



**CITY OF BOYNTON BEACH
PLANNING AND DEVELOPMENT BOARD
MEETING AGENDA**

DATE: Monday, December 9, 2019

TIME: 6:30 PM

PLACE: Intracoastal Park Clubhouse 2240 N. Federal Highway

- 1. Pledge of Allegiance**
- 2. Roll Call**
- 3. Agenda Approval**
- 4. Approval of Minutes**
 - 4.A. Approval of 09-24-19 minutes
- 5. Communications and Announcements: Report from Staff**
- 6. Old Business**
- 7. New Business**
 - 7.A. Approve request for Boynton Beach Mall Rezoning from C-3, Community Commercial, to SMU, Suburban Mixed Use. Applicant: Bonnie Miskel, Esq., of Dunay, Miskel and Bachman, LLP
 - 7.B. Approval of the Master Plan Modification (MPMD 19-004) for the Boynton Beach Mall allowing for the phased conversion to a mixed use or life style center with the reconfiguration of retail space, and the addition of residential, hotel and office uses to the existing movie theater, fitness center and church uses.
 - 7.C. Approve revisions to the Workforce Housing Program (CDRV 19-008) - Amending the LAND DEVELOPMENT REGULATIONS, Chapter 1. General Administration, Article II. Definitions, and Article V. Housing Initiatives, Section 2. Workforce Housing Program. Applicant: City-initiated.
- 8. Other**
- 9. Comments by members**
- 10. Adjournment**

The Board may only conduct public business after a quorum has been established. If no quorum is established within twenty minutes of the noticed start time of the meeting the City Clerk or her designee will so note the failure to establish a quorum and the meeting shall be concluded. Board members may not participate further even when purportedly acting in an informal capacity.

NOTICE

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION OF THE PLANNING AND

DEVELOPMENT BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. (F. S. 286.0105) THE CITY SHALL FURNISH APPROPRIATE AUXILIARY AIDS AND SERVICES WHERE NECESSARY TO AFFORD AN INDIVIDUAL WITH A DISABILITY AN EQUAL OPPORTUNITY TO PARTICIPATE IN AND ENJOY THE BENEFITS OF A SERVICE, PROGRAM, OR ACTIVITY CONDUCTED BY THE CITY. PLEASE CONTACT THE CITY CLERK'S OFFICE, (561) 742-6060 AT LEAST TWENTY (24) HOURS PRIOR TO THE PROGRAM OR ACTIVITY IN ORDER FOR THE CITY TO REASONABLY ACCOMMODATE YOUR REQUEST.



CITY OF BOYNTON BEACH AGENDA ITEM REQUEST FORM

PLANNING AND DEVELOPMENT MEETING DATE: 12/9/2019

REQUESTED ACTION BY PLANNING AND DEVELOPMENT BOARD: Approval of 09-24-19 minutes

EXPLANATION OF REQUEST:

HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?

FISCAL IMPACT:

ALTERNATIVES:

STRATEGIC PLAN:

STRATEGIC PLAN APPLICATION:

CLIMATE ACTION:

CLIMATE ACTION DISCUSSION:

Is this a grant?

Grant Amount:

ATTACHMENTS:

Type	Description
<input type="checkbox"/> Minutes	09-24-19 Minutes



MINUTES
PLANNING AND DEVELOPMENT BOARD
COMMISSION CHAMBERS, CITY HALL
INTRACOASTAL PARK CLUBHOUSE, BOYNTON BEACH, FLORIDA
MONDAY, SEPTEMBER 24, 2019, 6:30 P.M.

PRESENT:

David Katz, Chair
Trevor Rosecrans, Vice Chair
Butch Buoni
Malcolm Gropper [arrived late]
Will Hatcher
Chris Simon
Floyd Zonenstein
Tim Litsch, Alternate

STAFF:

Ed Breese, Principal & Zoning Administrator
James Cherof, City Attorney
Hanna Matras, Planner
Lisa Tayar, Prototype, Inc.

ABSENT:

Golene Gordon, Alternate

Chair Katz called the meeting to order at 6:33 p.m.

1. Pledge of Allegiance

2. Roll Call

Roll was called, and it was determined a quorum was present.

3. Agenda Approval

Upon motion duly made and seconded, the agenda was approved.

4. Approval of Minutes – August 27, 2019

Chair Katz noted that Board Member Chris Simon was marked as absent, minutes should reflect that he was present.

Motion was made by Mr. Rosecrans and seconded by Mr. Zonenstein to accept the August 27, 2019, minutes as amended. In a voice vote, the motion passed unanimously (7-0).

5. Communications and Announcements: Report from Staff

Mr. Breese gave an update on the items from the last meeting: City Commission approved on first hearing NE 3rd Street Abandonment; the MLK overlay amendments; and the site plan review modifications. These will move on to the next Commission meeting for second reading. A reminder was given for the Planning Officials Workshop registration (deadline September 25).

Chair Katz asked about the status of the Mobil gas station near Hypoluxo and Congress; Mr. Breese said it is in for permits which have not yet been issued.

[Mr. Gropper arrived; Mr. Litsch stands down as alternate.]

6. Old Business – None

7. New Business

- 7.A. Approve request for New Site Plan (NWSP 19-002) to construct a one (1) story, 1,989 square foot professional office building and related site improvements on a 12,822 square foot vacant lot located at the northwest corner of NW 7th Court and Boynton Beach Boulevard. Applicant: Joni Brinkman of Urban Design Kilday Studios.

Joni Brinkman, Urban Design Kilday Studios, gave a PowerPoint presentation for the proposed one-story office building. Building is positioned is situated on southern portion of the lot, at the corner, and meets all the setbacks. Site plan (attached) was described. Entryways are off Boynton Beach and NW 7th Court, with main access off NW 7th. As a professional office building, seven parking spaces are provided, including a handicap space. While too small a property to require certain sustainability features, this design includes one electrical vehicle charging station. Because of its size, this property does not have a dumpster, but rather totes as are used on similar property across the street. Only change on the site plan as a condition of approval will be the construction of a bus shelter (7'x11'); final site plan will be provided after Commission approval. Also for sustainability features are butterfly plants and white reflective paint on flat roof. The color palette is a gray tone with accent blue grays. Elevations were shown, including compliance with signage limitations, with the condition that the sign on the north side will not be illuminated so as not to impact the residential areas.

Chair Katz opened the floor to public comment:

- o **Susan Oyer, 140 SE 27th Way**, had one comment which was to suggest some additional butterfly plants or alternates to attract certain endangered species.

Chair Katz closed the floor to public comment.

Mr. Simon was curious regarding the bus shelter, was it dictated by the County? Ms. Brinkman said it was a suggestion by City Staff and they worked with Palm Tran as to the size of the easement and traffic impact (there is currently a stop there, with a bench). Mr. Simon also asked about the tenants; as stated in opening comments, Ms. Brinkman said the developer will have offices there.

Chair Katz wondered when the groundbreaking will be as the lot is periodically used under the “curb stoning” ordinance, and asked that appropriate signage be put up when development is about to begin. Also, in regards to the private home on the north side of the site plan, will a wall be put in? Ms. Brinkman said a 12-foot buffer is required by code; the 6-foot wall will be in the middle of the buffer with landscaping on both sides. Chair Katz wants to see landscaping buffer across

entire wall as a condition of approval. Mr. Simon added that along the north buffer, increase the density and reduce the spacing between the trees, and increase quantity of trees to add to buffer.

Motion made by Mr. Gropper, seconded by Mr. Zonenstein, to approve request for New Site Plan (NWSP 19-002) to construct a one (1) story, 1,989 square foot professional office building and related site improvements on a 12,822 square foot vacant lot located at the northwest corner of NW 7th Court and Boynton Beach Boulevard, with additional condition of approval related to the landscaping as suggested by the Chair. In a voice vote, the motion passed unanimously (7-0).

- 7.B. Approve BIRD Property Future Land Use Map amendment (LUAR 19-004) from the Palm Beach County's Industrial (IND) classification to the City's Industrial (I) classification. City-initiated.

Approve BIRD Property Rezoning (LUAR 19-004) from the Palm Beach County's Light Industrial (IL) zoning district to the City's M-1 Light Industrial zoning district. City-initiated.

Ms. Matras noted these are long-overdue housekeeping items and described them on PowerPoint slides. The property was annexed in 2010 as two parcels, one as the property now being considered as well as a small school parcel. The school requested annexation and the interlocal agreement was pursued for said annexation. The 1.89 acres was too small for houses and is currently used for outdoor storage. The City was not required to do land use amendments at that time due to interpretation of State statute; property owner argued connection to the sewer was an undue burden; interpretation of State statute changed, no longer requiring connection to City sewer. At the time of annexation, the property was recommended as light industrial which would not change the land use zoning between County and City. This is consistent with City's position that the City should retain/increase the amount of industrial acreage.

Chair Katz opened the floor to public comment:

- **Robin Bird, 125 NW 31st Terrace**, is the property owner. He described the small, family-owned business building as containing 146 storage bays, with 153 stored vehicles; 165 of the customers are Boynton Beach residents. Mr. Bird is satisfied with the amendment as described.

Chair Katz closed the floor to public comment.

Motion made by Mr. Buoni, seconded by Mr. Zonenstein, to approve BIRD Property Future Land Use Map amendment (LUAR 19-004) from the Palm Beach County's Industrial (IND) classification to the City's Industrial (I) classification. In a voice vote, the motion passed unanimously (7-0).

Motion made by Mr. Buoni, seconded by Mr. Zonenstein, to approve BIRD Property Rezoning (LUAR 19-004) from the Palm Beach County's Light Industrial (IL) zoning district to the City's M-1 Light Industrial zoning district, with conditions of approval. In a voice vote, the motion passed unanimously (7-0).

8. Other – None

9. Comments by Members – None

10. Adjournment

Motion to adjourn was duly made and seconded. The meeting was adjourned at 6:59 p.m.

Attachments: PowerPoint presentation NW 7th Court Site Plan
PowerPoint presentation on BIRD Property Rezoning

[Minutes prepared by M. Moore, Prototype, Inc.]



CITY OF BOYNTON BEACH AGENDA ITEM REQUEST FORM

PLANNING AND DEVELOPMENT MEETING DATE: 12/9/2019

REQUESTED ACTION BY PLANNING AND DEVELOPMENT BOARD: Approve request for Boynton Beach Mall Rezoning from C-3, Community Commercial, to SMU, Suburban Mixed Use. Applicant: Bonnie Miskel, Esq., of Dunay, Miskel and Bachman, LLP

EXPLANATION OF REQUEST:

The Boynton Beach Mall (the Mall) encompasses approximately 108 acres and currently has six owners. The four parcels that constitute the largest part of the area are owned by Washington Prime Group (Boynton Beach Mall LLC). Other property owners include Macy's Florida Stores, Regional Enterprises, Dillard's, Istar Florida 2015 Cinemas and Christ Fellowship Church.

The Mall's main, single-story structure houses the anchor retail tenants of Macy's, Dillards and JCPenney as well as the Christ Fellowship Church. The other two buildings are the Cinemark Boynton Beach movie theater and Texas Roadhouse restaurant.

The Boynton Beach Mall was built as a Development of Regional Impact (DRI) pursuant to the provisions of Chapter 380.06 of the Florida Statutes. The Development Order for the DRI expired in 2012, but the Mall retained the DRI future land use category until April 16, 2019 adoption of the FLUM amendment that changed the classification from DRI to Mixed Use Low (MXL). In a follow-up to this city-initiated action, the applicant submitted a request for rezoning of the mall from the current C-3 Community Commercial district to a SMU, Suburban Mixed Use district. It should be noted that the SMU is the only district corresponding to the MXL future land use classification for properties located west of Interstate 95, and hence the only option for the MXL-designated Mall.

The Pine Preserve, a part of the Boynton Beach Mall LLC property located in the northwest area of the site, is not included in the rezoning. The preserve retained its Recreational (R) FLU category, and thus will also retain its recreational (REC) zoning. It is, however, a part of the Master Plan for the Mall, submitted concurrently with the rezoning application.

HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES? No significant impact on either programs or services

FISCAL IMPACT:

None at this time, but the future redevelopment of the Mall will contribute to the City's tax base.

ALTERNATIVES: None recommended

STRATEGIC PLAN:

STRATEGIC PLAN APPLICATION:

The subject item is located within an area subject to a planning study identified to be completed under Strategic Plan Project 2.6.1. Subject application represents a key component within the future Congress Avenue Corridor (Mall) District.

CLIMATE ACTION: No

CLIMATE ACTION DISCUSSION: N/A

Is this a grant?

Grant Amount:

ATTACHMENTS:

Type	Description
<input type="checkbox"/> Staff Report	Staff report
<input type="checkbox"/> Location Map	EXHIBIT A1. BB MALL Ownership
<input type="checkbox"/> Location Map	EXHIBIT A2. BB MALL Aerial
<input type="checkbox"/> Location Map	EXHIBIT B. BB MALL Current FLU
<input type="checkbox"/> Location Map	EXHIBIT C. BB MALL Current Zoning
<input type="checkbox"/> Location Map	EXHIBIT D. BB MALL Proposed Zoning

**DEVELOPMENT DEPARTMENT
PLANNING AND ZONING DIVISION
MEMORANDUM NO. PZ 19-030**

STAFF REPORT

TO: Chair and Members
Planning and Development Board

THRU: Ed Breese
Planning and Zoning Administrator

FROM: Hanna Matras, Senior Planner

DATE: November 25, 2019

PROJECT: Boynton Beach Mall Rezoning (REZN 19-001)

REQUEST: Approve Boynton Beach Mall Rezoning from C-3, Community Commercial, to SMU, Suburban Mixed Use.

PROJECT DESCRIPTION

Property Owners: Boynton Beach Mall, LLC (owned by Washington Prime Group, LLC)—four (4) parcels; remaining parcels owned by Macy's Florida Stores, LLC; Regional Enterprises, LLC; Dillard's, Inc.; Istar Florida 2015 Cinemas, LLC; and Christ Fellowship Church, Inc. (**Exhibit "A1"**)

Applicant: Bonnie Miskel, Esq. / Matthew Scott, Esq. / Beth Schrantz, Land Planner, of Dunay, Miskel and Bachman, LLP

Location: Area bounded by Boynton Canal on the north, Old Boynton Road on the south, developed commercial properties/Congress Avenue on the east, LWDD L-23 Canal on the northwest and Javert Street on the southwest (**Exhibit "A2"**)

Future Land Use Mixed Use Low (MXL) (**Exhibit "B"**)

Current Zoning: C-3, Community Commercial (**Exhibit "C"**)

Proposed Zoning SMU, Suburban Mixed Use (**Exhibit "D"**)

Acreage: +/- 108.30 acres

Adjacent Uses:

- North: Right-of-way for Boynton Canal; farther to the northwest, a mobile home community Sand and Sea Village in the unincorporated Palm Beach County, classified HR-8 High Residential and zoned RS, Residential Single Family; to the northeast, Savannah Lakes Apartments, classified Medium Density Residential (MeDR) and zoned PUD, Planned Unit Development, and farther east, Courtyard By Marriott Boynton Beach Hotel, classified Local Retail Commercial (LRC) and zoned C-3, Community Commercial;
- South: Right-of-way for Old Boynton Road, and farther south, Walmart and other developed commercial properties, classified Local Retail Commercial (LRC) and Office Commercial (OC) and zoned C-3, Community Commercial and C-1, Office Commercial;
- East: Developed commercial office and retail properties, then right-of-way for Congress Avenue; farther east-northeast, developed commercial outparcels of the the mixed use development of Boynton Village, classified Mixed Use Low (MXL) and zoned SMU, Suburban Mixed Use; to the southeast, commercial development of Town Center, classified Local Retail Commercial (LRC) and zoned C-3, Community Commercial; and
- West: To the southwest, right-of-way for Javert Street; farther west, developed single-family home subdivision of West Boynton in the unincorporated county, classified Medium Residential (MR) and zoned RS, Residential Single Family; to the northwest, LWDD L-23 Canal and then a pine preserve area, classified Recreational (R) and zoned REC, Recreation.

THE SITE

The Boynton Beach Mall (the Mall) encompasses approximately 108 acres and currently has six owners. The four parcels that constitute the largest part of the area are owned by Washington Prime Group (Boynton Beach Mall LLC). Other property owners include Macy's Florida Stores, Regional Enterprises, Dillard's, Istar Florida 2015 Cinemas and Christ Fellowship Church.

The Mall's main, single-story structure houses the anchor retail tenants of Macy's, Dillards and JCPenney as well as the Christ Fellowship Church. The other two buildings are the Cinemark Boynton Beach movie theater and Texas Roadhouse restaurant.

The mall currently includes 1,074,939 sq. ft. GLA (gross leasable area) of retail and 79,500 sq.ft. GFA (gross floor area) of theater, for a total of 1,154,439 sq.ft..

BACKGROUND AND REQUEST

The Boynton Beach Mall was built as a Development of Regional Impact (DRI) pursuant to the provisions of Chapter 380.06 of the Florida Statutes. The Development Order for the DRI expired in 2012, but the Mall retained the DRI future land use category until April 16, 2019 adoption of the city-initiated FLUM amendment that changed the classification from DRI to Mixed Use Low (MXL). The action—undertaken in preparation for redevelopment of the Mall— did not include rezoning, expected to be applied for by a developer at a later date, concurrently with a master plan for the entire site. The pine preserve, a part of the Boynton Beach Mall LLC property located in the northwest area of the site, was not included in the subject amendment. The preserve retained its Recreational (R) FLU category, and thus will also retain its recreational zoning (REC).

The applicant submitted a request for rezoning from the current C-3 Community Commercial district to a SMU, Suburban Mixed Use district, and a five-phase Master Plan, which will guide redevelopment of the Mall. The Master Plan proposes a mix of uses including:

- A maximum of 1,420 multi-family residential dwelling units;
- A maximum of 400 hotel rooms;
- Approximately 1,024,000 square feet of non-residential uses, comprising roughly:
 - 629,000 square feet of shopping center uses,
 - 123,000 square feet of existing Church use,
 - 20,000 square feet of fitness center use,
 - 10,000 square feet of restaurant use,
 - 65,000 square feet of general office,
 - 65,000 square feet of medical office,
 - 80,000 square foot existing theatre with 3,650 seats, and
 - 23.3 acres of Open Space

Note that the Master Plan does include the approximately 7.4 acre Pine Preserve, although the latter is not a subject of rezoning. For more information on the Master Plan, see the corresponding staff report.

REVIEW BASED ON CRITERIA

The following analysis addresses all the criteria for review of Comprehensive Plan Map amendments and rezonings listed in the Land Development Regulations, Chapter 2, Article II, Section 2.B.3 and Section 2.D.3.

It should be noted that the requested zoning district of SMU is the only district corresponding to the MXL future land use classification for properties located west of Interstate 95, and hence the only option for the MXL-designated Mall. For that reason, the responses to the criteria below will parallel—when appropriate— those provided for the review of the earlier future land use amendment for the site.

- a. Demonstration of Need.** *A demonstration of need may be based upon changing conditions that represent a demand for the proposed land use classification and zoning district. Appropriate data and analysis that adequately substantiates the need for the proposed land use amendment and rezoning must be provided within the application.*

Criterion as intended is not applicable. The current C-3 zoning of the Mall is inconsistent with its new MXL future land use designation. As stated above, the SMU is the only zoning option for the MXL-classified site.

- b. Consistency.** *Whether the proposed Future Land Use Map amendment (FLUM) and rezoning would be consistent with the purpose and intent of, and promote, the applicable Comprehensive Plan policies, Redevelopment Plans, and Land Development Regulations.*

Consistency with the Comprehensive Plan was addressed in the staff's review of the future land use amendment to the MXL classification. To reiterate, the MXL classification and thus the proposed rezoning of the site to SMU, its only corresponding zoning district, is consistent with the intent of several Comprehensive Plan Future Land Use Element policies, including:

Policy 1.3.1d Mixed Use category shall provide for the vertical or horizontal mixing of land uses within a single site in order to allow development and redevelopment in specific geographic areas of the City that take maximum advantage of existing utility systems and services; and promote compact development, safe and pedestrian-friendly streets, and provide transportation choices.

Policy 1.8.2 The City shall discourage urban sprawl by;

- A. Continuing to promote compact developments within the City's utility service areas, while requiring the maximization of all public services for each development in the most cost effective manner possible; and*
- B. Requiring, in all future development and redevelopment in the City, land use patterns that are non-strip in nature and demonstrate the ability to attract and encourage a functional mix of uses.*

For the analysis of the consistency of the Master Plan with the LDRs, see the corresponding staff report.

- c. Land Use Pattern.** *Whether the proposed Future Land Use Map amendment (FLUM) and rezoning would be contrary to the established land use pattern, or would create an isolated zoning district or an isolated land use classification unrelated to adjacent*

and nearby classifications, or would constitute a grant of special privilege to an individual property owner as contrasted with the protection of the public welfare. This factor is not intended to exclude FLUM reclassifications and rezonings that would result in more desirable and sustainable growth for the community.

