



PRIVATELY INITIATED TEXT AMENDMENT AMENDMENT ROUND 25-A

PLANNING COMMISSION MEETING, APRIL 12, 2024

I. General Data

Project Name:	Rawlings Estates Overlay Text Initiation
Proposed Text Amendment:	The privately proposed text amendment request is to revise the Future Land Use Element to establish an overlay within the Rural Tier to allow for up to one unit per acre subject to criteria and to revise Special Planning Areas Map LU 3.1 to depict the boundaries of the overlay.
Proposed FLUA Amendment:	If the Board of County Commissioners initiates the text amendment, the applicant will submit a future land use amendment application on a 104 acre site to change the future land use designation from Rural Residential, 1 unit per 10 acres (RR-10) to Low Residential, 1 unit per acre (LR-1).
Applicant:	Rawlings Estates, LLC (Yoni Bornstein) - Contract Purchaser
Owner:	Beverley Rawlings
Agent:	Matthew Barnes, WGI, Inc.
Project Manager:	Stephanie Gregory, Principal Planner & Travis Goodson, Senior Planner
Staff Recommendation:	Staff recommends to initiate the proposed text amendment.

II. Item Summary

Initiation Phase I: The item before the Board is to consider the initiation of a privately proposed amendment to the Comprehensive Plan, considered “Phase I”. If the amendment is initiated, staff will accept the associated future land use amendment, and return to the Board with the text and future land use amendments through the public hearing process as part of “Phase II”.

Staff Assessment: The applicant is requesting a text amendment to create an overlay within the Rural Tier in order to increase density on the site up to one unit per acre, which is a density not currently permitted in the Rural Tier. The applicant is proposing 58 single family homes (0.6 units per acre) with rural levels of service (i.e. well and septic) on a minimum lot size of one acre. The applicant states that the development will be “consistent with the existing character and development of the surrounding area.”

Staff supports the initiation of the proposed text amendment to provide opportunity for the Board to consider and direct policy. Initiation of this amendment does not indicate staff support for the final policy language or the associated future land use amendment. Should the Board initiate the amendment, staff will prepare data and analysis, and present a recommendation on the text and future land use amendment at subsequent public hearings.

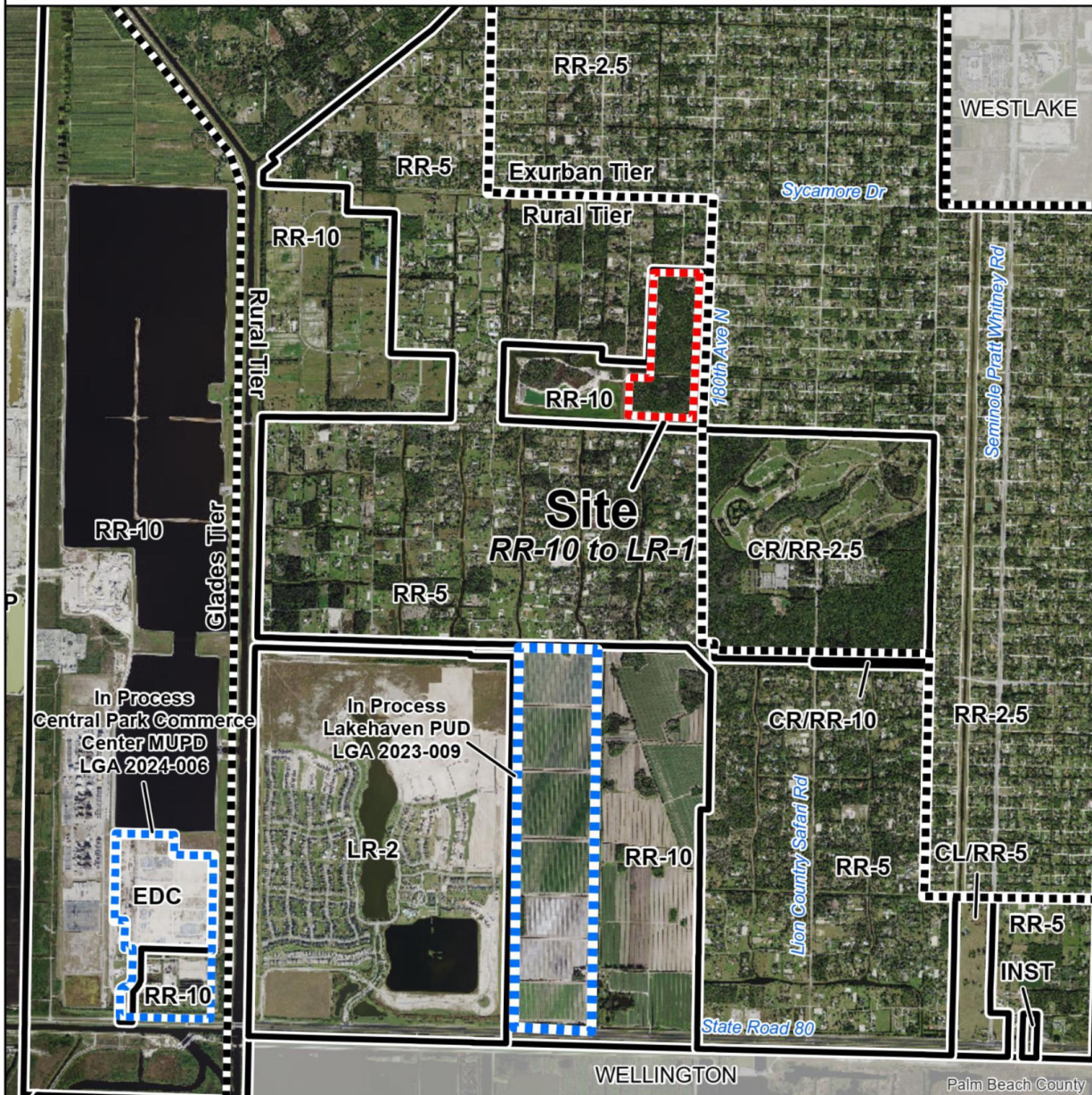
III. Meeting History

Local Planning Agency/Planning Commission (LPA/PLC):

Board of County Commissioners (BCC):

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Rawlings Estates Overlay Private Text Initiation



Site Data

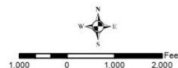
Size: 104.09 acres
 Existing Use: Vacant
 Proposed Use: Residential
 Current FLU: RR-10
 Proposed FLU: LR-1

Future Land Use Designations

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

Date: 3/11/2024
 Contact: PBC Planning
 Filename: AMEND/25-A/SiteSpecific
 Note: Map is not official, for presentation purposes only.

