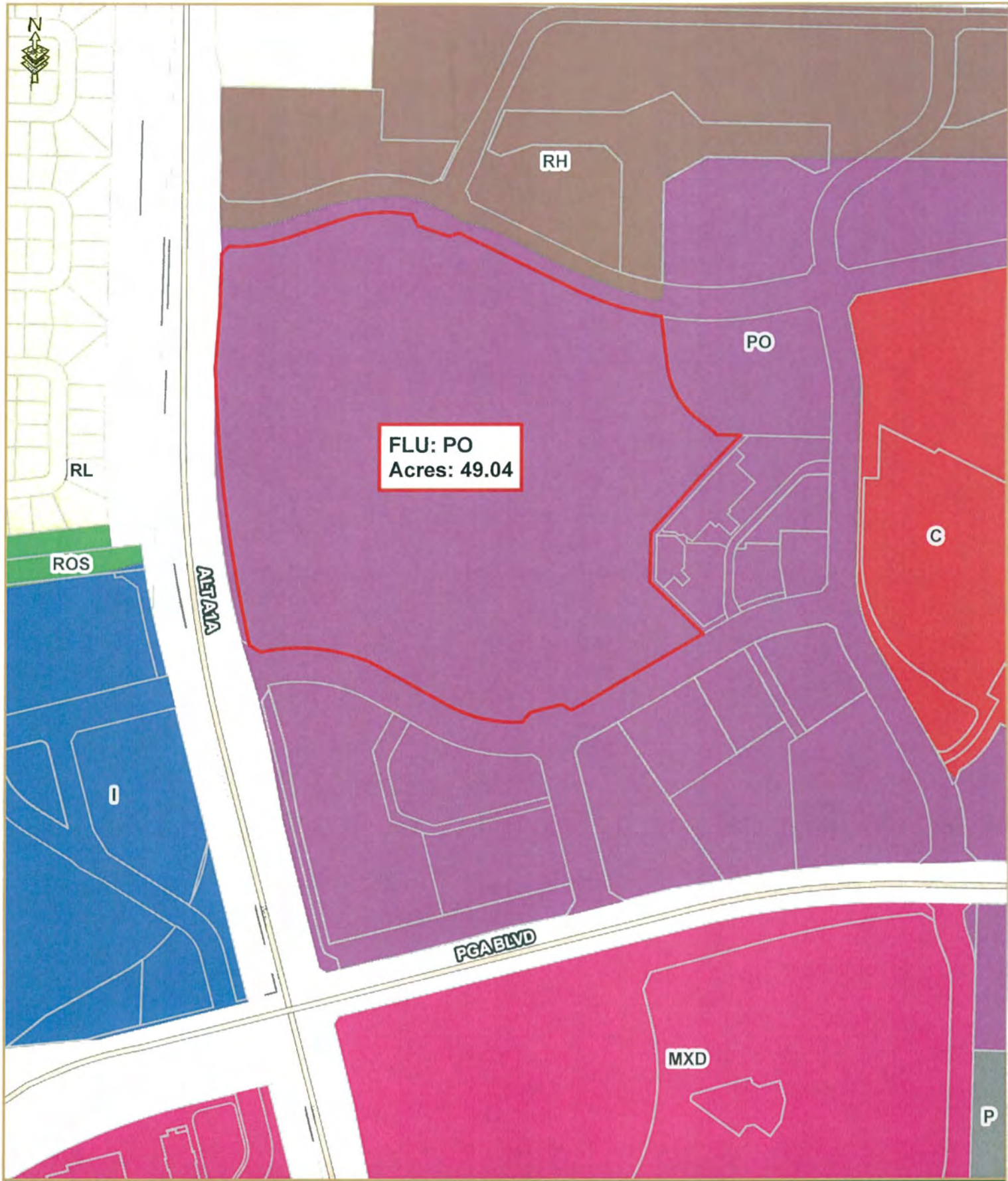
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The rezoning request eliminates the limitations of an outdated and no longer viable commercial zoning district for the Subject Property. It implements the MXD zoning district that will allow the Subject Property to achieve its full potential and satisfy the City's multi-modal transportation goals. The rezoning request will rejuvenate the site by adding the new multi-family residential component of the Project. This residential use, in conjunction with the existing and proposed retail, restaurant, office, and health and wellness uses, will support the densities, intensities, and multi-modal transportation needed to establish Downtown as an urban core community.

# LOCATION MAP







## Downtown Palm Beach Gardens Existing Future Land Use

0 125 250 500 Feet

- SUBJECT SITE
- PARCELS
- RL (PBG) - RESIDENTIAL LOW
- RH - RESIDENTIAL HIGH
- C - COMMERCIAL
- PO - PROFESSIONAL OFFICE
- I - INDUSTRIAL
- P - PUBLIC
- ROS - RECREATION OPEN SPACE
- MXD - MIXED USE

Created March 10, 2021  
Source: PBG-Planning & Zoning





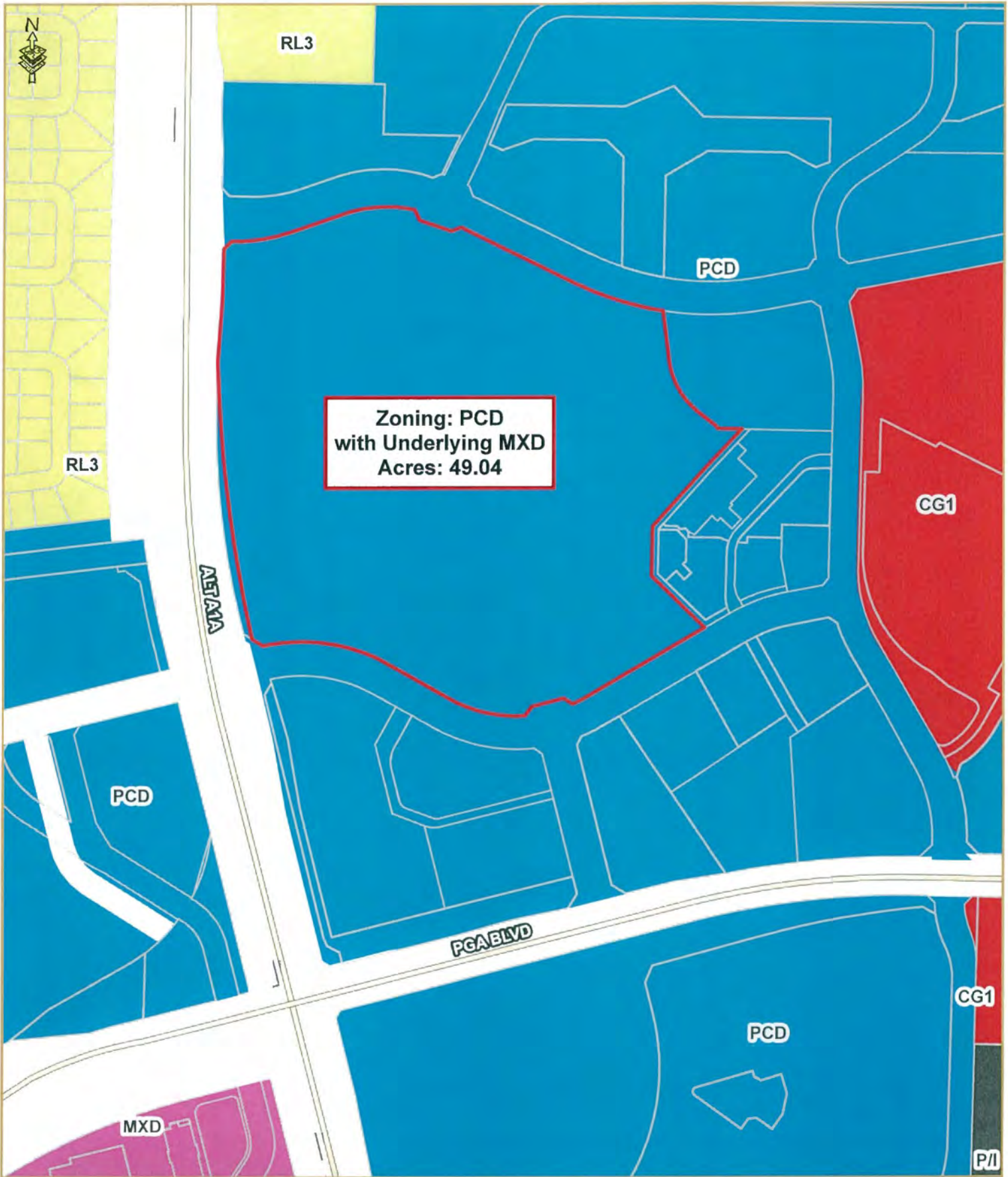
## Downtown Palm Beach Gardens Existing Zoning