As argued in staff's review for the FLUM amendment, the now approved MXL future land use is not contrary to the established land use pattern, nor did it create an isolated FLU classification. The land use pattern in adjacent and nearby areas is eclectic: it incorporates commercial uses of small and large retail (including Walmart), offices, a hotel (Courtyard by Marriott), as well as residential uses consisting of single-family, multi-family and mobile homes. Given that the subject site contains about 108 acres, the MXL and the proposed SMU zoning district can hardly be considered "isolated"; moreover, the MXL and SMU designations extend over an 80 acre area of Boynton Village community on the east side of North Congress Avenue. Finally, the MXL and its attendant SMU district will very likely be recommended for other areas of the Congress Avenue Corridor District—for example, MXL will eventually replace the DRI classification of Renaissance Commons, which already carries SMU zoning.

- d. Sustainability.** *Whether the proposed Future Land Use Map amendment (FLUM) and rezoning would support the integration of a mix of land uses consistent with the Smart Growth or sustainability initiatives, with an emphasis on 1) complementary land uses; 2) access to alternative modes of transportation; and 3) interconnectivity within the project and between adjacent properties.*

The proposed SMU zoning district is intended to support a large mixed use project with uses complementary to those within the project as well as those in the surrounding areas. Interconnectivity is one of the top project design requirements. Visitors and residents will have access to PalmTran bus service along Congress Avenue.

For more information of the sustainability features proposed for the Master Plan, see the corresponding staff report.

- e. Availability of Public Services / Infrastructure.** *All requests for Future Land Use Map amendments shall be reviewed for long-term capacity availability at the maximum intensity permitted under the requested land use classification.*

Water and Sewer. Long-term capacity availability for potable water and sewer for the subject request has been confirmed by the Utilities Department (see attached letter).

Solid Waste. The Palm Beach County Solid Waste Authority determined that sufficient disposal capacity will be available at the existing landfill through approximately the year 2046.

Drainage. Drainage will be reviewed in detail as part of site plans, land development, and building permit review processes.

Traffic. The traffic study has been submitted to the Palm Beach County Traffic Division. As underlined in the staff report for the Mall's FLUM amendment, the traffic impacts associated with the redevelopment of the property are not expected to exceed the 3,306 PM Peak Hour trip cap established in the Boynton Beach Mall DRI Development Order for the approved 1,244,449 Sq. ft. Gross Leasable Area (GLA). Traffic generation associated with the uses proposed by the Master Plan was subject to the equivalency analysis.

Schools. The School Capacity Availability Determination application has been submitted.

*f. **Compatibility.** The application shall consider the following factors to determine compatibility:*

(1) Whether the proposed Future Land Use Map amendment (FLUM) and rezoning would be compatible with the current and future use of adjacent and nearby properties, or would negatively affect the property values of adjacent and nearby properties; and

(2) Whether the proposed Future Land Use Map amendment (FLUM) and rezoning is of a scale, which is reasonably related to the needs of the neighborhood and the City as a whole.

The response to criterion "f" parallels the response provided in review for the FLUM amendment: the proposed rezoning would be compatible with the current and future use of adjacent and nearby properties. See response to criterion "c."

The redevelopment of the Mall will have a positive effect on property values of surrounding properties. (The incoming site plans will implement the Master Plan's measures aimed at mitigating potential negative impacts of the development on the single-family neighborhood to the west of the site.) While expanding the "Urban Village" model with its emphasis on walkability and public spaces from the east side of Congress Avenue to the west side, the proposed amendment will assure that the Congress Avenue Corridor continues to grow and thrive as the City's main commercial hub. It would benefit both the neighborhood and the City as a whole.

*g. **Direct Economic Development Benefits.** For rezoning/ FLUM amendments involving rezoning to a planned zoning district, the review shall consider the economic benefits of the proposed amendment, specifically, whether the proposal would:*

- (1) Further implementation of the Economic Development (ED) Program;*
- (2) Contribute to the enhancement and diversification of the City's tax base;*
- (3) Respond to the current market demand or community needs or provide services or retail choices not locally available;*
- (4) Create new employment opportunities for the residents, with pay at or above the county average hourly wage;*

- (5) Represent innovative methods/technologies, especially those promoting sustainability;*
- (6) Be complementary to existing uses, thus fostering synergy effects; and*
- (7) Alleviate blight/economic obsolescence of the subject area.*

As affirmed in the staff's review of the FLUM amendment, redevelopment of the Boynton Beach Mall is supported by the City's *Strategic Plan 2018-2022* and the *2016-2021 Economic Development Strategic Plan* and therefore the requested rezoning meets criterion "g(1)". The ensuing project has also a potential to:

- Enhance the City's tax base, reversing the downslide of the Mall's "legacy" properties' taxable value. (Between 2016 and 2017, the value of properties owned by Boynton Beach Mall LLC declined from \$46,339,832 to \$33,517,168.)
- Replace the economically obsolete shopping center—enclosed mall—with a mixed use project driven by market demand and promoting sustainability through design attributes pertaining to energy saving, public realm development, alternative transportation etc. (criteria "g3", "g5", and "g7");
- Create/strengthen synergy of land uses on-site and within the Congress Avenue Corridor area as a whole (criterion "g6").
- Contribute to the net job growth and/or replace some lost low-wage retail positions with better employment opportunities (criterion "g4") if uses such as professional offices are eventually included.

h. Commercial and Industrial Land Supply. *The review shall consider whether the proposed rezoning/FLUM amendment would reduce the amount of land available for commercial/industrial development. If such determination is made, the approval can be recommended under the following conditions:*

- (1) The size, shape, and/or location of the property makes it unsuitable for commercial/industrial development; or*
- (2) The proposed rezoning/FLUM amendment provides substantiated evidence of satisfying at least four of the Direct Economic Development Benefits listed in subparagraph "g" above; and*
- (3) The proposed rezoning/FLUM amendment would result in comparable or higher employment numbers, building size and valuation than the potential of existing land use designation and/or rezoning.*

The FLUM amendment and the proposed rezoning of the Mall can potentially reduce the amount of land available for commercial development since the MXL and SMU encourage a mix of residential and commercial uses. Inclusion of residential uses supports the "live,

work and play” motto embodying the lifestyle of the “Urban Village.”

As noted above in response to criterion “g”, the amendment has a potential to deliver all listed benefits, meeting condition “h(2).”

- i. **Alternative Sites.** Whether there are adequate sites elsewhere in the City for the proposed use in zoning districts where such use is already allowed.*

Not applicable: the proposed rezoning follows the approved FLUM amendment.

Master Plan and Site Plan Compliance with Land Development Regulations.
When master plan and site plan review are required pursuant to Section 2.D.1.e above, both shall comply with the requirements of the respective zoning district regulations of Chapter 3, Article III and the site development standards of Chapter 4.

For the analysis of the Master Plan compliance with LDRs, see the corresponding staff report (MPMD 19-004).

CONCLUSION/RECOMMENDATION

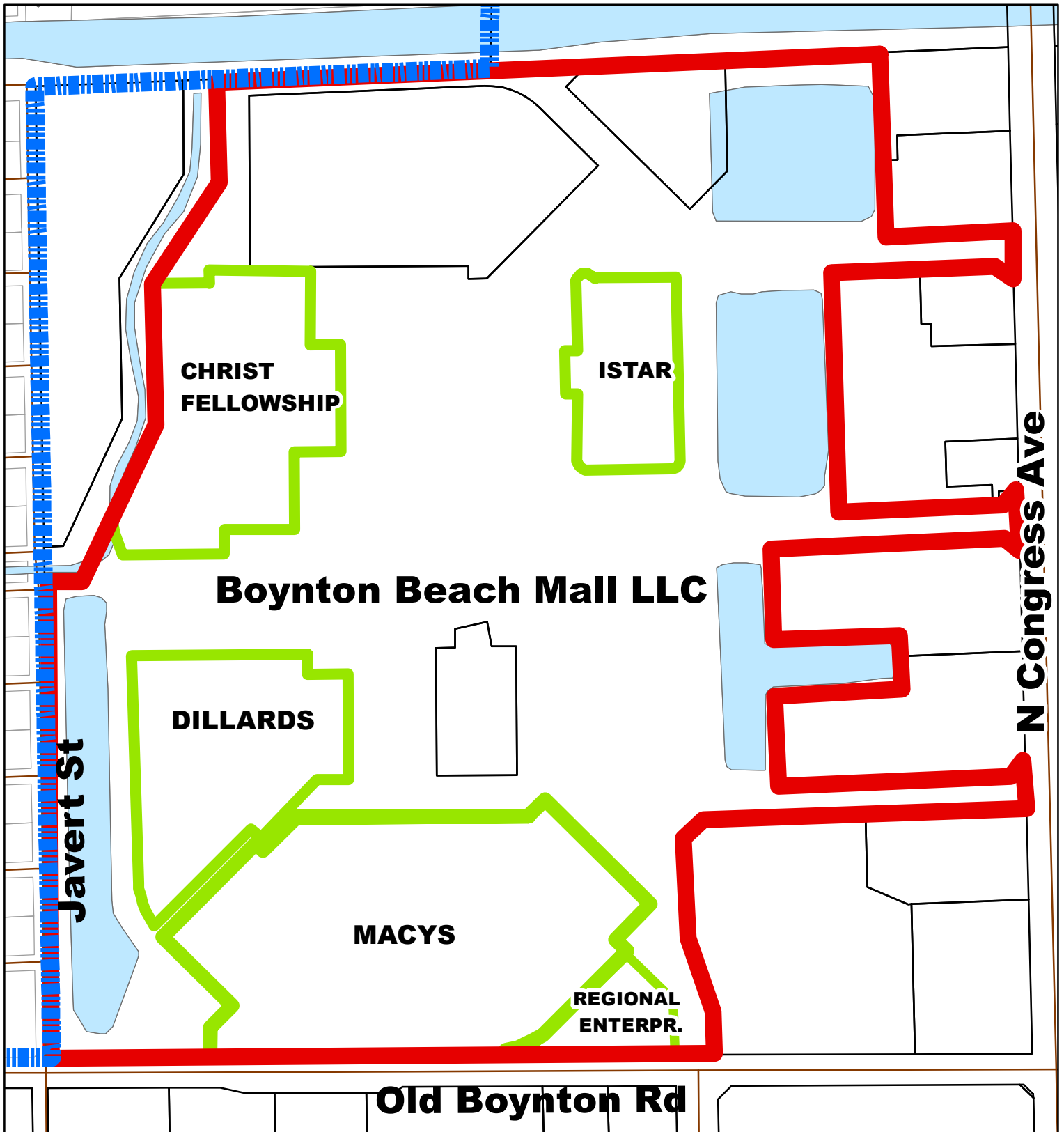
The request under consideration constitutes the follow up to the city-initiated reclassification of the Mall to the Future Land Use of Mixed Use Low (MXL), approved on April 16, 2019. Given that the SMU district is the sole zoning district corresponding to the MXL classification in the subject location, staff recommends approval of the proposed rezoning.

ATTACHMENTS

S:\Planning\SHARED\WP\PROJECTS\Boynton Beach Mall Redevelopment\REZN 19-001 BB Mall Rezoning\BB Mall Rezoning REZN 19-001.docx

BOYNTON BEACH MALL LOCATION MAP

OWNERSHIP OF PROPERTIES

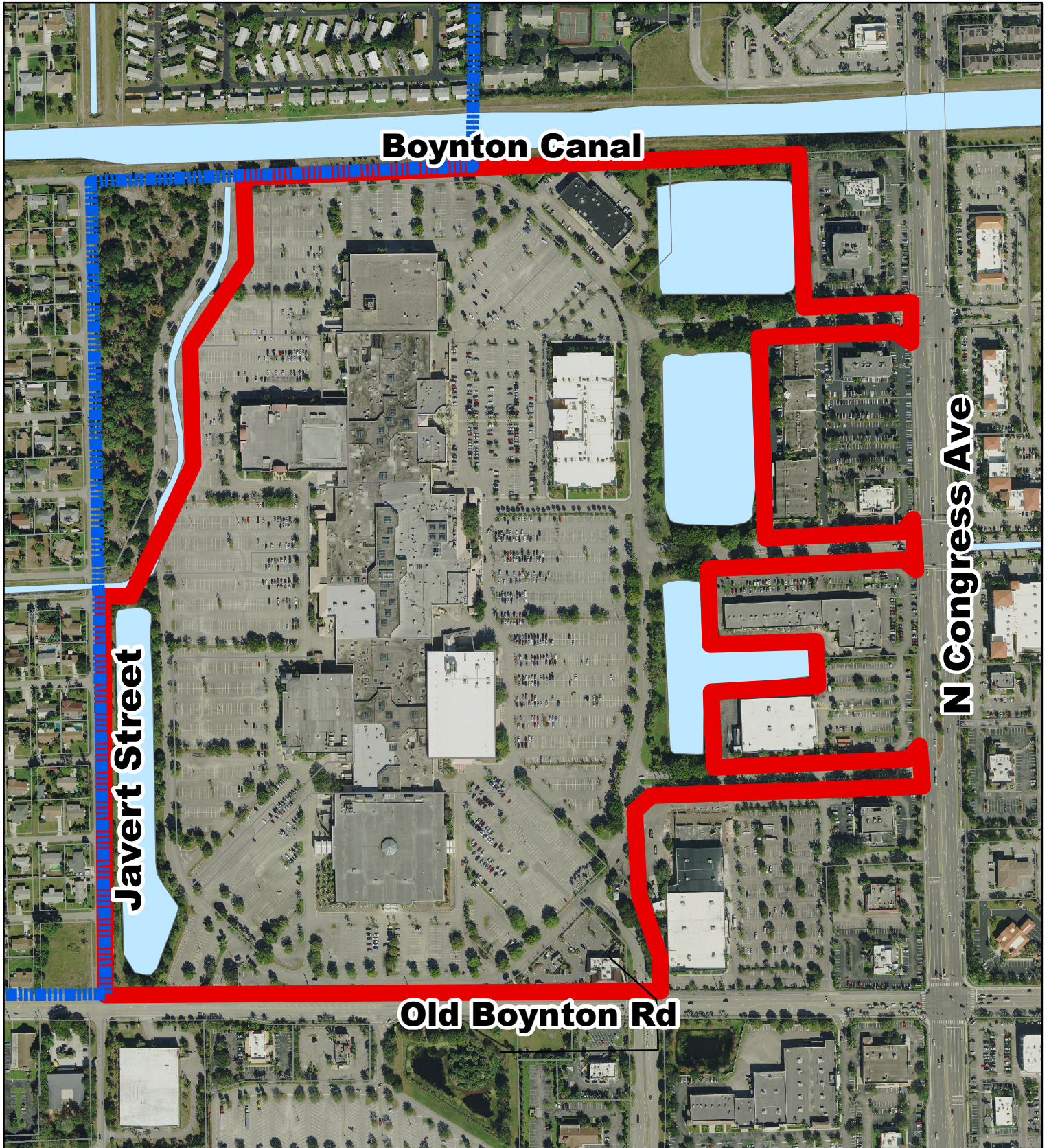


LEGEND

- City boundary
- Owners other than Boynton Mall LLC




BOYNTON BEACH MALL LOCATION MAP



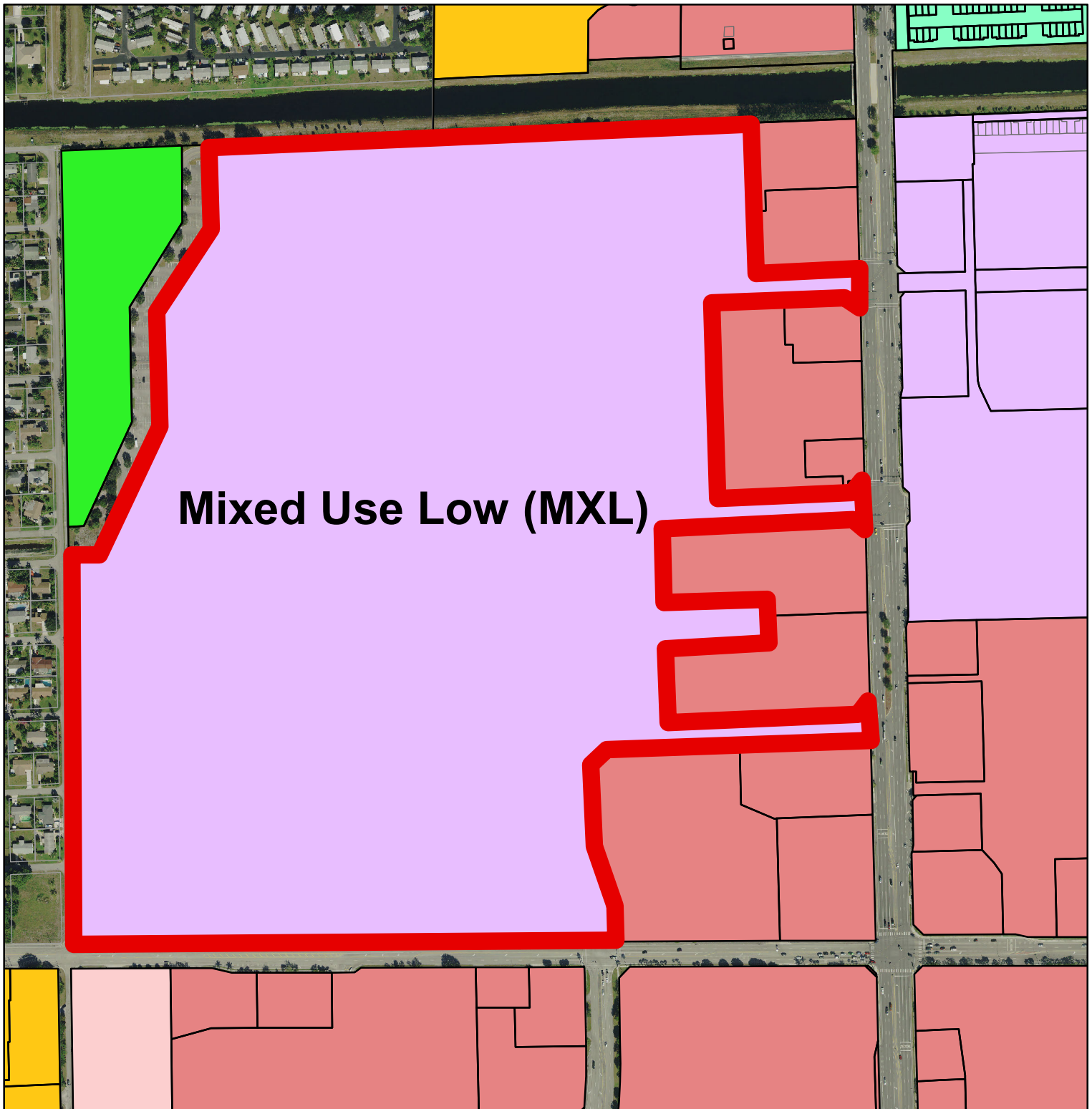
LEGEND

 City boundary



0 75 150 300 450 600
 feet

BOYNTON BEACH MALL FLU CLASSIFICATION



LEGEND: FLU classifications

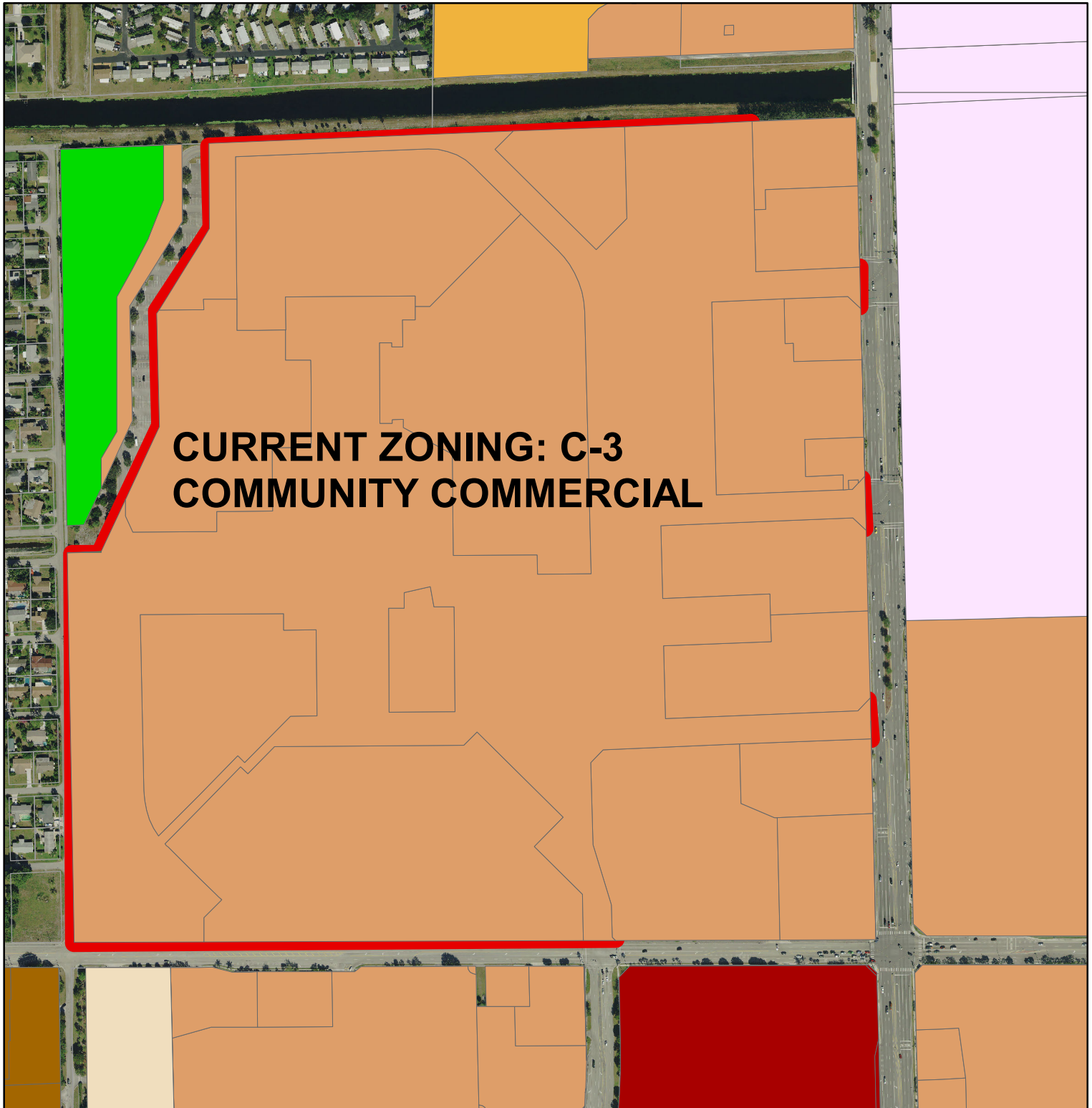
- MEDIUM DENSITY RESIDENTIAL (MEDR); 11 D.U./Acre
- MIXED USE LOW (MXL); 20 D.U./Acre
- DEVELOPMENT OF REGIONAL IMPACT (DRI)
- LOCAL RETAIL COMMERCIAL (LRC)
- OFFICE COMMERCIAL (OC)
- RECREATIONAL (R)