 Site
 In Process
 Tier Boundaries



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



IV. Private Text Amendment Request

Proposed Text Amendment. The privately proposed text amendment request is to revise the Future Land Use Element to establish an overlay within the Rural Tier to allow for up to 1 unit per acre subject to criteria and to revise Special Planning Areas Map LU 3.1 to depict the boundaries of the overlay.

Associated Future Land Use Amendment. If the Board initiates the text amendment the applicant would request a future land use amendment on the 104.09 acre subject site from Rural Residential, 1 unit per 10 acres to Low Residential, 1 unit per acre (LR-1) for up to 104 units. If initiated by the Board, the future land use amendment is expected to be submitted on May 8, 2024. The application states that the proposed development will consist of 58 single family homes (0.6 units per acre).

Associated Zoning Application. The companion zoning application will request a rezoning from Agricultural Residential (AR) to Residential Transitional (RT).

Unified Land Development Code (ULDC) Revisions. The proposed Comprehensive Plan text and future land use amendment with regards to the currently proposed development plan may necessitate revisions to the Unified Land Development Code (ULDC). Planning and Zoning will evaluate any revisions needed following initiation with the concurrent review of the FLUA and zoning application.

V. Policy Background

A. Rural Tier Background

In 1999, the County adopted the Managed Growth Tier system to recognize the County's diverse geographic regions and lifestyles by establishing tiers that have common densities/intensities and public service availability. The subject site is located within the Rural Tier, an area established to support five and ten acre residential lots, as well as agricultural operations and equestrian uses. The unincorporated portions of the Rural Tier consists of 44,670 acres. The site is located in the central western communities where the majority of the Rural Tier is located.

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

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

The Comprehensive Plan recognizes that this Tier is “*beginning to experience development pressure for urban densities and non-residential intensities.*” Therefore, policies were established to limit the maximum residential development potential to 1 unit per 5 acres and additional strategies were included to “*protect and enhance rural settlements that support agricultural uses and equestrian uses while also providing an alternative style of development in specific areas that*

further the goals of the Rural Tier.” The alternative styles of development are outlined in Future Land Use Element Policy 1.4-d, which requires a minimum of 5 acre lots unless developed as a Rural Residential (RR) Cluster or Variable-Lot-Size development. These two rural residential planned unit development options allow for an alternative to a subdivision plan “*to accommodate low-density residential development in conjunction with the protection and maintenance of rural, equestrian, agricultural communities.*” The traditional planned unit development, a development pattern which is primarily located only in the Urban/Suburban Tier, is only allowed in the Rural Tier with the Western Communities Residential Overlay (WCRO) and the Trotting Center Overlay. In addition, sites within this Tier are not able to utilize the density bonus increases provided by the Workforce Housing Program as the provisions apply only in the Urban/Suburban Tier. In addition, density increases through the Transfer of Development Rights (TDR) program are not available in the Tier as the program is only applicable within the Urban/Suburban Tier in order to promote infill and redevelopment initiatives.

B. Central Western Communities Background and Land Uses

The subject site is located within Rural Tier in what is known as the Central Western Communities (CWC). The following provides a history of the land uses and planning efforts of the area.

History of Surrounding Land Uses in the Rural Tier. Surrounding the site to the north, west and south within the Rural Tier are several unrecorded subdivisions (see map on next page), including Dellwood Estates, Las Flores Ranchos, Deer Run Plat 2, and Deer Run. During the preparation of the 1989 Comprehensive Plan, these parcels, including the subject site, were assigned a future land use designation of Rural Residential, 1 unit per 5 acres (RR-5). However, the state land planning agency at the time, the Department of Community Affairs (DCA), objected to the designation as the analysis “did not demonstrate a need for the extensive magnitude of low density residential...on the Future Land Use Map.” During the negotiated settlement agreement, the County and DCA agreed to assign these subdivisions as Rural Residential, 1 unit per 10 acres (RR-10). With the Managed Growth Tier System in 1999, the RR-5 future land use was established into the Comprehensive Plan and DCA determined that the designation was acceptable as it would reflect the existing land use pattern. Therefore, in 2001, the Board adopted changes to the land use designation from RR-10 to RR-5 for these unrecorded subdivisions, as well as nine others in the Rural Tier.