0 125 250 500 Feet

- SUBJECT PARCEL
- PARCELS
- RL3 - RESIDENTIAL LOW DENSITY-3
- MXD - MIXED USE
- CG1 - GENERAL COMMERCIAL
- P/I - PUBLIC AND INSTITUTIONAL
- PCD - PLANNED COMMUNITY DEVELOPMENT

Created March 10, 2021  
Source: PBG-Planning & Zoning





## Downtown Palm Beach Gardens Proposed Zoning

0 125 250 500 Feet

- SUBJECT SITE
- RL3 - RESIDENTIAL LOW DENSITY-3
- MXD - MIXED USE
- CG1 - GENERAL COMMERCIAL
- P/I - PUBLIC AND INSTITUTIONAL
- PCD - PLANNED COMMUNITY DEVELOPMENT
- PARCELS

Created March 10, 2021  
Source: PBG-Planning & Zoning



March 12, 2021

Mr. Kevin Mysliwiec  
Excel Gardens, LLC  
11701 Lake Victoria Gardens Avenue  
Palm Beach Gardens, FL 33410

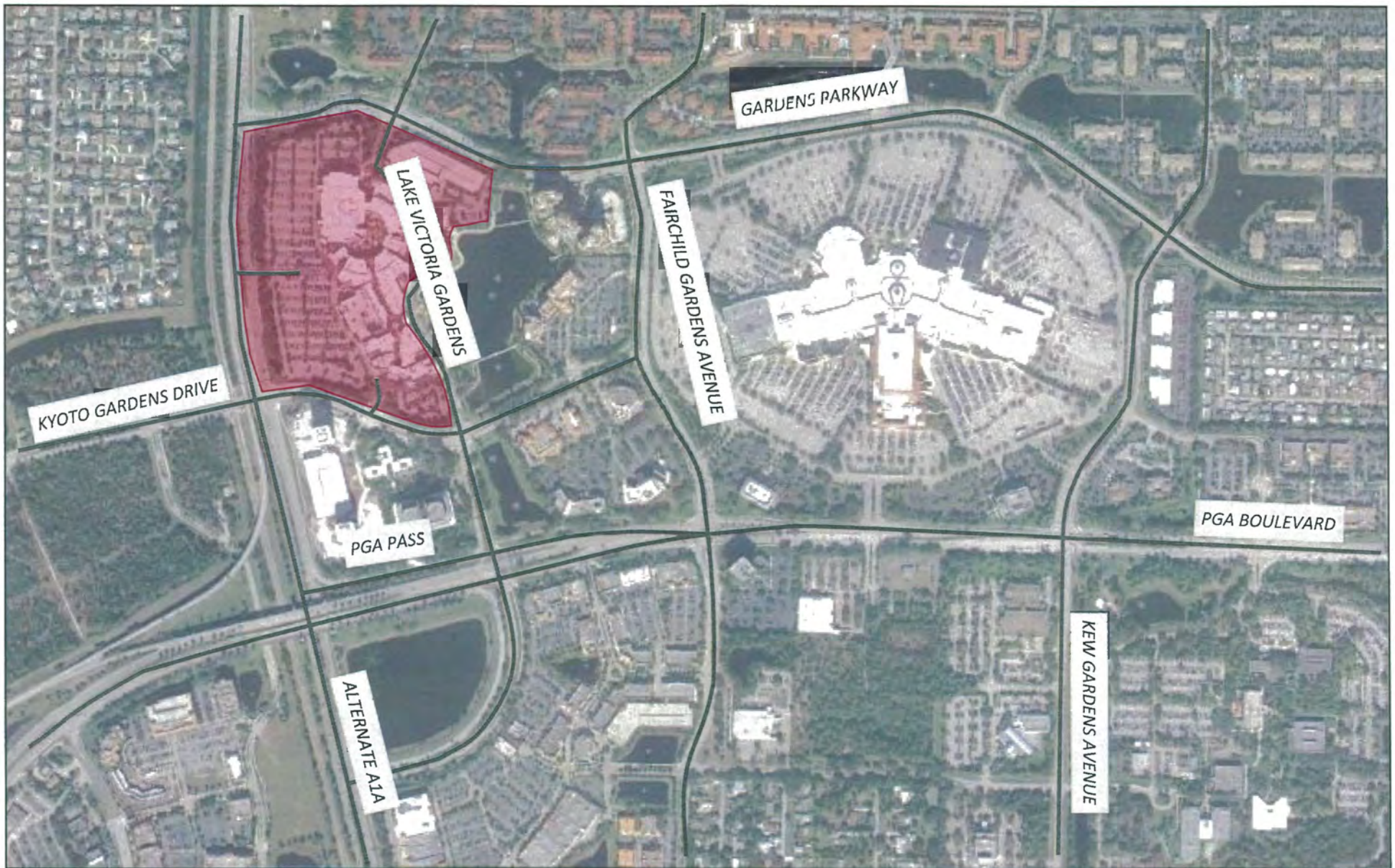
RE: ***Land Use Plan Map Amendment - Traffic Evaluation  
Downtown Palm Beach Gardens  
Palm Beach Gardens, Florida  
Kimley-Horn #140389000***

Dear Kevin:

Kimley-Horn and Associates, Inc. has prepared a study to determine the potential impact of the proposed land use change at the Downtown Palm Beach Gardens. The current Future Land Use designation for the site is designated as Professional Office (PO), and it is requested to change this Future Land Use designation to Mixed Use Development (MXD). Downtown Palm Beach Gardens is a 49.042-acre site located at 11701 Lake Victoria Gardens Avenue in the City of Palm Beach Gardens, Florida. Figure 1 illustrates the site location.