0 80 160 320 480 640

feet

BOYNTON BEACH MALL CURRENT ZONING



LEGEND: ZONING DISTRICTS

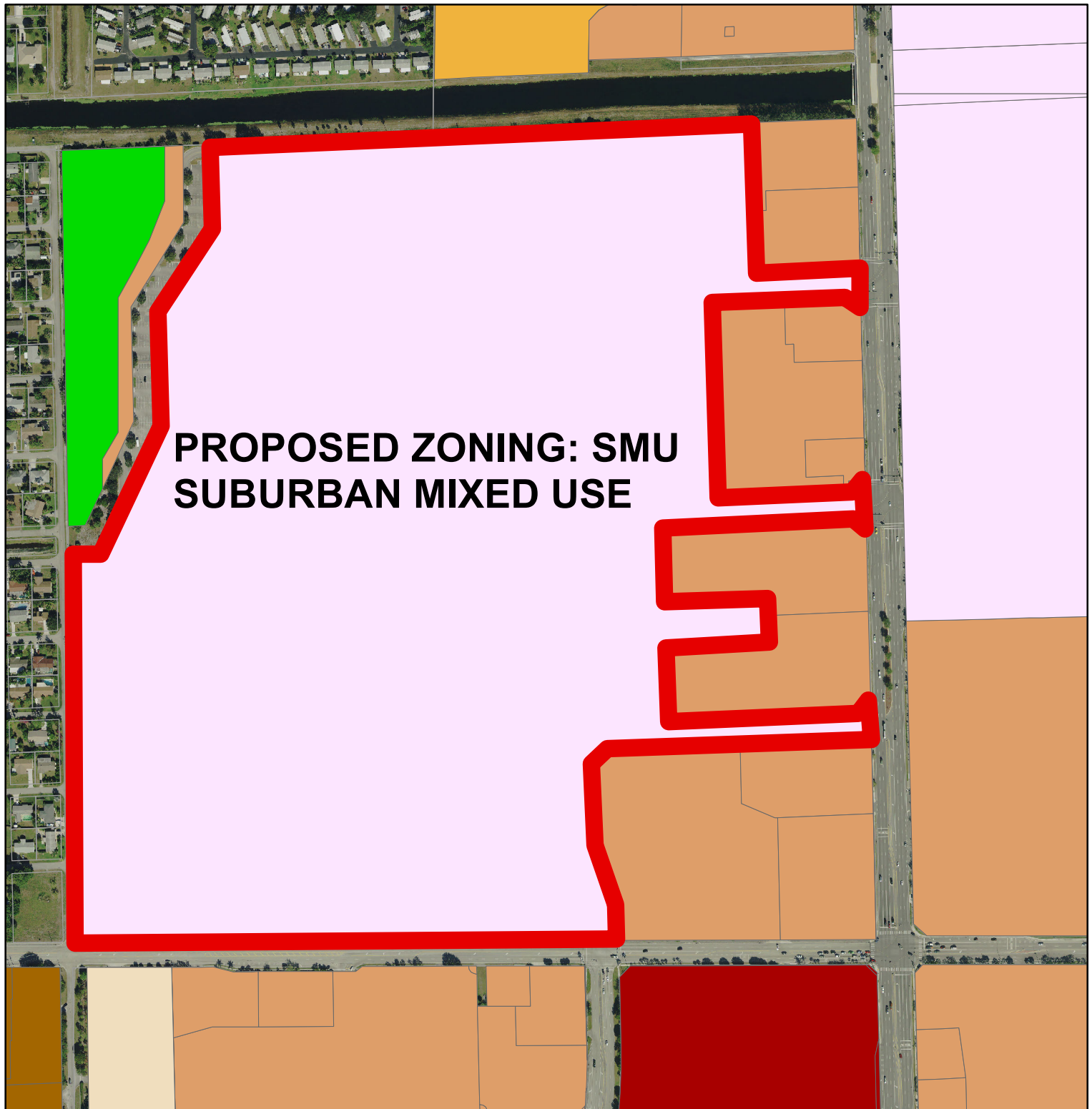
- PUD Planned Unit Development
- C1 Office Professional
- C3 Community Commercial
- PCD Planned Commercial Development
- SMU Suburban Mixed Use, 20 du/ac
- REC Recreation



0 80 160 320 480 640

feet

BOYNTON BEACH MALL PROPOSED ZONING



LEGEND: ZONING DISTRICTS

- PUD Planned Unit Development
- C1 Office Professional
- C3 Community Commercial
- PCD Planned Commercial Development
- SMU Suburban Mixed Use, 20 du/ac
- REC Recreation



0 80 160 320 480 640

feet



CITY OF BOYNTON BEACH AGENDA ITEM REQUEST FORM

PLANNING AND DEVELOPMENT MEETING DATE: 12/9/2019

REQUESTED ACTION BY PLANNING AND DEVELOPMENT BOARD:

Approval of the Master Plan Modification (MPMD 19-004) for the Boynton Beach Mall allowing for the phased conversion to a mixed use or life style center with the reconfiguration of retail space, and the addition of residential, hotel and office uses to the existing movie theater, fitness center and church uses.

EXPLANATION OF REQUEST:

The Boynton Beach Mall, an approximately 116 acre site, was designed as an enclosed shopping center, under the Development of Regional Impact (DRI) regulations outlined in the provisions of Chapter 380.06 of the Florida Statutes. The Mall was approved as a DRI by Palm Beach County through issuance of Development Order dated May 7, 1974. In 1982, the City annexed the property and adopted a development order for the Boynton Beach Mall, which permitted 1,108,000 square feet of gross leasable retail space. The mall has had several modifications to the site since 1982.

Staff had been working with the Washington Prime Group in an effort to strategize a viable solution to the depreciation of the Mall and a long term plan to revitalize and reinvigorate the property, as enclosed malls around the country were beginning to fail and their property values continued to decrease. Staff suggested that many malls around the country had been redesigned as mixed use developments, including residential components, entertainment venues and office space, fostering the concept of "live, work and play" on the same site.

The applicant is requesting approval to amend the Master Plan to allow a mix of uses. The Mall property currently consists of approximately 1,285,700 gross square feet of buildings (1,154,439 square feet of gross leasable area), including the following uses and their approximate square footages:

- Retail / Commercial: 1,034,745 square feet
- Church: 122,733 square feet
- Theater: 80,000 square feet
- Auto Repair: 20,761 square feet
- Fitness Center: 19,883 square feet
- Restaurant outparcel: 7,600 square feet

The proposal would:

- Reduce the existing Mall building square footage dedicated to Retail / Commercial use from 1,034,745 square feet to 482,750 square feet, in conjunction with the construction of separate, new mixed use buildings with Retail / Commercial use on the 1st floor and Residential units above. The combination of existing and new Retail / Commercial space on site would not exceed 628,627 square feet.
- Add a maximum of 1,420 residential units to the site along the north end, the southwest side, and internally as part of the new mixed use buildings. This number of residential units equates to approximately 12.9 dwelling units per acre.
- Add a maximum of 400 hotel rooms.
- Add a maximum of 65,000 square feet of medical office.
- Add a maximum of 65,000 square feet of general office.
- Add 35,000 square feet of new restaurant space.
- Add a dedicated space for a Fire Station.
- Retain the Christ Fellowship Church, Fitness Center, Theater, and Roadhouse Grill Restaurant.

- Add 291,000 square feet (6.7 acres) of new open space, dispersed throughout the central portion of the site, to the existing 320,000 square feet (7.3 acres) of existing Pine Preserve. When added to the lakes and green areas around the lakes, the total open space is proposed to be 23.27 acres, or approximately 20% of the site.

The Master Plan is designed to be constructed in five (5) phases (see attached exhibit).

The Planning and Zoning Division recommends that this request for Master Plan Modification be approved subject to the comments included in "Exhibit D" - Conditions of Approval. Any additional conditions recommended by the Board or required by the City Commission shall be documented accordingly in the Conditions of Approval.

HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES? N/A

FISCAL IMPACT: N/A

ALTERNATIVES: None recommended.

STRATEGIC PLAN:

STRATEGIC PLAN APPLICATION: The subject property is located within, and would be a significant component to the Congress Avenue (Mall) District Plan. This is one of 4 city-wide district plans to potentially be completed as Strategic Plan projects.

CLIMATE ACTION:

CLIMATE ACTION DISCUSSION: N/A

Is this a grant?

Grant Amount:

ATTACHMENTS:

Type	Description
<input type="checkbox"/> Staff Report	Staff Report
<input type="checkbox"/> Exhibit	Exhibit A-1: Ownership Map
<input type="checkbox"/> Location Map	Exhibit A-2: Location Map
<input type="checkbox"/> Letter	Exhibit B: Justification Statement
<input type="checkbox"/> Drawings	Exhibit C: Project Plans
<input type="checkbox"/> Conditions of Approval	Exhibit D: Conditions of Approval
<input type="checkbox"/> Development Order	Development Order

**DEVELOPMENT DEPARTMENT
PLANNING AND ZONING DIVISION
MEMORANDUM NO. PZ 19-034**

STAFF REPORT

TO: Chair and Members
Planning and Development Board and City Commission

THRU: Ed Breese
Planning and Zoning Administrator

FROM: Amanda Bassiely
Principal Planner

DATE: December 3, 2019

PROJECT NAME/NO: Boynton Beach Mall
(MPMD 19-004)

REQUEST: Master Plan Modification for the Boynton Beach Mall allowing for the phased conversion to a mixed use or life style center with the reconfiguration of retail space, and the addition of residential, hotel and office uses to the existing movie theater, fitness center and church uses.

PROJECT DESCRIPTION

Applicant: Bonnie Miskel, Esq. / Matthew Scott, Esq. / Beth Schrantz, of Dunay, Miskel and Bachman, LLP

Location: Area bounded by Boynton Canal on the north, Old Boynton Road on the south, developed commercial properties/Congress Avenue on the east, LWDD L-23 Canal on the northwest and Javert Street on the southwest (see Exhibit "A")

Existing Land Use: Mixed Use Low (MXL)

Proposed Land Use: No change proposed

Existing Zoning: Community Commercial (C-3)

Proposed Zoning: Suburban Mixed Use (SMU)

Proposed Use: Master Plan Modification of the Boynton Beach Mall, transforming the enclosed mall space and out-buildings to a mixed use type of development encompassing retail space, office space, residential units, restaurants and entertainment uses, within several buildings

on the site. The application for Master Plan modification proposes a maximum of 1,420 residential units, 400 hotel rooms, and 1,024,000 square of non-residential uses, comprised approximately of 629,000 square feet of retail space, 123,000 of existing church use, 20,000 square feet of existing fitness center use, 80,000 square feet of existing movie theater use, 10,000 square feet of restaurant use, 65,000 square feet of medical office use , and 65,000 square feet of general office use. Also included is approximately 23 acres of open space, including approximately 7.3 acres of existing pine preserve.

Adjacent Uses:

- North: Right-of-way for Boynton Canal; farther to the northwest, a mobile home community Sand and Sea Village in the unincorporated Palm Beach County, classified HR-8 High Residential and zoned RS, Residential Single Family; to the northeast, Savanah Lakes Apartments, classified Medium Density Residential (MeDR) and zoned PUD, Planned Unit Development, and farther east, Courtyard By Marriott Boynton Beach Hotel, classified Local Retail Commercial (LRC) and zoned C-3, Community Commercial;
- South: Right-of-way for Old Boynton Road, and farther south, Walmart and other developed commercial properties, classified Local Retail Commercial (LRC) and Office Commerical (OC) and zoned C-3, Community Commercial and C-1, Office Commercial;
- East: Developed commercial office and retail properties, then right-of-way for Congress Avenue; farther east-northeast, developed commercial outparcels of the the mixed use development of Boynton Village, classified Mixed Use Low (MXL) and zoned SMU, Suburban Mixed Use; to the southeast, commercial development of Town Center, classified Local Retail Commercial (LRC) and zoned C-3, Community Commercial; and
- West: To the southwest, right-of-way for Javert Street; farther west, developed single-family home subdivision of West Boynton in the unincorporated county, classified Medium Residential (MR) and zoned RS, Residential Single Family; to the northwest, LWDD L-23 Canal right-of-way and then a pine preserve area, classified Recreational (R) and zoned REC, Recreation.

BACKGROUND

The Boynton Beach Mall, an approximately 116 acre site, was designed as an enclosed shopping center, under the Development of Regional Impact (DRI) regulations outlined in the provisions of Chapter 380.06 of the Florida Statutes. The Mall was approved as a DRI by Palm Beach County through issuance of Development Order dated May 7, 1974. In 1982, the City annexed the property and adopted a development order for the Boynton Beach Mall, which

permitted 1,108,000 square feet of gross leasable retail space. In 1989, the Master Plan was amended to allow for an increase in gross leasable retail space from 1,108,000 to 1,244,449 square feet to accommodate the addition of the Sears store. In 2005, the Master Plan was amended to provide for a conversion of 169,510 square feet of the existing retail space (through the demolition of the Macy's store, which relocated to the former Burdines' space on the south end of the Mall) to a 79,500 square foot multi-screen movie theater with 3,650 seats, and the addition of 17,528 of new retail space. As a result, the overall square footage was reduced from 1,244,449 square feet to 1,154,439. In 2012, the Development of Regional Impact (DRI) development order expired. That same year, Christ Fellowship Church purchased one of the two Dillard's sites and began renovations to accommodate church services. In 2014, the Simon Property Group, the Mall's owner, spun off their lower-tier mall assets around the country, including the Boynton Beach property, to an entity known as the Washington Prime Group. Also in 2014, Texas Roadhouse Restaurant, a 7,420 square foot standalone restaurant building, was approved adjacent to the main Mall entrance drive off of Old Boynton Road.

Staff had been working with the Washington Prime Group in an effort to strategize a viable solution to the depreciation of the Mall and a long term plan to revitalize and reinvigorate the property, as enclosed malls around the country were beginning to fail and their property values continued to decrease. Staff suggested that many malls around the country had been redesigned as mixed use developments, including residential components, entertainment venues and office space, fostering the concept of "live, work and play" on the same site. As these discussions were taking place, Washington Prime was then faced with the loss of the Sears anchor store, as a result of corporate closures around the country. Staff worked with Mall ownership to suggest a Land Use change to Mixed Use Low to foster the type of development envisioned for the site, and encouraged Washington Prime to begin working on a Master Plan that would not only stabilize it, but make it a desirable destination once again. The City Commission approved the Land Use change to Mixed Use earlier this year, after review by the State's Department of Economic Opportunity (DEO). Now that the new Land Use designation is in place, Washington Prime has brought forward a request to rezone the property to Suburban Mixed Use (SMU), along with the requisite Master Plan.

Chapter 2, Article II, Section 2. D. 6., Master Plans, of the Land Development Regulations states that major changes in planned developments shall be processed through the Planning and Development Board and the City Commission.

ANALYSIS

The applicant is proposing to amend the Master Plan to allow a mix of uses. The Mall property currently consists of approximately 1,285,700 gross square feet of buildings (1,154,439 square feet of gross leasable area), including the following uses and their approximate square footages:

- Retail / Commercial: 1,034,745 square feet
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- Add a maximum of 1,420 residential units to the site along the north end, the southwest side, and internally as part of the new mixed use buildings. This number of residential units equates to approximately 12.9 dwelling units per acre.
- Add a maximum of 400 hotel rooms.
- Add a maximum of 65,000 square feet of medical office.
- Add a maximum of 65,000 square feet of general office.
- Add 35,000 square feet of new restaurant space.
- Add a dedicated space for a Fire Station.
- Retain the Christ Fellowship Church, Fitness Center, Theater, and Roadhouse Grill Restaurant.
- Add 291,000 square feet (6.7 acres) of new open space, dispersed throughout the central portion of the site, to the existing 320,000 square feet (7.3 acres) of existing Pine Preserve. When added to the lakes and green areas around the lakes, the total open space is proposed to be 23.27 acres, or approximately 20% of the site.

The Master Plan is designed to be constructed in five (5) phases (see attached exhibit).

- Phase 1: The northern portion of the site where the Sears buildings and parking lots will be removed. This phase is intend to be developed with a maximum of 400 dwelling units, with a maximum building height of 55 feet.
- Phase 2: The portion of the site immediately south of Phase 1 and located between the northern end of the remainder of the mall, including Christ Fellowship Church and Cinemark Movie Theater. The mixed use building(s) would be constructed between the church and the theater, with residential units constructed above the new retail space, with a maximum height of 75 feet.
- Phase 3: This portion of the site encompasses the southwest quadrant, south of Christ Fellowship Church and also includes the Pine Preserve Area along the northwest perimeter of the property. This phase is intended to be developed with a maximum of 300 dwelling units, with a maximum height of 55 feet, the Fire Substation, a restaurant outparcel, and approximately 3 acres of open space / park area.
- Phase 4: This portion of the site is immediately south of Phase 2 and east of the JC Penney Department Store. This phase is intended to include two more mixed use structures with residential units constructed above the new retail space, with a maximum height of of 55 feet in one building and 75 feet in the other. This phase also includes a proposed 200 room hotel and approximately 2 acres of open space, as well as the "Mainstreet" infrastructure improvements.
- Phase 5: The final portion of the site is the remainder of the south section of the mall site, fronting Old Boynton Road, and includes another mixed use structure with residential units constructed above the new retail space, another 200 room hotel, and the remainder of the commercial / restaurant outparcels to line Old Boynton Road, with a maximum height of 55 feet.
- The proposed office uses could be constructed in any of the Mixed Use phases.

For comparison purposes, the Boynton Village & Town Center site to the east of the Mall, across Congress Avenue, is zoned a combination of SMU (Suburban Mixed Use), like that being proposed for the Mall site, and C-3 (Community Commercial). The site is 89.3 acres in size, compared to the 116.3 acre Mall site. Boynton Village & Town Center is approved for 1,115 dwelling units, resulting in a density of 12.5 dwelling units per acre, which is comparable to the 12.9 dwelling units per acre proposed by the Mall Master Plan submittal for 1,420 dwelling units. The Boynton Village & Town Center project was developed more in the style of horizontal mixed use, while the Master Plan for the Mall envisions more vertical mixed use for much of the new construction, especially at the center of the site, bordering the proposed "Mainstreet". "Mainstreet" acts as the direct vehicular connection from Congress Avenue to the site and includes an expanded amenity area along proposed buildings, street trees, and parallel parking. Pedestrian connectivity is proposed throughout the site and designed to link the site to both Congress Avenue and Old Boynton Road. Pedestrian paths are also proposed to allow access to and through the Pine Preserve. The building heights proposed are in compliance with the SMU zoning regulations and comparable to those constructed within the Boynton Village & Town Center project and Renaissance Commons development to the east, across Congress Avenue.

