

ORDINANCE NO. 2012 - 017

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) FOR A PRIVATELY INITIATED SITE SPECIFIC AMENDMENT **AGR BOYNTON BEACH BOULEVARD INSTITUTIONAL (LGA 2012-002)**, MODIFYING PAGE 89 OF THE FLUA BY CHANGING THE FUTURE LAND USE DESIGNATION FOR APPROXIMATELY 4.88 ACRES, GENERALLY LOCATED ON THE NORTH SIDE OF BOYNTON BEACH BLVD, APPROX. 800 FT. EAST OF STATE ROAD 7, FROM AGRICULTURAL RESERVE (AGR) TO INSTITUTIONAL AND PUBLIC FACILITIES WITH ALTERNATIVE AGR (INST/AGR) ON 3.30 ACRES, AND SPECIAL AGRICULTURE (SA) TO INSTITUTIONAL AND PUBLIC FACILITIES WITH ALTERNATIVE SA (INST/SA) ON 1.58 ACRES; AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, Section 163.3184(2)(a), Florida Statutes, provides that comprehensive plan amendments shall follow the expedited state review process except as set forth in Section 163.3184(2)(b) and (c), Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the proposed amendments meet the requirements of Section 163.3184(3)(a), Florida Statutes, to be processed through the expedited state review process, and are being processed through the expedited state review process; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on February 10 and 24, and March 9, 2012 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

1 **WHEREAS**, the Palm Beach County Board of County Commissioners,
2 as the governing body of Palm Beach County, conducted a public
3 hearing pursuant to Chapter 163, Part II, Florida Statutes, on March
4 28, 2012 to review the recommendations of the Local Planning Agency,
5 whereupon the Board of County Commissioners authorized transmittal
6 of proposed amendments to the state land planning agency and review
7 agencies pursuant to Chapter 163, Part II, Florida Statutes; and

8 **WHEREAS**, Palm Beach County received a letter from the state
9 land planning agency dated May 4, 2012 stating that the agency had
10 identified no comments related to important state resources and
11 facilities within the Agency's authorized scope of review that will
12 be adversely impacted by the amendments contained in this ordinance
13 if adopted; and

14 **WHEREAS**, on July 23, 2012 the Palm Beach County Board of
15 County Commissioners held a public hearing to consider adoption of
16 the amendments; and

17 **WHEREAS**, the Palm Beach County Board of County Commissioners
18 has determined that the amendments comply with the requirements of
19 the Community Planning Act.

20 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
21 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

22 **Part I. Amendments to the 1989 Comprehensive Plan**

23 Amendments to the 1989 Comprehensive Plan are hereby adopted
24 and attached to this Ordinance in Exhibit 1:

25 **A. Future Land Use Atlas page 89 is amended as follows:**

26 **Application:** **AGR Boynton Beach Blvd Institutional (LGA 2012-002)**
27 **Amendment:** From Agricultural Reserve (AGR) to Institutional
28 and Public Facilities with alternative AGR
29 (INST/AGR) on 3.30 acres, and Special Agriculture
30 (SA) to Institutional and Public Facilities with
31 alternative SA (INST/SA) on 1.58 acres,
32 **Location:** North side of Boynton Beach Blvd, approx. 800 ft.
33 east of State Road 7,
34 **Size:** Approx. 4.88 acres,
35 **Conditions:** None;

1 **Part II. Repeal of Laws in Conflict**

2 All local laws and ordinances applying to the unincorporated
3 area of Palm Beach County in conflict with any provision of this
4 ordinance are hereby repealed to the extent of such conflict.

5 **Part III. Severability**

6 If any section, paragraph, sentence, clause, phrase, or word
7 of this Ordinance is for any reason held by the Court to be
8 unconstitutional, inoperative or void, such holding shall not affect
9 the remainder of this Ordinance.

10 **Part IV. Inclusion in the 1989 Comprehensive Plan**

11 The provision of this Ordinance shall become and be made a
12 part of the 1989 Palm Beach County Comprehensive Plan. The Sections
13 of the Ordinance may be renumbered or re-lettered to accomplish
14 such, and the word "ordinance" may be changed to "section,"
15 "article," or any other appropriate word.

16 **Part V. Effective Date**

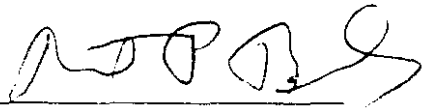
17 The effective date of this plan amendment, if the amendment is
18 not timely challenged, shall be 31 days after the state land
19 planning agency notifies the County that the plan amendment package
20 is complete. If timely challenged, this amendment shall become
21 effective on the date the state land planning agency or the
22 Administration Commission enters a final order determining this
23 adopted amendment to be in compliance. No development orders,
24 development permits, or land uses dependent on this amendment may be
25 issued or commence before it has become effective. If a final order
26 of noncompliance is issued by the Administration Commission, this
27 amendment may nevertheless be made effective by adoption of a
28 resolution affirming its effective status, a copy of which
29 resolution shall be sent to the state land planning agency.

30 **APPROVED AND ADOPTED** by the Board of County Commissioners of
31 Palm Beach County, on the 23rd day of July, 2012.

32 ATTEST: PALM BEACH COUNTY, FLORIDA,
33 SHARON R. BOCK, CLERK BY ITS BOARD OF COUNTY COMMISSIONERS
34 & COMPTROLLER

35 By Shelley Vana By Shelley Vana
36 Deputy Clerk Shelley Vana, Chair

37 APPROVED AS TO FORM AND LEGAL SUFFICIENCY



COUNTY ATTORNEY

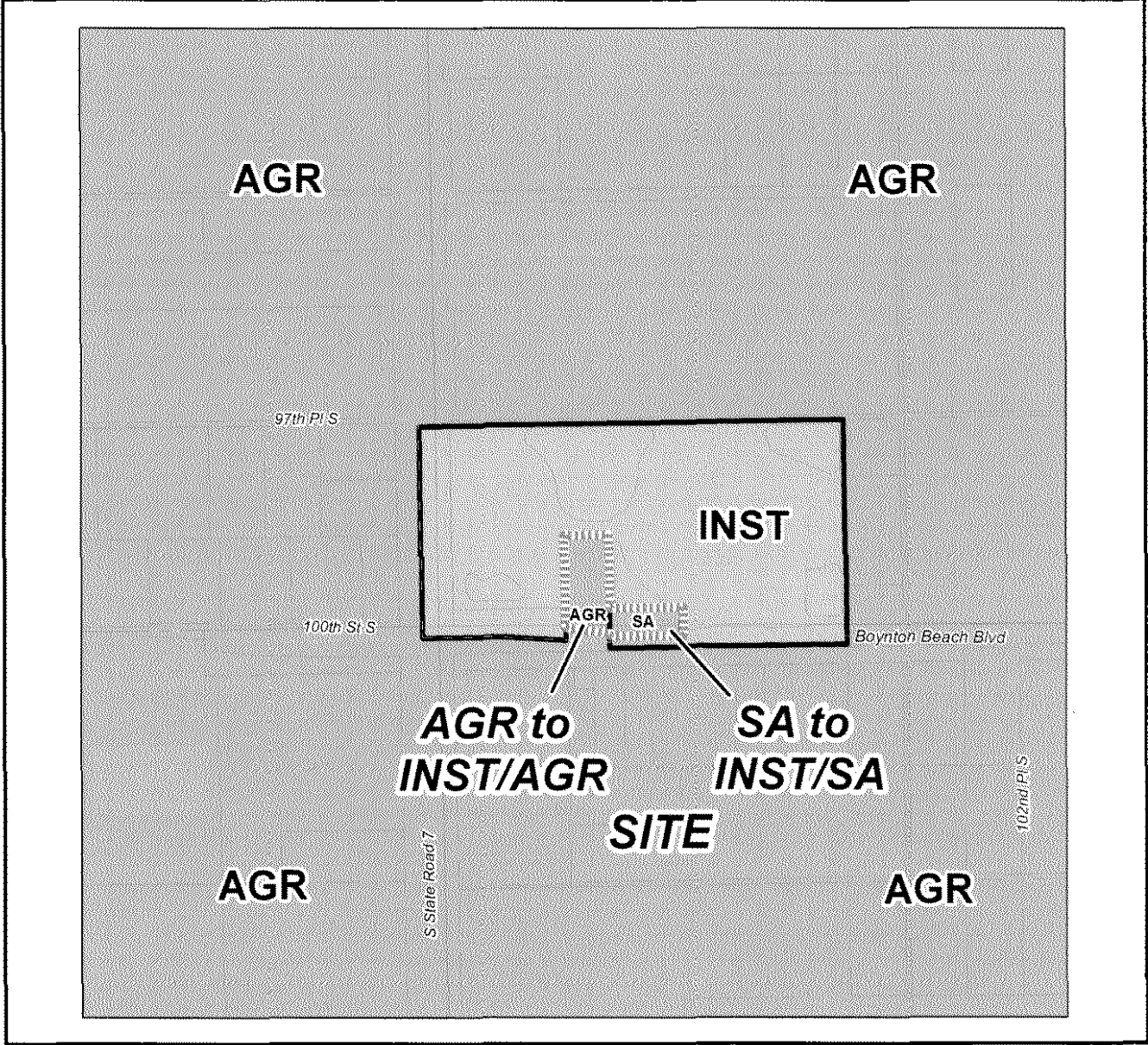
Filed with the Department of State on the 27th day of
July, 2012.

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EXHIBIT 1

Future Land Use Atlas pages 89 is amended as follows:

Amendment No:	AGR Boynton Beach Boulevard Institutional (LGA 2012-002)
Amendment:	From Agricultural Reserve (AGR) to Institutional and Public Facilities with alternative AGR (INST/AGR) on 3.30 acres, and Special Agriculture (SA) to Institutional and Public Facilities with alternative SA (INST/SA) on 1.58 acres
Parcel Numbers:	00-42-43-27-05-051-1013 (3.30 acres) 00-42-43-27-05-051-1011; 1012 (1.58 acres)
Location:	North side of Boynton Beach Blvd, approx. 800 ft. east of State Road 7
Size:	4.88 acres (approximately)
Conditions:	None



Legal Description

PARCEL 1

THAT PART OF TRACT 101, BLOCK 51, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT THIRTY (30) FEET NORTH OF THE SOUTHWEST CORNER OF TRACT 101, SAID POINT BEING AT THE INTERSECTION OF THE WEST BOUNDARY OF SAID TRACT AND THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 804 (BOYNTON ROAD WEST) FOR THE POINT OF BEGINNING; THENCE EASTERLY ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID ROAD TO THE SOUTHWEST CORNER OF THE PARCEL DESCRIBED IN THAT CERTAIN WARRANTY DEED DATED JANUARY 23, 1963, AND RECORDED IN OFFICIAL RECORDS BOOK 1075, PAGE 377, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA (BEING THE SOUTHEAST CORNER OF THIS PARCEL); THENCE NORTHERLY ALONG THE WEST BOUNDARY OF THE PARCEL DESCRIBED IN SAID DEED, TO THE NORTHWEST CORNER OF SAID PARCEL IN SAID DEED; THENCE NORTHERLY ALONG A LINE PARALLEL TO THE WEST BOUNDARY OF TRACT 101 TO THE NORTH BOUNDARY OF TRACT 101; THENCE WESTERLY ALONG THE NORTH BOUNDARY OF TRACT 101 TO THE NORTHWEST CORNER OF SAID TRACT 101; THENCE SOUTHERLY ALONG THE WEST BOUNDARY OF TRACT 101 TO THE POINT OF BEGINNING;

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL OF LAND;

A PORTION OF TRACT 101, BLOCK 51, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 30, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A FOUND PALM BEACH COUNTY BRASS DISC IN CONCRETE MARKING THE NORTHWEST CORNER OF SAID SECTION 30; THENCE NORTH $89^{\circ}02'01''$ EAST, A DISTANCE OF 1.308 METERS (4.29 FEET) TO A POINT ON THE BASELINE OF SURVEY FOR STATE ROAD 7 (us 441) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTION RIGHT OF WAY MAP FOR SECTION 93210-2524; THENCE SOUTH $00^{\circ}57'59''$ EAST ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 44.080 MEETERS (144.62 FEET) TO A POINT ON THE BASELINE OF SURVEY FOR STATE ROAD 804 (BOYNTON BEACH BOULEVARD) AS SHOWN ON SAID MAP; THENCE NORTH $89^{\circ}06'26''$ EAST ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 231.542 MEETERS (759.65 FEET); TEHNCE NORTH $00^{\circ}53'34''$ WEST AT A RIGHT ANGLE TO THE LAST DESCRIBED COURSE, A DISTANCE OF 12.192 METERS (40.00 FEET) TO A POINT ON THE NORTHERNLY EXISTING RIGHT-OF-WAY LINE FOR STATE ROAD 804 (BOYNTON BEACH BOULEVARD) AND THE WEST LINE OF SAID TRACT 101, ALSO BEING THE POINT OF BEGINNING; THENCE NORTH $00^{\circ}57'53''$ WEST ALONG SAID WEST LINE, A DISTANCE OF 26.130 METERS (85.73 FEET); THENCE SOUTH $83^{\circ}35'57''$ EAST, A DISTACNE OF 78.273 METERS (256.80 FEET); THENCE SOUTH $00^{\circ}53'34''$ EAST, A DISTANCE OF 16.193 METERS (53.16 FEET) TO A POINT ON THE NORTHERLY ESISTING RIGHT-OF-WAY LINE FOR STATE ROAD 804 (BOYNTON BEACH BOULEVARD); THENCE SOUTH $89^{\circ}06'26''$ WEST ALONG SAID NORTHERLY EXISTING RIGHT-OF-WAY LINE AND A LINE 12.192 METERS (40.00 FEET) NORTH OF AND PARALLEL WITH SAID BASELINE OF SURVEY, A DISTANCE OF 77.607 METERS (254.62 FEET) TO THE POINT OF BEGINNING.