This evaluation has been undertaken to look at the short range (five-year horizon; Year 2026) and long-range (year 2045) impacts resulting from an increase, if any, in the maximum trip generation potential on this parcel resulting from the change in this land use designation. Following is a summary of the analyses undertaken.





**FIGURE 1**  
**SITE LOCATION**  
**DOWNTOWN AT THE GARDENS**  
**KH 140389000**



## FUTURE LAND USE (FLU) DEVELOPMENT POTENTIAL

To determine the net change in trip potential due to the requested Future Land Use Map change for the 49.042-acre site, the theoretical maximum intensities for the existing and proposed designations were identified and are summarized in *Table 1*. The methodology for the determination of maximum intensities is summarized in the following sections.

**Table 1: Future Land Use Intensities**  
*Theoretical Maximum Development (for FLU Map Amendment Traffic Analysis)*

Existing Designation (PO)		Proposed Designation (MXD)	
Use	Intensity	Use	Intensity
Professional Office	1,495,389 sf	General Commercial	223,985 sf
		Health Club	116,862 sf
		Movie Theater	1700 seats
or		General Office	39,053 sf
Medical Office	1,495,389 sf	Multifamily Mid-Rise	281 DU
		Hotel	174 rooms
		Medical Office	13,720 sf

### Existing Designation: Professional Office (PO)

Under the existing Future Land Use designation, professional office and/or medical office uses can be built. Using information provided by the Future Land Use Plan for the City of Palm Beach Gardens, it was noted that:

*"Professional Office land uses will be limited in intensity to a maximum lot coverage of 35% of the site and a maximum building height of 36 feet."*

Using an assumed maximum theoretical intensity at 35% lot coverage and assuming two stories in height, the maximum theoretical square footage assumed for the analysis is 1,495,389 square feet. Analyses were conducted for this intensity of professional office use and for the same intensity of medical office use to determine the maximum theoretical trip generation impact.

### Proposed Designation: Mixed-Use Development (MXD)

For the proposed Future Land Use designation, a number of different uses and combination of uses is possible for development. Therefore, consistent with other analyses that have been conducted for sites with an MXD designation, the proposed plan of development (summarized in *Table 1*) was assumed as the maximum theoretical traffic impact for this site.



## TRAFFIC GENERATION

Traffic generation calculations were conducted for the existing and proposed designations on site using the gross trip generation rates and equations published by the Palm Beach County Traffic Division for daily, AM peak hour and PM peak hour conditions. For the proposed development scenario, internal capture calculations were conducted using a calculation methodology based upon the Institute of Transportation Engineers (ITE) *Trip Generation Handbook, Third Edition*. For all scenarios, pass-by capture rates published by the Palm Beach County Traffic Division were applied in order to determine net new external trips.

### Existing Designation: Professional Office (PO)

Table 2 provides a summary of the net new external trip generation calculations for the maximum theoretical development of the site with professional office use. Table 3 provides a summary of the net new external trip generation calculations for the maximum theoretical development of the site with medical office use. As shown in a comparison of these two calculations, Table 3 represents the maximum theoretical development potential for the existing PO designation on site.

**Table 2: Net New External Trip Generation Calculation: Professional Office Use**

Land Use Designation	Use Assumption	Daily Trips	AM Peak Hour			PM Peak Hour		
			Total	In	Out	Total	In	Out
PO	Professional Office @ 1,495,389 SF	13,167	1,289	1,109	180	1,548	247	1,301

**Table 3: Net New External Trip Generation Calculation: Professional Office Use**

Land Use Designation	Intensity	Daily Trips	AM Peak Hour			PM Peak Hour		
			Total	In	Out	Total	In	Out
PO	Medical Office @ 1,495,389 SF	46,836	3,741	2,918	823	4,657	1,304	3,353

As demonstrated in these tables, the evaluation of the existing PO designation with medical office use represents the maximum theoretical intensity for a trip generation standpoint.

### Proposed Designation: Mixed-Use Development (MXD)

Table 4 provides a summary of the net new external trip generation calculations that were undertaken for the proposed conversion to an MXD designation. As noted previously, these calculations were undertaken based upon the proposed plan of development for the site.

**Table 4: Net New External Trip Generation Calculation: Mixed Use Development**

Land Use Designation	Use Assumption	Daily Trips	AM Peak Hour			PM Peak Hour		
			Total	In	Out	Total	In	Out
MXD	Proposed Development Plan (see Table 1)	16,651	532	296	236	1,269	645	624

### Net Trip Generation Change

A comparison was conducted between the maximum development potential for the existing designation and the program of development for the proposed designation. The result is the net change from the change in proposed designation. Table 5 provides that comparison.

**Table 5: Change in Net New External Trip Generation Calculation**

Land Use Designation	Use Assumption	Daily Trips	AM Peak Hour			PM Peak Hour		
			Total	In	Out	Total	In	Out
PO	Medical Office @ 1,495,389 SF	46,836	3,741	2,918	823	4,657	1,304	3,353
MXD	Proposed Development Plan (see Table 1)	16,651	532	296	236	1,269	645	624
Net Change		(30,185)	(3,209)	(2,622)	(587)	(3,388)	(659)	(2,729)

As shown in Table 5, the requested Future Land Use change from PO to MXD represents a reduction in the maximum theoretical trip generation potential of the site during AM, PM, and daily conditions. Detailed trip generation calculations for the summaries provided above are attached to this analysis for reference.



## CONCLUSION

This proposed future land use plan change from Professional Office (PO) to Mixed Use Development (MXD) will not significantly impact the surrounding transportation network because it represents a reduction in maximum trip generation potential. Therefore, the relevant goals and objectives of the Palm Beach Gardens Comprehensive Plan, Future Land Element are satisfied with respect to impacts on the transportation network related to the proposed Map Amendment.

Please contact me via telephone at (561) 840-0248 or via e-mail at [chris.heggen@kimley-horn.com](mailto:chris.heggen@kimley-horn.com) should you have any questions regarding this evaluation.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

Christopher W. Heggen, P.E.  
Transportation Engineer

Florida Registration  
Number 58636  
Certificate of Authorization  
Number CA00000696



This item has been electronically signed and sealed by Christopher W. Heggen, P.E. using a Digital Signature and date. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

Christopher W  
Heggen  
2021.03.12  
12:47:12 -05'00'

## Attachments

k:\wpb\_tpto\1403\140389000 - downtown palm beach gardens\dpbg master plan\lupa\2021-03-11 dpbg lupa.docx

**TABLE A-1: TRIP GENERATION DETERMINATION**  
**DOWNTOWN PALM BEACH GARDENS - FUTURE LAND USE AMENDMENT**

	Land Use	Intensity	Daily Trips	AM Peak Hour			PM Peak Hour		
				Total	In	Out	Total	In	Out
Existing FLU									
General Office (>5,000 SF)		1,495 KSF	14,630	1,432	1,232	200	1,720	275	1,445
		Subtotal	14,630	1,432	1,232	200	1,720	275	1,445
Pass-By Capture									
General Office (>5,000 SF)		10.0%	1,463	143	123	20	172	28	144
		Subtotal	1,463	143	123	20	172	28	144
Driveway Volumes			14,630	1,432	1,232	200	1,720	275	1,445
Net New External Trips			13,167	1,289	1,109	180	1,548	247	1,301
Driveway Volumes			20,534	620	352	268	1,591	801	790
Net New External Trips			16,651	532	296	236	1,269	645	624
Land Use		Daily	AM Peak Hour			PM Peak Hour			Pass By
General Office (>5,000 SF)		Ln(T) = 0.97*Ln(X)+2.50	Ln(T) = 0.94*Ln(X)+26.49 (86% in, 14% out)			1.15 trips/1,000 sf (16% in, 84% out)			10.0%