Relative to the traffic circulation and vehicular trip generation associated with the proposed Master Plan design, two (2) new Mall entrances are proposed along the Old Boynton Road side of the property to better align with the proposed internal circulation pattern, while the westernmost existing driveway on Old Boynton Road will be eliminated. The applicant has submitted a traffic study for both County and City staff review. At time of preparation of this staff report, a traffic approval letter had not yet been received from the County. As such, the proposed development will be subject to any conditions contained in that letter. The traffic study submitted by the applicant indicates that, with the reduction in the amount of retail space, the overall daily traffic associated with the redevelopment of the Mall would decrease by 2,067 vehicular trips, from the existing 32,047 trips to 29,908. The AM Peak Hour vehicular trips however would increase from the current 945 trips to 1,414, an additional 469 trips, principally resulting from the addition of residential units to the site. The PM Peak Hour vehicular trips are projected to decrease by 611, from 2,977 trips to 2,366. The maximum square footage allowances depicted for the individual use types as outlined within the Traffic Study will be the limiting factor relative to the density and intensity of proposed uses depicted on the Master Plan.

The applicant, in their justification statement, notes that the rise of online shopping has drastically reduced the demand for in-store shopping and that "over a third of the mall's storefronts are vacant". As noted previously, staff acknowledged the decline of many enclosed malls around the country and began a dialogue with Mall ownership to discuss the best methods to revitalize and redevelop the property. It was determined that the use of the City's mixed use zoning and regulations would likely bring the best results, as demonstrated by the successes that occurred with the Boynton Village & Town Center and Renaissance Commons projects. The applicant goes on further to say "Approval of the proposed Rezoning will allow for the renovation and expansion of a complementary mix of land uses and will increase access to alternative modes of transportation by creating a compact mix of commercial, residential, and recreational uses providing a base to help support the efficient use of land and public services in the City". Staff agrees that large scale mixed use developments, like the one proposed, reduce the number of vehicular trips needing to leave the site and encourages walking / biking from the place of residence to shopping, eating, entertainment, and recreation, thus reducing the carbon footprint associated with the site from vehicle emissions.

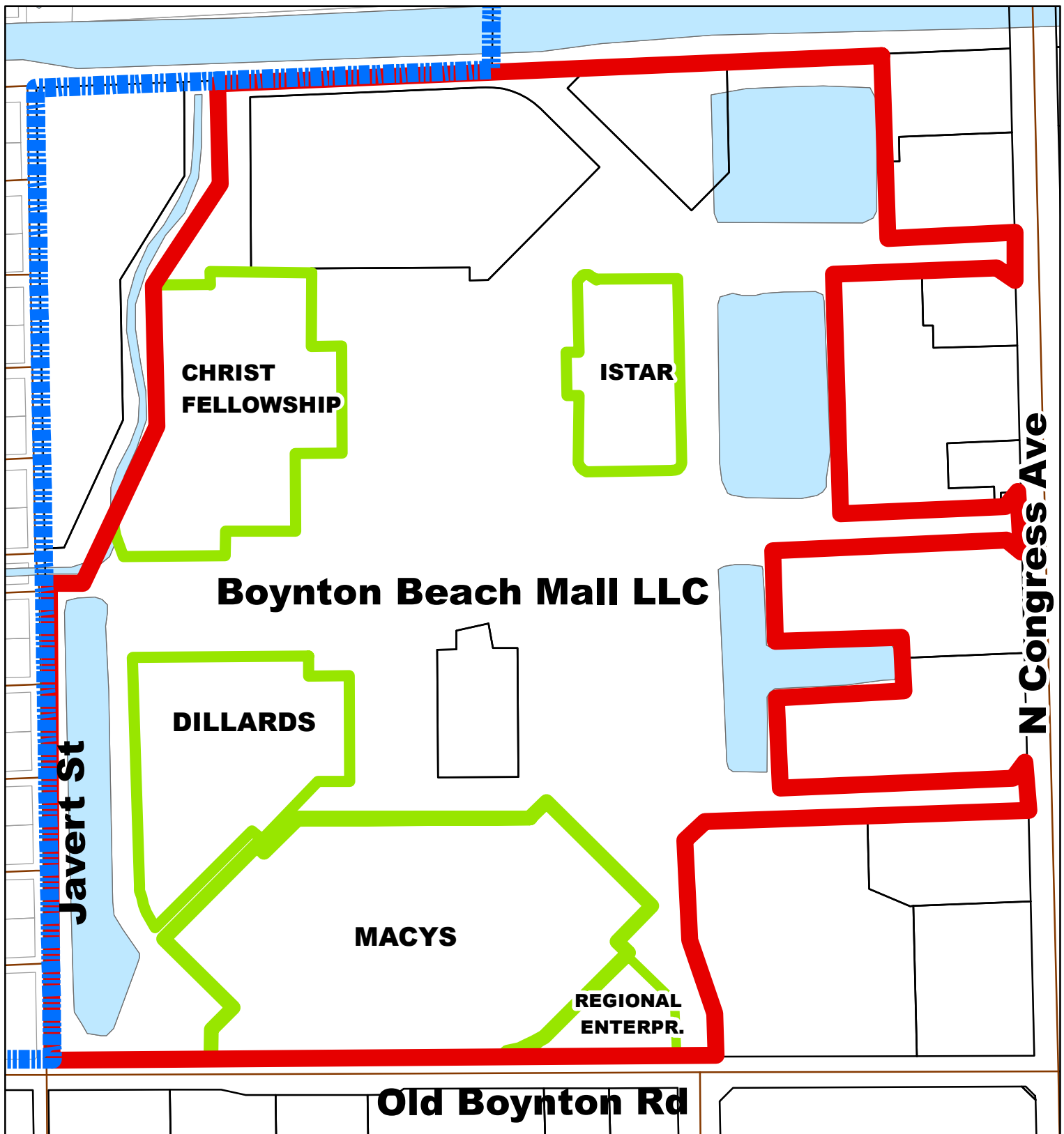
RECOMMENDATION

The Planning and Zoning Division recommends that this request for Master Plan Modification be approved subject to the comments included in "Exhibit D" - Conditions of Approval. Any additional conditions recommended by the Board or required by the City Commission shall be documented accordingly in the Conditions of Approval.

S:\Planning\SHARED\WP\PROJECTS\Boynton Beach Mall Redevelopment\MPMD 19-004 BB Mall Master Plan\Staff Report\Staff Report MPMD 19-004.doc

BOYNTON BEACH MALL LOCATION MAP

OWNERSHIP OF PROPERTIES



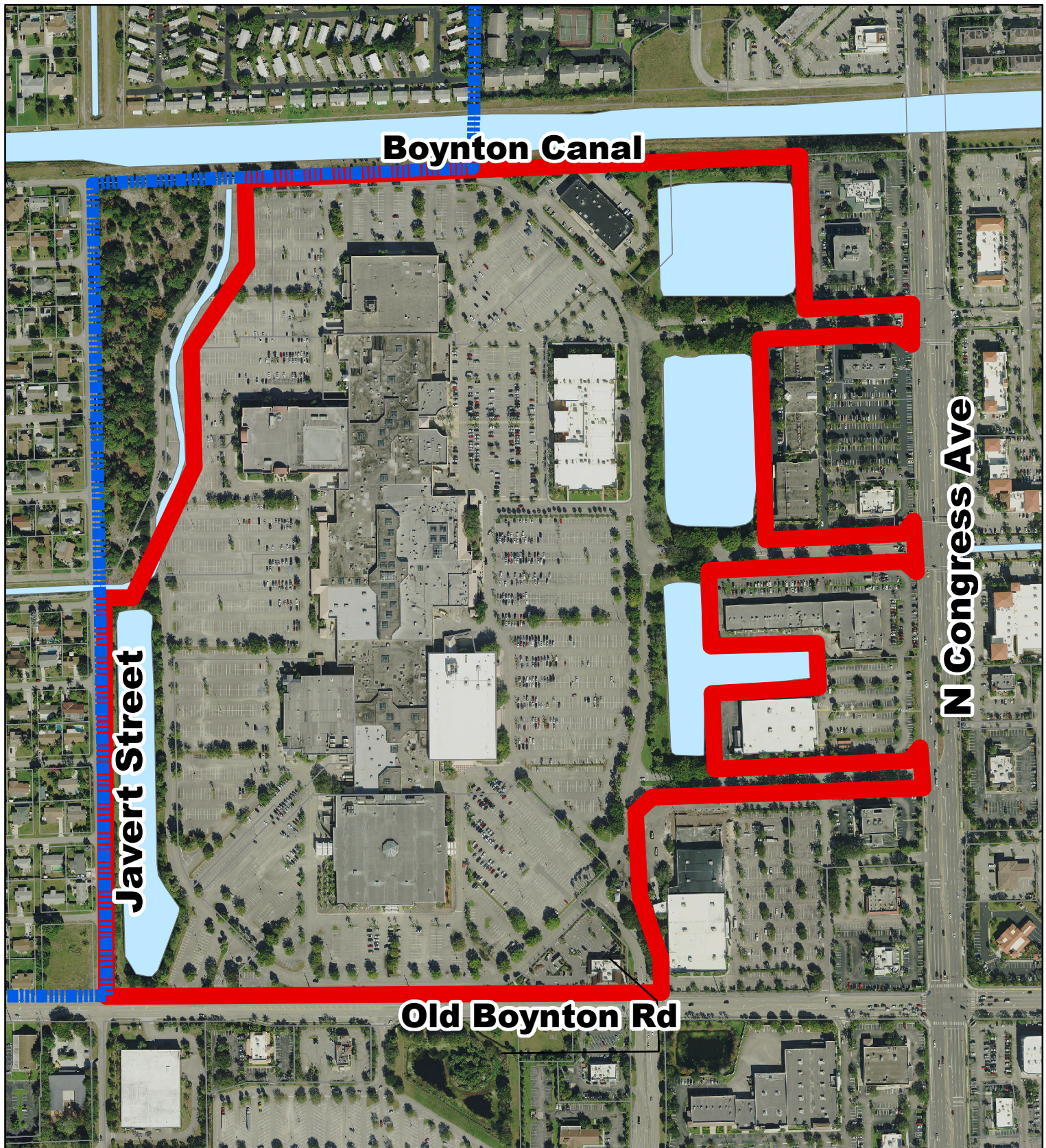
LEGEND

- ▨▨▨▨ City boundary
- ▬▬▬▬ Owners other than Boynton Mall LLC



0 62.5 125 250 375 500 feet
 Page 3 of 10

BOYNTON BEACH MALL LOCATION MAP




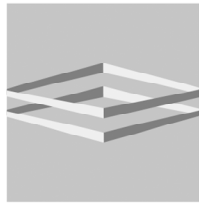
LEGEND

 City boundary



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 Feet



Boynton Beach Mall
Statement of Use and Justification for Rezoning and Master Plan
SUBMITTED: November 19, 2019

Boynton Beach Mall, LLC, Regional Enterprises, LLC, Christ Fellowship Church, Inc., Istar Florida 2015 Cinemas, LLC, and Macy's Florida Stores, LLC, (collectively referred to herein as "Petitioner"), own the +/- 116.35 acre Boynton Beach Mall ("Property"), which is generally located at the intersection of North Congress Avenue and Old Boynton Road within the City of Boynton Beach, Florida ("City"). The Property is comprised of nine (9) parcels, identified by parcel control numbers 08-43-45-19-05-015-0010, 08-43-45-19-05-017-0020, 08-43-45-19-05-018-0010, 08-43-45-19-05-015-0011, 08-43-45-19-00-000-1090, 08-43-45-19-05-028-0010, 08-43-45-19-00-000-3020, 08-43-45-19-05-021-0010 and 08-43-45-19-05-034-0010. A +/- 110.12 acre portion of the Property is developed for use as the Boynton Beach Mall ("Mall Property") and the remaining +/- 6.23 acres is set aside for preservation of the existing pine forest ("Pine Preserve"). The Mall Property is designated MXL, Mixed Use Low, on the City's Future Land Use Map ("FLUM") and the Pine Preserve is designated R, Recreational, on the City's FLUM. The Mall Property is located within the City's C-3, Community Commercial, zoning district and the Pine Preserve is located within the City's REC, Recreation, zoning district. The Mall Property and Pine Preserve are identified in the aerial image below:



The Mall Property is located between the heavily trafficked North Congress Avenue thoroughfare and provides a transition to the existing single-family community to the west. The properties that are contiguous to the east of the Property are commercial uses with primarily commercial/mixed use development located across North Congress Avenue to the east. The properties located to the northeast and south of the Property are also developed for commercial use, while the properties located to the west and northwest of the Property are developed as single family homes.

DEMONSTRATION OF NEED

Boynton Beach, a town of approximately 74,000 people, is a strong middle and upper income area with suburban growth areas to the west. The area's affluence is reflected in the existence of more than a dozen country clubs located within five (5) miles of the Property. The current use of the Property as an aging mall is in steady decline as it no longer meets the needs of the community and is slowly becoming a source of blight in the City. Two demographics that comprise a significant portion of the area's population, Millennials and the aging senior population, are growing in number and clout and are increasingly demanding more walkable, livable communities - a demand which the Property is able to satisfy with the appropriate regulatory framework allowing for mixed use development. Redevelopment of the Property will revitalize a persistently declining center and allow the City to better meet the community's needs by satisfying demand for housing by providing high-quality compact housing opportunities and introducing a vibrant lifestyle center to the area for current and future residents to enjoy.

The Mall Property is developed as a +/- 1,285,722 square foot traditional shopping mall, including +/- 1,034,745 of retail use, +/- 7,600 square feet of restaurant use, +/- 20,761 square feet of auto repair use, +/- 19,883 square feet of fitness center use, a +/- 122,733 square foot church, and an +/- 80,000 square foot theatre with 3,650 seats. The rise in online shopping has drastically altered the consumer market and the demand for in-store shopping has plummeted in recent years. The Boynton Beach Mall is no exception, having been hit by what is dubbed the "retail apocalypse." As mall activity has steadily declined, the existing mall is no longer viable due to the advent of online shopping and resultant decline of in-person shopping. This is evidenced in a significant decline in tenancy in recent years, with occupancy rates dropping by 11.6 percent between 2015 and 2019. At this time, over a third of the mall's storefronts are vacant as traditional retailers have gone out of business or scaled back the number of brick-and-mortar stores they maintain. This lack of demand for physical shopping opportunities in the area is in spite of the City's estimated population growth rate between 2% and 2.5% during this period (Census Bureau's Population Estimates).

The City has recognized that the Mall Property's current C-3 zoning district is not conducive for redevelopment as it lacks the appropriate regulatory framework and does not provide for the creativity and flexibility in design necessary for the Property to be successfully redeveloped. In fact, redevelopment of the Property is identified in the City's Strategic Plan 2018-2022 (item #18). Further, the City proactively initiated a Future Land Use Amendment for the Mall Property in recognition of the fact that the Mall Property has been declining for several years and has become a blighted area. On April 16, 2019 the City Commission approved Ordinance Number 19-004 amending the Mall Property's Future Land Use designation from the DRI, Development of Regional Impact, FLUM designation to the MXL FLUM designation. This FLUM designation provides the framework required to allow for a vibrant mixed-use redevelopment of the Property.

DEVELOPMENT PROPOSAL AND REQUEST

In accordance with the City's vision for the Property, Petitioner proposes to redevelop the Property as a mixed-use development with residential and commercial use components ("Project") to meet the increased demand for compact, walkable communities and higher density living opportunities. Specifically, Petitioner seeks to reinvent the Property as a vibrant, mixed-use "live-work-play" community with ample amenities, a variety of active and passive open spaces distributed throughout, retail, dining, church, and entertainment offerings. In order to create a vibrant community, Petitioner respectfully requests approval for the following requests:

Rezoning of the Mall Property from the C-3 zoning district to the SMU, Suburban Mixed Use, zoning district consistent with the Mall Property's MXL future land use designation ("Rezoning"), and

Master Plan Approval for the Property to allow a mix of uses including a maximum of 1,420 multi-family residential dwelling units, a maximum of 400 hotel rooms, +/- 628,627 square feet of shopping center uses (including +/- 482,750 square feet to remain and +/- 145,877 square feet of new development), +/- 122,733 square feet of existing Church use, +/- 19,883 square feet of fitness center use, +/- 32,600 square feet of high turnover restaurant use, +/- 10,000 square feet of fast food restaurant use, +/- 65,000 square feet of general office, +/- 65,000 square feet of medical office, +/- 80,000 square foot existing theatre with 3,650 seats, event space, and +/- 23.27 acres of Open Space ("Master Plan").

Although the +/- 7.359 acre Pine Preserve is not included in the Rezoning request, the area is included within the Master Plan and is proposed to be made accessible for passive recreational opportunities in Phase 2 of the Project.

DENSITY AND INTENSITY

The Project includes development of a maximum of 1,420 multi-family residential dwelling units on +/- 110.12 acres for an overall density of approximately 13 dwelling units per acre. In addition, the Master Plan is designed to provide for a maximum of 400 hotel rooms, +/- 628,627 square feet of shopping center uses (including +/- 482,750 square feet to remain and +/- 145,877 square feet of new development), +/- 122,733 square feet of existing Church use, +/- 19,883 square feet of fitness center use, +/- 32,600 square feet of high turnover restaurant use, +/- 10,000 square feet of fast food restaurant use, +/- 65,000 square feet of general office, +/- 65,000 square feet of medical office, +/- 80,000 square foot existing theatre with 3,650 seats, event space, and +/- 23.27 acres of Open Space.

VEHICULAR AND PEDESTRIAN CONNECTIVITY

The existing development includes a sea of parking with a striking lack of pedestrian connectivity, landscaping, and active recreation areas that speaks to the age and outdated nature of the current development. The Project is designed to create a vibrant mixed-use environment with walkability as a core principle and features a pedestrian circulation network providing safe, efficient, and enjoyable pedestrian connections throughout the entire Property. The Project's design offers residents and visitors ample active and passive open spaces and continuous pedestrian access to the cultural and shopping amenities. The proposed Main Street axis and east-west pedestrian circulation system will offer greater

connectivity and a walkable environment for the Project's residents and visitors alike, while at the same time maintaining the sense of privacy and security for the residents in the multi-family components of the Project that is necessary for a high quality of life. The Project proposes gateways to the community through the existing North Congress Avenue entries, which will provide a strong sense of place. In addition, the proposed Main Street section provides for ample pedestrian access, bicycle infrastructure, and pedestrian landscape features. Provision of east-west pedestrian connections in each north-south quadrant of the Mall Property will promote placemaking within the central Main Street area by providing for linear parks and offering users active open green space throughout community. In addition, the northern access pedestrian circulation plan along the multi-family residences provide a more urban yet park-like setting with the provision of an amenity area including a street tree area, wide sidewalks, and active use area that significantly exceeds the code requirements for an SMU development. In all, the Project provides proximity to amenities and services, as well as creating a needed sense of a vibrant, diverse community that offers a space for the area's diverse demographics to come together.

BUILDING MASSING AND HEIGHT

The Project is designed in compliance with the City's SMU zoning regulations and provides a maximum building height of 55 feet for the stand-alone residential and commercial components and a maximum building height of 75 feet for the proposed vertically integrated buildings.

PHASING

The Project proposes development in five (5) phases with development occurring first in the northern portion of the Property as is shown on Sheet MP-5. Phase 1 is located in the northernmost portion of the Property and comprises a multi-family residential component and northern access from Congress Avenue. This phase is anticipated to be developed within the next 24 to 36 months. Phase 2 includes the vertically integrated mixed uses surrounding the existing Theatre and central driveway connection to Congress Avenue. Phase 3 includes stand-alone residential and commercial uses, activation of the Pine Preserve for passive recreational use, and provision of a pedestrian connection along the west side of the Property from the northern portion of the Property to Old Boynton Road. Phase 4 includes a combination of existing and new commercial uses, hotel, vertically integrated mixed uses, and open space in the area south of Phase 2. Phase 5 includes the remaining commercial and open space uses in the southeast portion of the Property. As detailed above, Phase 1 is anticipated to begin upon approval of this Rezoning and Master Plan with a Site Plan anticipated to be submitted concurrent with this request. The ultimate development of the remaining phases will be guided by changes in market demands over the course of the coming decade. It is important to note that each of the phases includes a portion of the proposed open space components such that they are equitably distributed throughout the Property.