CONTAINNG OF 3.30 ACRES MORE OR LESS

PARCEL 2

(PACEL 2a) THAT PART OF TRACT 101, BLOCK 51, PALM BEACH FARMS COMPANY PLAT 3, AS IN PLAT BOOK 2, PAGES 45 TO 54, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF SECTION 30, TOWNSHIP 45 SOUTH, RANGE 42 EAST, RUN SOUTHERLY ALONG THE WEST LINE OF SAID SECTION 30, 150.0 FEET TO THE CENTERLINE OF BOYNTON WEST ROAD (SR #804); TEHNCE RUN ESTERLY ALONG THE CENTERLINE OF SAID SR #804 1019.11 FEET TO A POINT; THENCE RUN NORTHERLY AT AN ANGLE OF $90^{\circ}00'$ (TURNED FROM WEST TO NORTH) FROM THE CENTERLINE OF SR 804 A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING. FROM THE POINT OF BEGINNING, RUN EASTERLY ALONG THE NORTH RIGHT-OF-WAY LINE OF SR 804, 208.17 FEET TO A POINT; THENCE NORTHERLY AT RIGHT ANGLES TO THE SAID RIGHT-OF-WAY LINE OF SR #804, 200.00 FEET TO A POINT; THENCE WESTERLY, PARALLEL TO THE

NORTH RIGHT-OF-WAY LINE OF SR #804, 208.17 FEET TO A POINT; THENCE AT AN ANGLE OF 90°00' (TURNED FROM EAST TO SOUTH) WITH THE LAST DESCRIBED COURSE, RUN 200.00 FEET TO THE POINT OF BEGINNING.

AND

PARCEL (2B) THAT PART OF TRACT 101, BLOCK 51, PALM BEACH FARMS COMPANY PLAT 3, AS IN PLAT BOOK 2, PAGES 45 TO 54, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF SECTION 30, TOWNSHIP 45 SOUTH, RANGE 42 EAST, RUN SOUTHERLY ALONG THE WEST LINE OF SECTION 30, 150.0 FEET TO THE CENTERLINE OF BOYNTON WEST ROAD (SR #804); THENCE RUN EASTERLY ALONG THE CENTERLINE OF SAID SR #804, 1227.28 FEET TO A POINT; THENCE RUN NORTHERLY AT AN ANGLE OF 90°00' (TURNED FROM WEST TO NORTH) FROM THE CENTER LINE OF SR #804 A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING. FROM THE POINT OF BEGINNING, RUN EASTERLY ALONG THE NORTH RIGHT-OF-WAY LINE OF SR #804, 217.80 FEET TO A POINT; THENCE NORTHERLY AND AT RIGHT ANGLES TO THE SAID RIGHT-OF-WAY LINE OF SR #804, 200 FEET TO A POINT, THENCE WESTERLY, PARALLEL TO THE NORTH RIGHT-OF-WAY LINE OF SR #804, 217.80 FEET TO A POINT; THENCE AT AN ANGLE OF 90°00' (TURNED FROM EAST TO SOUTH) WITH THE LAST DESCRIBED COURSE, RUN 200.00 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THAT LAND TAKEN BY ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 10707, PAGE 61, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL NO. 126 STATE ROAD 7 FEE SIMPLE RIGHT OF WAY

A PORTION OF TRACT 101 AND TRACT 102, BLOCK 51, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 30, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A FOUND PALM BEACH COUNTY BRASS DISC IN CONCRETE MARKING THE NORTHWEST CORNER OF SAID SECTION 30; THENCE NORTH 89°02'01" EAST, A DISTANCE OF 1.308 METERS (4.29 FEET) TO A POINT ON THE BASELINE OF SURVEY FOR STATE ROAD 7 (U.S. 441) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93210-2524, THENCE SOUTH 00°57'59" EAST ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 44.080 METERS (144.62 FEET) TO A POINT ON THE BASELINE OF SURVEY FOR STATE ROAD 804 (BOYNTON BEACH BOULEVARD) AS SHOWN ON SAID MAP; THENCE NORTH 89°06'26" EAST ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 231.542 METERS (759.65 FEET); THENCE NORTH 00°53'54" WEST AT A RIGHT ANGLE TO THE LAST DESCRIBED COURSE, A DISTANCE OF 12.192 METERS (40.00 FEET) TO A POINT ON THE NORTHERLY EXISTING RIGHT-OF-WAY LINE FOR STATE ROAD 804 (BOYNTON BEACH BOULEVARD); THENCE NORTH 89°06'26" EAST ALONG SAID NORTHERLY EXISTING RIGHT OF WAY LINE AND A LINE 12.192 METERS (40.00 FEET) NORTHERLY OF AND PARALLEL WITH SAID BASELINE OF SURVEY, A DISTANCE OF 77.607 METERS (254.62 FEET) TO THE POINT OF BEGINNING; THENCE NORTH 00°53'54" WEST A DISTANCE OF 11.658 METERS (38.25 FEET) TO A POINT ON THE NORTHERLY EXISTING RIGHT OF WAY LINE FOR SAID STATE ROAD 804 (BOYNTON BEACH BOULEVARD); THENCE SOUTH 89°06'26" WEST ALONG SAID NORTHERLY EXISTING RIGHT OF WAY LINE AND A LINE 12.192 METERS (40.00 FEET) NORTHERLY OF AND PARALLEL WITH SAID BASELINE OF SURVEY, A DISTANCE OF 129.839 METERS (425.98 FEET) TO THE POINT OF BEGINNING.

CONTAINING 1.58 ACRES MORE OR LESS

TOTAL SITE AREA: 4.88 ACRES MORE OR LESS



FUTURE LAND USE ATLAS AMENDMENT STAFF REPORT AMENDMENT ROUND 12-1

FINAL REPORT, JULY 23, 2012

I. General Data

Project Name: AGR Boynton Beach Boulevard Institutional (LGA 2012-002)
Request: AGR to INST/AGR, and SA to INST/SA
Acres: 4.88 acres
Location: North side of Boynton Beach Blvd, approx. 800 ft. east of State Road 7
Project Manager: Bryce Van Horn, Senior Planner
Agent/Applicant: Land Design South / Thomas and Nancy Yee, Equipment Properties of PB, LLC
Staff Recommendation: Staff recommends **approval** of the proposed amendment based upon the findings and conclusions contained within this report.

II. Site Data

Current Future Land Use

Current FLU: Agricultural Reserve (AGR) on 3.30 acres and Special Agriculture (SA) on 1.58 acres
Existing Land Use: Agricultural packing facility and tractor supply/warehouse/dealership
Current Zoning: Agricultural Reserve (AGR) and Commercial General (CG)
Current Dev. Potential Max: Agriculture and related uses

Proposed Future Land Use Change

Proposed FLU: Institutional and Public Facilities/Agricultural Reserve (INST/AGR) on 3.30 acres, and Institutional and Public Facilities/Special Agriculture (INST/SA) on 1.58 acres
Proposed Zoning: To be determined
Dev. Potential Max/Conditioned: Institutional Uses

General Area Information for Site

Tier/Tier Change: Agricultural Reserve Tier – No Change
Utility Service: Palm Beach County Water Utilities Department
Overlay/Study: West Boynton Area Community Plan
Comm. District: Commissioner Aaronson, District 5

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III. Hearing History

Local Planning Agency Recommendation: *Approval*, motion by Jerry Greenfield, seconded by Lori Vinikoor, passed in a unanimous 9-0 vote at the February 24th Public Hearing. The Planning Commission discussed the alternative SA and AGR FLU on the site following public comment requesting that these alternative FLUs be removed. The County Attorney stated that the removal of the SA and AGR would make the existing uses on site non-conforming. Ken Lassiter, representing the Coalition of Boynton West Residential Associations (COBWRA), spoke in support of the proposed INST FLU, but against the retention of the alternative SA and AGR FLU's if these FLUs would raise the value of the properties and would allow the uses on site to continue after the properties were sold.

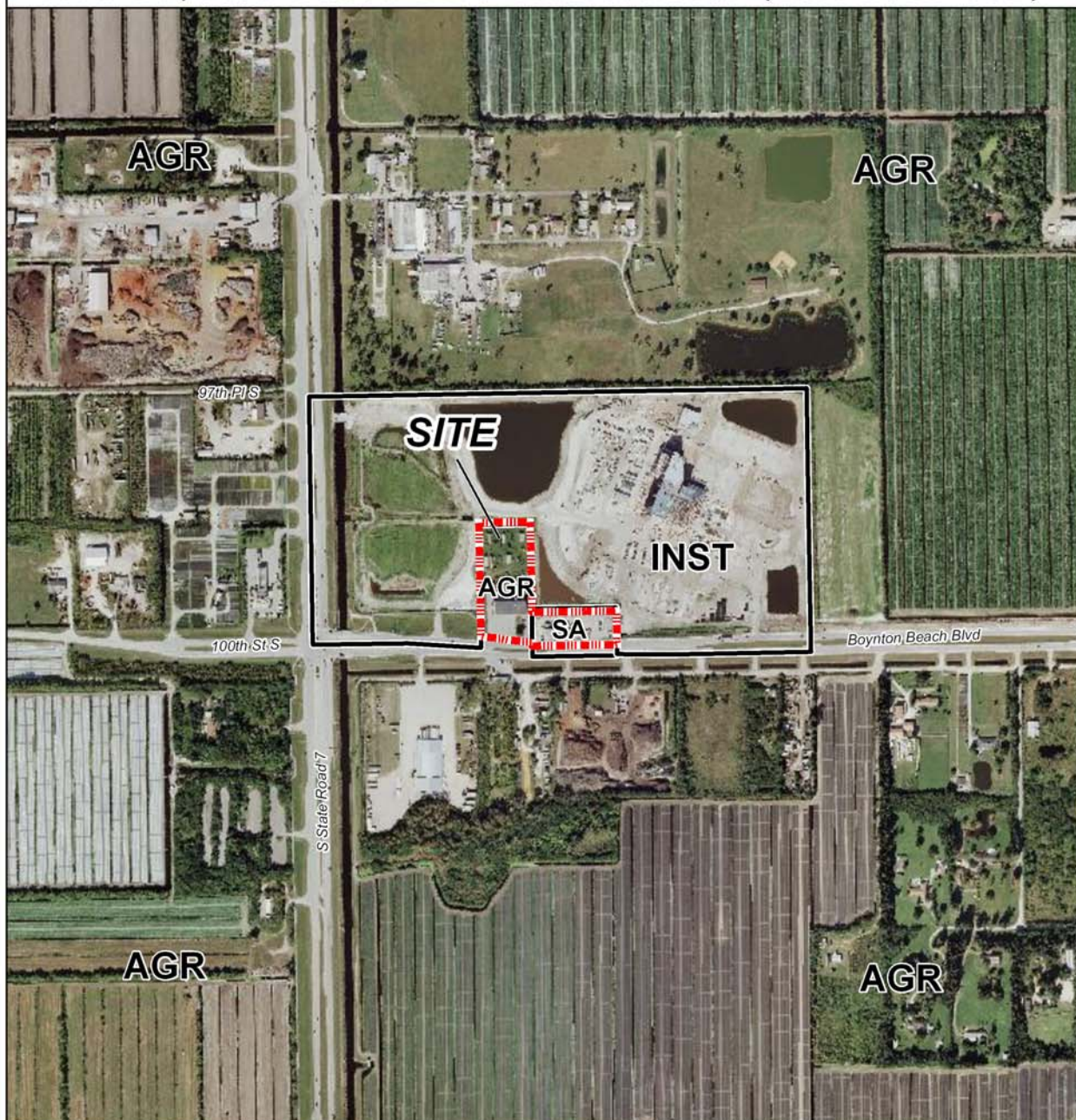
Board of County Commissioners Transmittal Public Hearing: *Transmit*, motion by Comm. Abrams, seconded by Comm. Taylor, passed in a unanimous 6-0 vote (with Comm. Santamaria absent) at the March 28th Public Hearing. There was minimal Board discussion. Three members of the public spoke regarding all three AGR items on the agenda. Two spoke in expressing concern regarding this amendment; and one, the president of COBWRA, spoke in support of this amendment, but that if the property ownership changed, that the use should be converted to medical related uses.