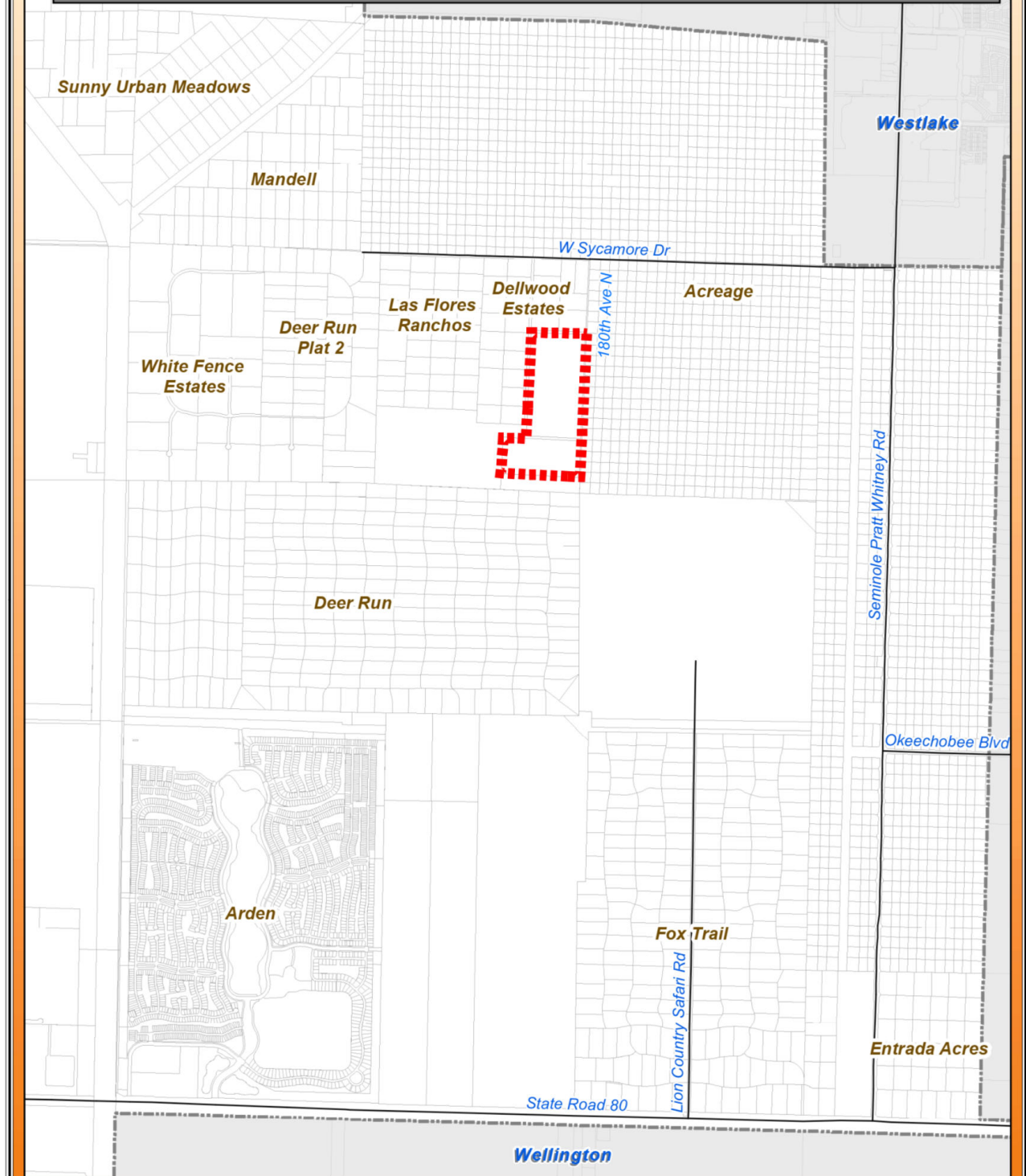
Table 1 - Rural Tier Surrounding Lot Analysis

Subdivision	Acres	FLU	% Built Out	# of Lots	Built Units	Avg Density
Deer Run	1,261	RR-5	73%	249	181	.20
Deer Run Plat 2	297.15	RR-5	49%	45	22	.15
Dellwood Estates	143.17	RR-5	80%	25	20	.17
Las Flores Ranchos	188.83	RR-5	61%	36	22	.19
White Fence Estates	416.56	RR-10	10%	31	3	.07
Total	2,306.71	---	55%	386	248	0.16

Source: PBC Planning Division, 2023 Residential Projects

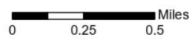
Other than the 134 acre impoundment area owned by Indian Trails Improvement District (ITID), the area to the north, west and south consists of predominately rural residential and equestrian uses with an average density 0.16 units per acre.

Residential Projects



Revision Date: 3/1/2024
 Contact: Dale Williams
 Filename: T:\Projects\2024\312024\312024.dwg

 Subject Site



Planning, Zoning
 & Building
 2001 W. US Hwy
 West Palm Beach, FL 33411
 Phone: (561) 833-3000



History of Surrounding Land Uses in the Exurban Tier. Surrounding the site to the east, beyond 180th Avenue North, is the Exurban Tier which consists of the southern portion of The Acreage and Lion Country Safari. During the preparation of the 1989 Comprehensive Plan, this portion of The Acreage was assigned a Rural Residential, 1 unit per acre (RR-1) future land use. Similar to the proposed future land use designations in the Rural Tier, DCA objected to this designation. In order to address DCA’s objection the County adopted the RR-10 future land use for The Acreage. In 1999, the Rural Residential, 1 unit per 2.5 acres (RR-2.5) designation was created as a result of the Managed Growth Tier System. Staff considered the creation of an RR-1.25 future land use at the time. However, according to the staff report it was “rejected due to its impacts on infrastructure and its more suburban character, which suggested more sprawl.” Subsequently, in 2000, the Board adopted RR-2.5 for The Acreage and Palm Beach Country Estates to more accurately reflect the lot pattern of the area.

Table 2 - Exurban Tier Surrounding Lot Analysis

Subdivision	Acres	FLU	% Built Out	# of Lots	Built Units	Avg Density
The Acreage	21,286.65	RR-2.5	89%	15,804	14,131	.74

Source: PBC Planning Division, 2023 Residential Projects

Sector Plan Planning Effort. The Central Western Communities was the subject of a decade’s long planning effort from 1999 to 2009. Shortly after the adoption the Managed Growth Tier System in 1999, the County subsequently undertook the Sector Plan process to address long range planning and land use imbalances in the approximately 53,000 acre area, comprising portions of the Exurban and Rural Tiers. The Sector Plan as adopted in 2005 included a total of approximately 2 million square feet of non-residential uses (commercial retail and employment center uses). The Plan also allowed rural residential planned developments to develop at RR 1.25 PD (1 unit per 1.25 acres) concurrent with the provision of significant public benefits for the sites now known as Indian Trails Grove and the City of Westlake. A 90 acre portion of Southern Boulevard, south of Collecting Canal Road from A Road to just east of F Road, now in the Town of Loxahatchee Groves, was also eligible for increased densities at 0.8 units per acre provided the site was developed with “substantial equestrian amenities.” The subject site was not identified as a site for potential density increase. Subsequently, the Florida Department of Community Affairs (DCA), now known as the Department of Commerce, found the adopted Sector Plan to be ‘not in compliance.’ Rather than defend the adopted Sector Plan in the impending administrative hearing, the Board repealed the adopting ordinance in 2007 and initiated the Central Western Communities Overlay. However, the Overlay effort was ultimately abandoned in 2009 as it became clear that the issues could not be resolved.