REZONING AND MASTER PLAN CRITERIA

In accordance with the Section III.2.II.2.D of the City's Code, Petitioner will demonstrate below that the Rezoning and Master Plan: a) is needed; b) is consistent with the purpose and intent of the applicable Comprehensive Plan policies, Redevelopment Plans, and Land Development Regulations; c) is not contrary to the established land use pattern, nor would it create an isolated zoning district or land use classification unrelated to adjacent and nearby classifications or constitute a grant of special privilege to Petitioner as contrasted with the protection of the public welfare; d) supports the integration of a mix of land uses consistent with smart growth and sustainability initiatives with an emphasis on 1) complementary land

uses, 2) access to alternative modes of transportation, and 3) interconnectivity within the project and between adjacent properties; e) does not exceed the availability of Public Services/Infrastructure; f) is compatible with the current and future use of adjacent and nearby properties, will not negatively affect the property values of adjacent and nearby properties and is of a scale that is reasonably related to the needs of the neighborhood and the City as a whole; g) furthers the implementation of the Economic Development (ED) Program, (2) contribute to the enhancement and diversification of the city's tax base, (3) respond to the current market demand or community needs or provide services or retail choices not locally available, (4) create new employment opportunities for the residents, with pay at or above the county average hourly wage, (5) represent innovative methods/technologies, especially those promoting sustainability, (6) be complementary to existing uses, thus fostering synergy effects, and (7) alleviate blight/economic obsolescence of the subject area; h) does not involve rezoning to a traditional zoning district and therefore is not subject to review for the conditions within this criterion for furthering the City's Economic Development Program; i) will not reduce the amount of land available for commercial development; j) no alternative sites are available elsewhere in the City in zoning districts that already allow the proposed use; and k) shall comply with the requirements of the SMU zoning district and the site development standards of Section III.3.III.4.D.

- a. *Demonstration of Need.* Approval of the Rezoning Application is necessary in order to develop the Project. As described above, the Property is unique in size and nature as it is the location of a regional mall development. The Mall Property is developed as a +/- 1,285,722 square foot traditional shopping mall, including +/- 1,034,745 of retail use, +/- 7,600 square feet of restaurant use, +/- 20,761 square feet of auto repair use, +/- 19,883 square feet of fitness center use, a +/- 122,733 square foot church, and an +/- 80,000 square foot theatre with 3,650 seats. The rise in online shopping has drastically altered the consumer market and the demand for in-store shopping has plummeted in recent years. The Boynton Beach Mall is no exception, having been hit by what is dubbed the "retail apocalypse." As mall activity has steadily declined, the existing mall is no longer viable due to the advent of online shopping and resultant decline of in-person shopping. This is evidenced in a significant decline in tenancy in recent years, with occupancy rates dropping by 11.6 percent between 2015 and 2019. At this time, over a third of the mall's storefronts are vacant as traditional retailers have gone out of business or scaled back the number of brick-and-mortar stores they maintain. This lack of demand for physical shopping opportunities in the area is in spite of the City's estimated population growth rate between 2% and 2.5% during this period (Census Bureau's Population Estimates).

Concurrent with the decline of traditional mall development, two demographics that comprise a significant portion of the area's population, Millennials and the aging senior population, are growing in number and clout and are increasingly demanding more walkable, livable communities - a demand which the Property is able to satisfy with the appropriate regulatory framework allowing for mixed use development. The City has recognized that the Mall Property's current C-3 zoning district is not conducive for redevelopment as it lacks the appropriate regulatory framework and does not provide for the creativity and flexibility in design necessary for the Property to be successfully redeveloped. In fact, redevelopment of the Property is identified in the City's Strategic Plan 2018-2022 (item #18). Further, the City proactively initiated a Future Land Use Amendment for the Mall Property in recognition of the fact that the Mall Property has been declining for several years and has become a blighted area. On April 16, 2019 the City Commission

approved Ordinance Number 19-004 amending the Mall Property's Future Land Use designation from the DRI, Development of Regional Impact, FLUM designation to the MXL FLUM designation. This FLUM designation provides the framework required to allow for a vibrant mixed-use redevelopment of the Property. Approval of Petitioner's Rezoning and Master plan requests will provide a zoning district consistent with the Property's MXL future land use designation. Considering the foregoing, approval of the Rezoning and Master Plan application is necessary in order to develop the Project.

- b. *Consistency.* The proposed Rezoning is consistent with the purpose and intent of the applicable Comprehensive Plan policies, Redevelopment Plans, and Land Development Regulations. As described above, the City recently changed the Mall Property's FLUM designation from DRI to MXL. The existing C-3 zoning is inconsistent with the mixed-use intent of the MXL FLUM designation. The requested Rezoning is consistent with the intent of the new MXL future land use designation as it will allow for the redevelopment of the Property to become a vibrant, mixed-use community that will better meet the needs of the City's current and future residents. The proposed Rezoning promotes Policy 1.3.1 of the City's Future Land Use Element ("FLUE") by promoting compact development and safe and pedestrian-friendly streets. The Project is also designed to comply with the dimensional requirements in the City's Comprehensive Plan and Land Development Regulations with a maximum height of fifty-five feet (55') for perimeter buildings, a maximum height of seventy-five feet (75') for interior vertically integrated mixed use buildings, and a maximum residential density of twenty (20) dwelling units per acre for the Property subject to approval of the SMU rezoning application. In addition to the foregoing, the Project furthers the following Comprehensive Plan objectives and policies:

FLUE Objective 1.7: The City shall strive to improve blighted residential neighborhoods and business districts through the implementation of the Community Redevelopment Plan within the Community Redevelopment Area.

Policy 1.7.2: The City shall encourage land assembly to promote large-scale redevelopment and infill projects.

Policy 1.7.3: The City shall require that designs for redevelopment and infill projects encourage the use of public transit, pedestrian and bicycle travel as alternatives to the car and shall maximize personal safety.

FLUE Objective 1.8 The City shall discourage urban sprawl by continuing to promote a compact urban development pattern that provides opportunities to more efficiently use of infrastructure, land, and other resources and services.

Policy 1.8.2: The City shall discourage urban sprawl by: A) Continuing to promote compact developments within the City's utility service areas, while requiring the maximization of all public services for each development in the most cost effective manner possible; and B) Requiring, in all future development and redevelopment in the City, land use patterns that are non-strip in nature and demonstrate the ability to attract and encourage a functional mix of uses.

FLUE Objective 1.18: The City shall encourage transit-supportive land development patterns to promote multi-modal transportation and increased mobility.

- c. *Land Use Pattern.* The proposed Rezoning is not contrary to the established land use pattern, nor will it create an isolated zoning district or land use classification unrelated to adjacent and nearby classifications or constitute a grant of special privilege to Petitioner as contrasted with the protection of the public welfare. In addition to the compatible future land use designation, zoning and existing use of surrounding properties, the physical scale of the Project is complimentary to the established land use pattern. Specifically, The Mall Property is located between the heavily trafficked North Congress Avenue thoroughfare and provides a transition to the existing single-family community to the west. The properties that are contiguous to the east of the Property are commercial uses with primarily commercial development located across North Congress Avenue to the east. The properties located to the northeast and south of the Property are also developed for commercial use, while the properties located to the west and northwest of the Property are developed as single family homes. The Project's perimeters will include significant open space and landscape buffers that will provide sufficient transition to the lower-intensity residential communities surrounding the Property. The existing use of the Mall Property is less compatible with the proposed use, as it currently stands as a largely underutilized commercial center with a "sea of parking" surrounding the mall. Considering the foregoing, the proposed Project will better serve the area as a live-work-play lifestyle center offering surrounding residents with ample cultural and open space amenities.
- d. *Sustainability.* Approval of the proposed Rezoning and Master Plan supports the integration of a mix of land uses consistent with smart growth and sustainability initiatives. In particular, approval of the Rezoning application promotes a mix of complementary land uses in the area, a smart growth principle that is a "critical component to achieving better places to live" according to the Smart Growth Network. As described above, the uses immediately surrounding the Property are primarily residential and commercial. Approval of the proposed Rezoning will allow for the renovation and expansion of a complementary mix of land uses and will increase access to alternative modes of transportation by creating a compact mix of commercial, residential, and recreational uses providing a base to help support the efficient use of land and public services in the City. In addition, the Project is designed to foster interconnectivity within the Project and between adjacent properties. The design of the Project also provides space for landscaping and a comprehensive pedestrian network throughout the community, and it will both satisfy demand for housing with the provision of efficient, high-quality and higher-density housing opportunities, and bring a vibrant lifestyle center to the area. Approval of the proposed Rezoning and Master Plan will allow for a complementary mix of uses that supports alternative modes of transportation and provides interconnectivity within the Project and between adjacent properties.
- e. *Availability of Public Services/Infrastructure.* Petitioner will ensure the provision of adequate public services and infrastructure necessary to support the Project through the Site Plan application process required in order to develop the Project.

- f. *Compatibility.* Approval of the proposed Rezoning and Master Plan is compatible with the current and future use of adjacent and nearby properties; will not negatively affect the property values of adjacent and nearby properties; and is of a scale that is reasonably related to the needs of the neighborhood and the City as a whole. The Mall Property is located between the heavily trafficked North Congress Avenue thoroughfare and provides a transition to the existing single-family community to the west. The properties that are contiguous to the east of the Property are commercial uses with primarily commercial development located across North Congress Avenue to the east. The properties located to the northeast and south of the Property are also developed for commercial use, while the properties located to the west and northwest of the Property are developed as single family homes. As discussed in sections (c) and (d) above, the proposed Rezoning is compatible with the current and future use of the adjacent residential and commercially used properties. The proposed Rezoning will not negatively affect surrounding property values; rather, the Smart Growth Network advises that “siting commercial areas close to residential areas can [actually] raise property values”. Considering the foregoing, the proposed Rezoning and Master Plan is consistent and compatible with the surrounding area, will not affect surrounding property values and is of a scale that relates to the needs of the neighborhood and City as a whole.
- g. *Direct Community Sustainability and Economic Development Benefits.* The approval of the proposed Rezoning and Master Plan will further implementation of the Economic Development (ED) Program, (2) Contribute to the enhancement and diversification of the city's tax base, (3) Respond to the current market demand or community needs or provide services or retail choices not locally available, (4) Create new employment opportunities for the residents, with pay at or above the county average hourly wage, (5) Represent innovative methods/technologies, especially those promoting sustainability, (6) Be complementary to existing uses, thus fostering synergy effects, and (7) Alleviate blight/economic obsolescence of the subject area. The proposed Project will promote the Economic Development Program by diversifying and reactivating the Mall Property as a strong commercial and community center for the City's residents. The Project proposes a mix of uses, including multifamily residential and a hotel component alongside +/- 1,023,843 square feet of non-residential uses. The existing mall use has +/- 1,285,722 square feet of non-residential uses, 36.8 percent of which stands vacant. Redeveloping the mall as a mixed-use, live-work-play community with commercial uses integrated therein will better meet the needs of the City and reinvigorate the Mall Property's economic base. As such, the proposed Project will both enhance and diversify the city's tax base through new office, commercial, and residential uses, and in doing so will respond to the current market demand and community needs by providing new services, housing, and retail choices not otherwise locally available or captured by the existing mall use. Further, by reactivating the declining Mall Property with new commercial, office, and hotel uses, the Project will create new employment opportunities for the area's residents. Further, The Project will promote the use of innovative methods and technologies, specifically those contributing to sustainability through the development of a mixed-use community that drives efficient, new-urbanist lifestyle practices by providing a single place where users can enjoy a variety of services and amenities. In addition, by offering local residents a place for recreation, shopping, and leisure, as well as ample pedestrian circulation and open spaces, the Project will serve the community as a transition to the less intense residential communities to the

west and northwest, and the commercial developments to the south and across North Congress Avenue to the east. As such, the Project will be complementary to existing surrounding uses and promote synergy effects throughout the area. Finally, an ailing mall in steady decline over the last decade, the redevelopment of the mall into a mixed-use community center will and alleviate the blight and economic obsolescence that the Mall Property currently faces, while better meeting the needs of the City's growing community.

- h. *Economic Development Impact Determination for Conventional Zoning Districts.* This criteria is applicable to applications requesting to rezone to a conventional zoning district only. Considering that the Rezoning Application seeks approval to rezone to an SMU planned zoning district, this criterion does not apply. That being said, the proposed Project will further the City's Economic Development Program by proving new housing opportunities and a mix of commercial uses.
- i. *Commercial and Industrial Land Supply.* Approval of the Rezoning and Master Plan will not reduce the net commercial land area in the City; rather, the proposed Rezoning and Master Plan will allow for the renewal of the existing Mall Property by revitalizing a persistently declining commercial center with a mix of both stand alone residential, commercial, hotel, theater, and church uses and vertically integrated mixes uses. The Project therefore increases the employment potential and valuation of the Property beyond what it provides in its current use.
- j. *Alternative Sites.* There are not sites available elsewhere in the City in zoning districts which already allow the desired use. As described above, the Mall Property is a unique property with no other like it in the City. The Mall Property is experiencing steady decline and no longer meets the community's needs. Petitioner wishes to revitalize the Property with uses that satisfy the demand and desires of the community, and the size of the Mall Property makes it most suitable for the scale of the proposed Project. Approval of the Rezoning and Master Plan will allow for the Project, which is only possible on the Property as there are no other existing sites of comparable size and suitability for redevelopment available in the City.
- k. *Master Plan and Site Plan Compliance with Land Development Regulations.* The Project complies with the site development standards of the Section III.3.III.4.D. of the City's Code and will provide specific details through the required Site Plan Application approval process subsequent to the approval of the proposed Rezoning.



- EXISTING USES LEGEND:**
- FITNESS
 - CHURCH
 - RETAIL/ COMMERCIAL
 - THEATRE
 - RESTAURANT

**EXISTING CONDITIONS
DEVELOPMENT DATA**

SITE AREA:
116.35 AC (±5,068,206 SF)

ZONING:
C3 COMMUNITY COMMERCIAL

EXISTING BUILDING USES:
CHURCH:
+/- 122,733 SF

RETAIL/COMMERCIAL:
+/- 1,034,745 SF

THEATRE:
+/- 80,000 SF / 3,650 SEATS

FOOD + BEVERAGE:
±7,600 SF

FITNESS:
±19,883 SF

AUTO REPAIR:
±20,761 SF

REVISED

SEAL

PROJECT

**BOYNTON BEACH
MALL**

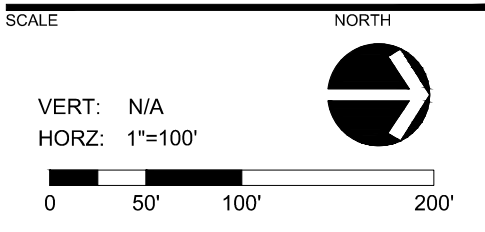
WASHINGTON PRIME GROUP
801 N. CONGRESS AVE., SUITE 295
BOYNTON BEACH, FL

LANDDESIGN PROJECT 1018174

REVISION / ISSUANCE

NO.	DESCRIPTION	DATE
1	PRE-APPLICATION SUBMITTAL	07.24.2019
2	REZONING / MASTER PLAN APPLICATION	08.09.2019
3	COMMENT RESPONSE	11.05.2019
	COMMENT RESPONSE	11.19.2019

DESIGNED BY:
DRAWN BY:
CHECKED BY:

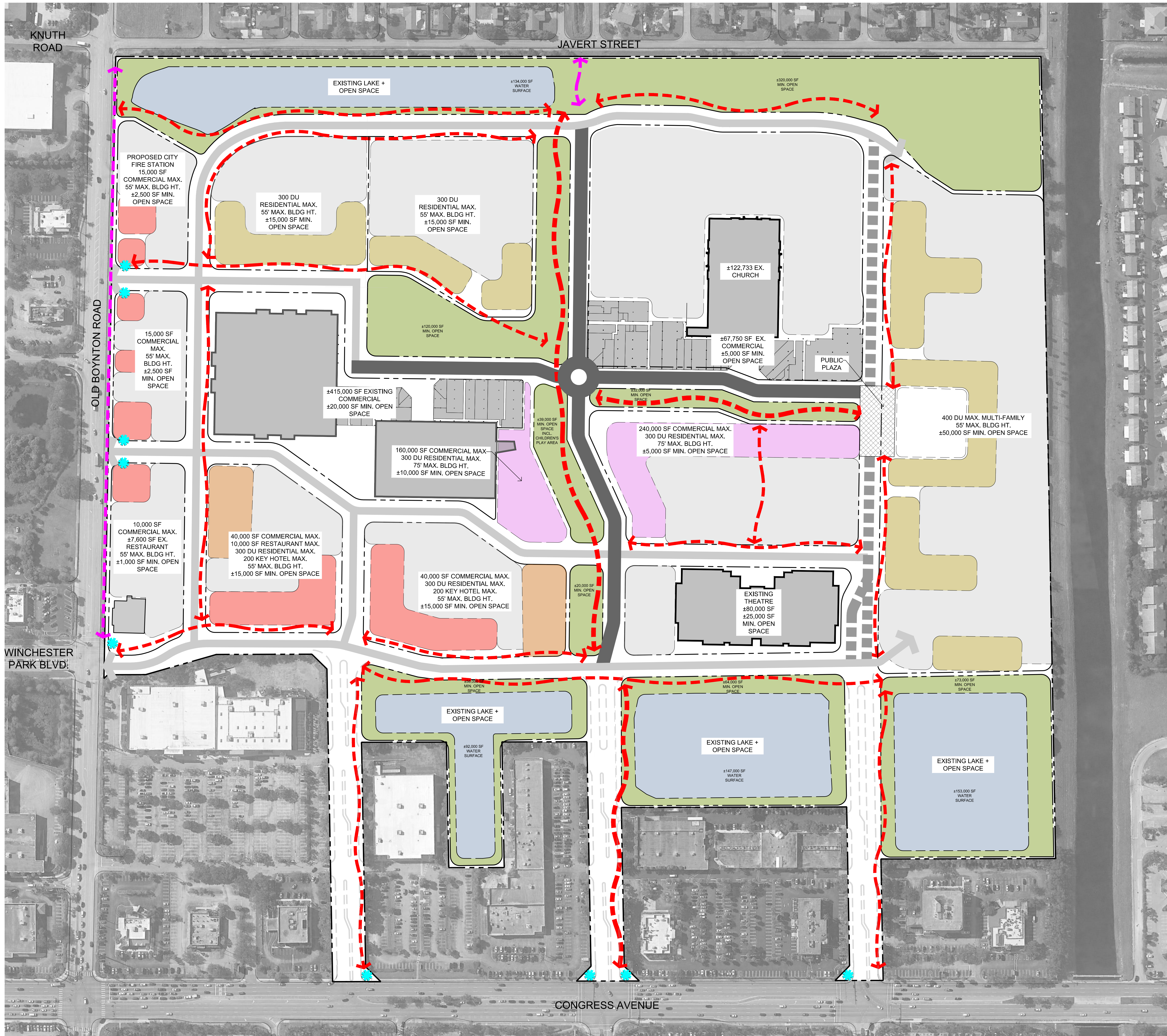


SHEET TITLE

EXISTING CONDITIONS

SHEET NUMBER

MP-1



LEGEND:

- OVERALL PROJECT BOUNDARY
- VEHICULAR MAIN STREET
- VEHICULAR REGULAR STREET
- NORTH PERIMETER VEHICULAR STREET
- PROPOSED PEDESTRIAN CIRCULATION
- EXISTING PEDESTRIAN CIRCULATION
- EXISTING BUILDING TO REMAIN
- MULTI-FAMILY PRIMARY POTENTIAL USE
- COMMERCIAL PRIMARY POTENTIAL USE
- HOTEL PRIMARY USE
- POTENTIAL VERTICAL MIXED USE
- PARKING PRIMARY USE
- OPEN SPACE
- WATER SURFACE (EXIST.)
- PROPOSED GATEWAY SIGNAGE

PROPOSED DEVELOPMENT DATA

SITE AREA:
116.35 AC (±5,068,206 SF)

REZONING AREA:
110.12 AC (±4,845,795 SF)

EXISTING ZONING:
C3 COMMUNITY COMMERCIAL

PROPOSED ZONING:
SMU SUBURBAN MIXED USE

PROPOSED USES:
RESIDENTIAL - 1,420 DU MAX. (12.90 DU/AC)
HOTEL - 400 KEY MAX.
SHOPPING CENTER
628,627 SF
482,750 SF TO REMAIN / 145,877 SF PROPOSED
THEATRE
3,650 SEATS EX. TO REMAIN
CHURCH
122,733 SF EX. TO REMAIN
FITNESS CENTER
19,883 SF EX. TO REMAIN
HIGH TURNOVER RESTAURANT
32,600 SF
FAST FOOD RESTAURANT
10,000 SF
GENERAL OFFICE
65,000 SF
MEDICAL OFFICE
65,000 SF
EVENTS SPACE
(TBD)
OPEN SPACE
23.27 AC (20%)

NOTES:

- PROPOSED USES NOTED ARE MAXIMUMS BASED ON GROSS BUILDING SQUARE FOOTAGE.
- PARKING MAY BE SHARED BETWEEN USES AND PARCELS AND WILL BE A MIX OF ON-STREET, SURFACE AND STRUCTURED PARKING AS REQUIRED TO MEET MINIMUM PARKING REQUIREMENTS AT TIME OF SITE PLAN SUBMITTAL. NOTED MINIMUM PARKING NUMBERS ARE NOT MEANT TO CONVEY MINIMUM REQUIREMENTS.
- OPEN SPACE IS CALCULATED BASED ON ZONING REQUIREMENTS AND DOES NOT INCLUDE WATER BODIES OR VEHICULAR USE AREAS.
- OPEN SPACE NUMBERS SHOWN ARE MINIMUM. TOTAL OPEN SPACE WILL BE 20% MIN. GROSS FOR THE ENTIRE SITE.
- OPEN SPACE WILL BE IN ACCORDANCE WITH ZONING REQUIREMENTS WITH NO MORE THAN 50% OF THE USABLE OPEN SPACE BEING MADE UP OF HARDSCAPE PLAZA AND PUBLIC GATHERING AREAS.
- ALL PARKING LOTS MUST MEET 2010 LDR, CHAPTER 4, ARTICLE V.
- ALL PRIVATE / PUBLIC STREETS MUST MEET 2010 LDR, CHAPTER 4, ARTICLE VIII.
- MINIMUM OUTSIDE TURNING RADIUS FOR ALL VEHICULAR AREAS INTENDED FOR EMERGENCY ACCESS OR SOLID WASTE SERVICE SHALL BE 55'.
- PUBLIC PLAZA WILL INCLUDE ON-STREET PARKING.
- GATEWAY SIGNAGE IS TO BE OF CONSISTENT CHARACTER THROUGHOUT THE DEVELOPMENT.
- THIS TABLE REPRESENTS CONCURRENCY APPROVED USES. AN ALTERNATIVE MIX OF USES MAY BE DEVELOPED WITHOUT REQUIRING AN AMENDMENT TO THE MASTER PLAN PROVIDED THAT THE ALTERNATIVE USES GENERATE EQUIVALENT TRAFFIC.
- EXACT SIZE AND LOCATION OF PROPOSED FIRE STATION IS SUBJECT TO CHANGE WITH CITY STAFF APPROVAL. PROPOSED FIRE STATION MAY BE BUILT WITHIN ANY PHASE OF DEVELOPMENT.