State Review Comments: The State Land Planning Agency issued a letter dated May 4, 2012 stating the Agency *"identified no comment related to important state resources and facilities within the Agency's authorized scope of review that will be adversely impacted by the amendment if adopted."* There were no negative comments received from the other state mandated amendment review agencies.

Board of County Commissioners Adoption Public Hearing: *Adopt*, motion by Comm. Aaronson, seconded by Comm. Abrams, passed in a 7-0 vote at the July 23rd Hearing. There was minimal discussion. Two members of the public spoke in opposition.

Future Land Use Atlas Amendment

AGR Boynton Beach Blvd Institutional (LGA 2012-002)



Site Data

Size: 4.88 acres
Existing Land Use: Agriculture Packing Facility and Tractor supply/warehouse
Proposed Land Use: Medical/hospital related uses

Date: 12/30/2011
Contact: Dale Whitfield
Filename: T:\Plans\AMEND\12-1\Site\02-AGR Boynton Blvd. Inst\Graphics\Photo Map.mxd

Note: Map is not official, for presentation purposes only

Current FLU: Agricultural Reserve (AGR) & Special Agriculture (SA)
Proposed FLU: Institutional and Public Facilities with an Alternative AGR (INST/AGR 3.30 acres) and Institutional and Public Facilities with alternative SA (INST/SA 1.58 acres)

Future Land Use Designations

AGR Agricultural Reserve
SA Special Agriculture
INST Institutional



SITE



0 200 400 Feet

Planning, Zoning & Building
2300 N Jog Rd, W.P.B., FL 33411
Phone # (561) 233-5300



IV. Background/History

The 4.88 acre subject site is located in the northern part of the Agricultural Reserve Tier on the north side of Boynton Beach Boulevard and approximately 800 feet east of State Road 7. The site is also located within the boundaries of the West Boynton Area Community Plan (WBACP). The site is comprised of two components as described below. The two property owners have submitted this single amendment application to change the future land use to Institutional and Public Facilities (INST), while retaining their existing agricultural future land use (FLU) designations of Special Agriculture (SA) and Agricultural Reserve (AGR) as alternative designations. Neither property has been the subject of a previous land use amendment.

- The first component consists of a single 3.30 acre parcel owned by Thomas and Nancy Yee. This parcel has held an Agricultural Reserve (AGR) FLU designation since the adoption of the 1989 Comprehensive Plan and also has an Agricultural Reserve (AGR) zoning district. This parcel has a zoning approval for a “special exception to allow commercial sales and service enterprise, including accessory buildings and structures” approved by the BCC in 1985, via Resolution 85-579. According to the last approved site plan in 2000, the uses on the parcel are Agriculture Trans shipment and Packing Plant facility, and Ag Sales and Service. The parcel currently contains an 11,592 square foot enclosed building. The Yee’s operate Yee Farms Inc., and grow, pack, and ship Chinese vegetables.
- The second component consists of two parcels totaling 1.58 acres owned by Equipment Properties of Palm Beach LLC. These parcels were rezoned from Agricultural to Commercial General (CG) in 1963 via Resolution 3-C-63 and received a Special Agriculture (SA) FLU designation with adoption of the 1989 Comprehensive Plan. The property contains two buildings: one 5,161 square feet and the other 4,848 square feet. Florida Coast Equipment Inc. operates a full-service agriculture, landscaping and farm equipment dealership on this property.

There are a variety of land uses in the area including institutional, commercial and agricultural. The site is surrounded to the north, east and west by the Bethesda West Hospital which was granted a FLU change by the County in 2005 from AGR to the Institutional and Public Facilities (INST) FLU designation. Currently under construction with plans to open in early 2013, the 58.8 acre hospital campus currently has a development order approval for over 343,000 square feet including an 82 bed hospital facility, and 135,000 square feet in two medical office buildings.

To the south, across Boynton Beach Boulevard, are properties with an AGR FLU designation. Uses include a chipping/mulching/composting facility and cell tower, the Three Amigos convenience store which is a grandfathered commercial use, and a preserve area that is part of the approved Amestoy Agricultural Reserve Planned Unit Development (AGR/PUD).

V. Intent of the Amendment

The intent of the amendment is to change the Future Land Use designation on the Yee property from Agricultural Reserve (AGR) to Institutional and Public Facilities with an alternative Agricultural Reserve (INST/AGR), and on the Florida Coast Equipment property from Special Agriculture (SA) to Institutional and Public Facilities with an alternative Special Agriculture (INST/SA). Although the intended future zoning district has not been determined, the intent is to allow for continued operation of the existing uses under the alternative AGR and SA FLU designations, and allow for future development of the site with medical related uses under the INST FLU.

Although this amendment request can proceed with the FLUA amendment to obtain the requested INST designation, the applicant cannot proceed with the development of medical related uses on this without a text amendment to the Future Land Use Element of the Comprehensive Plan which is being processed concurrently. Prior to 2008, medical offices were permitted as free-standing uses within the INST FLU designation; however, this provision was eliminated by a text amendment in 2008. The 2008 amendment limited medical offices uses in the INST FLU to:

- 1) only within the site plans of a hospital or medical center; and/or
- 2) four specifically identified parcels which had been granted this ability through FLUA amendments previously.

The concurrent text amendment to the FLUE will add the subject site to the list of specifically identified sites and would permit development of medical office and medical related uses. Without this text amendment, medical office uses or other medical related uses on this site under the INST FLU could only be developed if it were to be incorporated into the surrounding Bethesda Hospital site plan. With the text amendment, the site would be permitted to develop free-standing medical related uses independently from the Bethesda Hospital campus site plan. If the subject site had been located within the Urban Suburban Tier, the applicant could pursue the Commercial Low Office or other commercial future land use designation to pursue the proposed uses; however, the restrictions within the Agricultural Reserve Tier strictly limit the locations where commercial FLU designations are permitted, and the subject site is not identified as one of the locations which may be assigned a commercial designation.

VI. Data and Analysis Summary

This section of the report examines the consistency of the amendment with the County's Comprehensive Plan, Tier Requirements, applicable Neighborhood or Special Area Plans, and the impacts on public facilities and services.

A. Consistency with the Comprehensive Plan - General

1. **Justification: FLUE Policy 2.1-f Policy 2.1-f:** *Before approval of a future land use amendment, the applicant shall provide an **adequate justification** for the proposed future land use and for residential density increases demonstrate that the current land use is inappropriate. In addition, the County shall review and make a determination that the proposed future land use is compatible with existing and planned development in the immediate vicinity and shall evaluate its impacts on:*

1. *The natural environment, including topography, soils and other natural resources;* (see Public Facilities Section)
2. *The availability of facilities and services;* (see Public Facilities Section)
3. *The adjacent and surrounding development;* (see Compatibility Section)
4. *The future land use balance;*
5. *The prevention of urban sprawl as defined by 9J-5.006(5)(g), Florida Administrative Code (F.A.C.);* (See Consistency with Florida Statutes)
6. *Community Plans and/or Planning Area Special Studies recognized by the Board of County Commissioners;* and (see Neighborhood Plans and Overlays Section)
7. *Municipalities in accordance with Intergovernmental Coordination Element Objective 1.1.* (see Public and Municipal Review Section)

The applicant has prepared a Justification Statement (Exhibit 2) which states that the proposed amendment request is justified based upon the approval and development of the surrounding Bethesda Hospital. The applicant states that the Hospital has rendered the existing agricultural uses, which also include some chemical and fuel storage, to be incompatible, and that the proposed INST designation is a suitable and appropriate designation for the subject site.

Staff Assessment: This policy is the umbrella policy over the entire FLUA amendment analysis and many of the items are addressed elsewhere in this report as identified above. With regards to the justification, the most relevant points in the application is the approval of the nearly 60 acres of property surrounding the subject site with an INST FLU for the purposes of developing a hospital and medical offices and that the proposed and intended use of the subject site is for medical related uses consistent, compatible, and co-located with the hospital campus:

- The hospital was not envisioned with the adoption of the 1989 Comprehensive Plan, the 1998 Ag Reserve Master Plan, or policies adopted in the Comprehensive Plan to implement the Master Plan, and the approval of the hospital has changed the character of the area and impacted the suitability of uses on the subject site. Staff concurs that the proposed FLUA designation is more suitable and is appropriate for the subject site.
- Although the Hospital was designed to address incompatibilities between the hospital site and the uses on the subject site, the FLUA amendment staff report for the hospital amendment in 2004 recognized that the hospital would impact the subject site, specifically stating that the hospital amendment would “*create three residual parcels along the irregular southern boundary of the site. The three parcels will have limited development options in the future due to their size of 3.32, .81, and .77 acre, respectively. Currently, agricultural support businesses exist on these parcels. Surrounding these parcels with a hospital use could hinder the continuation of these businesses, as well as limit the potential of an efficient use of these parcels if these businesses cease to exist in the future.*” Given the irregular nature of the boundary, and the proximity of the existing agricultural uses to the hospital, the squaring off of this corner with INST FLU would alleviate any existing or future incompatibility issues.

As detailed above, the proposed FLUA designation is justified, suitable and appropriate for the subject site and there is a basis for the proposed FLU change.

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

Staff Analysis: The proposed amendment would expand Institutional FLUs in the Agricultural Reserve Tier by squaring off the corner of Boynton Beach Blvd and State Road 7 with an INST FLU to create an institutional node. The proposed amendment would not detract from any of the County directions. Thus, there are no policy implications regarding the County Directions with regards to this amendment.

B. Consistency with Agricultural Reserve Tier Requirements for the Specific FLU

Future Land Use Element Objective 1.1, Managed Growth Tier System, states that “Palm Beach County shall implement the Managed Growth Tier System strategies to protect viable existing neighborhoods and communities and to direct the location and timing of future development within 5 geographically specific Tiers.....”

OBJECTIVE 1.5 The Agricultural Reserve Tier

Policy 1.5-r: *Institutional and Public Facilities uses shall be allowed in the Agricultural Reserve Tier. Such uses shall not be permitted west of State Road 7.*

Staff Analysis: The subject site is located east of State Road 7; therefore, this proposed amendment is consistent with this policy.

C. Compatibility

Compatibility is defined as a condition in which land uses can co-exist in relative proximity to each other in a stable fashion over time such that no use is negatively impacted directly or indirectly by the other use. The applicant has provided a detailed discussion (see Exhibits 2&3) stating that the proposed amendment is more appropriate and is compatible with adjacent properties. Specifically, the applicant states that the proposed INST FLU is “*consistent with the existing use to the north, east, and west; thus the proposed development would not result in any adverse amenity impacts.*” Immediately abutting the site are the following:

North, East and West: To the north, east and south of the subject site is the Bethesda West Hospital, consisting of 58 acres, with an INST future land designation. The site was subject to a land use amendment in 2005 in order to change the FLU from AGR to INST in order to develop a hospital campus. The amendment was adopted by the BCC, via Ordinance 2005-036.

South: To the south of the subject site, beyond Boynton Beach Boulevard, are various properties with an AGR future land use designation. Uses include a small grandfathered convenience store (Three Amigos), a chipping/mulching/composting facility and cell tower, and an Agricultural Reserve PUD preserve area.

FLUE Policy 2.1-f states that *“the County shall review and make a determination that the proposed future land use is compatible with existing and planned development in the immediate vicinity.”*

Staff Analysis: Regarding **compatibility**, staff concurs that the proposed amendment would be compatible with surrounding land uses as the proposed FLU is consistent with the FLU surrounding the properties on three sides, and will not negatively impact the properties to the south, on the southern side of Boynton Beach Boulevard.

D. Consistency with County Overlays, Plans, and Studies

1. **Overlays – FLUE Policy 2.1-k** states *“Palm Beach County shall utilize a series of overlays to implement more focused policies that address specific issues within unique identified areas as depicted on the Special Planning Areas Map in the Map Series.”*

Staff Analysis: The proposed amendment is not located within an overlay.

2. **Neighborhood Plans and Studies – FLUE Policy 4.1-c** states *“The County shall consider the objectives and recommendations of all Community and Neighborhood Plans, including Planning Area Special Studies, recognized by the Board of County Commissioners, prior to the extension of utilities or services, approval of a land use amendment, or issuance of a development order for a rezoning, conditional use or Development Review Officer approval.....”*

Staff Analysis: The subject site is in sub area 2 of the West Boynton Area Community Plan (WBACP). The WBACP explored whether there were sufficient medical facilities in the West Boynton area to service its aging population; WBACP, II.C.7.c. states, “West Boynton may lack enough hospital and ancillary medical facilities to service its aging population. In considering the problem, the study group discussed the possible use of satellite facilities and medical complexes to compliment primary care facilities.” As a result the following recommendation was incorporated into the WBACP:

Recommendation 24 (Summary) - *Allow for medical aggregations adjacent to hospitals or medical complexes.*

Staff Analysis: The Agricultural Reserve is in sub area 2 of the WBACP. According to the WBACP, all recommendations apply to sub area 1, east of the Turnpike, unless specifically noted. The above recommendation was intended to apply to sub area 1, east of the Turnpike. Since the formulation of the WBACP, the Bethesda West Hospital has received approval to site a hospital north of the subject site west of the Turnpike. The WBACP did not anticipate a hospital locating in the Agricultural Reserve. Therefore, no definitive conclusion can be drawn based on this recommendation in the WBACP.