C. Proposed Text Amendment

The amendment language provided in Exhibit 1, proposes to establish an overlay in order to allow for a residential development of one unit per acre within the Rural Tier, which is not currently permitted. The Overlay establishes boundaries which delineate the subject site only and requires a minimum of 100 contiguous acres and one acre lot size.

The applicant has submitted justification for the amendment (See Exhibit 2) which is largely based upon the surrounding development pattern. The applicant states that the proposed text and future land use is appropriate as it would “allow the development of single family homes on the site in a manner consistent with the existing character and development of the surrounding area.”

VI. Issues and Implications

The purpose of this Phase I report is to identify potential issues and implications of the concept proposed by the text amendment, for the Board to consider when making the policy decision on whether to initiate the privately proposed text amendment. From a mechanics perspective, the text amendment establishing a new overlay that will be confined to the 104 acre subject site. The intent is to allow for a residential development at one unit per acre consistent with the existing lot pattern of the parcels to the east while remaining in the Rural Tier. The policy considerations of the applicant’s text changes are described below:

- **Rural Tier Density Provisions.** As previously mentioned, density within the Rural Tier is limited to a maximum of 1 unit per 5 acres. In addition, the use of Transfer of Development Rights (TDRs) and Workforce Housing density bonuses are not available in the Tier. Therefore, in order to achieve a higher density, a property owner must utilize the FLUA amendment process. Prior to 2012, a property owner seeking a density that exceeded the allowable density of the subject Tier would request a FLUA amendment along with a tier change. The creation of the privately initiated text amendment process in 2012, now allows an alternative method to achieve the same result. Therefore, the applicant for the Rawlings Estates Overlay is proposing a privately initiated text amendment to establish an overlay as a mechanism to allow one unit per acre for only the subject site within the Rural Tier. There is an example for this type of geographically limited density increase mechanism in the Tier with the adoption of the Western Communities Residential Overlay (WCRO) in 2016 and the Trotting Center Overlay in 2023.

As demonstrated in the Policy Background section, the applicant is proposing a density (0.6 units/acre) which is closer to the average density of the Exurban Tier (0.74 units/acre) than the average density of the surrounding subdivisions (0.16 units/acre) in the Rural Tier where the site is located. The site is eligible for a tier change request as it is located contiguous to the Exurban Tier to east. Even though the existing lot pattern is primarily 1 unit per 1.25 acres (0.8 units/acre), the highest density allowed within the Exurban Tier is RR-2.5 at 1 unit per 2.5 acres (0.4 units/acre). As an alternative, the applicant could pursue a tier change to the Exurban Tier and FLU amendment to RR-2.5. However, this would only yield in up to 42 units, instead of the 58 units currently proposed.

- **Overlay Provisions.** The bulk of the text amendment includes language for the creation of a new overlay for the subject site only. The overlay states that the purpose is allow for a density similar to the existing lot pattern of the area. The overlay includes specific location, minimum lot size and acreage requirements.

- **Service Delivery Provisions.** The applicant has indicated that the residential development will utilize well and septic, which is the minimum level of service for the Tier. Additionally, the public facilities impact analysis and full policy analysis for consistency with the Comprehensive Plan would proceed with the review of the proposed future land use amendment in Phase II if this text amendment is initiated by the Board. The traffic impacts of this request have not been established and the applicant has not requested an exemption from the future land use amendment requirements in Future Land Use Element Policy 3.5-d.

VII. Staff Recommendation

The item before the Board is to consider the initiation of a privately proposed amendment to the Comprehensive Plan, considered “Phase I”. If the amendment is initiated, staff will accept the associated future land use amendment, and return to the Board with the two amendments through the public hearing process as part of “Phase II”.

Staff supports the initiation of the proposed text amendment to provide the opportunity for the Board to consider and direct policy. Initiation of this amendment does not indicate staff support for the final developed policy language or the associated future land use amendment. Staff would prepare data and analysis, and present the final recommendation on the text and future land use amendment at subsequent public hearings.

Exhibits	Page
1. Applicant’s Proposed Text Amendment	E-1
2. Applicant’s Justification	E-4
3. Applicant’s Disclosure of Ownership Interests	E-11
4. Correspondence	E-19

Exhibit 1

Applicant's Proposed Text Amendment

A. Future Land Use Element, Rural Tier Revisions

REVISIONS: To revise the Rural Tier policies and provisions to establish the Rawlings Estates Overlay as a special planning area within the tier. The revisions are shown below with added text underlined and deleted text shown in ~~strikethrough~~.

1. REVISED OBJECTIVE 1.4 Rural Tier

General: The Rural Tier includes agricultural land and rural settlements that range in density from primarily 1 dwelling unit per 5 acres to 1 dwelling unit per 20 acres, except in special planning areas such as, but not limited to, the Western Communities Residential Overlay (WCRO), ~~and~~ the Trotting Center Overlay, and the Rawlings Estates Overlay. These areas support large agricultural operations as well as single-family homes with small family-owned agricultural businesses, including equestrian related uses. Due to the declining availability of land and the increase in population in the Urban and Exurban Tiers, the Rural Tier is beginning to experience pressure for urban densities and non-residential intensities normally associated with a more urban area. The strategies in the Rural Tier are established to protect and enhance rural settlements that support agricultural uses and equestrian uses while also providing an alternative style of development in specific areas that further the goals of the Rural Tier.