REVISED

SEAL

PROJECT

BOYNTON BEACH MALL

WASHINGTON PRIME GROUP
801 N. CONGRESS AVE., SUITE 295
BOYNTON BEACH, FL

LANDDESIGN PROJECT

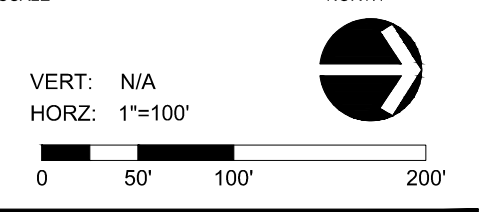
1018174

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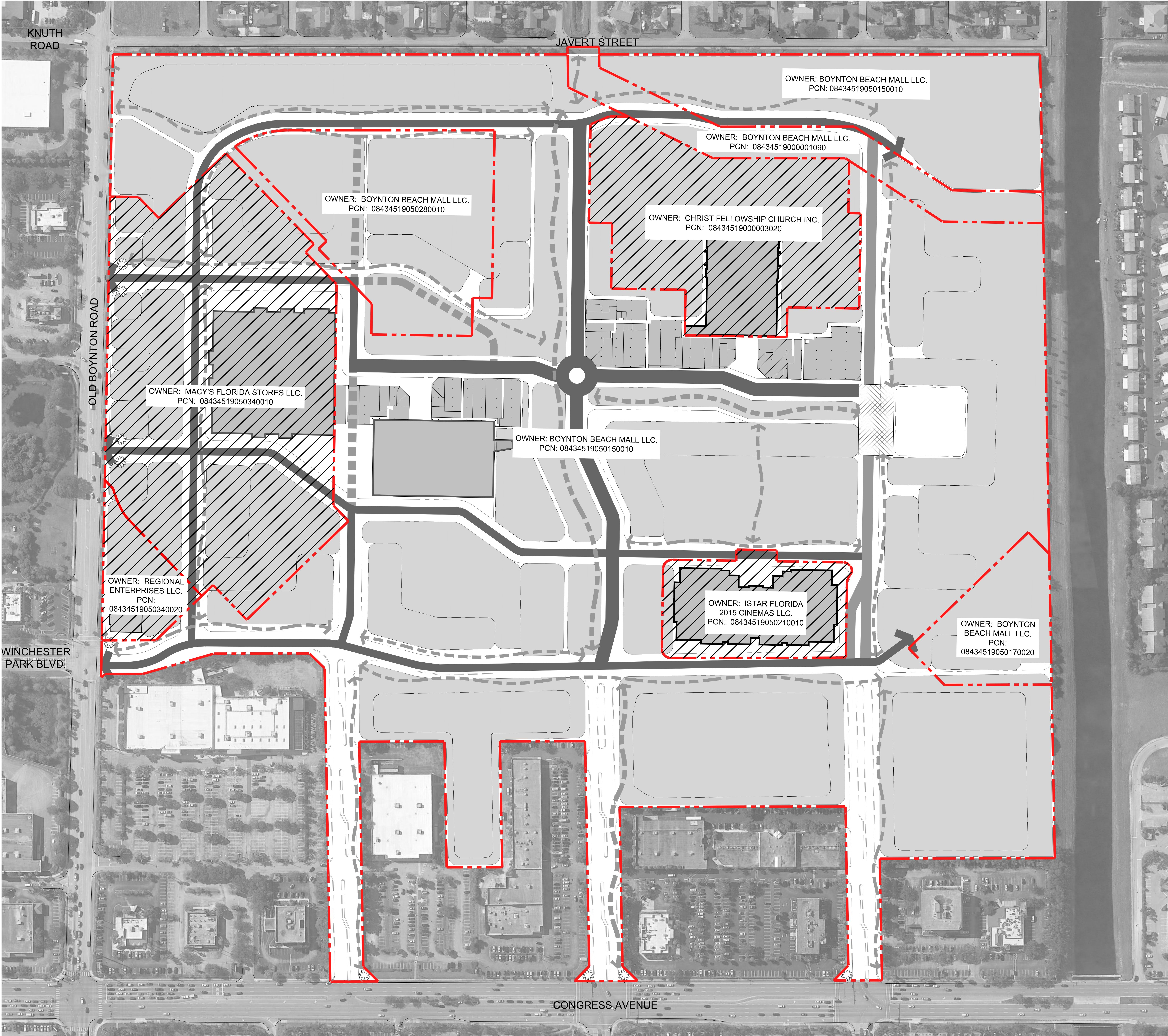
SCALE



MASTER PLAN

SHEET NUMBER

MP-2



LEGEND:

- PROPERTY LINE
- OWNERSHIP: BOYNTON BEACH MALL LLC
- OWNERSHIP BY OTHERS

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WASHINGTON PRIME GROUP
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DESIGNED BY:
DRAWN BY:
CHECKED BY:

SCALE

VERT: N/A
HORZ: 1"=100'