The following recommendation from the WBACP was intended to apply to the Agricultural Reserve (sub area 2):

Recommendation 3 (Summary) - *Accept an agricultural future for the Agricultural Reserve.*

Staff Analysis: The full text of the recommendation states “accept the direction given by the BCC establishing as a primary goal an agricultural future for the Agricultural Reserve area...”. Because the WBACP was developed at the same time that the Board of

County Commissioners was evaluating the future of the Agricultural Reserve, the WBACP is relatively silent as to specific future uses in the Ag Reserve. The WBACP was finalized and subsequently recognized by the BCC in 1995. Subsequent to this, the BCC adopted Agricultural Reserve provisions in the Comprehensive Plan which guide the development of residential, commercial, and Institutional and Public Facilities uses while providing for the preservation of agriculture, wetlands and other open space. The WBACP is implemented primarily by the Coalition of Boynton West Residential Associations (COBWRA). No conclusion can be drawn by staff however based on Recommendation 3 in the WBACP.

E. Public Facilities and Services Impacts

The proposed amendment could increase the development potential on the site from the existing approved agricultural uses to institutional uses. For the purposes of the public facilities impact analysis, the maximum intensity is based on a maximum 0.45 floor area ratio (FAR) as listed in the Future Land Use Element, TABLE III.C.2. This maximum is based on a potential scenario wherein the properties would be incorporated into the hospital campus and thereby use the maximum .45 FAR allowed for "...hospital and related hospital campus uses" (Table III.C.2, Note 6). The maximum non-residential development potential was therefore based on a maximum of 74,705 square feet of non-residential (Institutional and Public Facilities) development. Public facilities impacts are detailed in the table in Exhibit 4.

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

Staff Analysis: The proposed amendment has been distributed to the County service departments for review and there are adequate public facilities and services available to support the amendment, and the amendment does not exceed natural or manmade constraints. Staff sent a request for departmental review of the proposed amendment to various County departments and external agencies for review of public facility impacts. No adverse comments were received from the following departments and agencies regarding impacts on public facilities:

Mass Transit (Palm Tran), Potable Water & Wastewater (PBC Water Utilities Dept.), Environmental (Environmental Resource Management), Land Development (Engineering), Traffic (Engineering), Historic Resources (PBC Archeologist), Parks and Recreation, Office of Community Revitalization (OCR), ULDC (Zoning), School Board, Health (PBC Dept. of Health), Community Services (Health & Human Services), Fire Rescue, Lake Worth Drainage District.

The following departments, although having no adverse comments, did provide the following additional comments:

- Land Development (Engineering):** The applicant must submit recorded drainage easements from their property limits to the point of legal positive outfall for future development orders.

The amendment application requires identification of legal positive outfall for drainage. This comment was in response to the applicant's drainage statement which stated "based upon the best available information, legal positive outfall for the subject ±4.9-acre site is available through the proposed Bethesda West Hospital drainage system to the E-1 canal.... Positive legal outfall for the Boynton Beach Institutional property will be achieved by connecting to stub outs proposed by the hospital, these drainage structures will be located along the northern boundary of the subject site".

2. Long Range Traffic - Policy 3.5-d: *The County shall not approve a change to the Future Land Use Atlas which:*

- 1) *results in an increase in density or intensity of development generating additional traffic that significantly impacts any roadway segment projected to fail to operate at adopted level of service standard "D" based upon cumulative traffic comprised of the following parts a), b), c) and d):.....*

Staff Analysis: The Traffic Division reviewed this amendment as a proposed increase from 32,016 square feet of warehouse to 74,705 square feet of hospital for a potential increase of 42,689 square feet. According to the County's Traffic Engineering Department (see letter dated September 12, 2011 in Exhibit 6) the amendment would result in an increase of 1,007 net daily trips (based on maximum potential), and 36 (14/23) AM and 50 (26/24) PM net peak hour trips.

The Traffic letter concludes *"the Traffic Division has determined that the proposed amendment complies with Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan at the maximum potential use."*

The Traffic Study (see Exhibit 5) was prepared by Juan F. Ortega, P.E., Ph.D., with Land Design South, Inc., 2101 Centrepark West Dr., Suite 100, West Palm Beach, FL 33409. Traffic studies and other additional supplementary materials for site-specific amendments are available to the public on the PBC Planning web page at: <http://www.pbcgov.com/pzb/planning/amendments/index.htm>.

F. Florida Statutes (FS) Consistency

1. **Consistency with Urban Sprawl:** Section 163.3177(6)(a)9.a., F.S., establishes a series of primary indicators to assess whether a plan amendment does not discourage the proliferation of urban sprawl. The statute states that the evaluation of the presence of these indicators shall consist of an analysis of the plan amendment within the context of features and characteristics unique to each locality. The analysis in the table below indicates that the proposed amendment does not encourage the proliferation of urban sprawl.

If urban sprawl was indicated by any of these factors, staff would review the proposed amendment against the new section added in 2011 (163.3177(6)(a)9.b) which establishes that the plan amendment shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves four or more of eight additional criteria. However, since none of the factors in the first analysis were triggered, the second analysis is not necessary.

Primary Indicators that an amendment does not discourage urban sprawl	Staff Assessment	Sprawl Indicated?
Criteria Related to Land Use Patterns		
Promotes, allows or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.	This amendment does not promote, allow or designate a substantial area to develop as low-intensity, low-density, or single-use development or uses.	No
Promotes, allows or designates urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban developments.	The property is nearly completely surrounded by a hospital campus. An INST FLU designation on the subject site would not promote, allow or designate urban development in the patterns described.	No
Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.	This amendment does not discourage or inhibit infill development or the redevelopment of existing neighborhoods and communities.	No
Fails to encourage functional mix of uses.	The proposed INST FLU would allow uses that could to complement the surrounding hospital and supports a functional mix of uses.	No
Results in poor accessibility among linked or related land uses.	The proposed amendment would result in the subject site's ability to be developed with land uses related to the adjacent hospital, and the hospital site plan allows connectivity/accessibility to the subject site.	No
Results in the loss of significant amounts of functional open space.	The proposed amendment on this site will not result in the loss of significant amounts of functional open space.	No
Criteria related to sites located outside or at the edge of the Urban Service Area		
Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development	The site is surrounded on three sides by an urban hospital in the Agricultural Reserve, a Limited Urban Service Area (LUSA) which allows for a mix of urban and rural levels of service, and therefore, does not promote, allow, or designate a significant amount of urban development to occur in rural areas at substantial distances from existing urban areas.	No
Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems	The property does not contain any environmentally sensitive areas. The site is not within a Wellfield Protection Area.	No
Fails adequately to protect adjacent agricultural areas and activities, including silviculture, and including active agricultural and silvicultural activities as well as passive agricultural activities and dormant, unique and prime farmlands and soils.	The subject site is not adjacent to unique and active agricultural areas and agricultural activities	No

Primary Indicators that an amendment does not discourage urban sprawl	Staff Assessment	Sprawl Indicated?
Fails to provide a clear separation between rural and urban uses.	The AGR Tier is intended to support and preserve agricultural while allowing low density development and limited commercial development. Institutional uses are restricted from locating west of State Road 7. The Agricultural Preserve provisions therefore allow for a mix of uses to support the allowed residential, commercial, and other non-residential development while protecting and preserving other areas within the Tier and west of State Road 7. The ULDC provides for regulations that are intended to allow for continuation of agriculture and implement the provisions in the Plan for the Tier.	No
Criteria Related to Public Facilities		
Fails to maximize use of existing public facilities and services.	Public facilities and services will be provided and water and wastewater will be available.	No
Fails to maximize use of future public facilities and services.	The AGR LUSA allows for a mix of urban and rural levels of service. Future development east of State Road 7 would be expected to utilize public facilities and services. The subject site would maximize the use of future public facilities available in the area.	No
Allows for land use patterns or timing which disproportionately increase the cost in time, money and energy, of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.	The site is within the AGR LUSA, which intends that urban levels of service serve development. There are no adverse impacts to public facilities and services.	No
Overall Assessment: As demonstrated above, the proposed amendment does not meet any of the indicators of urban sprawl, and would not contribute to urban sprawl in the county.		

VII. Public and Municipal Review

The Comprehensive Plan Intergovernmental Coordination Element **Policy 1.1-c** states that *“Palm Beach County will continue to ensure coordination between the County’s Comprehensive Plan and plan amendments and land use decisions with the existing plans of adjacent governments and governmental entities.....”*

- A. Intergovernmental Coordination:** Notification of this amendment was sent to the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC) for review on January 6, 2012. To date, no objections through the IPARC process to this amendment have been received. As of the writing of this report, no comments have been received.
- B. Other Notice:** Public notice by letter was mailed to the owners of properties within 500' of the perimeter of the site on February 7, 2012. In addition, the Planning Division

notified approximately 16 interested parties of all of the proposed 12-1 Round of amendments within the Agricultural Reserve via email on February 3rd, 2012. No comments have been received to date (*letters received are added to the Exhibits*).

VIII. Conclusions and Recommendation

The proposed future land use change is based on the approval and construction of the surrounding Bethesda West Hospital and that the proposed amendment would be complementary to the hospital, provide for future compatible uses while providing for continuation of the current uses, and would square off a node of institutional uses at the northeast corner of Boynton Beach Boulevard and State Road 7.

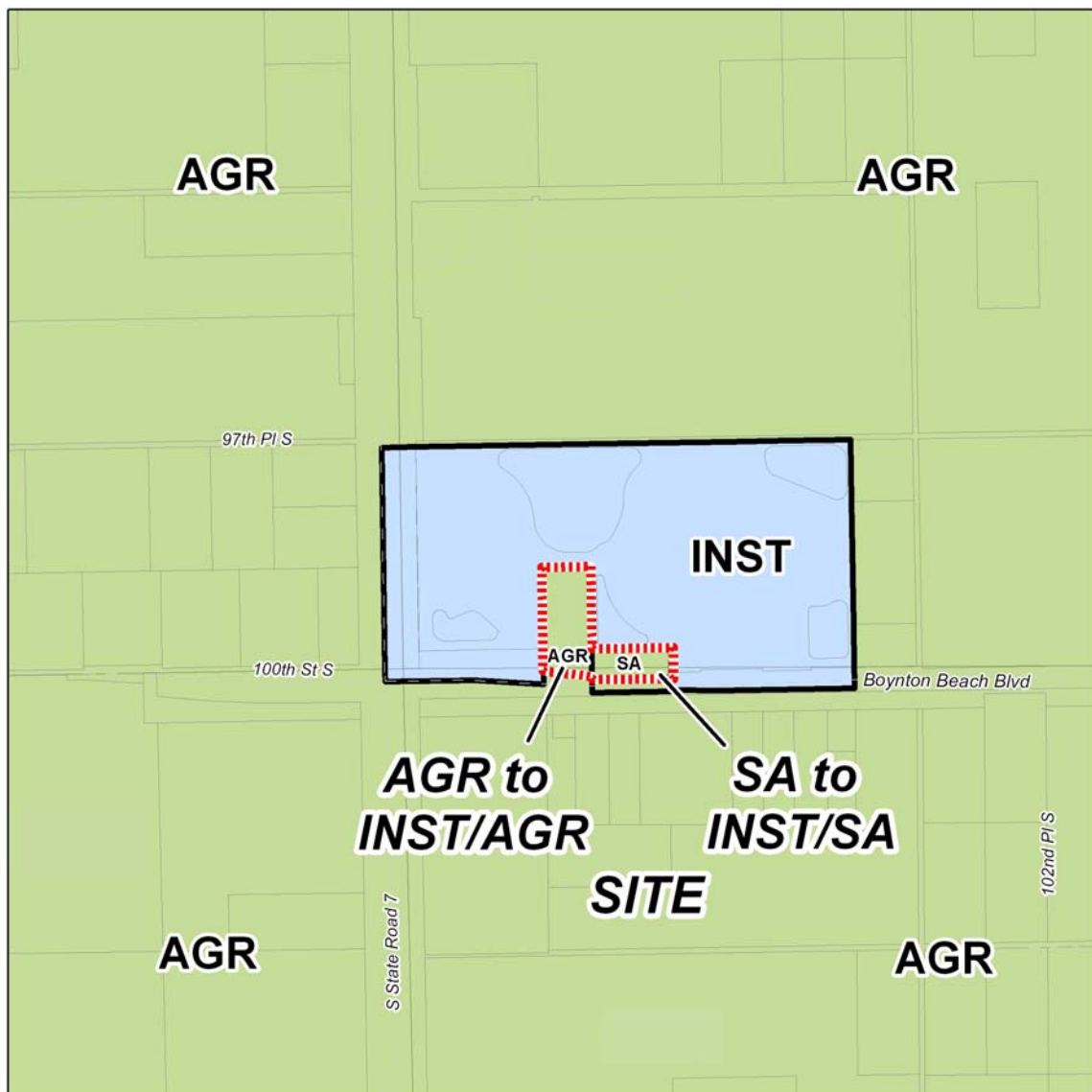
Therefore the proposed amendment is appropriate considering the surrounding hospital and will be compatible with adjacent parcels. Further, the amendment meets all relevant level of service standards and does not contribute to Urban Sprawl. In addition, although the site is within the West Boynton Area Community Plan (WBACP), no specific inconsistencies could be identified by staff regarding any of the applicable recommendations in the WBACP.