**TABLE A-2: TRIP GENERATION DETERMINATION  
DOWNTOWN PALM BEACH GARDENS - FUTURE LAND USE AMENDMENT**

	Land Use	Intensity	Daily Trips	AM Peak Hour			PM Peak Hour		
				Total	In	Out	Total	In	Out
Existing FLU									
Medical Office		1,495 KSF	52,040	4,157	3,242	915	5,174	1,449	3,725
		Subtotal	52,040	4,157	3,242	915	5,174	1,449	3,725
Pass-By Capture									
Medical Office		10.0%	5,204	416	324	92	517	145	372
		Subtotal	5,204	416	324	92	517	145	372
Driveway Volumes			52,040	4,157	3,242	915	5,174	1,449	3,725
Net New External Trips			46,836	3,741	2,918	823	4,657	1,304	3,353
Land Use		Daily	AM Peak Hour			PM Peak Hour			Pass By
Medical Office		34.8 trips/1,000 sf	2.78 trips/1,000 sf (78% in, 22% out)			3.46 trips/1,000 sf (28% in, 72% out)			10.0%

**TABLE A-3: TRIP GENERATION DETERMINATION  
DOWNTOWN PALM BEACH GARDENS - FUTURE LAND USE AMENDMENT**

Land Use	Intensity	Daily Trips	AM Peak Hour			PM Peak Hour		
			Total	In	Out	Total	In	Out
Proposed FLU								
General Commercial	223.985 KSF	10,403	211	131	80	987	474	513
Health Club	116.862 KSF	3,848	165	83	82	413	235	178
Movie Theater	1700 Seats	2,992	0	0	0	153	84	69
General Office (>5,000 SF)	39.053 KSF	426	63	54	9	45	7	38
Multifamily Mid-Rise	281 DU	1,529	101	26	75	124	76	48
Hotel	174 Rooms	1,455	82	48	34	104	53	51
Medical Office	13.72 KSF	477	38	30	8	47	13	34
	Subtotal	21,130	660	372	288	1,873	942	931
Internal Capture								
General Commercial		270	15	11	4	132	61	71
Health Club		0	0	0	0	26	12	14
Movie Theater		0	0	0	0	19	9	10
General Office (>5,000 SF)		82	6	4	2	11	4	7
Multifamily Mid-Rise		37	4	1	3	62	39	23
Hotel		116	8	0	8	19	11	8
Medical Office		91	7	4	3	13	5	8
	Subtotal	596	40	20	20	282	141	141
Pass-By Capture								
General Commercial	32.9%	3,334	64	39	25	281	136	145
Health Club	5.0%	192	8	4	4	19	11	8
Movie Theater	5.0%	150	0	0	0	7	4	3
General Office (>5,000 SF)	10.0%	34	6	5	1	3	0	3
Multifamily Mid-Rise	0.0%	0	0	0	0	0	0	0
Hotel	10.0%	134	7	5	2	9	4	5
Medical Office	10.0%	39	3	3	0	3	1	2
	Subtotal	3,883	88	56	32	322	156	166
Driveway Volumes			20,534	620	352	268	1,591	790
Net New External Trips			16,651	532	296	236	1,269	624
Land Use	Daily	AM Peak Hour			PM Peak Hour			Pass By
General Commercial	$\ln(T) = 0.68 * \ln(X) + 5.57$	0.94 trips/1,000 sf (62% In, 38% out)			$\ln(T) = 0.74 * \ln(X) + 2.89$ (48% In, 52% out)			32.9%
Health Club	32.93 trips/1,000 sf	1.41 trips/1,000 sf (50% In, 50% out)			3.53 trips/1,000 sf (57% In, 43% out)			5.0%
Movie Theater	1.76 trips/Seat	0 trips/Seat (50% In, 50% out)			0.09 trips/Seat (55% In, 45% out)			5.0%
General Office (>5,000 SF)	$\ln(T) = 0.97 * \ln(X) + 2.50$	$\ln(T) = 0.94 * \ln(X) + 26.49$ (86% In, 14% out)			1.15 trips/1,000 sf (16% In, 84% out)			10.0%
Multifamily Mid-Rise	5.44 trips/DU	0.36 trips/DU (26% In, 74% out)			0.44 trips/DU (61% In, 39% out)			0.0%
Hotel	8.36 trips/Room	0.47 trips/Room (59% In, 41% out)			0.6 trips/Room (51% In, 49% out)			10.0%
Medical Office	34.8 trips/1,000 sf	2.78 trips/1,000 sf (78% In, 22% out)			3.46 trips/1,000 sf (28% In, 72% out)			10.0%



## PROPOSED Internal Capture Reduction Calculations

Methodology for A.M. Peak Hour and P.M. Peak Hour  
based on the *Trip Generation Handbook*, 3rd Edition, published by the Institute of Transportation Engineers

Methodology for Daily  
based on the average of the Unconstrained Rates for the A.M. Peak Hour and P.M. Peak Hour

### SUMMARY

GROSS TRIP GENERATION							
INPUT	Land Use	Daily		A.M. Peak Hour		P.M. Peak Hour	
		Enter	Exit	Enter	Exit	Enter	Exit
	Office	452	452	84	17	20	72
	Retail	5,202	5,202	131	80	474	513
	Restaurant						
	Cinema/Entertainment	3,420	3,420	83	82	319	247
	Residential	765	765	26	75	76	48
	Hotel	728	728	48	34	53	51
	10,566	10,566	372	288	942	931	
INTERNAL TRIPS							
OUTPUT	Land Use	Daily		A.M. Peak Hour		P.M. Peak Hour	
		Enter	Exit	Enter	Exit	Enter	Exit
	Office	46	127	8	5	9	15
	Retail	237	33	11	4	61	71
	Restaurant	0	0	0	0	0	0
	Cinema/Entertainment	0	0	0	0	21	24
	Residential	15	22	1	3	39	23
	Hotel	0	116	0	8	11	8
	298	298	20	20	141	141	
% Reduction	2.8%		6.1%		15.1%		
EXTERNAL TRIPS							
OUTPUT	Land Use	Daily		A.M. Peak Hour		P.M. Peak Hour	
		Enter	Exit	Enter	Exit	Enter	Exit
	Office	406	325	76	12	11	57
	Retail	4,965	5,169	120	76	413	442
	Restaurant	0	0	0	0	0	0
	Cinema/Entertainment	3,420	3,420	83	82	298	223
	Residential	750	743	25	72	37	25
	Hotel	728	612	48	26	42	43
	10,268	10,268	352	268	801	790	

### DAILY

GROSS TRIP GENERATION		
DAILY	Land Use	Daily
		Enter Exit
	Office	452 452
	Retail	5,202 5,202
	Restaurant	0 0
	Cinema/Entertainment	3,420 3,420
	Residential	765 765
	Hotel	728 728
		10,566 10,566