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

B. Future Land Use Element, Rawlings Estates Overlay

REVISIONS: To establish the Rawlings Estates Overlay within the Rural Tier allowing 1 unit per acre with criteria. The revisions are shown below with added text underlined and deleted text shown in ~~strikethrough~~.

1. NEW OBJECTIVE 1.4.3: Rawlings Estates Overlay

Objective: The purpose of the Rawlings Estates Overlay is to preserve the low-density rural character of the area by allowing residential density of one unit per acre that is consistent with the existing lot pattern of the surrounding areas.

2. **NEW Policy 1.4.3.a: Boundaries.** The boundaries of the Rawlings Estates Overlay are within the Rural Tier, generally bounded by 180th Avenue North on the east, Murray Lane on the south, the Indian Trail Improvement District Canal “A” and Impoundment Facility on the west and the Indian Trail Improvement District Canal “C” on the north. The specific boundaries of the Rawlings Estates Overlay are depicted on the Special Planning Areas Map, LU 3.1.

3. **NEW Policy 1.4.3.b: Overlay Criteria.** In order to preserve the low-density rural character of the surrounding area, the County shall allow residential development within the Rawlings Estates Overlay subject to the following criteria:
 1. **Approval Process.** A Future Land Use Atlas amendment shall be accompanied by a concurrent zoning application and a preliminary master plan or preliminary subdivision plan in order to demonstrate compliance with this policy.
 2. **Acresage.** Shall be a minimum of 100 contiguous acres. For the purpose of this policy, contiguous includes sites owned by the same owner and separated by land owned by the Indian Trail Improvement District.
 3. **Density.** The maximum density is one unit per acre with no further density increases permitted through density bonus programs, such as the Transfer of Development Rights Program, the Workforce Housing Program, or the Affordable Housing Program. The maximum density shall be identified in the adopting ordinance.
 4. **Minimum Lot Size.** The minimum lot size shall be one (1) acre.

C. Future Land Use Element, Future Land Use Regulation Section

REVISIONS: To add a note to the table to establish an allowable density for the Overlay of one unit per acre. The revisions are shown below with added text underlined and deleted text shown in ~~strikethrough~~.

1. REVISED TABLE III.C, FUTURE LAND USE DESIGNATION BY TIER

Future Land Use	FLU Category	Tier				
		Urban/Sub & Glades USA	Exurban	Rural	Ag Reserve	Glades RSA ¹
Rural Residential	RR-20, RR-10	---	X	X	---	---
	RR-5	---	X	X	---	---
	RR-2.5	---	X	---	---	---
Western Communities Residential	WCR	---	---	X	---	---
Urban Residential	LR, MR, HR	X	---	---	---	---

Text omitted for brevity

5. Within the Rawlings Estates Overlay, the LR-1 future land use designation is allowed for sites that meet Objective 1.4.3 and criteria in Policy 1.4.3-b.

D. Map Series, Special Planning Areas Map LU 3.1, Rawlings Estates Overlay

REVISIONS: To identify the Rawlings Estates Overlay on the Special Planning Areas map.

Exhibit 2

Applicant's Justification for Text Amendment

I. INTRODUCTION

The subject site, known as “Rawlings Estates”, is a 104.09-acre site located in Unincorporated Palm Beach County (“County”). The site is located approximately 1.3 miles west of Seminole Pratt Whitney Rd and 0.33 miles south of W Sycamore Dr., on the west side of 180 Ave N. It is located in the County’s Rural Tier, comprised of two parcels currently designated RR-10 (Rural Residential, 1 unit per 10 acres) on the County’s Future Land Use Atlas (“FLUA”), and zoned AR (Agricultural Residential). **Table 1** below includes site information that corresponds with **Figure 1**.

Table 1-Site Information

Map Key	PCN	Existing FLU	Proposed FLU	Existing Zoning	Proposed Zoning
1	00404315000001220	RR-10 (Rural Residential, 1 unit per 10 acres)	LR-1 (Low Density Residential, 1 unit per acre)	AR (Agricultural Residential)	RT (Residential Transitional)
2	00404315000005030	RR-10 (Rural Residential, 1 unit per 10 acres)	LR-1 (Low Density Residential, 1 unit per acre)	AR (Agricultural Residential)	RT (Residential Transitional)

Figure 1- Site Aerial



II. PROPOSED COMPREHENSIVE PLAN TEXT AMENDMENT

On behalf of the Applicant, WGI, Inc. is requesting a Comprehensive Plan Text Amendment (“Text Amendment”) to create the proposed Rawlings Estates Overlay (“Overlay”). The amendment proposes language that will create the Rawlings Estates Overlay, specifically by allowing the LR-1 FLUA designation within the Rural Tier with a provision requiring a one-acre minimum lot area within the Overlay, among other proposed regulations related to boundaries, approval process, acreage, density, and minimum lot size. A FLUA Amendment and Rezoning Application with a Class A Conditional Use will be submitted at a later date, following initiation of the proposed Text Amendment. The large-scale FLUA request will be to amend the FLUA designation of the subject site from RR-10 to LR-1 (Low Density Residential, 1 unit per acre), the Rezoning request will be to change the zoning from AR (Agricultural Residential) to RT (Residential Transitional) and the Class A Conditional Use request will be for a residential project that exceeds 50 acres that does not meet the access requirements of a PDD (Art. 4.A.9.B & Table 4.A.9.B). This Text Amendment, along with the companion FLUA Amendment and Rezoning will allow for the development of single family homes on the site in a manner consistent with the existing character and development of the surrounding area.

Project History

The subject site is identified by control number 1996-30143. There are no zoning approvals associated with the site. However, there is record of two zoning confirmation requests associated with the site: ZC-1996-00161 and ZC-1996-00143.