As such, staff recommends **approval** of the applicant's request.

Exhibits	Page
1. Future Land Use Map & Legal Description	E-1
2. Applicant's Justification Statement	E-5
3. Applicant's Consistency with the Comprehensive Plan and Florida Statutes	E-11
4. Applicant's Public Facility Impacts Table	E-28
5. Applicant's Traffic Study (<i>available to the LPA/BCC upon request</i>)	E-31
6. Palm Beach County Traffic Division Letter	E-32
7. Water & Wastewater Provider LOS Letter	E-33
8. School District Concurrency LOS Letter	E-39
9. Applicant's Disclosure of Ownership Interests	E-35
10. Correspondence	E-43

Exhibit 1

Amendment No:	AGR Boynton Beach Boulevard Institutional (LGA 2012-002)
FLUA Page No:	89
Amendment:	From Agricultural Reserve (AGR) to Institutional and Public Facilities with alternative AGR (INST/AGR) on 3.30 acres, and Special Agriculture (SA) to Institutional and Public Facilities with alternative SA (INST/SA) on 1.58 acres
Location:	North side of Boynton Beach Blvd, approx. 800 ft. east of State Road 7
Size:	4.88 acres
Property No:	00-42-43-27-05-051-1011; 1012; (1.5 ac.) 00-42-43-27-05-051-1013 (3.30 ac)
Conditions:	None



Legal Description

PARCEL 1

THAT PART OF TRACT 101, BLOCK 51, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT THIRTY (30) FEET NORTH OF THE SOUTHWEST CORNER OF TRACT 101, SAID POINT BEING AT THE INTERSECTION OF THE WEST BOUNDARY OF SAID TRACT AND THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 804 (BOYNTON ROAD WEST) FOR THE POINT OF BEGINNING; THENCE EASTERLY ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID ROAD TO THE SOUTHWEST CORNER OF THE PARCEL DESCRIBED IN THAT CERTAIN WARRANTY DEED DATED JANUARY 23, 1963, AND RECORDED IN OFFICIAL RECORDS BOOK 1075, PAGE 377, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA (BEING THE SOUTHEAST CORNER OF THIS PARCEL); THENCE NORTHERLY ALONG THE WEST BOUNDARY OF THE PARCEL DESCRIBED IN SAID DEED, TO THE NORTHWEST CORNER OF SAID PARCEL IN SAID DEED; THENCE NORTHERLY ALONG A LINE PARALLEL TO THE WEST BOUNDARY OF TRACT 101 TO THE NORTH BOUNDARY OF TRACT 101; THENCE WESTERLY ALONG THE NORTH BOUNDARY OF TRACT 101 TO THE NORTHWEST CORNER OF SAID TRACT 101; THENCE SOUTHERLY ALONG THE WEST BOUNDARY OF TRACT 101 TO THE POINT OF BEGINNING;

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL OF LAND;

A PORTION OF TRACT 101, BLOCK 51, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 30, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A FOUND PALM BEACH COUNTY BRASS DISC IN CONCRETE MARKING THE NORTHWEST CORNER OF SAID SECTION 30; THENCE NORTH $89^{\circ}02'01''$ EAST, A DISTANCE OF 1.308 METERS (4.29 FEET) TO A POINT ON THE BASELINE OF SURVEY FOR STATE ROAD 7 (us 441) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93210-2524; THENCE SOUTH $00^{\circ}57'59''$ EAST ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 44.080 MEETERS (144.62 FEET) TO A POINT ON THE BASELINE OF SURVEY FOR STATE ROAD 804 (BOYNTON BEACH BOULEVARD) AS SHOWN ON SAID MAP; THENCE NORTH $89^{\circ}06'26''$ EAST ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 231.542 MEETERS (759.65 FEET); TEHNCE NORTH $00^{\circ}53'34''$ WEST AT A RIGHT ANGLE TO THE LAST DESCRIBED COURSE, A DISTANCE OF 12.192 METERS (40.00 FEET) TO A POINT ON THE NORTHERNLY EXISTING RIGHT-OF-WAY LINE FOR STATE ROAD 804 (BOYNTON BEACH BOULEVARD) AND THE WEST LINE OF SAID TRACT 101, ALSO BEING THE POINT OF BEGINNING; THENCE NORTH $00^{\circ}57'53''$ WEST ALONG SAID WEST LINE, A DISTANCE OF 26.130 METERS (85.73 FEET); THENCE SOUTH $83^{\circ}35'57''$ EAST, A DISTACNE OF 78.273 METERS (256.80 FEET); THENCE SOUTH $00^{\circ}53'34''$ EAST, A DISTANCE OF 16.193 METERS (53.16 FEET) TO A POINT ON THE NORTHERLY ESISTING RIGHT-OF-WAY LINE

FOR STATE ROAD 804 (BOYNTON BEACH BOULEVARD); THENCE SOUTH $89^{\circ}06'26''$ WEST ALONG SAID NORTHERLY EXISTING RIGHT-OF-WAY LINE AND A LINE 12.192 METERS (40.00 FEET) NORTH OF AND PARALLEL WITH SAID BASELINE OF SURVEY, A DISTANCE OF 77.607 METERS (254.62 FEET) TO THE POINT OF BEGINNING.

CONTAINING OF 3.30 ACRES MORE OR LESS

PARCEL 2

(PARCEL 2a) THAT PART OF TRACT 101, BLOCK 51, PALM BEACH FARMS COMPANY PLAT 3, AS IN PLAT BOOK 2, PAGES 45 TO 54, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF SECTION 30, TOWNSHIP 45 SOUTH, RANGE 42 EAST, RUN SOUTHERLY ALONG THE WEST LINE OF SAID SECTION 30, 150.0 FEET TO THE CENTERLINE OF BOYNTON WEST ROAD (SR #804); THENCE RUN EASTERLY ALONG THE CENTERLINE OF SAID SR #804 1019.11 FEET TO A POINT; THENCE RUN NORTHERLY AT AN ANGLE OF $90^{\circ}00'$ (TURNED FROM WEST TO NORTH) FROM THE CENTERLINE OF SR 804 A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING. FROM THE POINT OF BEGINNING, RUN EASTERLY ALONG THE NORTH RIGHT-OF-WAY LINE OF SR 804, 208.17 FEET TO A POINT; THENCE NORTHERLY AT RIGHT ANGLES TO THE SAID RIGHT-OF-WAY LINE OF SR #804, 200.00 FEET TO A POINT; THENCE WESTERLY, PARALLEL TO THE NORTH RIGHT-OF-WAY LINE OF SR #804, 208.17 FEET TO A POINT; THENCE AT AN ANGLE OF $90^{\circ}00'$ (TURNED FROM EAST TO SOUTH) WITH THE LAST DESCRIBED COURSE, RUN 200.00 FEET TO THE POINT OF BEGINNING.

AND

PARCEL (2B) THAT PART OF TRACT 101, BLOCK 51, PALM BEACH FARMS COMPANY PLAT 3, AS IN PLAT BOOK 2, PAGES 45 TO 54, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF SECTION 30, TOWNSHIP 45 SOUTH, RANGE 42 EAST, RUN SOUTHERLY ALONG THE WEST LINE OF SECTION 30, 150.0 FEET TO THE CENTERLINE OF BOYNTON WEST ROAD (SR #804); THENCE RUN EASTERLY ALONG THE CENTERLINE OF SAID SR #804, 1227.28 FEET TO A POINT; THENCE RUN NORTHERLY AT AN ANGLE OF $90^{\circ}00'$ (TURNED FROM WEST TO NORTH) FROM THE CENTER LINE OF SR #804 A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING. FROM THE POINT OF BEGINNING, RUN EASTERLY ALONG THE NORTH RIGHT-OF-WAY LINE OF SR #804, 217.80 FEET TO A POINT; THENCE NORTHERLY AND AT RIGHT ANGLES TO THE SAID RIGHT-OF-WAY LINE OF SR #804, 200 FEET TO A POINT, THENCE WESTERLY, PARALLEL TO THE NORTH RIGHT-OF-WAY LINE OF SR #804, 217.80 FEET TO A POINT; THENCE AT AN ANGLE OF $90^{\circ}00'$ (TURNED FROM EAST TO SOUTH) WITH THE LAST DESCRIBED COURSE, RUN 200.00 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THAT LAND TAKEN BY ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 10707, PAGE 61, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL NO. 126 STATE ROAD 7 FEE SIMPLE RIGHT OF WAY

A PORTION OF TRACT 101 AND TRACT 102, BLOCK 51, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN

SECTION 30, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORID,
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A FOUND PALM BEACH COUNTY BRASS DISC IN CONCRETE MARKING THE NORTHWEST CORNER OF SAID SECTION 30; THENCE NORTH $89^{\circ}2'01''$ EAST, A DISTANCE OF 1.308 METERS (4.29 FEET) TO A POINT ON THE BASELINE OF SURVEY FOR STATE ROAD 7 (U.S. 441) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93210-2524, THENCE SOUTH $00^{\circ}57'59''$ EAST ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 44.080 METERS (144.62 FEET) TO A POINT ON THE BASELINE OF SURVEY FOR STATE ROAD 804 (BOYNTON BEACH BOULEVARD) AS SHOWN ON SAID MAP; THENCE NORTH $89^{\circ}06'26''$ EAST ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 231.542 METERS (759.65 FEET); THENCE NORTH $00^{\circ}53'54''$ WEST AT A RIGHT ANGLE TO THE LAST DESCRIBED COURSE, A DISTANCE OF 12.192 METERS (40.00 FEET) TO A POINT ON THE NORTHERLY EXISTING RIGHT-OF-WAY LINE FOR STATE ROAD 804 (BOYNTON BEACH BOULEVARD); THENCE NORTH $89^{\circ}06'26''$ EAST ALONG SAID NORTHERLY EXISTING RIGHT OF WAY LINE AND A LINE 12.192 METERS (40.00 FEET) NORTHERLY OF AND PARALLEL WITH SAID BASELINE OF SURVEY, A DISTANCE OF 77.607 METERS (254.62 FEET) TO THE POINT OF BEGINNING; THENCE NORTH $00^{\circ}53'54''$ WEST A DISTANCE OF 11.658 METERS (38.25 FEET) TO A POINT ON THE NORTHERLY EXISTING RIGHT OF WAY LINE FOR SAID STATE ROAD 804 (BOYNTON BEACH BOULEVARD); THENCE SOUTH $89^{\circ}06'26''$ WEST ALONG SAID NORTHERLY EXISTING RIGHT OF WAY LINE AND A LINE 12.192 METERS (40.00 FEET) NORTHERLY OF AND PARALLEL WITH SAID BASELINE OF SURVEY, A DISTANCE OF 129.839 METERS (425.98 FEET) TO THE POINT OF BEGINNING.

CONTAINING 1.58 ACRES MORE OR LESS

TOTAL SITE AREA: 4.88 ACRES MORE OR LESS

Exhibit 2

Applicant's Justification Statement

Please note: The application below was initially submitted in October 2011 with SA as an alternative FLU on the entire site. During the course of the amendment process, prior to public hearings, the applicant requested to amend the request to retain the AGR FLU on the Yee property.

I. INTRODUCTION

Land Design South of Florida, Inc (LDS) has been retained to prepare the Justification Statement for the proposed Future Land Use Atlas (FLUA) amendment on land located north of Boynton Beach Boulevard, east of State Road 441, known as Boynton Beach Blvd/State Road 441 Institutional ("subject property"). The proposed FLUA amendment is to modify the current Agricultural Reserve (AGR)/Special Agriculture (SA) Land Use designation to an Institutional with an underlying Special Agriculture (INST/SA) Land Use designation.

Currently, the subject site consists of vacant land and is controlled by the following owner:

- Thomas and Nancy Yee
- Equipment Properties of Palm Beach LLC

Policy 2.1-f of the Palm Beach County Comprehensive Plan requires that *"before approval of a future land use amendment, the applicant shall provide an adequate justification for the proposed future land use and for residential density increases demonstrate that the current land use is inappropriate"*. In addition, the 2012 Future Land Use Atlas (FLUA) Amendment Application requires that the proposed FLUA Amendment demonstrate compliance with two (2) factors in order to be considered adequate (**bold** items relate to the requested FLUA):

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

As such, the justification statement includes the following sections: **II.) Justification Statement demonstrating the suitability and appropriateness of the proposed use and changes in FLUA designations on adjacent properties in the immediate area and associated impacts on the subject property;** **III.) Compatibility of Land Use with the**

surrounding and adjacent uses; and IV.) Consistency with the County Comprehensive Plan and State Statutes, as required by the FLUA amendment application.