Table 6.1 Unconstrained Internal Person Trip Capture Rates  
for Trip Origins within a Mixed-Use Development (A.M. Peak Hour)

**A.M. PEAK**

Origin Land Use	Destination Land Use					
	Office	Retail	Restaurant	Cinema/Ent.	Residential	Hotel
Office		28%	63%	0%	1%	0%
Retail	29%		13%	0%	14%	0%
Restaurant	31%	14%		0%	4%	3%
Cinema/Entertainment	0%	0%	0%		0%	0%
Residential	2%	1%	20%	0%		0%
Hotel	75%	14%	9%	0%	0%	

Table 6.2 Unconstrained Internal Person Trip Capture Rates  
for Trip Destinations within a Mixed-Use Development (A.M. Peak Hour)

**A.M. PEAK**

Origin Land Use	Destination Land Use					
	Office	Retail	Restaurant	Cinema/Ent.	Residential	Hotel
Office		32%	23%	0%	0%	0%
Retail	4%		50%	0%	2%	0%
Restaurant	14%	8%		0%	5%	4%
Cinema/Entertainment	0%	0%	0%		0%	0%
Residential	3%	17%	20%	0%		0%
Hotel	3%	4%	6%	0%	0%	

\*\*\* BASED ON EXIT \*\*\*

**DAILY**

(Exit) Land Use	(Enter) Land Use					
	Office	Retail	Restaurant	Cinema/Ent.	Residential	Hotel
Office		127	285	0	5	0
Retail	1,508		676	0	728	0
Restaurant	0	0		0	0	0
Cinema/Entertainment	0	0	0		0	0
Residential	15	8	153	0		0
Hotel	546	102	65	0	0	

\*\*\* BASED ON ENTER \*\*\*

**DAILY**

(Exit) Land Use	(Enter) Land Use					
	Office	Retail	Restaurant	Cinema/Ent.	Residential	Hotel
Office		1,664	0	0	0	0
Retail	18		0	0	15	0
Restaurant	63	416		0	38	29
Cinema/Entertainment	0	0	0		0	0
Residential	14	884	0	0		0
Hotel	14	208	0	0	0	

\*\*\* MINIMUM \*\*\*

**DAILY**

(Exit) Land Use	(Enter) Land Use					
	Office	Retail	Restaurant	Cinema/Ent.	Residential	Hotel
Office		127	0	0	0	0
Retail	18		0	0	15	0
Restaurant	0	0		0	0	0
Cinema/Entertainment	0	0	0		0	0
Residential	14	8	0	0		0
Hotel	14	102	0	0	0	

**INTERNAL TRIPS**

**DAILY**

Land Use	Daily	
	Enter	Exit
Office	46	127
Retail	237	33
Restaurant	0	0
Cinema/Entertainment	0	0
Residential	15	22
Hotel	0	116
	298	298



## A.M. PEAK HOUR

### GROSS TRIP GENERATION

**A.M. PEAK**

Land Use	A.M. Peak Hour	
	Enter	Exit
Office	84	17
Retail	131	80
Restaurant	0	0
Cinema/Entertainment	83	82
Residential	26	75
Hotel	48	34
	372	288

Table 6.1 Unconstrained Internal Person Trip Capture Rates  
for Trip Origins within a Mixed-Use Development (A.M. Peak Hour)

**A.M. PEAK**

Origin Land Use	Destination Land Use					
	Office	Retail	Restaurant	Cinema/Ent.	Residential	Hotel
Office		28%	63%	0%	1%	0%
Retail	29%		13%	0%	14%	0%
Restaurant	31%	14%		0%	4%	3%
Cinema/Entertainment	0%	0%	0%		0%	0%
Residential	2%	1%	20%	0%		0%
Hotel	75%	14%	9%	0%	0%	

Table 6.2 Unconstrained Internal Person Trip Capture Rates  
for Trip Destinations within a Mixed-Use Development (A.M. Peak Hour)

**A.M. PEAK**

Origin Land Use	Destination Land Use					
	Office	Retail	Restaurant	Cinema/Ent.	Residential	Hotel
Office		32%	23%	0%	0%	0%
Retail	4%		50%	0%	2%	0%
Restaurant	14%	8%		0%	5%	4%
Cinema/Entertainment	0%	0%	0%		0%	0%
Residential	3%	17%	20%	0%		0%
Hotel	3%	4%	6%	0%	0%	

\*\*\* BASED ON EXIT \*\*\*

**A.M. PEAK**

(Exit) Land Use	(Enter) Land Use					
	Office	Retail	Restaurant	Cinema/Ent.	Residential	Hotel
Office		5	11	0	0	0
Retail	23		10	0	11	0
Restaurant	0	0		0	0	0
Cinema/Entertainment	0	0	0		0	0
Residential	2	1	15	0		0
Hotel	26	5	3	0	0	

\*\*\* BASED ON ENTER \*\*\*

**A.M. PEAK**

(Exit) Land Use	(Enter) Land Use					
	Office	Retail	Restaurant	Cinema/Ent.	Residential	Hotel
Office		42	0	0	0	0
Retail	3		0	0	1	0
Restaurant	12	10		0	1	2
Cinema/Entertainment	0	0	0		0	0
Residential	3	22	0	0		0
Hotel	3	5	0	0	0	

\*\*\* MINIMUM \*\*\*

**M. PEAK**

(Exit) Land Use	(Enter) Land Use					
	Office	Retail	Restaurant	Cinema/Ent.	Residential	Hotel
Office		5	0	0	0	0
Retail	3		0	0	1	0
Restaurant	0	0		0	0	0
Cinema/Entertainment	0	0	0		0	0

A.

Residential	2	1	0	0		0
Hotel	3	5	0	0	0	

## INTERNAL TRIPS

A.M. PEAK

Land Use	A. M. Peak Hour	
	Enter	Exit
Office	8	5
Retail	11	4
Restaurant	0	0
Cinema/Entertainment	0	0
Residential	1	3
Hotel	0	8
	20	20

## P.M. PEAK HOUR

## GROSS TRIP GENERATION

P.M. PEAK

Land Use	P.M. Peak Hour	
	Enter	Exit
Office	20	72
Retail	474	513
Restaurant	0	0
Cinema/Entertainment	319	247
Residential	76	48
Hotel	53	51
	942	931

Table 6.1 Unconstrained Internal Person Trip Capture Rates  
for Trip Origins within a Mixed-Use Development (P.M. Peak Hour)

P.M. PEAK

Origin Land Use	Destination Land Use					
	Office	Retail	Restaurant	Cinema/Ent.	Residential	Hotel
Office		20%	4%	0%	2%	0%
Retail	2%		29%	4%	26%	5%
Restaurant	3%	41%		8%	18%	7%
Cinema/Entertainment	2%	21%	31%		8%	2%
Residential	4%	42%	21%	0%		3%
Hotel	0%	16%	68%	0%	2%	

Table 6.2 Unconstrained Internal Person Trip Capture Rates  
for Trip Destinations within a Mixed-Use Development (P.M. Peak Hour)