0 50 100 200

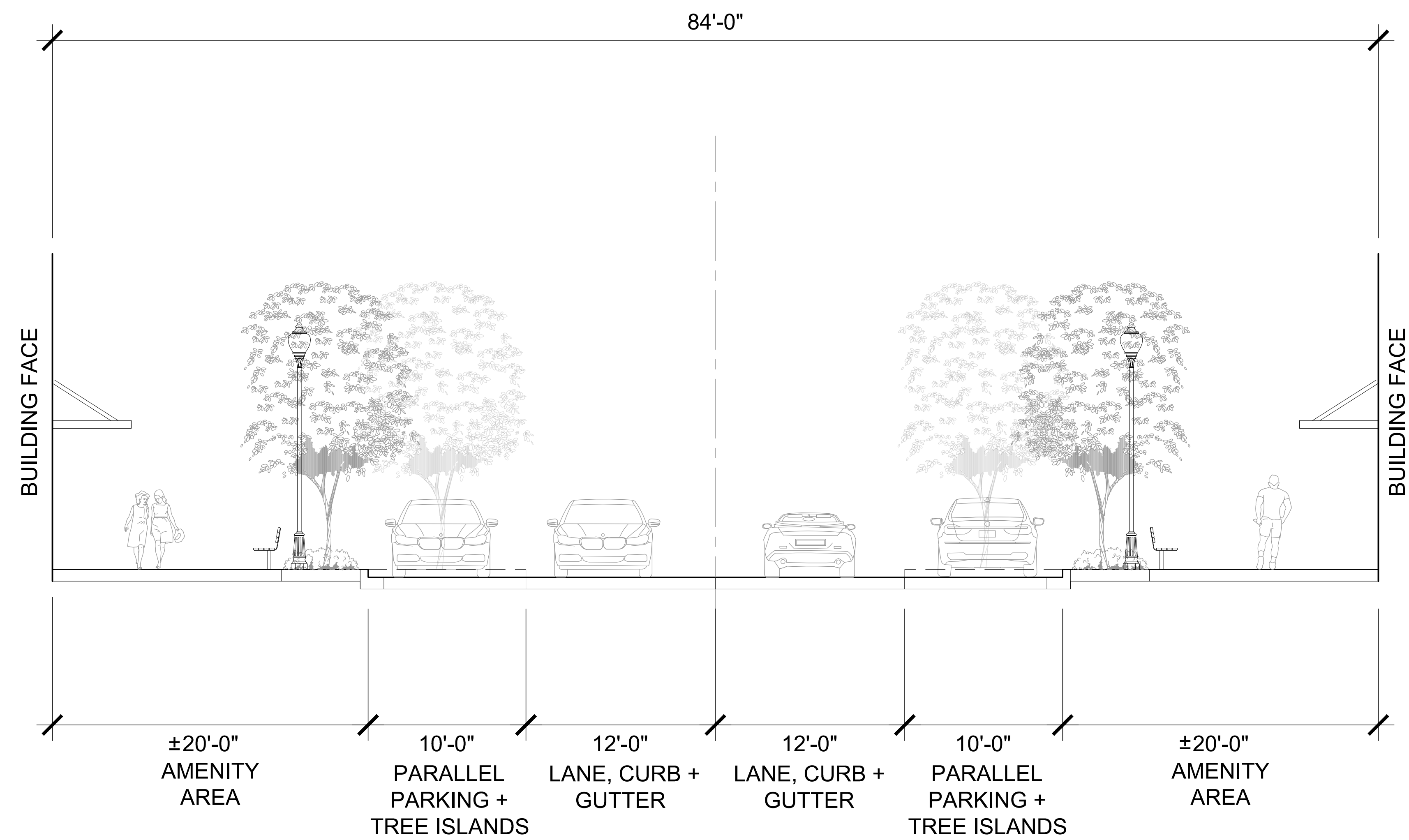
NORTH

SHEET TITLE

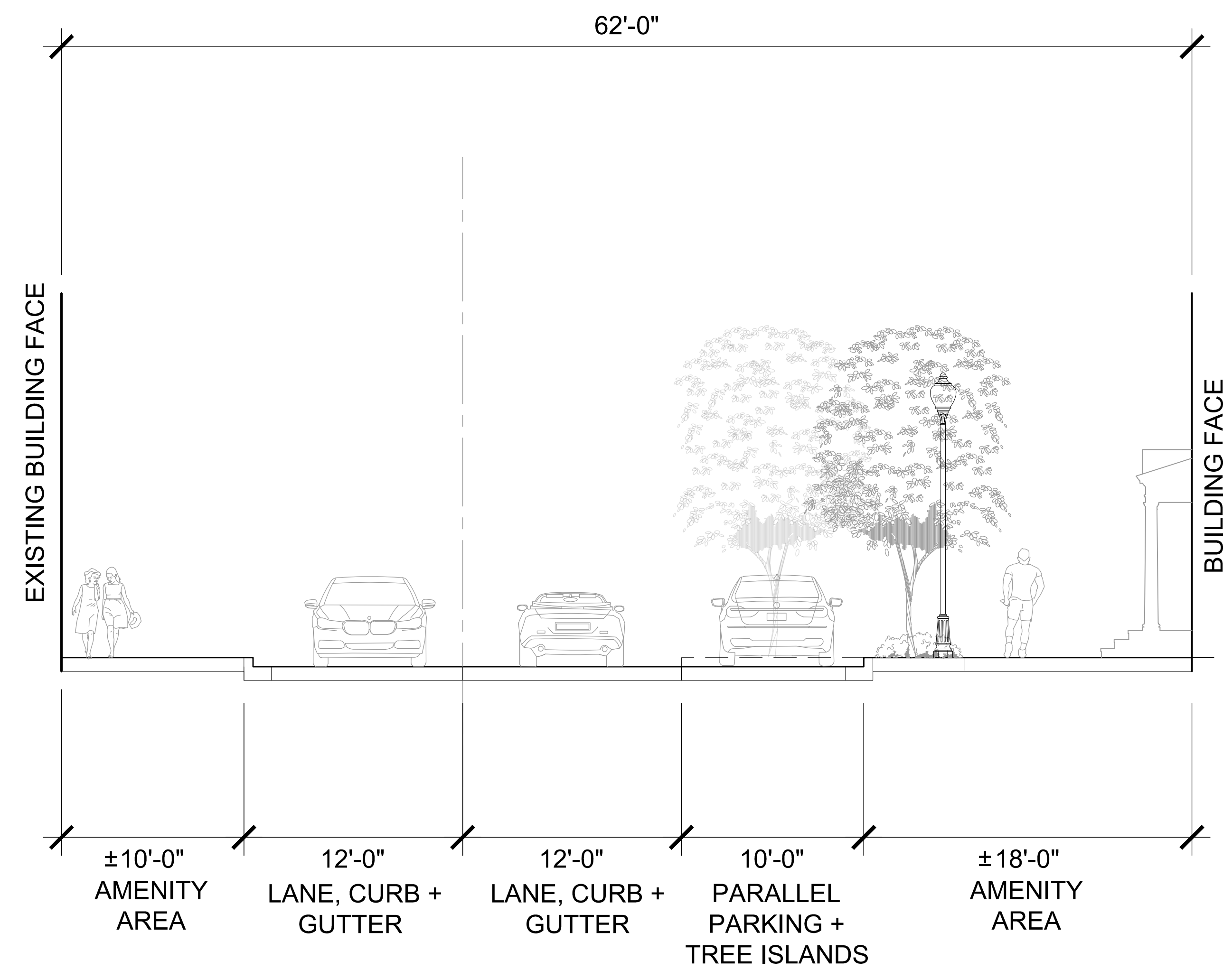
PARCEL OVERLAY PLAN

SHEET NUMBER

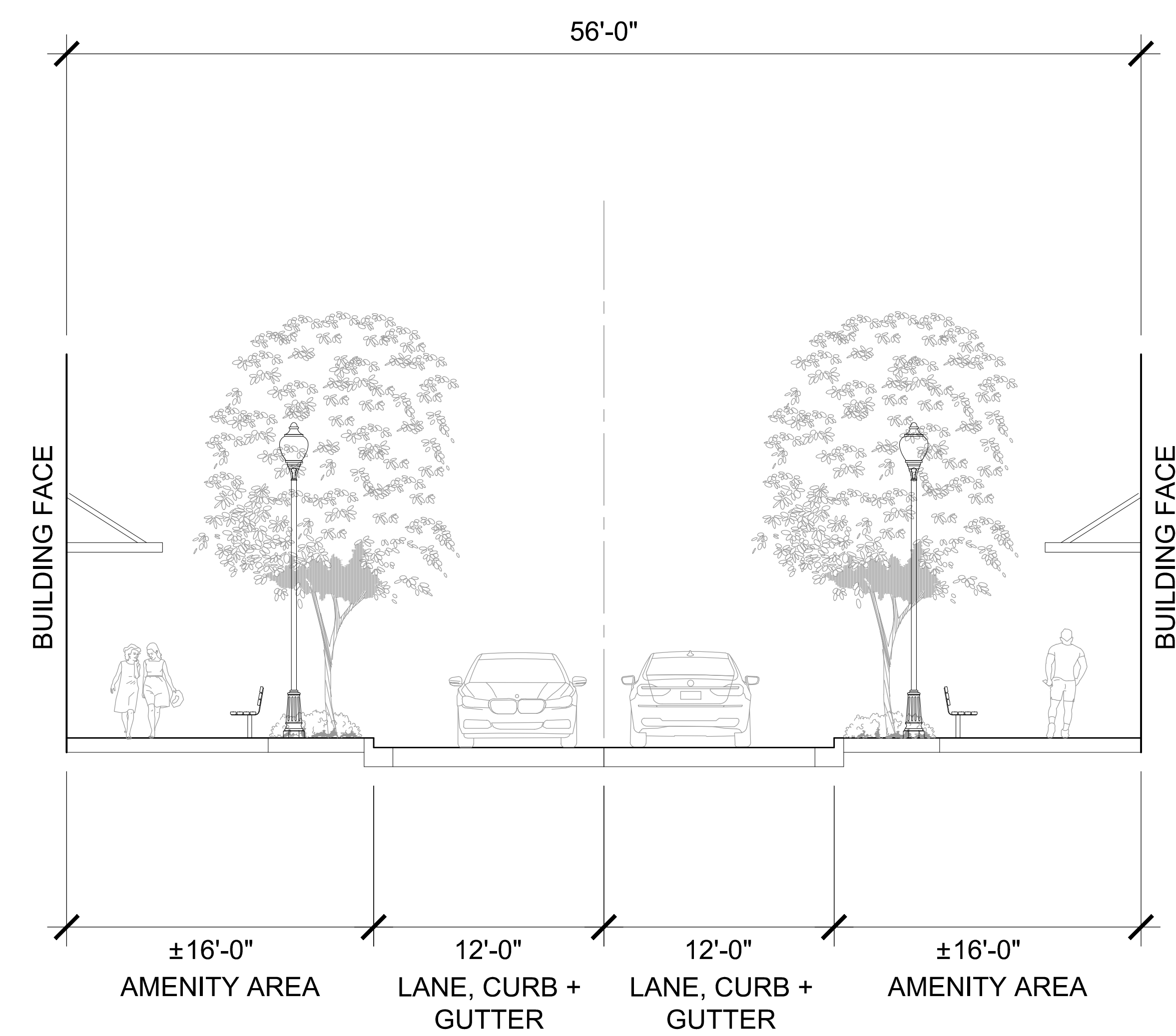
MP-3



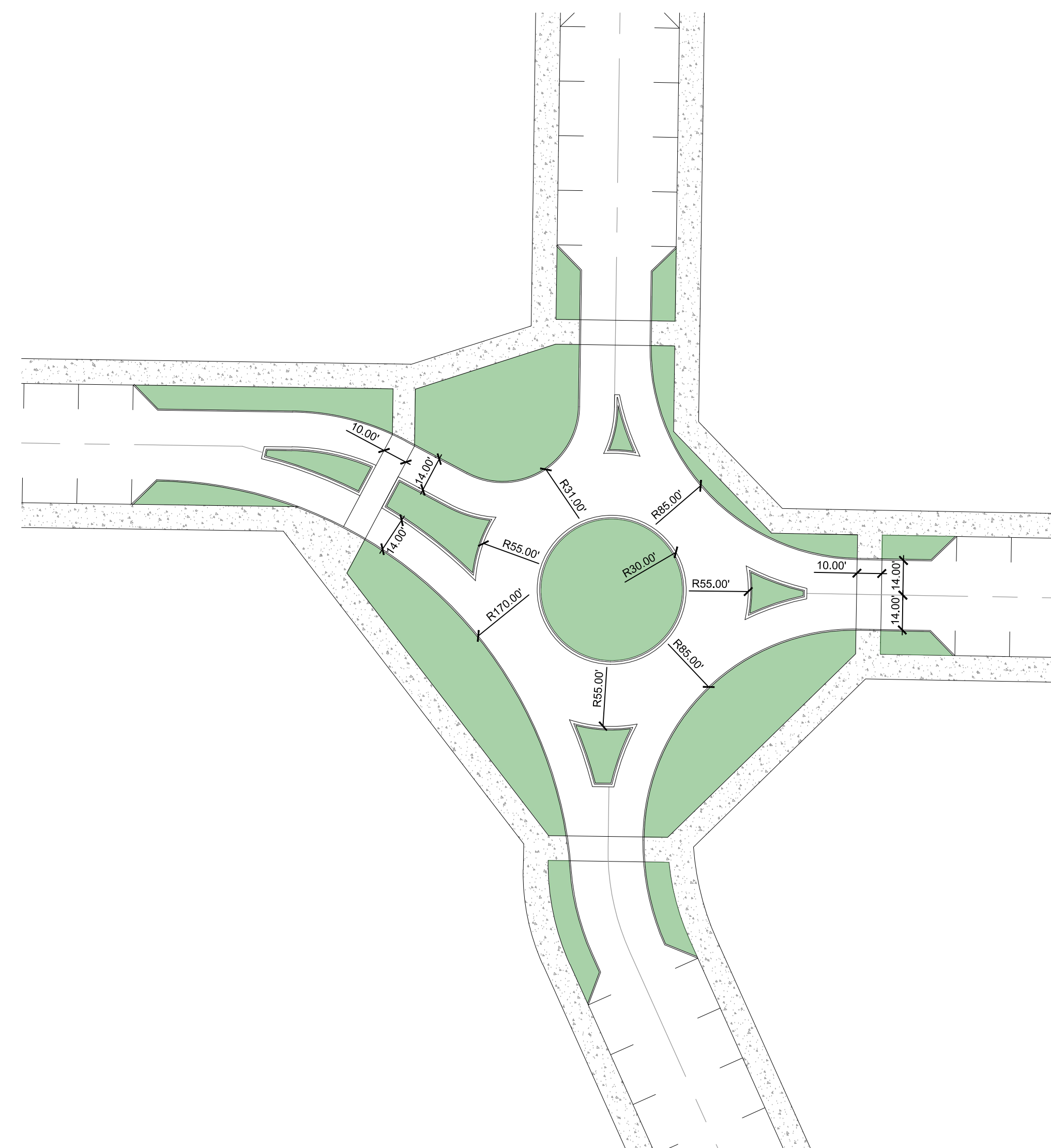
MAIN STREET SECTION



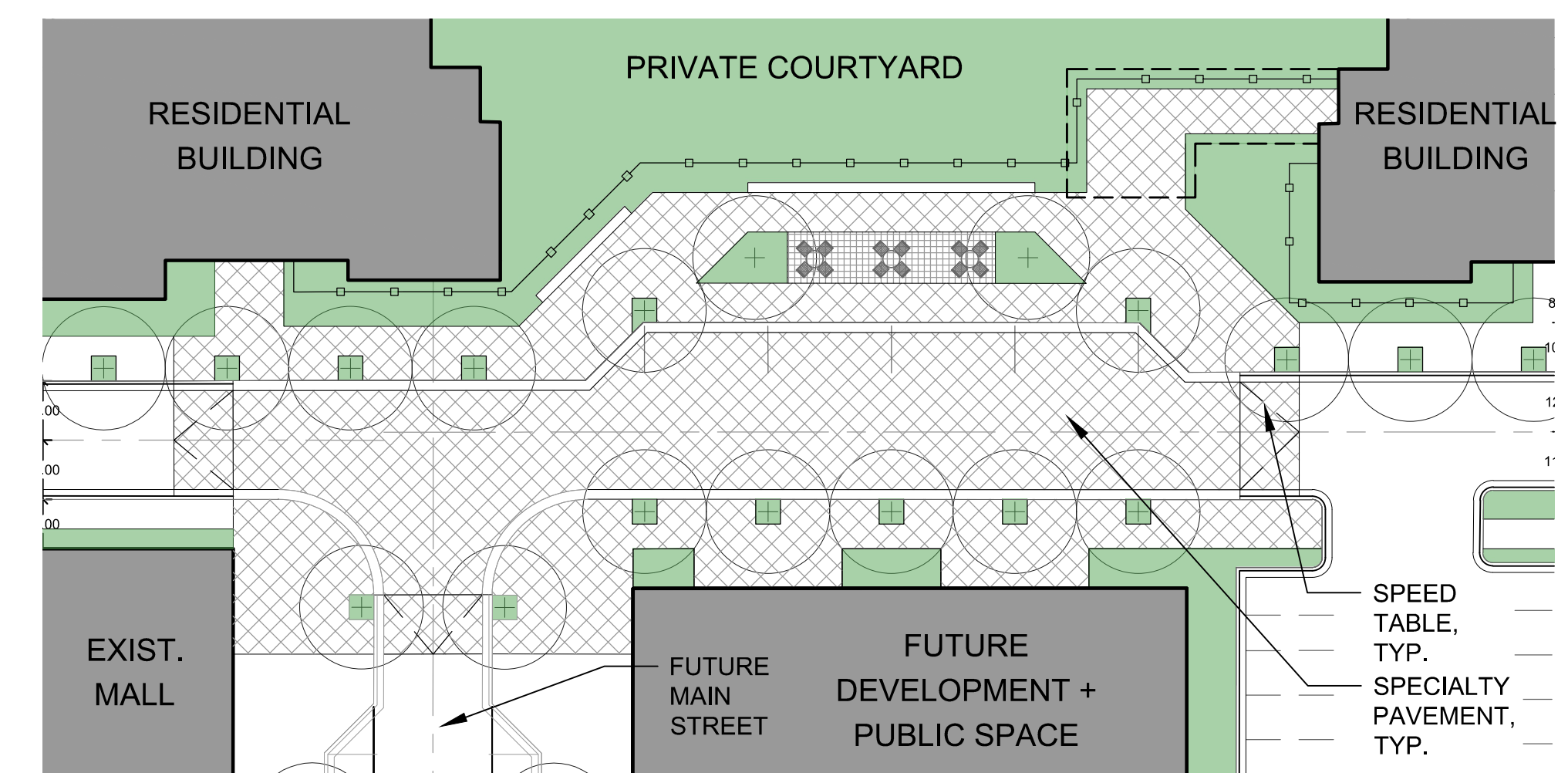
NORTHERN PERIMETER STREET SECTION



TYPICAL STREET SECTION



SOUTHERN ROUNDABOUT DIAGRAM



NORTHERN PUBLIC PLAZA DIAGRAM

SCALE: 1"=30'

- NOTES:
1. SECTIONS ARE TYPICAL AND NOT INDICATIVE OF ALL POTENTIAL CONDITIONS REQUIRED SUCH AS TURN-LANES.
 2. DETAILED ROADWAY SECTIONS WILL BE DEVELOPED AS REQUIRED IN CONJUNCTION WITH SITE PLAN APPLICATIONS.
 3. THE AMENITY AREA WILL REQUIRE STREET TREES AND MIN. 7'-6" SIDEWALK.
 4. THE AMENITY AREA WILL ALLOW FOR THE ENCROACHMENT OF PORCHES, BALCONIES, LANDSCAPING, FENCING ETC.

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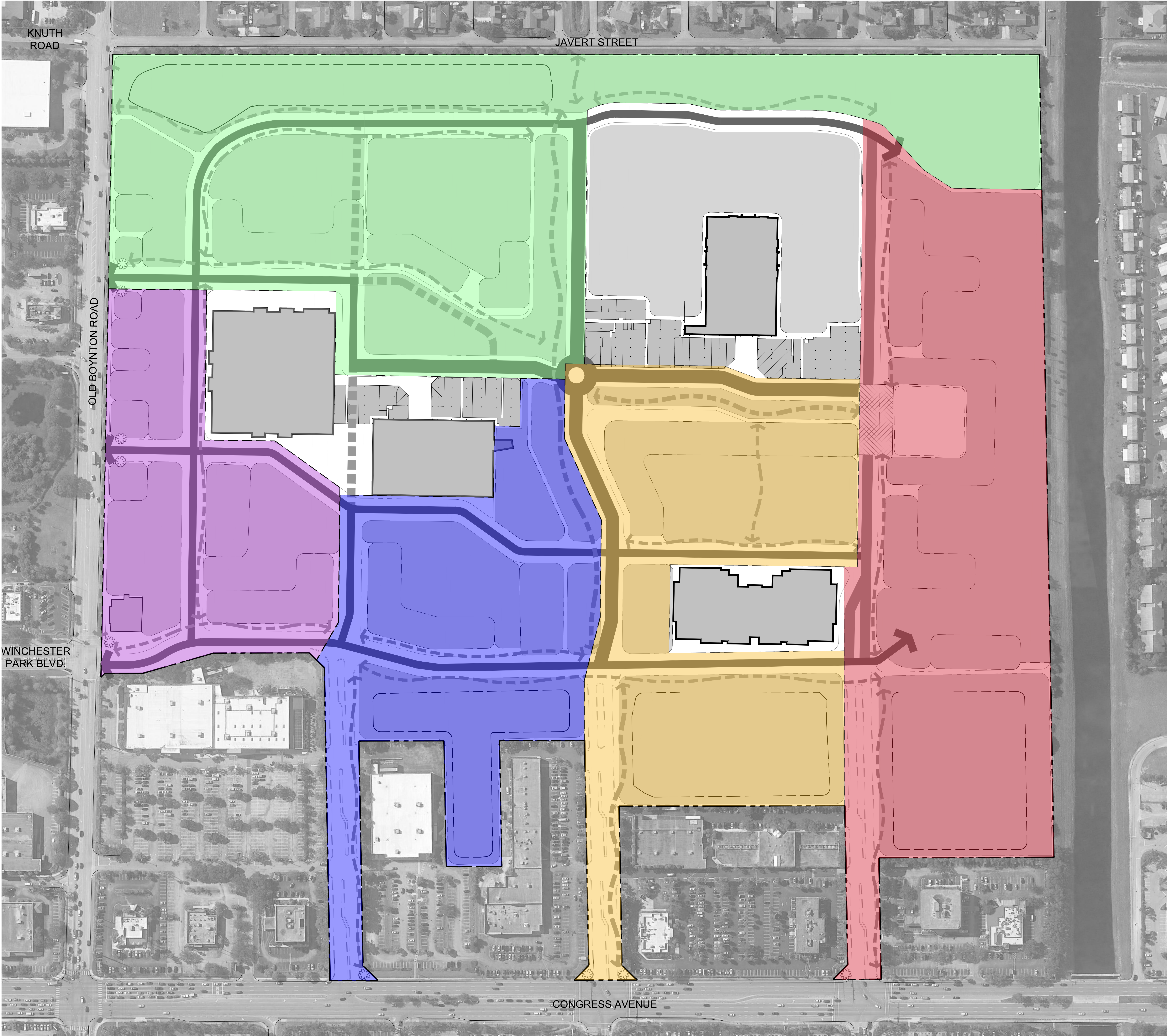
SCALE: NORTH

VERT: N/A
HORZ: 1"=5'
0 2.5 5 10

STREET SECTIONS

SHEET NUMBER

MP-4



- LEGEND:**
- PHASE 1
 - PHASE 2
 - PHASE 3
 - PHASE 4
 - PHASE 5

NOTE:
1. PHASING SHOWN AS PRELIMINARY AND SUBJECT TO CHANGE WITH DEVELOPMENT NEEDS.

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BOYNTON BEACH MALL

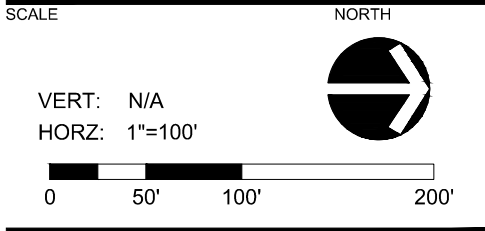
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DESIGNED BY:
DRAWN BY:
CHECKED BY:



PHASING PLAN

SHEET NUMBER
MP-5



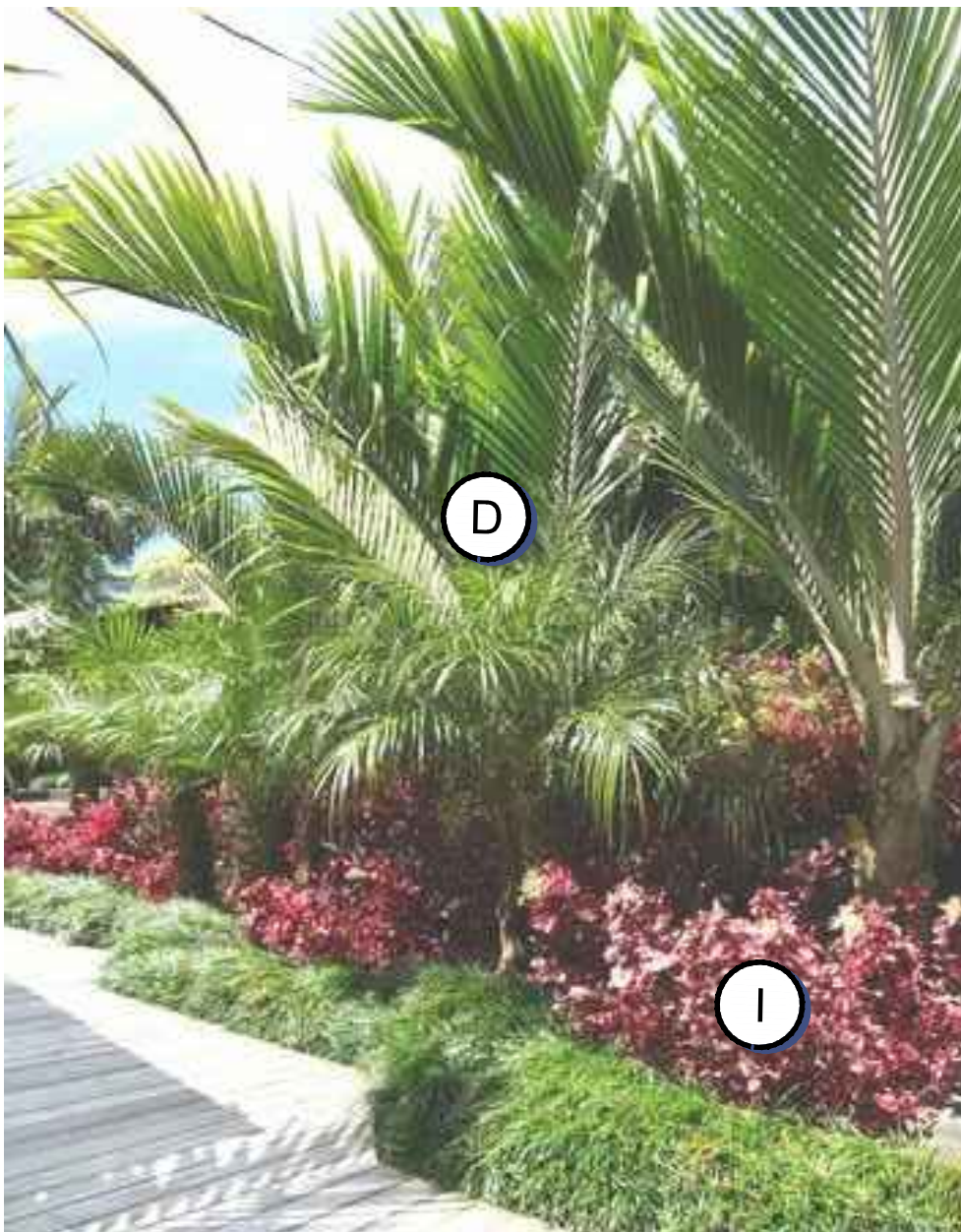
BUILDING FOUNDATION PLANTING



SCREENING PLANTING



STREETSCAPE + PARKING LOT PLANTING



PLANT LAYERING

PLANTING CHARACTER PRINCIPLES:

- A • MIXTURE OF TEXTURES**
Add visual interest with a variety of colors and textures of plant material and landscape elements.
- B • ACCENTS**
Use of well-placed accent plants can draw the eye to important features of the space. Accent plants are usually striking because of their shape, color or size.
- C • MASSING**
Design plant massings that leave lasting impression. Repeat plant species to create cohesive movements and produce visual screens where needed.
- D • VARY HEIGHT**
Create height variation and hierarchies to provide a sense of depth.
- E • COMPLIMENT ARCHITECTURE**
Develop planting schemes that highlight key architectural features and tie the building to its site.
- F • NATIVE SPECIES**
Use low maintenance and drought tolerant plantings with an appropriate mix of native plant materials in the palette.
- G • PROMOTE SHADE**
Locate vertical elements and preserve existing trees to create shade in, enrich the character of, and add scale to gathering spaces and the landscape.
- H • FRAME SPACES**
Use thoughtful plantings to create intimate outdoor rooms and ideal views of key features. Plant borders along paths, walkways and public spaces to define hardscape edges.
- I • SEASONAL INTEREST**
Use of a variety of species in planting areas provides visual interest throughout the year.

APPROVED PLANT SPECIES

TREES:

- *Coccoloba uvifera**
- *Podocarpus macrophyllus**
- *Cassia fistula*
- *Lagerstroemia indica*
- *Jacaranda mimosifolia**
- *Mycianthes fragrans*
- *Bursera simaruba*
- *Magnolia grandiflora**
- *Ilex x 'Cona'*
- *Quercus laurifolia*
- *Swietenia mahogany*
- *Tabebuia spp.*

* INDICATES ACCENT TREE

PALMS:

- *Acoelorrhaphe wrightii*
- *Archontophoenix alexandrae*
- *Dypsis lutescens*
- *Ptychosperma elegans*
- *Thrinax morrisii*
- *Bismarckia nobilis*
- *Cocos nucifera* 'Green Malayan'
- *Wodyetia bifurcata*
- *Rhapis excelsa*
- *Sabal palmetto*
- *Licuala grandis*
- *Roystonea elata*

SHRUBS:

- *Ficus microcarpa*
- *Carissa macrocarpa* 'Tomlinson'
- *Ilex vomitoria**
- *Murraya paniculata*
- *Chrysobalanus icaco* 'Horizontalis'
- *Clusia rosea* 'Nana'
- *Philodendron 'Xanadu'*
- *Zamia floridana*
- *Psychotria nervosa*
- *Hamelia patens*
- *Acalypha wilkesiana*
- *Codiaeum variegatum**

* INDICATES SCREENING SHRUB

GROUNDCOVERS:

- *Alternanthera ssp.*
- *Dietes iridioides*
- *Asplenium nidus*
- *Liriope spp.*
- *Trachelospermum asiaticum*
- *Nephrolepis exalta*
- *Microsorium scolopenderia*
- *Arachis repens*
- *Aspidistra elatior*
- *Pennisetum setaceum*
- *Arachis glabrata*
- *Dianella tasmanica*

ACCENTS:

- *Bougainvillea glabra*
- *Colocasia spp.*
- *Alocasia spp.*
- *Cordyline fruticosa*
- *Ficus pumila*
- *Howea forsteriana*
- *Monstera deliciosa*
- *Petrea volubilis*
- *Sansevieria trifasciata*
- *Yucca gloriosa*
- *Strelitzia nicolai*
- *Pennisetum setaceum*

NOTES:
1. THE PLANT PALETTE IS NOT EXCLUSIVE BUT IS MEANT TO CONVEY A GENERAL TONE AND CHARACTER. ADDITIONAL SPECIES MAY BE UTILIZED THROUGHOUT THE DEVELOPMENT.

REVISED

SEAL

PROJECT

BOYNTON BEACH MALL

WASHINGTON PRIME GROUP
801 N. CONGRESS AVE, SUITE 295
BOYNTON BEACH, FL

LANDSCAPE PROJECT 1018174

REVISION / ISSUANCE		
NO.	DESCRIPTION	DATE
	PRE-APPLICATION SUBMITTAL	07.24.2019
1	REZONING / MASTER PLAN APPLICATION	08.09.2019
2	COMMENT RESPONSE	11.05.2019
3	COMMENT RESPONSE	11.19.2019

DESIGNED BY:
DRAWN BY:
CHECKED BY:

SCALE: NORTH

VERT: N/A
HORZ: N/A

SHEET TITLE

PLANT PALETTE

SHEET NUMBER

MP-6

EXHIBIT "D"

Conditions of Approval

Project Name: Boynton Beach Mall
File number: MPMD 19-004
Reference: 3rd review plans identified as a Master Plan Modification with a November 19, 2019 Planning and Zoning Department date stamp marking.

DEPARTMENTS	INCLUDE	REJECT
ENGINEERING / PUBLIC WORKS / FORESTRY / UTILITIES		
Comments: None		
FIRE		
Comments: None		
POLICE		
Comments: None		
BUILDING DIVISION		
Comments: None		
PARKS AND RECREATION		
Comments: None		
PLANNING AND ZONING		
Comments:		
1. A traffic approval letter from Palm Beach County Traffic Engineering is required prior to final approval of the Rezoning and Master Plan amendment. Should the approval letter require changes to the Master Plan, no permits shall be issued until those changes have been completed and approved by staff.		
2. A school concurrency approval letter is required prior to final approval of the Rezoning and Master Plan amendment.		

DEPARTMENTS	INCLUDE	REJECT
3. The maximum square footage allowances depicted for the individual use types as outlined within the Traffic Study will be the limiting factor relative to the density and intensity of proposed uses depicted on the Master Plan.		
4. The Plant Palette depicted on Sheet MP-6 is representative and not comprehensive, and may be altered as a result of further staff review and comment as individual projects are reviewed.		
5. Parking details will be reviewed within the individual phase approvals and as part of any Shared Parking Study submitted in the future.		
6. An update to the Master Sign Program for the Mall will be required before any permanent sign permits are issued.		
7. Further Departmental reviews and comments will be provided during the analysis of site plan submittals associated with each phase.		
8. It is the applicant's responsibility to ensure that the application requests are publicly advertised in accordance with Ordinance 04-007 and Ordinance 05-004 and an affidavit provided to the City Clerk		
COMMUNITY REDEVELOPMENT AGENCY		
Comments: N/A		
PLANNING & DEVELOPMENT BOARD CONDITIONS		
Comments: To be determined.		
CITY COMMISSION CONDITIONS		
Comments: To be determined.		
ADDITIONAL REPRESENTATIONS / COMMITMENTS		

**DEVELOPMENT ORDER OF THE CITY COMMISSION OF THE
CITY OF BOYNTON BEACH, FLORIDA**

PROJECT NAME: Boynton Beach Mall (MPMD 19-004)

APPLICANT: Bonnie Miskel, Esq., Dunay, Miskel and Bachman, LLP

APPLICANT'S ADDRESS: 14 SE 4th Street, Suite 36, Boca Raton, FL 33432

DATE OF HEARING RATIFICATION BEFORE CITY COMMISSION: January 21, 2020

APPROVAL SOUGHT: Request for Master Plan Modification for the Boynton Beach Mall consisting of retail, residential, hotel, restaurant and office uses in conjunction with existing church, fitness center and movie theater uses, in the SMU (Suburban Mixed Use) zoning district.