III. JUSTIFICATION FOR COMPREHENSIVE PLAN TEXT AMENDMENT

Amending the Comprehensive Plan language to create the Overlay and permit the LR-1 FLUA designation in the Rural tier will allow the currently underutilized site to be a new source of much-needed housing to support a growing population and address the impacts of the housing crisis. The proposed Overlay, FLUA Amendment from RR-10, Rezoning from AR to RT and Class A Conditional Use is consistent with the development pattern in the area. The surrounding residential areas have undergone FLUA Amendments to higher density, from RR-10 to RR-5 and RR-2.5, with the properties designated RR-2.5 actually being between 1.1 and 1.5 acres inclusive of the adjacent roadways and drainage canals. Figure 2 below shows the surrounding areas and their approved amendment to higher density. The subject site is one of the only properties that is still designated as RR-10, with the only exceptions being the Indian Trails Improvement District Facility to the southwest and the private residential lot directly to the south.

Figure 2 – Surrounding FLUA Amendments to Higher Density



Source: Google Earth

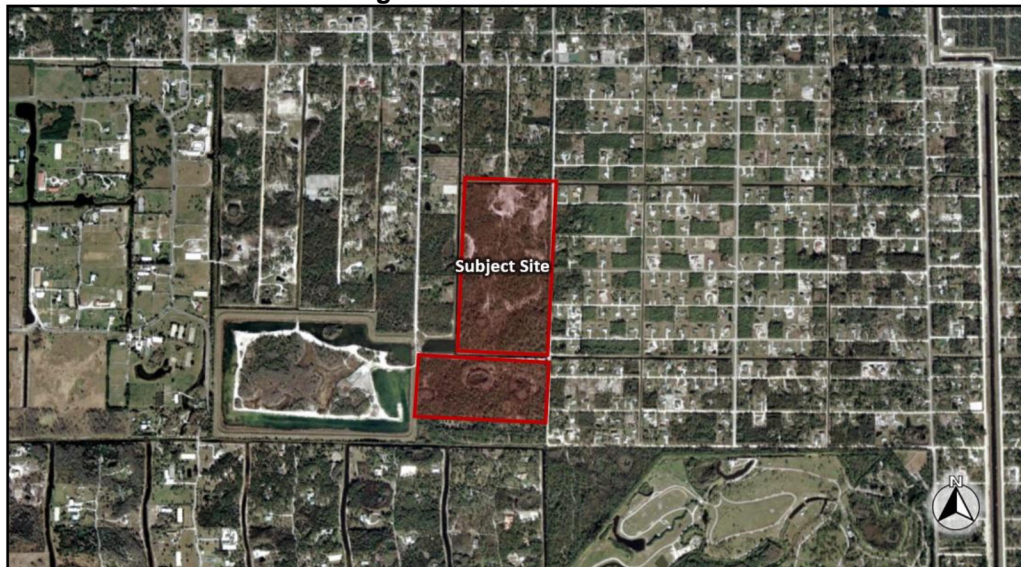
The RR-10 FLUA designation was appropriate when it was established for this area as a whole. However, development patterns show that the area has increased in density over time and the RR-10 FLUA is no longer appropriate or consistent with the surrounding area. The area is still considered low density compared to the rest of Palm Beach County. However, this area has become denser over time, following the FLUA Amendments noted above. Figures 3-5 are aerials that demonstrate the gradual development of the surrounding area and increase in density. Development of the surrounding area started in the early to mid-1990s, as evidenced by Figure 3 below, an aerial photograph taken in 1996 that shows scattered development of one-acre lots to the east of the subject site. Today, these areas are filled with one-acre lots with single family homes. The area to the west and north of the site has experienced a similar pattern as well, but with 5-acre lots.

Figure 3- 1996 Aerial



Source: Google Earth

Figure 4 – 2002 Site Aerial



Source: Google Earth

Figure 5 – 2009 Aerial



Source: Google Earth

As stated previously, the 104.09-acre property is one of the last significant properties in the area to remain vacant and under the RR-10 FLUA Designation. The Text Amendment and FLUA intend to provide a residential use that is consistent with the intent and character of this area of the County, while maintaining surrounding development patterns and providing new housing stock that is compatible with the surrounding uses.

IV. Consistency with the Comprehensive Plan

The proposed Text Amendment and Rawlings Estates Development is consistent with the Goals, Objectives, and Policies of the Comprehensive Plan, as outlined below:

OBJECTIVE 1.4 Rural Tier

General: *“The Rural Tier includes agricultural land and rural settlements that range in density from primarily 1 dwelling unit per 5 acres to 1 dwelling unit per 20 acres, except in special planning areas such as, but not limited to, the Western Communities Residential Overlay (WCRO) and the Trotting Center Overlay. These areas support large agricultural operations as well as single-family homes with small family -owned agricultural businesses, including equestrian related uses. Due to the declining availability of land and the increase in population in the Urban and Exurban Tiers, the Rural Tier is beginning to experience pressure for urban densities and on residential intensities normally associated with a more urban area. The strategies in the Rural Tier are established to protect and enhance rural settlements that support agricultural uses and equestrian uses while also providing an alternative style of development in specific areas that further the goals of the Rural Tier.”*

Response: The Text Amendment proposes to modify Objective 1.4 to include the Rawlings Estates Overlay. The language will be revised to designate the Overlay as a special planning area that will allow for more appropriate density for the subject site (1 DU/acre with one-acre minimum lot area), consistent with the existing development pattern in the immediately surrounding area. As stated in this objective, there is increasing pressure for higher density in the Rural Tier, and there are strategies in place to protect and enhance the Rural Tier. The purpose of the proposed Text Amendment is to create additional housing opportunities in the County to serve the growing population and aid in addressing the ongoing housing crisis, while simultaneously preserving the character of the area by establishing a development pattern of one-acre minimum lot areas in the proposed Overlay, which is consistent with the existing

development pattern to the east of the subject property. The proposed language in the Overlay limits development to minimum one-acre lots which is both consistent with the surrounding development and ensures prevention of higher density development. In addition, the proposed FLUA is LR-1 which theoretically permits up to 104 homes on the site. However, the proposed development will be limited to a maximum of 58 homes, thus decreasing the density even more.