P.M. PEAK

Origin Land Use	Destination Land Use					
	Office	Retail	Restaurant	Cinema/Ent.	Residential	Hotel
Office		8%	2%	1%	4%	0%
Retail	31%		29%	26%	46%	17%
Restaurant	30%	50%		32%	16%	71%
Cinema/Entertainment	6%	4%	3%		4%	1%
Residential	57%	10%	14%	0%		12%
Hotel	0%	2%	5%	0%	0%	

\*\*\* BASED ON EXIT \*\*\*

P.M. PEAK

(Exit) Land Use	(Enter) Land Use					
	Office	Retail	Restaurant	Cinema/Ent.	Residential	Hotel
Office		14	3	0	1	0
Retail	10		149	21	133	26
Restaurant	0	0		0	0	0
Cinema/Entertainment	5	52	77		20	5
Residential	2	20	10	0		1
Hotel	0	8	35	0	1	

\*\*\* BASED ON ENTER \*\*\*



**P.M. PEAK**

(Exit) Land Use	(Enter) Land Use					
	Office	Retail	Restaurant	Cinema/Ent.	Residential	Hotel
Office		38	0	3	3	0
Retail	6		0	83	35	9
Restaurant	6	237		102	12	38
Cinema/Entertainment	1	19	0		3	1
Residential	11	47	0	0		6
Hotel	0	9	0	0	0	

\*\*\* MINIMUM \*\*\*

**P.M. PEAK**

(Exit) Land Use	(Enter) Land Use					
	Office	Retail	Restaurant	Cinema/Ent.	Residential	Hotel
Office		14	0	0	1	0
Retail	6		0	21	35	9
Restaurant	0	0		0	0	0
Cinema/Entertainment	1	19	0		3	1
Residential	2	20	0	0		1
Hotel	0	8	0	0	0	

**INTERNAL TRIPS**

**P.M. PEAK**

Land Use	P.M. Peak Hour	
	Enter	Exit
Office	9	15
Retail	61	71
Restaurant	0	0
Cinema/Entertainment	21	24
Residential	39	23
Hotel	11	8
	141	141

March 23, 2021

Mr. Martin Fitts, AICP  
City of Palm Beach Gardens, Planning & Zoning  
10500 North Military Trail  
Palm Beach Gardens, FL 33410

**Re: Downtown Palm Beach Gardens Full Vision - #PTC20-0021  
CPMA-20-04-000030**

Dear Mr. Fitts:

Pinder Troutman Consulting, Inc. (PTC) has completed our review of the Land Use Plan Map Amendment for the above-referenced project. Specifically, we have reviewed the Traffic Evaluation dated March 12, 2021 prepared by Kimley-Horn & Associates, Inc. The project, as presented in the study, is summarized below:

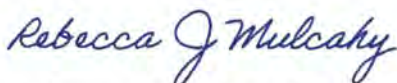
**Existing FLU, PO:** 1,495,389 SF Professional Office, Or  
1,495,389 SF Medical Office

**Proposed FLU, MXD:** 223,985 SF General Commercial  
13,720 SF Medical Office  
39,053 SF General Office  
116,862 SF Health Club  
1,700 seat Movie Theater  
281 DUs Mid-Rise Multifamily  
174 Room Hotel

The proposed FLU designation generates fewer trips than the existing FLU designation for the AM, PM and daily conditions. Therefore, it is in compliance with the City's Comprehensive Plan and Transportation Standards.

If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,



Rebecca J. Mulcahy, P.E.  
Vice President





# Seacoast Utility Authority

Mailing Address:  
P.O. Box 109602  
Palm Beach Gardens,  
FL 33410-9602

February 17, 2021

Greg Bolan, P.E.  
Simmons & White, Inc.  
2581 Metrocentre Boulevard West, Suite 3  
West Palm Beach, FL 33407

**Re: Downtown at the Gardens – Apartments Redevelopment**

Dear Mr. Bolan:

This letter is in response to your request for administration fees, capacity reservation, and connection fees. Should these accounts remain active this property is vested for 29,236 ERC's (water & sewer). The following fees are based on the additional ERC's for the proposed 283 MFU's indicated in the email correspondence dated February 5, 2021 and are subject to change should plans indicate otherwise LESS vested ERC's. Please note an Amendment to the Developer Agreement will be required for this project.

The referenced project lies within the water and sewer service area of Seacoast Utility Authority.

This will confirm the current status of water and wastewater capacity and commitments for Seacoast Utility Authority (Million Gallons Per Day):

	<u>Capacity</u>	<u>Committed and In Use</u>	<u>This Project</u>	<u>Balance</u>
Water	21.09	17.40	0.071	3.62
Sewer	12.00	8.38	0.071	3.55

Please note that this statement reflects conditions as of this date; no guarantee of capacity availability in the future is expressed or implied, and no capacity has been reserved for the referenced project for the additional proposed redevelopment.

## Connection Fees

202.062 MFU's x \$1,500.00 (water only) =	\$ 303,093.00
257.530 MFU's x \$1,200.00 (sewer only) =	\$ 309,036.00
Total Connection Fees =	\$ 612,129.00
LESS 29,236 ERC's x \$2,700.00 (water & sewer) =	<u>\$ 78,937.20</u>

Total Connection Fees Due = \$ 533,191.80

4200 Hood Road, Palm Beach Gardens, Florida 33410-2174  
Phone: Customer Service (561) 627-2920 / Executive Office (561) 627-2900 / FAX (561) 624-2839

50% of the connection fees in the amount of \$ 266,595.90 are due with initial plan submittal. The remaining connection fees are due prior to final plan approval.

Capacity Reservation

283 MFU's x \$ 167.28 (water only) =	\$ 47,340.24
283 MFU's x \$ 289.80 (sewer only) =	\$ 82,013.40
Total Capacity Reservation Fee =	\$ 129,353.64
LESS 29.236 ERC's x 612.00 (water & sewer) =	<u>\$ 17,892.43</u>

Total Capacity Reservation Fee Due = \$ 111,461.21

100% of the capacity reservation fees are due and payable at the time of executing the Amendment to original Developer Agreement.

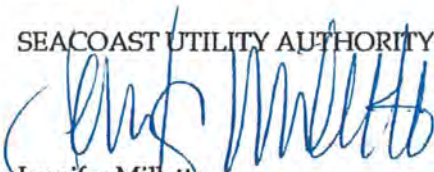
Administration Fee

The Administration Fee for this project is \$ 24,485.16 (4% of Connection Fees) and is due at the time preliminary plans are submitted for review.

A general list of project requirements is located on our website [www.sua.com](http://www.sua.com) under Project Forms (Exhibit A – Project Documentation and Submittal Guidelines). Please call Scott Serra at 561.627.2900, ext. 1398 or email to [sserra@sua.com](mailto:sserra@sua.com) to schedule a pre-engineering meeting to discuss the particular items on this list and other aspects of your project prior to initiating any design work.