LOCATION OF PROPERTY: 801 N. Congress Avenue

DRAWING(S): SEE EXHIBIT "B" ATTACHED HERETO.

THIS MATTER was presented to the City Commission of the City of Boynton Beach, Florida on the date of hearing stated above. The City Commission having considered the approval sought by the applicant and heard testimony from the applicant, members of city administrative staff and the public finds as follows:

1. Application for the approval sought was made by the Applicant in a manner consistent with the requirements of the City's Land Development Regulations.
2. The Applicant
 ___ HAS
 ___ HAS NOT

established by substantial competent evidence a basis for the approval requested.

3. The conditions for development requested by the Applicant, administrative staff, or suggested by the public and supported by substantial competent evidence are as set forth on Exhibit "D" with notation "Included."
4. The Applicant's request is hereby
 ___ GRANTED subject to the conditions referenced in paragraph 3 above.
 ___ DENIED
5. This Order shall take effect immediately upon issuance by the City Clerk.
6. All further development on the property shall be made in accordance with the terms and conditions of this order.
7. Other: _____

DATED: _____
City Clerk



CITY OF BOYNTON BEACH AGENDA ITEM REQUEST FORM

PLANNING AND DEVELOPMENT MEETING DATE: 12/9/2019

REQUESTED ACTION BY PLANNING AND DEVELOPMENT BOARD:

Approve revisions to the Workforce Housing Program (CDRV 19-008) - Amending the LAND DEVELOPMENT REGULATIONS, Chapter 1. General Administration, Article II. Definitions, and Article V. Housing Initiatives, Section 2. Workforce Housing Program. Applicant: City-initiated.

EXPLANATION OF REQUEST:

The present version of the Workforce Housing ordinance was approved on September 19, 2017, a result of a conversion of the former mandatory inclusionary zoning program into a voluntary density and height bonus program. Neither has ever been utilized. It is staff's opinion that, given the high level of development activity in the city, the proposed revisions are likely to stimulate the private sector's interest in the density bonus offered in exchange for participation in the program.

Currently, the limited interest stems partly from its restricted geographic applicability: only projects located in the Downtown Transit-Oriented Development District (DTODD) can participate in the program. The key proposed change expands applicability city-wide: projects with Mixed Use High, Medium, and Low as well as Special High Density future land use classifications would be eligible in all areas where such classifications are allowed. Moreover, the program would now offer density bonus—also city-wide—to developments implementing affordable housing programs with 100% affordable units, in all future land use classifications except Low Density Residential.

Other proposed revisions include:

- Changing the source of income data for income eligibility determination, from the Boynton Beach Median Household Income from the American Community Survey to the Area Median Income (AMI) for the Palm Beach County as provided annually by the Department of Housing and Urban Development. The latter is commonly used in most housing programs.
- Increasing the fee-in lieu amounts for both for-sale and for rent units. The higher fees are intended to encourage construction of units. To further incentivize construction, the amendment proposes to increase the percentage of set-aside units designated to be workforce housing as a base for in-lieu fee if the payment option is selected.

The proposed revisions constitute a first step in the work plan of the staff's Housing Work Group. The longer-term approach is a comprehensive review of the Land Development Regulations that could potentially support attainable housing. Such regulations will include minimum lot sizes and non-conforming lots, minimum living area, accessory dwelling units, and parking requirements.

HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES? No impact on programs or services

FISCAL IMPACT: Potential increase of the future tax base

ALTERNATIVES: No alternative recommendations

STRATEGIC PLAN:

STRATEGIC PLAN APPLICATION:

The request is consistent with the Project 2.7 (Housing Resource Improvement Strategies) and Project 2.12 (Attainable Housing Development, Regulations) in the Strategic Plan.

CLIMATE ACTION: Yes

CLIMATE ACTION DISCUSSION:

Draft Climate Action Plan, Greenhouse Gas Emissions Reduction Strategies: Community Emissions: Transportation & Land Use

C-1.1: Compact and Mixed Use Development

Increasing density lowers greenhouse gas emissions from the transportation sector.

Is this a grant?

Grant Amount:

ATTACHMENTS:

Type	Description
<input type="checkbox"/> Exhibit	EXHIBIT A. Definitions
<input type="checkbox"/> Exhibit	EXHIBIT B. Proposed Revisions to LDR

DEED RESTRICTION – ~~Each~~ All for sale workforce housing units created under the Workforce Housing pProgram shall be deed restricted for fifteen (15) years. ~~recurring. All rental workforce units created under the program shall be deed restricted for fifteen (15) years, non-recurring.~~ The deed restriction shall be recorded and serve to restrict the sales or rental price and/or the income of the purchaser or renter.

ELIGIBLE OCCUPANT - Relative to the Wworkforce Hhousing Pprogram contained in these Regulations, it is a person who ~~qualifies for participation~~ meets income requirements of ~~in the program. whose income does not exceed one hundred twenty percent (120%) of median household income for the City of Boynton Beach.~~ Priority will be given to persons who have lived or worked within the city limits of Boynton Beach continually for one (1) year immediately prior to the date of application for a workforce housing unit.

LOW INCOME HOUSEHOLD - Under the Wworkforce Hhousing Pprogram provisions of these regulations, it is a household with a gross, combined income between sixty percent (60%) and below eighty percent (80%) of the City of Boynton Beach Area Median Income (AMI) median household income. for Palm Beach County, published annually by the Department of Housing and Urban Development (HUD).

MODERATE INCOME HOUSEHOLD - Under the Wworkforce Hhousing Pprogram provisions of these regulations, it is a household with a gross, combined income between eighty percent (80%) and one hundred twenty percent (120%) of the ~~City of Area~~ Median Income (AMI) for Palm Beach County, published annually by the Department of Housing and Urban Development (HUD). ~~Boynton Beach median household income~~

RESTRICTIVE COVENANT AND AGREEMENT - The covenants that govern the initial sale and rental and subsequent resale and releasing of workforce housing units created under the Wworkforce Hhousing Pprogram. The term of the restrictive covenant and agreement is fifteen (15) years. recurring, for for sale units and fifteen (15) years for rental units, nonrecurring.

ARTICLE V. HOUSING INITIATIVES

Sec. 2. Workforce Housing Program.

A. *Findings.*

1. Housing Cost/Wage Gap. The City Commission recognizes that there is a growing gap between housing costs and wages in the city;

~~—1. Housing Shortage. The City Commission having conducted a Housing Assessment Study (Attachment A) has determined that new home prices and rents are not affordable to the everyday working families and citizens of the city;~~

2. Florida Statutes. F.S. § 166.04151 provides that a municipality may adopt and maintain any ordinance that is adopted for the purpose of increasing the supply of workforce housing using land use mechanisms not withstanding any other provision of law;

~~—3. Housing Cost/Wage Gap. The City Commission recognizes that there is a growing gap between housing costs and wages in the city;~~

34. Public Interest. The City of Boynton Beach has a legitimate public interest in preserving the character and quality of neighborhoods that require assuring the availability of workforce housing for low and moderate income persons in the city;

45. Sense of Community. The city recognizes that the need to provide workforce housing is critical to maintaining a diversified and sustainable city having the character and sense of community where people can live and work in the same area; and

56. Housing Availability. The city is encouraging the production and availability of workforce housing and at the same time is cognizant that escalating land costs and rapidly diminishing amounts of land hinder the provision of sufficient workforce dwelling units by the private sector.

B. *Applicability.* The program is voluntary. Developers who choose to participate may be awarded incentives outlined further in this article. The following regulations shall apply ~~only~~ to development applications for projects ~~eligible for the Downtown Transit Oriented Development District's (DTOD's) density increase of twenty-five percent (25%), with an~~ the following underlying future land use categories: ~~the density in excess of fifteen (15) dwelling units per acre.~~

1. Projects with Mixed Use High, Mixed Use Medium, Mixed Use Low and Special High Density future land use classifications are eligible for the program citywide in areas where such classifications are allowed.

2. Projects implementing recognized affordable housing programs with 100% affordable units are eligible citywide in all future land use classifications except Low Density Residential.

C. *Provisions.* The developer may elect to obtain ~~higher density as part of the DTODD's~~ 25% a density bonus and/or a height bonus through the construction of the workforce units on-

site or off-site, monetary contribution, donation of land or purchase of units to be designated as workforce, subject to the limits and requirements of this article.

I. Construction of workforce units on-site:

1. To be eligible for the requested ~~higher density as part of the DTO D-D's (25%)~~ density bonus through the construction of workforce units on-site, the developer must incorporate such units into the development as follows:

a. Projects located within the Downtown Transit Oriented Development District (DTODD) using ~~DTODD~~ the density bonus of up to 25% alone or in conjunction with the height bonus of one (1) additional story (up to a maximum of 12 feet) shall designate a minimum of ten-fifteen percent (10~~5~~%) of the total proposed units as workforce housing units.

b. Projects located within the DTODD in the Boynton Beach Boulevard Overlay with the Mixed Use Medium or Mixed Use High future land use classifications may use the density bonus of up to 25% in conjunction with the height bonus or the height bonus alone; ~~such the height~~ bonus can include two (2) additional stories (up to a maximum of 24 feet). ~~and shall only be granted to projects located in the Cultural or Boynton Beach Boulevard district,~~ Projects using the maximum height bonus shall designate ~~ing~~ a minimum of twenty percent (20%) of the total proposed units as workforce housing units.

c. Projects located outside of DTODD with Mix Use Medium, Mixed Use Low or Special High Density Residential future land use classifications are eligible for a density bonus for up to 25%. Such projects shall designate a minimum of ten percent (10%) of the total proposed units as workforce housing units. Properties of three (3) or more acres are also eligible for a height bonus of one (1) additional story (up to a maximum of 12 feet).

d. Projects with 100% affordable units outside of the DTODD with Medium or High Density Residential future land use classifications are eligible for a density bonus of up to 25%.

~~ee.~~ Eligible land use classifications and zoning districts (Table 1-2).

Land Use Classification	Zoning Districts
<u>Medium Density Residential*</u>	<u>R-2, R-3 and PUD</u>
<u>High Density Residential*</u>	<u>IPUD and PUD</u>
<u>Special High Density Residential</u>	<u>IPUD and PUD</u>
Mixed Use Low	MU-1 <u>and SMU</u>
Mixed Use Medium	MU-2 and MU-3
Mixed Use High	MU-4 and MU-Core

*Applicable only to projects with 100% affordable units.-

2. Household (Income) Type. Twenty-five percent (25%) of the total required workforce housing units shall be set aside for low-income households. Seventy-five percent (75%) of the total required workforce housing units shall be set aside for moderate-income households.

3. Fractions. If the number of workforce housing units results in a fractional remainder greater than one-half (0.50), the number shall be rounded up. If the required number of workforce housing units results in a fractional number less than one-half (0.50), the number shall be rounded down.

4. Number of Units. The workforce housing units provided shall have the same percentage of unit types as market rate units within the development. The unit types include the category of structure (single-family detached and attached, multifamily), for rent versus for sale units, and the number of bedrooms. Relief from this provision may be granted if the intended purpose is to address particular needs of the community, substantiated by the provided data/analysis.

5. Staff Approval. At the time of application for land use amendment and rezoning, the project must be reviewed and signed off by the Community Improvement Division of the city as part of the site plan approval process for compliance with affordability guidelines and number of units qualifying as workforce.

6. Site Plan. The site plan shall clearly identify the location of workforce housing units. Additionally, tabular data must be included on the site plan showing the address or unit number, total number of units, number of bedrooms of workforce housing units and the targeted income levels. This shall be included with the market rate data.

7 Sale Restrictions. Workforce housing units shall be regulated in terms of:

a. Initial sales price or rent levels; and

b. Subsequent resale prices or leasing rates.

c. If compliance with a land development standard would preclude construction of a residential or mixed use development in which workforce housing units are included, pursuant to this chapter, the applicant may submit a proposal for waiver or reduction of the development standard. The applicant shall show that the waiver or reduction of the development standard is necessary to make the workforce housing units economically feasible and that such a waiver will not compromise any of the city's life or safety standards.

8. Recording the Restrictive Covenant. Prior to the issuance of any building permit, the restrictive covenant and agreement shall be recorded in the public records of Palm Beach County. The term of the restrictive covenant shall be fifteen (15) years, recurring. A copy of the recorded covenant and agreement shall be provided to the city prior to the issuance of the building permit.

II. In-Lieu and off-site options. ~~The following options in lieu of construction of workforce unit on site will be based on the number of units as indicated in sections C.I.a/b and C.I.3 above.~~

1. To encourage construction of workforce units, the number of units for which the payment in-lieu can be collected shall increase from ten percent (10%), fifteen percent (15%) and twenty percent (20%) as indicated in sections C.I.1.c, C.I.1.a, and C.I.1.b, respectively, to fifteen percent (15%), twenty percent (20%), and twenty five percent (25%) of the total proposed units.

~~21.~~ Payment In-Lieu (Table 1-3). Contributions per unit listed in the table below shall accrue to the Boynton Beach Housing Trust to be utilized to subsidize the creation of workforce housing within the city. In-lieu of fees shall be paid in full prior to the issuance of building permit.

Payment In Lieu of Construction of Workforce Housing Units (per unit)	
For-sale unit	\$39,293 <u>\$82,986</u>
For rent units	\$18,380- <u>\$36,760</u>

Note: Payment-in-lieu amounts shall be revised every two (2) years, based on (i) median single-family home sale price for Palm Beach County provided by Realtors' Association of the Palm Beaches, and (ii) average monthly apartment rent for the Boynton Beach market provided by Reinhold P. Wolff Economic Research, Inc.

~~32.~~ Donation of Land. The value of the land shall equal or exceed the total "in-lieu of" fee for all workforce units or shall be of sufficient size to develop the same number of units. The value of the donated land must be verified by a MAI appraisal no more than three (3) months old. The appraisal shall be obtained by developer at developer's cost to verify the value of donated land. The land shall be deeded to the city prior to the issuance of a final certificate of occupancy for the development.

~~43.~~ Off-Site Construction. The workforce housing units may be built off-site, provided they are constructed within the City limits. All off-site workforce housing units shall comply with all sections of these Regulations.

~~54.~~ Purchase Market Rate Units. Purchase an equivalent number of existing market rate units to be deeded to the city or sold to eligible households. Such units shall be deed restricted to comply with the Workforce Housing Ordinance. The developer may retain the title to off-site units subject to recordation of a city approved deed restriction.

D. The following requirements shall apply to built or purchased workforce units:

I. *Rental Housing Units.*

1. Recording of the Restrictive Covenant. A restrictive covenant shall be recorded in the public records specifying the income level served, rent levels, reporting requirement and all restrictions applicable to the workforce housing units. All leases on workforce housing units shall contain language incorporating the restrictive covenant applicable to the workforce housing units and shall reference the recorded restrictive covenant. The restrictive covenant shall remain in force for fifteen (15) years.

2. Rental Rates.

a. Units targeted to low income households at sixty percent (60%) to eighty percent (80%) of the AMI ~~of the City of Boynton Beach median household income~~ shall not have rental rates that exceed one hundred percent (100%) of the HUD determined fair market rent for the area.

b. Units targeted to moderate income households at eighty percent (80%) to the one hundred twenty percent (120%) of the AMI ~~the City of Boynton Beach median household income~~ shall not exceed one hundred percent (100%) of the HUD determined fair market rent for the area.

3. Tenant Income Qualification. Tenant income qualification records shall be maintained on-site and a yearly report shall be forwarded to the Community Improvement Division of the City of Boynton Beach for compliance determination.

II. *For-Sale Housing Units.*

1. Restrictive Covenant. All deeds shall include the restrictive covenant applicable to workforce housing units. All sales contracts shall state that the unit is part of a workforce housing program and subject to the Land Development Regulations of the city. The restrictive covenant shall remain in force for fifteen (15) years, recurring. The form of deed for workforce housing units shall be approved by the City Attorney.

2. Resale. The restrictive covenants shall state that during the affordability term, the resale of a workforce housing unit shall be subject to the following resale requirements.

a. All workforce housing unit owners shall notify the city immediately that the unit is for sale. The city shall have first right of refusal to purchase the unit. Upon receipt of notice that a valid offer has been made on the unit, the city shall have fifteen (15) days to invoke its right of refusal to purchase the units.

b. All workforce housing units are to be resold only to low or moderate income qualified households at an attainable housing cost for each targeted income range.

3. Required Occupancy. Purchasers of workforce housing units shall be required to occupy the unit.

4. Closing Costs. No charges or fees shall be imposed by the seller on the purchaser of a workforce housing unit which is in addition to or more than charges imposed upon purchasers of market rate units, except for administrative fees charged by the city/CRA, or their designee.

5. Sales Price Calculations. Sales prices for workforce housing units will be calculated on the basis of:

a. An available fixed-rate thirty (30)-year mortgage, consistent with a "blended rate" for Palm Beach County banks, and/or the Florida Housing Finance Authority. A lower rate may be used in calculating workforce housing prices if the developer can guarantee the availability of fixed-rate thirty (30)-year mortgage at this lower rate for all workforce housing units required for the covered project;

b. A down payment of no more than ten percent (10%) (including any down payment assistance provided by SHIP or other sources) of the purchase price;

c. A calculation of property taxes; and

d. A calculation of homeowner insurance, mortgage insurance, homeowner association fees, property management fees and other closing costs.

6. Compliance. Prior to request for final certificate of occupancy for the development, the developer shall provide to the city's Community Improvement Department, or designee, documentation sufficient to demonstrate compliance with the workforce housing program. Such documentation shall include but is not limited to information regarding the identity and income qualification documentation for all occupants of the workforce housing units, proof of recordation of restrictive covenant in approved form.

7. Resale Requirements. To maintain the availability of workforce housing units which may be constructed or substantially rehabilitated pursuant to the requirements of this program, the following resale conditions shall be imposed on the workforce housing units and included in the deed and restrictive covenant recorded in the Public Records of Palm Beach County:

a. Location of Units. All workforce housing units constructed or substantially rehabilitated under this program shall be situated within the development so as not to be in less desirable locations than market-rate units in the development and shall, on average, be no less accessible to public amenities, such as open space, as the market-rate units.

b. Integration. Workforce housing units within a development shall be integrated with the rest of the development and shall be compatible in exterior design and appearance, construction, and contain comparable HV/AC systems as market rate units.

c. Construction Phasing. The construction schedule for workforce housing units shall be consistent with or precede the construction of market rate units. All workforce housing units must be deeded to the City, deed-restricted, or receive a certificate of occupancy prior to issuance of more than eighty percent (80%) of the certificate of occupancies in the subject development.

d. Lot Premiums. There shall be no lot premiums charged on the workforce housing units.

e. Sales Price. All required workforce housing units shall be offered for sale or rent at an attainable housing cost for each of the targeted income ranges.

f. City Approval. The city, its successors and assigns may enforce the covenants. No amendments to the restrictive covenant shall be made unless by written instrument approved by the city.

E. Monitoring and Compliance.

1. Qualified Buyers. Final approval conditions: Final conditions of approval shall specify that the workforce housing units are sold to buyers whose income does not exceed one hundred twenty percent (120%) of the ~~Boynton Beach median household income~~ [AMI](#). The conditions will also specify the requirements for reporting to the city's Community Improvement Division on buyer eligibility, housing prices, as well as any applicable requirement to record the restrictive covenant or to enforce resale restrictions.

2. Surety. Developers may substitute surety as outlined in Chapter 2, Article III, Section 6, Land Development Regulations, in the amount of one hundred ten percent (110%) of the developers' obligation for workforce housing provision according to this section. The city shall, at all times, have the authority to draw upon the surety to enforce the provisions of this article should the applicant be in default of these requirements,

3. Enforcement. The city may enforce the requirements of the Workforce Housing Ordinance through any cause of action available at law or equity, including but not limited to seeking specific performance, injunctive relief, rescission of any unauthorized sale or lease, during the term of the restrictive covenant.

4. Annual Report. The Community Improvement Department shall submit an annual report to the City Commissioners indicating the status of the Workforce Housing Ordinance, including but not limited to the revenues accrued to the Housing Trust Fund, the number of units created, leased and sold.

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(Ord. 10-025, passed 12-7-10; Am. Ord. 11-031, passed 12-6-11; Am. Ord. 13-034, passed 12-3-13; Am. Ord. 14-035, passed 1-6-15; Am. Ord. 15-031, passed 12-1-15)