OBJECTIVE 2.1 Balanced Growth: *“It is the GOAL of Palm Beach County to create and maintain livable communities, promote the quality of life, provide for a distribution of land uses of various types, and at a range of densities and intensities, and to balance the physical, social, cultural, environmental and economic needs of the current and projected residents and visitor populations. This shall be accomplished in a manner that protects and improves the quality of the natural and manmade environment, respects and maintains a diversity of lifestyle choices, and provides for the timely, cost-effective provision of public facilities and services.”*

Response: The proposed Rawlings Estates Overlay, associated FLUA Amendment, and ultimate development will further this goal by providing a new residential development that enhances the existing community in the Loxahatchee area and provides a unique housing opportunity for the growing population of the County. The proposed development will be a compatible addition to the existing community, respecting the character of the area while creating new housing supply to help address the growing housing crisis. The proposed development will preserve some of the existing wetlands on the property and create an upland preserve. Further, no extension of water or sewer services to the subject property will be required as the one-acre lots will utilize well and septic systems, similar to all of the surrounding residential properties.

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

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

Response: The purpose of the Rawlings Estates Overlay is to encourage the protection of the rural residential character of the area. Immediately to the east of the proposed overlay is a residential area in Unincorporated Palm Beach County consisting of one-acre lots with single family residences. West and south of the property are lots that average approximately five-acres with single family residences. The existing developed area has a rural character which will be maintained by the Overlay and proposed development. The main purpose of the proposed Overlay is to provide rural residential development on the subject site that is compatible with the existing residential development in the surrounding area. The proposed single-family development will be of similar character, scale, mass, intensity of use, and height of the surrounding development. In addition, some of the existing wetlands on the property will be preserved and an upland preserve will be created. No extension of water or sewer services to the subject property will be required because the one-acre lots will utilize well and septic systems like all of the surrounding residential properties.

Policy 1.4-d: *“Any parcel of land in the Rural Tier shall not be further subdivided to form additional parcels, nor reduced in size, unless each parcel created is consistent with the minimum lot size required by its respective future land use designation or is developed as one of the following:*

1. *Rural Residential (RR) Cluster;*
2. *Variable-Lot-Size development; or*
3. *Planned Unit Development developed under the Western Communities Residential (WCR) Future Land Use Category or within the Trotting Center Overlay.”*

Parcels may be subdivided for the purpose of enlarging other parcels in the subdivision. The overall number of units of the reconfigured lots may not exceed the original number of units calculated for the lots being reconfigured.”

Response: The proposed Text Amendment, FLUA Amendment, and development are compatible with this policy. The two parcels associated with the site will be subdivided into individual lots for single family homes. This is consistent with this policy as each new parcel created will be consistent with the minimum lot size required by its respective FLUA designation. Upon approval of the Text Amendment, the LR-1 FLU will be permitted within the Overlay. Upon approval of the subsequent FLUA Amendment from RR-10 (Rural Residential, 1 unit per 10 acres) to LR-1 (Low Density Residential, 1 unit per acre), and rezoning from AR (Agricultural Residential) to RT (Residential Transitional), the development will be subject to a minimum lot size requirement of 1 acre per the proposed criteria for the Rawlings Estates Overlay.

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

Response: The proposed Text Amendment is consistent with Policy 2.1-a. The proposed residential development under the Rawlings Estates Overlay and LR-1 FLUA designation will not exceed the natural or manmade constraints of the area. While the proposed Overlay and LR-1 FLUA designation would allow for a maximum of 104 dwelling units, the 104.09-acre site has dense vegetation and wetlands. The Applicant has evaluated the site, and developed a plan that allows for development while also preserving existing wetlands and native habitat uplands. As a result of this, the Applicant is proposing a 58-unit single family home development. The proposed development program and intended density ensures the preservation of the natural resources on the site while also providing residential development that is within the existing capacity for public facilities and services.

Policy 2.1-d: *“The future land use designation for individual parcels shall be limited to the designations identified by the applicable Tier in Table III.C. in the FLUA Regulation Section (unless otherwise specified within this Element) and shall be shown on the Official Future Land Use Atlas (FLUA) maintained by the Planning, Zoning and Building Department. The Atlas shall depict future land use designations for all parcels in unincorporated Palm Beach County, including underlying/ alternative land uses, and the boundaries and ordinance numbers of all adopted FLUA amendments.”*

Response: The proposed Text Amendment includes a modification to Table III.C in the FLUA Regulation Section of the Comprehensive Plan. The proposed amendment is to add an additional note including the Rawlings Estates Overlay. The note reads: *“5. Within the Rawlings Estates Overlay, the LR-1 future land use designation is allowed for sites that meet Objective 1.4.3 and criteria in Policy 1.4.3-b.”* The purpose of this note is to allow for the LR-1 FLU in the

Rawlings Estates overlay. Upon approval of the Text Amendment, the proposed Rawlings Estates Overlay will be compliant with *Table III.C Future Land Use Designation by Tier*.

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

Response: The proposed Text Amendment and FLUA Amendment intend to accommodate the future population of the County by creating additional housing opportunities on an underutilized site that is surrounded by existing housing of a similar density. These housing opportunities will add to the community and character of the area by providing additional one-acre lots at a low density, consistent with the surrounding homes.

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

Response: The proposed Text Amendment and companion FLUA Amendment do not encourage piecemeal development. The proposed overlay and development will provide for the cohesive infill development of an existing underutilized site. The surrounding development is primarily residential. Therefore, incorporating additional housing should not be considered piecemeal development.

V. **G.5 COMPLIANCE WITH FLORIDA STATUTES CHAPTER 163.3177**

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

The data and analysis presented herein support the request for the proposed Comprehensive Plan Text Amendment and demonstrate consistency with the Florida Statutes.

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

If granted, the proposed Comprehensive Plan Text Amendment would create an additional opportunity for a much-needed residential development within the Rural Tier for the subject site. The proposed Text Amendment maximizes an underutilized piece of land by offering additional and diversified housing choices to the existing and projected Palm Beach County population.