The subject property consists of approximately 4.9-acres in total area and is located within the Agricultural Reserve Tier of Palm Beach County. The proposed FLUA amendment is to modify the existing Agricultural Reserve (AGR)/Special Agriculture (SA) Future Land Use designation to Institutional with an underlying Special Agriculture (INST/SA) Land Use designation. The Applicant's request to amend the existing Future Land Use Designation is a result of the location of the subject properties, surrounded by Institutional Future Land Use designations and the incompatibility of the existing use with the uses designated for the surrounding area. Currently, institutional uses, Bethesda West Hospital, is under construction to the north, east and west of the subject property, which causes the subject property to essentially become a "hole in the donut" of institutional uses. The proposed amendment requests to amend the Land Use designation to INST/SA to ensure compatibility between the uses surrounding the subject property and to ensure consistency of the site with the surrounding developments. Due to the subject property's proximity to Bethesda West Hospital, there is an opportunity to encourage uses that are compatible with the location of the subject property and create a concentrated area of hospital/medical related uses. The Applicant has requested to retain the SA designation as an underlying FLUA designation in order to ensure continuance of the existing agriculture uses on the subject properties, as they are located within the Agricultural Tier and are consistent with the intent of the Tier. As such, the proposed amendment is to modify the existing Agricultural Reserve Land Use designation to an Institutional with an underlying Special Agriculture (INST/SA) designation, which allows the site to be developed with compatible uses to the surrounding area, as well as retain the existing agricultural uses on the subject properties, consistent with the intent of the AgR Tier.

II. JUSTIFICATION FOR LAND USE AMENDMENT

The proposed future land use amendment is requested **due to changes in FLUA designations on adjacent properties in the immediate area and the associated impacts on the subject property**. The changes in the immediate area have altered the character of the area, resulting in the proposed FLUA designation(s) being **more suitable and appropriate for the subject property**. The character of the area surrounding the proposed amendment has clearly changed beyond what was anticipated at the time of adoption of the Comprehensive Plan. Since the adoption of the 1989 Comprehensive Plan; a change in use to the requested INST/SA Land Use designation is more suitable and appropriate for the subject site due to changes in FLUA designations on adjacent properties.

Since the adoption of the 1989 Comprehensive Plan, changes in FLUA designations on adjacent properties has resulted in a significant shift in the urban fabric of the surrounding development and creates logical opportunities for institutional development to be located in close proximity to compatible uses. This change is demonstrated by the development of approximately 58.5 acres for Bethesda West Hospital. As part of the preparation for the proposed hospital and medical offices the Land Use of the surrounding area has been amended to an Institutional designation, consistent with the proposed amendment for the subject property. In addition, due to the location of the subject

property, adjacent to the future hospital, the existing agriculture use, which is approved for chemical and fuel storage, is incompatible and will create a hardship for the future hospital, further demonstrating that the existing Future Land Use designation is **inappropriate**.

The changes that have altered the area are further recognized by the magnitude of population growth of the surrounding area which directly supports the proposed institutional development. The unforeseen growth has resulted in increased demand for medical related uses and has created a need for a future hospital, which were clearly not anticipated when the Future Land Use Atlas was updated in 1989.

It is concluded that the proposed FLUA designation is **suitable and appropriate** for this property, **due to changes in FLUA designations on adjacent properties in the immediate area**. In addition, the subject property is located with frontage on a major transportation corridor and is the gateway to institutional uses to the north, thus the subject property is an ideal location for the requested FLUA designation, as it will allow the subject property to fulfill its intended role of serving the surrounding community. Thus, based on the development trends and the strategic economic and planning context of the area, it is considered that the subject site is an ideal location at which to locate the requested Land Use designation.

III. COMPATIBILITY OF PROPOSED LAND USE WITH SURROUNDING AND ADJACENT USES

Evaluation Criteria: The “Compatibility of Proposed Land Use with Surrounding and Adjacent Uses” is comprised of five (5) evaluation criteria, which demonstrate the compatibility of the proposed FLUA designation. The evaluation criteria are as follows: Compatibility; Suitability; Functional Relationship; Land Use Combinations; and Energy & Environment. The criterion has been addressed in detail below:

Compatibility: Compatibility is defined in Rule 9J-5.003, FAC, as a condition in which land uses can co-exist in relative proximity to each other in a stable fashion over time such that no use is negatively impacted directly or indirectly by the other use or condition. The characteristics of surrounding land uses are considered in further detail below and demonstrate that the proposed Land Use can co-exist with these uses without creating any adverse impacts.

North/East/West: To the north and west of the subject property, is owned by Bethesda Healthcare and is the location of a future hospital and medical offices (currently under construction). The Bethesda Healthcare property contains an Institutional Land Use designation and is located within Multiple Use Planned Development (MUPD) Zoning district. The existing agricultural use on the subject properties is incompatible with the institutional uses proposed to the north, east and west. The proposed use for the subject property as medical related uses, under the INST/SA designation, is compatible with the location of the subject property surrounded by future institutional uses. The proposed Land Use designation is consistent with the existing use to the north, east and west; thus the proposed development would not result in any adverse amenity impacts

South: To the south of the subject property is Boynton Beach Boulevard, a four lane divided highway. To the south of Boynton Beach Boulevard is agriculture land that is located within the Agricultural Reserve (AGR) Land Use designation and is within the Neighborhood Commercial (CN) Zoning district of Palm Beach County. The requested Land Use designation is compatible with the property located to the south, as the subject property is separated from the property to the south by Boynton Beach Boulevard.

Overall, the proposed amendment is compatible and consistent with the surrounding land uses in terms of compatibility with the existing Future Land Use designations, development of vacant land, new development, and development of public services. The compatibility of the proposed use is evident by the existing Land Use designations and uses proposed on the properties surrounding the subject site. The intended use for the property is compatible with the location of the subject property along a major transportation thoroughfare corridor and surrounded by Institutional Land Use designations. In addition, due to the location of the subject property, adjacent to the future hospital, the existing agriculture use, which is approved for chemical and fuel storage, is incompatible and will create a hardship for the future hospital, further demonstrating that the existing Future Land Use designation is **inappropriate**.

Based on the development trends of the area and the strategic economic and planning context of the area, the subject site is an excellent location at which to locate the proposed services. The proposed change in land use will allow the site to accommodate a use that will enhance the provision of services to residents in a consolidated location and is compatible with the uses surrounding the subject property. Thus, the proposed land use designations are compatible with the surrounding uses due to its location and its close proximity institutional uses.

Suitability: Suitability is defined in Rule 9J-5.003, FAC, as the degree to which the existing characteristics and limitations of land and water are compatible with a proposed use or development. The proposed Land Use amendment is compatible with the existing characteristics of land and water. Potable water and wastewater is readily available to the subject property (see Attachment I). In addition, access from Boynton Beach Boulevard is available at the proposed intensity allowing vehicles to enter and exit the site safely and efficiently, demonstrating the compatibility with the existing characteristics of the land. Also, the subject site has the capacity to meet the drainage needs on the site (see Attachment J) and any significant environmental features of the site can be managed appropriately to satisfy environmental and urban sustainability objectives (Attachment L). Thus, the proposed amendment is located in an area that facilitates development, prevents sprawl, and capitalizes on its proximity to major roadway networks and is suitable for this location.

In addition to the existing services available to the site, the consolidation of institutional uses in one location will provide a diverse selection of services to residents of the surrounding neighborhood. In addition, the proposed land use designation will allow a greater number of people to travel less distance

to obtain the institutional and medical services, reducing Vehicle Miles Traveled (VMT), given its closeness to transportation infrastructure and proximity to a future hospital and medical related uses. The site benefits from excellent accessibility to Boynton Beach Boulevard, as well as easy and safe distribution of vehicles at the proposed density. It is therefore submitted that the subject site displays adequate characteristics which make it suitable for the proposed use.

Functional Relationship: Functional Relationship is defined in Rule 9J-5.003, FAC, as a complementary and interactive relationship among land uses or development, including at a minimum a substantial and positive exchange of human interaction, goods and resources, institutions, services, jobs or workers between land uses or developments. The functional relationship among land uses is critical in land use planning. The supply and demand of goods and services as well as employment relative to a place of residence are important considerations in the planning process because without a good mix, an imbalance of land uses results. Residents often must travel great distances to their places of employment as well as to avail themselves of goods and services necessary in daily life.

When residents travel great distances in their vehicles each day to work, the resulting impact on the surrounding roads becomes not only their burden, but the burden of other residents in the surrounding communities. When even trips to the doctor become major travel events, those parking lots and adjacent roadways designed to serve the immediately proximate population become “over-utilized”, which negatively impacts the residents that the above referenced facilities were designed/planned to serve. The proposed development of the subject property will provide much-needed institutional uses to the surrounding residents and create consistency between the existing Institutional Land Use designations surrounding the subject, creating a functional relationship between the land uses.

Land Use Combinations: Land Use Combinations are defined as the appropriate balance of land uses necessary for service provision, employment (commercial, institutional, and industrial) and housing needs in the area. While a land use imbalance does not appear to exist within a 3 mile radius of the subject site, imbalance factors exist which should be taken into consideration. The area located west of State Road 7 and to the south of the subject property is dominated by agricultural development, while the area located north and east of the subject site is dominated by residential development. This area has very little non-residential development designed to provide services and employment opportunities for residents. As such, the subject site is seeking an amendment from its existing land use designation to an INST Land Use designation on the Future Land Use Atlas of Palm Beach County. With the allowance of institutional development on the subject property, the site would provide a functional and compatible relationship with the established residential population and future hospital surrounding the property, as well as provide much-needed employment opportunities to the residents.

Energy & Environment: Energy and Environment is defined as the promotion of energy-efficient land use patterns, energy conservation, and greenhouse gas reduction strategies. When residents travel great distances in their vehicles each day to work, the resulting impact on the surrounding roads becomes not only their burden, but the burden of other residents in the surrounding communities. When even neighborhood convenience shopping,

employment centers and trips to the doctor become major travel events, parking lots and adjacent roadways designed to serve the immediately proximate population become “over-utilized,” which negatively impacts the residents that the above referenced facilities were designed/planned to serve. The proposed development will promote energy-efficient land use patterns, energy conservation and greenhouse gas reduction by providing services and employment opportunities that the residents are able obtain much-needed services without having to travel great distances.

Overall, the proposed amendment is compatible and consistent with the surrounding land uses in terms of development of vacant land, new development, and development of public services. Based on the transitions of the area and the strategic economic and planning context of the locality, the subject site is an excellent location at which to have the proposed services. The proposed change in land use will allow the site to accommodate uses that will enhance the provision of institutional services to residents in a consolidated location. Thus, the proposed land use designation is compatible with the surrounding uses due to its location and its close proximity to institutional uses.

Exhibit 3

Applicant's Consistency with the Comprehensive Plan and Florida Statutes

IV. CONSISTENCY WITH THE COMPREHENSIVE PLAN

A. Consistency with Directives, Goals, Objectives, and Policies of the PBC Comprehensive Plan (1989)

The Future Land Use (FLU) Element of the Comprehensive Plan establishes the framework for future development within Unincorporated Palm Beach County and includes Goals, Objectives and Policies which guide this future growth. Section I.C of the FLU Element also establishes County Directions which reflect the type of community residents wish to see within Palm Beach County. The Directives particularly relevant to this application include:

1. Livable Communities;
2. Growth Management;
3. Land Use Compatibility;
4. Economic Diversity and Prosperity;
5. Environmental Integrity; and,
6. Design.

The following analysis demonstrates the proposal's consistency with the relevant Goals, Objectives and Policies of the Future Land Use Element of the Comprehensive Plan. It establishes that the subject site is an excellent location in which to establish the requested Institutional (INST) Land Use designation and create the opportunity to provide needed services and employment opportunities to the residents of the surrounding residential neighborhoods, as well as those utilizing the major transit corridor and promote compatibility with the existing uses surrounding the subject property.

The following Comprehensive Plan Policies are considered relevant to the current application:

Future Land Use Element - Policy 1.5-r [Agricultural Reserve Tier]: "Institutional and Public Facilities uses shall be allowed in the Agricultural Reserve Tier. Such uses shall not be permitted west of State Road 7.

The subject property is located east of State Road 7, thus the requested amendment is consistent with Policy 1.5-rr.

Future Land Use Element – Objective 2.1 [Balanced Growth]:“Palm Beach County shall designate on the Future Land Use Atlas sufficient land area in each land use designation to manage and direct future development to appropriate locations to achieve balanced growth. This shall be done to plan for population growth and its need for services, employment opportunities, and recreation and open space, while providing for the continuation of agriculture and the protection of the environment and natural resources through the long-range planning horizon.”

Given the emergence of the immediate area as a institutional node, the requested Land Use designation is compatible with the existing uses surrounding the subject property and the location of the subject property along a major transit corridor creates an ideal location for the continuation of institutional uses, while protecting the environment and utilizing existing infrastructure. As a result, the proposal is consistent with Objective 2.1.