Sincerely,

SEACOAST UTILITY AUTHORITY



Jennifer Millette  
Engineering Services Specialist





# Seacoast Utility Authority

Mailing Address:  
P.O. Box 109602  
Palm Beach Gardens,  
FL 33410-9602

February 17, 2021

Greg Bolan, P.E.  
Simmons & White, Inc.  
2581 Metrocentre Boulevard West, Suite 3  
West Palm Beach, FL 33407

**Re: Downtown at the Gardens - Redevelopment**

Dear Mr. Bolan:

This letter is in response to your request for administration fees, capacity reservation, and connection fees. Should these accounts remain active this property is vested for 441.095 ERC's (water & sewer). The following fees are based on the additional ERC's for the proposed 185,457 sf retail, 4,134 restaurant seats, 1,700 theater seats, 47 salon seats, 174 hotel room, 7 physicians, 12 nurses indicated in the email correspondence dated February 5, 2021 and are subject to change should plans indicate otherwise LESS vested ERC's. Please note an Amendment to the Developer Agreement will be required for this project.

The referenced project lies within the water and sewer service area of Seacoast Utility Authority.

This will confirm the current status of water and wastewater capacity and commitments for Seacoast Utility Authority (Million Gallons Per Day):

	<u>Capacity</u>	<u>Committed and In Use</u>	<u>This Project</u>	<u>Balance</u>
Water	21.09	17.40	0.162	3.53
Sewer	12.00	8.38	0.013	3.49

Please note that this statement reflects conditions as of this date; no guarantee of capacity availability in the future is expressed or implied, and no capacity has been reserved for the referenced project for the additional proposed redevelopment.

## Connection Fees

67.44 retail ERC's x \$2,700.00 (water & sewer) =	\$ 182,088.00
300.644 restaurant ERC's x \$2,700.00 (water & sewer) =	\$ 811,768.50
12.364 theater ERC's x \$ 2,700.00 (water & sewer) =	\$ 33,382.80
12.819 salon ERC's x \$2,700.00 (water & sewer) =	\$ 34,611.30
63.273 hotel ERC's x \$ 2,700.00 (water & sewer) =	\$ 170,837.10

4200 Hood Road, Palm Beach Gardens, Florida 33410-2174  
Phone: Customer Service (561) 627-2920 / Executive Office (561) 627-2900 / FAX (561) 624-2839

6.363 physician ERC's x \$ 2,700.00 (water & sewer)=	\$ 17,180.10
0.655 employee ERC's x \$ 2,700.00 (water & sewer) =	\$ 1,768.50
Total Connection Fees =	\$1,251,636.30
LESS 441.095 ERC's x \$2,700.00 (water & sewer) =	<u>\$1,190,956.50</u>

Total Connection Fees Due =	\$ 60,679.80
-----------------------------	--------------

50% of the connection fees in the amount of \$ 30,339.90 are due with initial plan submittal. The remaining connection fees are due prior to final plan approval.

#### Capacity Reservation

463.569 ERC's x \$ 612.00 (water & sewer) =	\$ 283,704.23
LESS 441.095 ERC's (water & sewer) =	<u>\$ 269,950.14</u>

Total Capacity Reservation Fee Due =	\$ 13,754.09
--------------------------------------	--------------

100% of the capacity reservation fees are due and payable at the time of executing the Amendment to original Developer Agreement.

#### Administration Fee

The Administration Fee for this project is \$ 50,065.45 (4% of Connection Fees) and is due at the time preliminary plans are submitted for review.

A general list of project requirements is located on our website [www.sua.com](http://www.sua.com) under Project Forms (Exhibit A – Project Documentation and Submittal Guidelines). Please call Scott Serra at 561.627.2900, ext. 1398 or email to [sserra@sua.com](mailto:sserra@sua.com) to schedule a pre-engineering meeting to discuss the particular items on this list and other aspects of your project prior to initiating any design work.

Sincerely,

SEACOAST UTILITY AUTHORITY

  
Jennifer Millette  
Engineering Services Specialist





January 6, 2021

City of Palm Beach Gardens  
10500 N. Military Trail  
Palm Beach Gardens, FL 33410

Subject: Availability of Solid Waste Disposal Capacity

Greetings:

The Solid Waste Authority of Palm Beach County (Authority) hereby provides certification that the Authority has disposal capacity available to accommodate the solid waste generation for the municipalities and unincorporated county for the coming year of 2021. This letter also constitutes notification of sufficient capacity for concurrency management and comprehensive planning purposes. Capacity is available for both the coming year, the five year, and ten year planning periods that may be specified in local comprehensive plans.

As of September 30, 2020, the Authority's Landfill located at the Palm Beach Renewable Energy Park has an estimated 26,926,868 cubic yards of landfill capacity remaining. Based upon the existing Palm Beach County population, the most recently available population growth rates published by the University of Florida Bureau of Economic and Business and Research (BEBR), medium projection, projected rates of solid waste generation, waste reduction and recycling, the Authority forecasts that capacity will be available at the existing landfill through approximately the year 2054.

The Authority continues to pursue options to increase the life of its existing facilities and to provide for all of the County's current and future disposal and recycling needs. As part of its responsibility, the Authority is providing this annual statement of disposal capacity, using the most current BEBR projections available. Please provide copies of this letter to your plan review and concurrency management staff. If you have any questions or I can be of further assistance, please do not hesitate to contact me.

Sincerely,

Mary Beth Morrison  
Director of Environmental Programs



July 22, 2020  
Job No. 19-022C

## DRAINAGE STATEMENT

Downtown Palm Beach Gardens – Full Vision Redevelopment  
City of Palm Beach Gardens, Florida

### SITE DATA

The subject project is located at the southeast corner of Alternate A1A and Gardens Parkway in the City of Palm Beach Gardens, Florida and contains approximately 49.04 acres. The Property Control Number (PCN) for the overall Downtown at the Gardens development is 52-43-42-06-26-001-000. Proposed site development on the parcel consists of a new mixed-use tower and multi-family residential tower as well as the construction of a woonerf bisecting the existing structures. For additional information concerning site location and layout, please refer to the Site Plan by Cotleur & Hearing, Inc.

### PROPOSED DRAINAGE

The site is located within the boundaries of the South Florida Water Management District Intracoastal Basin. It is proposed that runoff be directed to the existing stormwater management system by means of paved or grass swales and/or inlets and storm sewer. Compensating storage will be provided in underground storage chambers to offset the impact of the additional building footprint. Legal positive outfall is existing via the master stormwater management system.

1. On-site retention of the runoff from the 3-year, 1-hour rainfall event.
2. Proposed grading to be consistent with the existing South Florida Water Management District Permit (Permit No. 50-01480-S-17).
3. Water quality in accordance with South Florida Water Management District standards.



Drainage Statement  
Job No. 19-022C  
July 22, 2020 – Page 2

Required permits/approvals shall include the following:

1. South Florida Water Management Environmental Resource Permit Modification
2. Northern Palm Beach County Improvement District – Drainage Permit
3. City of Palm Beach Gardens Engineering Approval



A circular professional engineer seal for Gregory B. Bolen, P.E. The seal contains the text "FLORIDA PROFESSIONAL ENGINEER", "No. 56729", and "Gregory B. Bolen, P.E.". A blue ink signature is written across the seal. Below the seal, the text "Gregory B. Bolen, P.E." and "FL Reg. No. 56729" is printed.



Gregory B. Bolen, P.E.  
FL Reg. No. 56729

# PALM BEACH GARDENS POLICE DEPARTMENT

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## INTEROFFICE MEMORANDUM

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**TO:** Chief Clint Shannon via Chain of Command   
**FROM:** Major Paul Rogers   
**DATE:** 2/18/2021  
**SUBJECT:** LOS Agreement–Proposed Downtown Palm Beach Gardens Redevelopment

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The Palm Beach Gardens Police Department does have the ability and capacity to service the proposed Downtown Palm Beach Gardens Redevelopment.