VI. **CONCLUSION**

On behalf of the Applicant, WGI, Inc requests approval of the proposed Comprehensive Plan Text Amendment to create the Rawlings Estates Overlay.

Exhibit 3

Applicant's Disclosure of Ownership Interests

PALM BEACH COUNTY - ZONING DIVISION

FORM # 8

DISCLOSURE OF OWNERSHIP INTERESTS – APPLICANT

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

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

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

Manager of Wynwood Equity Partners, LLC, the manager of: Moody Capital Partners, the manager of: Rawlings Estates, LLC

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

2. Affiant's address is: 92 SW 3RD ST 5211
MIAMI, FL 33130

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

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

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

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

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



Yoni Bornstein, Affiant
(Print Affiant Name)


NOTARY PUBLIC INFORMATION:

**STATE OF FLORIDA
COUNTY OF PALM BEACH**

The foregoing instrument was acknowledged before me by means of physical presence or
[] online notarization, this 1 day of February, 2024 by
Yoni Bornstein (name of person acknowledging). He/she is personally
known to me or has produced _____ (type of identification) as
identification and did/did not take an oath (circle correct response).

Alexis Read

(Name - type, stamp or print clearly)



(Signature)

My Commission Expires on: _____

NOTARY'S SEAL OR STAMP

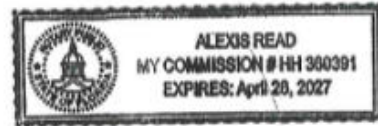


EXHIBIT "A"**PROPERTY****PARCEL 1:**

THAT PART OF SECTION 15, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA (EXCLUDING A 60 FOOT CANAL RIGHT-OF-WAY), DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 15, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, RUN NORTH 89°57'05" WEST, 1820.24 FEET ALONG THE SOUTH LINE OF SAID SECTION 15 TO A POINT; THENCE RUN NORTH 364.98 FEET TO THE POINT OF BEGINNING, FROM THE POINT OF BEGINNING, CONTINUE NORTH 837.42 FEET TO A POINT; THENCE RUN SOUTH 89°57'05" EAST, 537.21 FEET TO A POINT; THENCE RUN NORTH 2437.15 FEET TO A POINT; THENCE RUN NORTH 89°04'30" EAST, 1283.20 FEET TO A POINT ON THE EAST LINE OF SECTION 15; THENCE RUN SOUTH ALONG SAID EAST LINE OF SECTION 15, 3296.37 FEET TO A POINT; THENCE RUN NORTH 89°57'05" WEST, 1820.24 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THAT PART THEREOF LYING NORTH OF A STRIP OF LAND 60 FEET IN WIDTH THE CENTERLINE OF WHICH COMMENCES ON THE EAST LINE OF SECTION 15, 1232.4 FEET NORTH OF THE SOUTHEAST CORNER OF SAID SECTION; THENCE RUN WESTERLY, NORTH 89°57'05" WEST PARALLEL TO THE SOUTH LINE OF SECTION 15, A DISTANCE OF 1283.03 FEET TO THE POINT OF TERMINATION.

FURTHER LESS AND EXCEPT FROM THE ABOVE DESCRIBED PARCEL THAT PORTION CONVEYED TO INDIAN TRAIL IMPROVEMENT DISTRICT, AS DESCRIBED IN SPECIAL WARRANTY DEED RECORDED AUGUST 5, 2016 IN OFFICIAL RECORDS BOOK 28486, PAGE 674, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 33.751 ACRES, MORE OR LESS.

PARCEL 2:

THAT PART OF SECTION 15, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA (EXCLUDING A 60 FOOT CANAL RIGHT-OF-WAY), DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 15, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, RUN NORTH 89°57'05" WEST, 1820.24 FEET ALONG THE SOUTH LINE OF SAID SECTION 15 TO A POINT; THENCE RUN NORTH 364.98 FEET TO THE POINT OF BEGINNING, FROM THE POINT OF BEGINNING CONTINUE NORTH 837.42 FEET TO A POINT; THENCE RUN SOUTH 89°57'05" EAST, 537.21 FEET TO A POINT; THENCE RUN NORTH 2437.15 FEET TO A POINT; THENCE RUN NORTH 89°04'30" EAST, 1283.20 FEET TO A POINT ON THE EAST LINE OF SECTION 15; THENCE RUN SOUTH ALONG SAID EAST LINE OF SECTION 15, 3296.37 FEET TO A POINT; THENCE RUN NORTH 89°57'05" WEST, 1820.24 FEET TO THE POINT OF BEGINNING;

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CONTAINING 70.334 ACRES, MORE OR LESS.

THE COMBINED TOTAL AREA OF PARCELS 1 AND 2, IS 104.086 ACRES, MORE OR LESS.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

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

Name	Address
Eran Sharon (50%),	501 E. Las Olas Blvd., Suite 200, Ft. Lauderdale, FL 33301
Yoni Bornstein (50%),	92 SW 3rd Street, Apt 5211, Miami, FL 33130
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

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

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

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

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

2. Affiant's address is: 1 Eden Parkway
La Grange, KY 40031

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

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

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

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

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

FURTHER AFFIANT SAYETH NAUGHT.

Beverly Rawlings
Beverly Rawlings, Affiant

(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF ~~FLORIDA~~ KENTUCKY
COUNTY OF ~~PALM BEACH~~ OLOHAMA

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization, this 29 day of JANUARY, 2024 by Beverly Rawlings (name of person acknowledging). He/she is personally known to me or has produced _____ (type of identification) as identification and did/did not take an oath (circle correct response).

LARA M HUFF
(Name - type, stamp or print clearly)

Lara M Huff
(Signature)

My Commission Expires on: 12/08/2027



EXHIBIT "A"

PROPERTY

PARCEL 1:

THAT PART OF SECTION 15, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA (EXCLUDING A 60 FOOT CANAL RIGHT-OF-WAY), DESCRIBED AS FOLLOWS:

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Name

Address

Beverly Rawlings; 1 Eden Parkway, La Grange, KY 40031

Exhibit 4
Correspondence