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

The requested FLUA designation will not exceed the natural or manmade constraints of the area. An environmental assessment is included with this application and future development will be undertaken having regard to any significant environmental features on the land. Furthermore, the Traffic Study which has been prepared as part of this application demonstrates there will not be any negative impacts on levels of service or the surrounding road network.

Future Land Use Element – Policy 2.1-b: “The County shall utilize a range of residential future land use categories to plan for growth and non-residential land use designations to support and serve the residential and tourist populations as described in the FLUA Regulatory Section of this Element. The entitlement, minimum, and maximum densities and the intensities allowed within each land use designation and category are specified in the FLUA Regulation Section.”

The requested amendment is consistent with the minimum and maximum densities identified by the FLUA Regulatory Section of the Comprehensive Plan for the Institutional Future Land Use designation, as such the proposed amendment is consistent with Policy 2.1-b.

Future Land Use Element – Policy 2.1-c: “The Comprehensive Plan shall use population projections and associated dwelling unit projections to guide public and private entities in planning for urban development

and redevelopment. The projections shall also guide the location, timing and capacity of urban services and facilities, where other regulatory planning tools do not apply.”

The subject site is located along a major transit corridor, and is surrounded by the future location of the Bethesda West Hospital (currently under construction), which is driven by the residential population in the surrounding market area. For this reason, the future development will be planned in accordance with Policy 2.1-c.

Future Land Use Element – Policy 2.1-d: *“The future land use designation for individual parcels shall be shown on the Official Future Land Use Atlas (FLUA) maintained by the Planning, Zoning and Building Department. The Atlas shall depict future land use designations for all parcels in unincorporated Palm Beach County, including underlying/alternative land uses, and the boundaries and ordinance numbers of all adopted FLUA amendments.”*

The proposed FLUA designation will meet the criteria for Policy 2.1-d.

Future Land Use Element – Policy 2.1-f: *“Before approval of a future land use amendment, the applicant shall provide an adequate justification and a demonstrated need for the proposed future land use, and for residential density increases demonstrate that the current land use is inappropriate. In addition, and the County shall review and make a determination that the proposed future land use is compatible with existing and planned development in the immediate vicinity and shall evaluate its impacts on:*

- 1. The natural environment, including topography, soils and other natural resources;*
- 2. The availability of facilities and services;*
- 3. The adjacent and surrounding development;*
- 4. The future land use balance;*
- 5. The prevention of urban sprawl as defined by 9J-5.006(5)(g), Florida Administrative Code (F.A.C.);*
- 6. Community Plans and/or Planning Area Special Studies recognized by the Board of County Commissioners; and,*
- 7. Municipalities in accordance with Intergovernmental Coordination Element Objective 1.1.”*

The Justification Statement has been provided for the proposed Future Land Use Atlas (FLUA) amendment, which addresses the impacts of the proposed development. The proposed FLUA amendment is to modify the current AGR/SA Land Use designation to an INST/SA Land Use designation. The current proposal is justified on the suitability and appropriateness of the proposed use and changes in FLUA designations on adjacent properties in the immediate area and associated impacts on the subject property. Along with the justification criteria, the following justification statement also addresses the consistency with the County's Comprehensive Plan and the State Statutes, and suitability of the site location, as required by the FLUA amendment application.

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

The proposed change promotes neighborhood-serving services and employment opportunities to an existing Institutional area and does not promote sprawl.

Future Land Use Element - Policy 2.1-h: “The County shall not approve site specific Future Land Use Atlas amendments that encourage piecemeal development or approve such amendments for properties under the same or related ownership that create residual parcels. The County shall no approve rezoning petitions under the same or related ownership that result in the creation of residual parcels”

The proposed amendment is surrounded by Institutional Land Use designations and is currently considered a “hole in the donut” of institutional uses, thus the proposed amendment discourages piecemeal development that exists today. In addition, the development of this site with the proposed FLUA designation would enhance the surrounding area by creating compatibility among the surrounding uses, as well as serve those who commute along the roadway. The proposal therefore does not constitute piecemeal development and is consistent with Policy 2.1-h.

Future Land Use Element – Objective 2.2: “Palm Beach County shall ensure development is consistent with the County’s diverse character and future land use designations. All public and private activities concerning the use, development and redevelopment of a property, and the provision of facilities and services shall be consistent with the property’s future land use designation, and the applicable Goals, Objectives and Policies of this Element.”

The subject site is located within the Agricultural Reserve Tier and the proposed INST/SA FLUA designation is a consistent designation for the tier, as the Applicant is requesting to retain the SA designation as the underlying designation in order to continue the agriculture uses on the property, consistent with the intent of the AgR tier. For this reason, the proposed land use change will be consistent with the Goals, Objectives and Policies of the Future Land Use Element.

Future Land Use Element – Policy 2.2-a: “All development approvals and actions within the unincorporated limits of the County shall be consistent with the provisions contained within the Comprehensive Plan, as amended. Such approvals shall also be consistent with any restrictions or

special conditions attached to a Comprehensive Plan amendment, as referenced on the Future Land Use Atlas and contained within the Ordinance adopting the amendment.”

The proposed land use change will be consistent with all the provision contained within the Comprehensive Plan and any restrictions or special conditions attached to a Comprehensive Plan amendment.

Future Land Use Element – Policy 2.2-b: *“All zoning related decisions, including revisions to the Zoning Quad Maps, shall be consistent with the Comprehensive Plan and Future Land Use Atlas...”*

The requested Land Use designation will be consistent with the requested Zoning designation, thus the proposed amendment is consistent with Policy 2.2-b.

Future Land Use Element – Policy 2.2-c: *“The County shall ensure its Unified Land Development Code is consistent with the appropriate elements of the Comprehensive Plan. This consistency shall, at a minimum:*

- 1. Ensure that no development permits will be issued to a development whose impact may degrade adopted levels of service, pursuant to the Concurrency Management Program contained in the Capital Improvement Element;*
- 2. Ensure future land uses are consistent with the Future Land Use Atlas;*
- 3. Ensure compatibility with adjacent future land uses;*
- 4. Protect residential areas from adverse impacts and undesirable effects from adjacent land uses;*
- 5. Regulate subdivision of land;*
- 6. Protect areas subject to seasonal or periodic flooding, as provided in the Utility and Conservation Elements;*
- 7. Regulate stormwater management and drainage;*
- 8. Protect potable water well fields and aquifer recharge areas;*
- 9. Protect open spaces and natural resources;*
- 10. Protect historically significant properties, as provided in the Historic Preservation Element;*
- 11. Provide efficient service delivery systems;*
- 12. Regulate landscaping;*
- 13. Regulate lighting; and,*
- 14. Incorporate the Principles of Livable Communities listed in the County Directions.”*

The proposed FLUA designation will be consistent with Policy 2.2-c.

Future Land Use Element – Policy 2.2.8-d: “The County shall maintain the Unified Land Development Code to provide for zoning districts to accommodate health and human service needs such as hospitals, public clinics, emergency health shelters, child care facilities, adult day care facilities, group homes, foster homes, congregate living facilities and other residential care.”

The proposed FLUA designation will contribute to the County’s need for healthcare facilities in the western communities and will promote accommodate health and human service needs, thus the requested amendment is consistent with Policy 2.2.8-d.

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

The subject site is located within the Agricultural Reserve Tier, along a major roadway network, east of State Road 7 and in close proximity to large, established residential populations and adjacent to a hospital. As such, the requested amendment will provide healthcare facilities within the Agricultural Reserve Tier and is consistent with the land development pattern surrounding the subject property (Bethesda West Hospital). In addition, the Applicant has requested an underlying SA designation in order to maintain the agriculture uses on the property, consistent with the Tier, until such time a medical related use, consistent with the Hospital, is located on the property. It is considered that the variety of uses permitted within the INST/SA Land Use designation will be consistent with sustaining the characteristics of the Tier and will provide services and employment opportunities needed in the area.

Future Land Use Element – Policy 3.1-a: “The County shall establish the Urban, Limited Urban, and Rural Service Areas, described in Table 3.1-1, considering the following factors:

1. The density and intensity of land uses as depicted in the Future Land Use Atlas;
2. The cost and feasibility of extending services;
3. The necessity to protect natural resources; and,
4. The objective of encouraging reinvestment in the Revitalization and Redevelopment Overlay.”

The proposed amendment is located within the Limited Urban Service Area and services are available to the site (see capacity letters). The amendment has been designed to protect the natural environment and is consistent with the range of service provisions established by an urban service area as addressed in Table 3.1-1 of the Plan.

Future Land Use Element – Policy 3.1-b: *“Minimum levels of service shall be reviewed during preparation of the Evaluation and Appraisal Report, and the Comprehensive Plan as amended. Each service provider shall determine the maximum and available capacity of their facilities or services for this review to assess the ability to accommodate projected population growth.”*

The subject site does not exceed the level of service for the appropriate facilities and services to accommodate population growth. For this reason, the proposed FLUA designation is consistent with Policy 3.1-b.

Future Land Use Element – Policy 3.1-c: *“The Palm Beach County Water Utilities Department shall provide potable water, reclaimed water and wastewater service to all unincorporated areas of the County except those unincorporated areas where the Palm Beach County Board of County Commissioners has entered or enters into a written agreement that provides utility service area rights to a public or privately owned potable water, reclaimed water, and/or wastewater utility, or in areas where the Palm Beach County Water Utilities Department is specifically excluded from providing utility service by Florida law. Palm Beach County Water Utilities Department shall continue to provide utility services to incorporated areas where service is already being provided by the County, or as provided for under utility service area agreements or as allowed for by law.”*

Potable water and wastewater is available to the site through is Palm Beach County Water Utilities (see Water & Wastewater Provider LOS Letter, Attachment I), thus the proposed amendment is consistent with Policy 3.1-c.

Future Land Use Element – Objective 3.3 [Limited Urban Service Area]: *“Palm Beach County shall allow for a mix of urban and rural levels of service in the Limited Urban Service Area. Designation of an area as a LUSA shall be based upon consideration of the following factors:*

- *The need for the proposed facilities;*
- *The ability of the proposed facilities to meet policy goals coupled with a demonstration of significant relative advantages of the area of the proposed LUSA over possible sites within the Urban Service Ares; and*
- *The extent to which the designation would allow for significant public benefits, such as major economic development or environmental benefits.”*

The subject site is located within the Limited Urban Service Area and the institutional uses proposed for the site are consistent with the surrounding area, which is slated for development as an 80-bed full service hospital, an urban uses. In addition, the need for healthcare services is evident by the purchase of the surrounding properties by Bethesda Healthcare in preparation for a hospital and will significantly

benefit the public as it contribute to the economic development of the area. Therefore, the proposed FLUA designation is consistent with Objective 3.3.

Future Land Use Element – Policy 3.3-b: “The Palm Beach County Water Utilities Department shall provide potable water, reclaimed water and wastewater services to any area designated by the BCC as a LUSA except those areas where the BCC has entered or enters into a written agreement that provides utility service area rights within a LUSA to another public or privately owned potable water, reclaimed water and wastewater utility, or in areas where the Palm Beach County Water Utilities Department is specifically excluded from providing utility service by Florida law.”

The Palm Beach County Water Utilities Department will provide potable water, reclaimed water and wastewater services to the subject property at the proposed intensity under the INST/SA Land Use designation (see Attachment I).

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

The subject site will be consistent with the type of development slated for development within the surrounding area. The Applicant’s request also meets the Levels of Service Standards (LOS) adopted in the Comprehensive Plan. Therefore, the proposed INST FLUA designation is consistent with Objective 3.5.

Future Land Use Element – Policy 3.5-a:“As specified in the Concurrency Management System adopted in the Capital Improvement Element, development orders and permits shall not be issued unless services and facilities meet or exceed minimum LOS standards specified in the various elements...”

The subject site meets the Levels of Service Standards (LOS) adopted in the Comprehensive Plan. Therefore, the proposed INST FLUA designation is consistent with Policy 3.5-a.

Future Land Use Element – Policy 3.5-b:“Within the time frame provided by Section 163.3202(1), FS, the Planning, Zoning, and Building Department shall ensure that development orders will be based on the County's ability to maintain minimum levels of service, and shall coordinate with other agencies in

administering the Concurrency Management System to ensure that the necessary public facilities and services are available at the adopted Level of Service concurrent with the impacts of development.”

The subject site meets the Levels of Service Standards (LOS) adopted in the Comprehensive Plan. Therefore, the proposed FLUA designation is consistent with Objective 3.5-b.

Future Land Use Element - Policy 3.5-d: *“The County shall not approve a change to the Future Land Use Atlas which:*

- 1. Results in an increase in density or intensity of development generating additional traffic that significantly impacts any roadway segment projected to fail to operate at the adopted level of service standard ‘D’ based upon the MPO’s 2025 Long Range Transportation Plan dated March 18, 2002. Significant impact shall be defined in Table 3.5-1. Or; results in a project that fails Test 2 regulations adopted to implement TE Policy 1.1-b”*

The proposal satisfies the Level of Service standards in Table 3.5-1 and a letter from the Palm Beach County Traffic Division is included with this application as Attachment H.