Current staffing levels and patrol zones are adequate to provide service to the proposed 174 room Marriot hotel, 281-unit multi-family residential tower as well as the proposed redesign of the existing commercial properties. The Police Department may however, elect to revise existing staffing levels and patrol zones to accommodate any future modifications to the zoning or use of this property. Spatial analysis, intelligence-led policing practices and Data-Driven Approaches to Crime and Traffic Safety (DDACTS), additional traffic engineering studies, and predictive policing may be utilized when determining future patrol zone boundaries.

  
02-18-2021

  
18 FEB 2021





## ***PALM BEACH GARDENS FIRE RESCUE***

10500 N. MILITARY TRAIL, PALM BEACH GARDENS, FL 33410

MAIN 561.799.4300

February 4, 2021

Mr. Donaldson Hearing  
Cotleur & Hearing, Inc.  
1934 Commerce Lane, Suite 1  
Jupiter, Florida 33458

**RE: Downtown Palm Beach Gardens Full Vision: Comprehensive Plan Land Use Map Amendment (CPMA-20-04-000030)**

Dear Mr. Hearing:

The City of Palm Beach Gardens Fire Department has reviewed the above referenced petitions for the proposed development of a 281-unit/421-bed Multifamily Residential building and 174-room Hotel building located within Downtown Palm Beach Gardens.

Based on the policies and Level of Service standards set forth in the City's Comprehensive Plan, the Fire-Rescue Department has the capacity to serve the proposed development.

Sincerely,

A handwritten signature in blue ink that reads "Neil Rosenberger".

Neil Rosenberger, FM, CFO  
Deputy Chief/Fire Marshal  
Palm Beach Gardens Fire Rescue



THE SCHOOL DISTRICT OF  
PALM BEACH COUNTY, FL

KRISTIN K. GARRISON  
DIRECTOR

WANDA F. PAUL, M.Ed., MBA  
CHIEF OPERATING OFFICER

PLANNING AND INTERGOVERNMENTAL RELATIONS  
3661 INTERSTATE PARK RD. N., STE 200  
RIVIERA BEACH, FL 33404

PHONE: 561-434-8020 / FAX: 561-357-1193  
[WWW.PALMBEACHSCHOOLS.ORG/PLANNING](http://WWW.PALMBEACHSCHOOLS.ORG/PLANNING)

## SCHOOL CAPACITY AVAILABILITY DETERMINATION (SCAD)

Application	Submittal Date	03/09/2021		
	SCAD No.	21030101F/FLU, 21030101Z/Re-Zoning, 21030101D/D. O.		
	FLU /Rezoning/D.O. No.	CPMA-20-04-000030/REZN-20-04-000023/PCDA-20-04-000040 – City of Palm Beach Gardens		
	PCN No. / Address	52-43-42-06-26-001-0000/11701 Lake Victoria Gardens Ave.		
	Development Name	Downtown Palm Beach Gardens		
	Owner / Agent Name	Excel Gardens, LLC / Nicole Plunkett – Coteleur & Hearing		
	SAC No.	385		
	Proposed Amendments Proposed Unit No. & Type	Max. 281 Residential Units - Proposed FLU and Re-Zoning 281 High-Rise Apartment Units - Proposed D.O.		
Impact Review		D. D. Eisenhower Elementary School	H. L. Watkins Middle School	William T. Dwyer High School
	New Students Generated	4	2	2
	Capacity Available	100	356	-28
	Utilization Percentage	85%	72%	101%
School District Staff's Recommendation	Based on the findings and evaluation of the proposed development, there will be negative impact on the public school system. Therefore, if the proposed development is approved by the City Council, School District staff recommends the following condition to mitigate such impacts.  In order to address the school capacity deficiency generated by this proposed development at the District high school level, the property owner shall contribute \$27,620.00 to the School District of Palm Beach County prior to the issuance of first building permit.  This school capacity contribution is intended to supplement the required school impact fee (impact fee credit has already been applied).  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 April 16, 2019.			
	Validation Period			
Validation Period	1) This determination is valid from 03/11/2021 to 03/10/2022 or the expiration date of the site-specific development order approved during the validation period. 2) A copy of the approved D.O. must be submitted to the School District Planning Dept. prior to 03/10/2022 or this determination will expire automatically on 03/10/2022.			
Notice	School age children may not necessarily be assigned to the public school closest to their residences. Students in Palm Beach County are assigned annually to schools under the authority of the School Board and by direction of the Superintendent, public school attendance zones are subject to change.			

*Joyce Cai*

School District Representative Signature

Joyce C. Cai, Senior Planner

Print Name & Title

March 11, 2021

Date

[joyce.cai@palmbeachschools.org](mailto:joyce.cai@palmbeachschools.org)

Email Address

CC: Martin Fitts, Principal Planner, City of Palm Beach Gardens  
Joyell Shaw, PIR Manager, School District of Palm Beach County



**Ron DeSantis**  
GOVERNOR



**Dane Eagle**  
SECRETARY

July 8, 2021

The Honorable Rachelle A. Litt  
Mayor, City of Palm Beach Gardens  
10500 North Military Trail  
Palm Beach Gardens, Florida 33410

Dear Mayor Litt:

The Department of Economic Opportunity ("Department") has reviewed the proposed comprehensive plan amendment for the City of Palm Beach Gardens (Amendment No. 21-01ESR) received on June 8, 2021. The review was completed under the expedited state review process. We have no comment on the proposed amendment.

The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. In addition, the City is reminded that:

- Section 163.3184(3)(b), F.S., authorizes other reviewing agencies to provide comments directly to the City. **If the City receives reviewing agency comments and they are not resolved, these comments could form the basis for a challenge to the amendment after adoption.**
- **The second public hearing**, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of agency comments or the amendment shall be **deemed withdrawn** unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment pursuant to Section 163.3184(3)(c)1., F.S.
- **The adopted amendment must be rendered to the Department.** Under Section 163.3184(3)(c)2. and 4., F.S., the **amendment effective date** is 31 days after the Department notifies the City that the amendment package is complete or, if challenged, until it is found to be in compliance by the Department or the Administration Commission.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399  
850.245.7105 | [www.FloridaJobs.org](http://www.FloridaJobs.org)  
[www.twitter.com/FLDEO](https://www.twitter.com/FLDEO) | [www.facebook.com/FLDEO](https://www.facebook.com/FLDEO)

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

The Honorable Rachelle A. Litt

July 8, 2021

Page 2 of 2

If you have any questions concerning this review, please contact Matthew Preston, Planning Analyst, by telephone at (850) 717-8490 or by email at [matt.preston@deo.myflorida.com](mailto:matt.preston@deo.myflorida.com).

Sincerely,



Kelly D. Corvin, Regional Planning Administrator  
Bureau of Community Planning and Growth

KDC/mp

Enclosure(s): Procedures for Adoption

cc: Natalie Crowley, AICP, Director of Planning and Zoning, City of Palm Beach Gardens  
Thomas Lanahan, Executive Director, Treasure Coast Regional Planning Council