*Future Land Use Element – Objective 5.1 [Protection of Natural Resources and Systems]:**“Palm Beach County shall ensure the protection of natural resources and systems by enforcing and monitoring existing environmentally related ordinances and developing ordinances, as needed, pursuant to the goals and policies of the Conservation Element.”*

An Environmental Assessment has been prepared for the subject property to address all the goals and policies of the Conservation Element. (see Attachment L, Environmental Assessment Report).

*Future Land Use Element – Policy 5.1-a:**“Palm Beach County shall ensure the protection and stewardship of natural resources and systems, including quality uplands and wetlands, environmentally sensitive lands, wildlife habitats and regional water management areas. The County shall request review and comments from the South Florida Water Management District, Department of Environmental Protection, Florida Fish and Wildlife Conservation Commission, and other governmental/ environmental agencies, during the Plan amendment process.”*

The subject property currently consists of an agricultural storage facility and equipment facility and is completely built out, thus no vegetation exists on site. An Environmental Assessment has been prepared for the subject property to address the all the goals and policies of the Conservation Element. (see Attachment L, Environmental Assessment Report). As result, the proposed FLUA designation is consistent with Policy 5.1-a.

Future Land Use Element – Policy 5.1-b: “The impact of development on natural resources and systems, including high quality coastal and inland wetlands and future potable water supply well-field areas, as identified in the Future Land Use, Coastal Management, and Conservation Elements, shall be evaluated during the development review process to protect these resources from the adverse impacts associated with incompatible future land uses on or near such sites in accordance with ULDC Article 14. C. Vegetation Preservation and Protection.”

An Environmental Assessment has been prepared for the subject property to address ULDC Article 14.C Vegetation Preservation and Protection (see Attachment L, Environmental Assessment Report). For this reason, the proposed FLUA designation is consistent with Policy 5.1-b.

Future Land Use Element – Objective 5.7 [Historic Preservation]: “Palm Beach County shall ensure the protection of its historic resources, including historic sites, buildings, structures, objects and districts that are associated with the archeological, historical, engineering, and cultural development of the unincorporated area of Palm Beach County. This shall be accomplished by considering historic preservation opportunities and implications in its future land use decision-making process, through implementation of the historic preservation provisions of the Unified Land Development code, and through intergovernmental coordination.”

The subject site has no historic or archeological sites located within the boundaries of the project (see Attachment N).

Future Land Use Element – Policy 5.7-a: “The County shall locate, identify, evaluate and protect historic and archeological sites, through the policies of the Historic Preservation Element and the implementing provisions of the Unified Land Development Code.

The subject site has no historic or archeological sites located within the boundaries of the project (see Attachment N). As a result, the proposed Land Use designation is consistent with Policy 5.7-a.

7. Institutional and Public Facilities

Palm Beach County recently initiated a Comprehensive Plan Text amendment (initiated at the September 9, 2011 Planning Commission hearing and is scheduled for the October 11, 2011 Board of County Commissioners hearing) to modify the “Institutional and Public Facilities” section of the Comprehensive Plan to allow the subject properties to be designated with the INST FLUA designation with hospital or medical related uses. The following is a draft of the proposed *policy (see underlined portion):

*subject to modifications.

Permitted Uses: “Uses permitted in the Institutional and Public Facilities future land use designation include a full range of regional and community uses such as educational; child care facilities and adult

day care facilities; congregate living facilities; medical and accessory offices; Animal Shelters, Animal Control Facilities, and Humane Societies, as defined by the ULDC, including co-located veterinary clinics which may offer services to the public; hospitals, public health clinics, emergency shelters; governmental, religious, cemetery, civic, cultural, judicial and correctional facilities; caretakers' quarters; and, accessory affordable housing. Medical office is a permitted use on parcels with INST FLU only within the following locations:

- a. Within the site plan of projects approval for a "Hospital or Medical Center" use (as defined by the ULDC);
- b. The following site specific FLUA amendments:"
 - SCA 2005-027 in Ordinance 2006-005 (4.45 acres);
 - SCA 2008-015 in Ordinance 2008-005 (1.64 acres);
 - SCA 2009-002 in Ordinance 2009-008 (1.70 acres);
 - LGA 2010-014 in Ordinance 2010-031 (4.96 acres)
- c. The following parcels located on the north side of Boynton Beach Boulevard, south of the Bethesda West Hospital:
 - Yee Farm's parcel boundary description
 - Florida Coast Equipment's parcel boundary descriptionFuture development on these two parcels shall be interconnected to the hospital site. Permitted medical office uses may include uses such as diagnostic and testing centers, dialysis centers, MRI's and other hospital or medical related uses.

The proposed uses for the subject property are consistent with the proposed policy.

B. Consistency with Rule 9J-5.006(5)(g), F.A.C.

The proposal is not considered to constitute urban sprawl, in accordance with Rule 9J-5.006(5)(g) of the Florida Statutes. The proposal is assessed against these criteria below:

9J-5.006(5)(g).1: "Promotes, allows or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses in excess of demonstrated need."

The proposed FLUA amendment will not encourage or facilitate low-intensity, low-density, or single-use development or use that is in excess of the demonstrated need. The requested Land Use designation will provide the co-location of medical related uses and will serve both the surrounding residential neighborhood and commuters along the roadway. The site is located in close proximity to major transportation corridors and adjacent to the Bethesda West Hospital; thus there is a demonstrated need for services which concentrate around such key infrastructure and residential population. The site is

adequately sized to accommodate the proposed FLUA and is surrounded by institutional uses, thus will not result in sprawl. This application is intended to facilitate future development of medical related uses to allow consistency with the future Bethesda West Hospital, which will surround the subject property to the north, east and west. Locating the proposed uses in close proximity to future institutional uses will provide employment opportunities and the much-needed services to residents, without the need for them to travel long distances. There is a demonstrated need for these additional services in the area.

9J-5.006.5.2: *“Promotes, allows or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while leaping over undeveloped lands which are available and suitable for development.”*

The subject site is located along a major roadway corridor and is surrounded by the Institutional Land Use designation. Development of the site will consolidate much needed institutional uses near established residential developments, thereby discouraging fragmentation of uses. The subject site is surrounded by lands slated for developed as an 80-bed, full service hospital and therefore would not constitute leapfrog development.

9J-5.006.5.3: *“Promotes, allows or designates urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban developments.”*

The subject site is located in an area which is surrounded by Institutional Future Land uses slated for development to serve the residents. The subject property is the one of the last remaining parcels that is not designated Institutional and through the re-designation of the site as an INST/SA Land Use designation it will allow the site to be developed and to serve the community; therefore the proposal will not promote a radial, strip, isolated or ribbon pattern of development. In fact, the proposed development will consolidate institutional uses adjacent to compatible land uses.

9J-5.006.5.4: *“As a result of premature or poorly planned conversion of rural land to other uses, fails adequately to protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.”*

All necessary measures will be taken to ensure that development of the property will not significant damage natural species or ecological systems (see Natural Features Inventory, Attachment L). The proposed amendment is not considered a premature or poorly planned conversion of rural land.

9J-5.006.5.5: *“Fails adequately to protect adjacent agricultural areas and activities, including silviculture, and including active agricultural and silvicultural activities as well as passive agricultural activities and*

dormant, unique and prime farmlands and soils.”

The subject property is currently in use as an agriculture and equipment facility, however recently the property surrounding the subject site was purchased by Bethesda Healthcare Systems and is slated for development as an 80-bed, full service hospital. The existing agriculture storage facility is in use 24-hours a day and runs heavy machinery at night, which is incompatible to the hospital proposed for the surrounding properties. Therefore, the proposal will allow the subject property to be compatible with the surrounding developments proposed for the area and in no way affect agricultural areas and activities.

9J-5.006.5.6: *“Fails to maximize use of existing public facilities and services.”*

Consistent with this directive, the proposed amendment will maximize the use of existing public facilities and services. Potable water and wastewater services are currently available to the site at the proposed density/intensity.

9J-5.006.5.7: *“Fails to maximize use of future public facilities and services.”*

The proposed development will make efficient use of future public facilities and services. Potable water and wastewater services are able to be provided to the site. The site has direct access to Boynton Beach Boulevard, a principal arterial roadway, as well as in close proximity to State Road 7, which is also a principal arterial roadway.

9J-5.006.5.8: *“Allows for land use patterns or timing which disproportionately increase the cost in time, money and energy, of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.”*

Due to the site's location, surrounded by a future institutional uses, within the Limited Urban Service Area and in close proximity to major transport corridors, the proposed amendment will not result in a land use pattern that will disproportionately increase time, financial and energy costs of infrastructure and service provision. Adequate fire rescue, potable water and sanitary sewer services are available to the site.

9J-5.006.5.9: *“Fails to provide a clear separation between rural and urban uses.”*

The subject site is located within an area that has already been identified for future high-intensity, non-residential uses and therefore does not fail to provide a clear separation between rural and urban uses. The proposal will not affect the differentiation between rural and urban land uses.

9J-5.006.5.10: *“Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.”*

The subject property is surrounded by Institutional Land Use designations. The proposal will facilitate institutional uses that are compatible with the existing uses surrounding the site and will provide employment opportunities and serve the existing neighborhood population.

9J-5.006.5.11: *“Fails to encourage an attractive and functional mix of uses.”*

This proposal encourages a functional mix of compatible uses. The proposed Land Use designation will promote a more functional mix of uses in a locality that is slated for development as an 80-room, full service hospital. As a result of the Applicant's request to add amend the Land Use designation, a mix of compatible uses will be developed on the subject property. Collectively the subject site and the surrounding properties that contain an Institutional Land Use designation will encourage a functional mix of uses at one location. Thus, the proposal will provide compatible uses to serve the surrounding population, as well as those who commute along the roadway. It will also create a better balance of land uses in the locality and will in fact assist in containing development in the future, discouraging sprawl.

9J-5.006.5.12: *“Results in poor accessibility among linked or related land uses.”*

The site is an accessible tract with frontage along Boynton Beach Boulevard and interconnectivity with the Bethesda West Hospital. The proposal will encourage compatibility with the existing uses surrounding the subject property. This will facilitate the development of highly functional and accessible services with excellent convenience to/from nearby land uses.

9J-5.006.5.13: *“Results in the loss of significant amounts of functional open space.”*

The proposed amendment does not result in the loss of significant amounts of functional open space, as the site is currently developed and provides no functional open space.

C. Consistency with Rule 9J-5.006(2), F.A.C.

9J-5.006(2): *“Land Use Analysis Requirements. The element shall be based upon the following analyses which support the comprehensive plan pursuant to subsection 9J-5.005(2), F.A.C.*

- (a) An analysis of the availability of facilities and services as identified in the traffic circulation, transportation, and sanitary sewer, solid waste, drainage, potable water and natural groundwater*

aquifer recharge elements, to serve existing land uses included in the data requirements above and land for which development orders have been issued;

Public facilities are readily available to the site at the intensity permitted under the requested Land Use designation. In addition, the Applicant has received Level of Service letters from all of the service providers, which state that the proposed amendment does not exceed the adopted Level of Service. The Applicant submitted a traffic analysis, which has been deemed by the County Engineering Department to comply with Policy 3.5-d of the Palm Beach County Comprehensive Plan (see Attachment H). Thus the proposed amendment is consistent with Rule 9J-5.006(2)(a).

(b) An analysis of the character and magnitude of existing vacant or undeveloped land in order to determine its suitability for uses, including where available:

- 1. Gross vacant or undeveloped land area, as indicated in paragraph (1)(b);*
- 2. Soils;*
- 3. Topography;*
- 4. Natural Resources; and*
- 5. Historic Resources;*

Due to the subject property's location along a major thoroughfare, surrounded by institutional uses, the subject site is an ideal site to locate the proposed uses. In addition, an assessment has been provided which analyzes the soils, topography and natural resources (see Attachment L). The Applicant has also provided a letter from the Palm Beach County Archeologist (see Attachment N), which states that there are no historic resources located on the site. Thus, the requested amendment is consistent with Rule 9J-5.00(2)(b).

(d) An analysis of the need for redevelopment including:

- 6. Renewal of blighted areas, and*
- 7. Elimination or reduction of uses inconsistent with the community's character and proposed future land uses;*

The requested amendment is consistent with the communities' character as evident by the institutional uses surrounding the subject property. Thus the proposed amendment is consistent with Rule 9J-5.006(2)(d).

(c) An analysis of the proposed development and redevelopment of flood prone areas based upon a suitability determination from Flood Insurance Maps, Flood Hazard Boundary Maps, or other most accurate information available.

The subject property is located within the X500 Flood Zone as identified by the Palm Beach County Flood Zone Map, thus the subject site is not located within a flood prone area and is consistent with Rule 9J-5.006(2)(e).

(a) For coastal counties and municipalities with dredge spoil responsibilities, include an analysis of the need for additional dredge spoil disposal sites through the long term planning period established in the plan.

The subject property is located within the central portion of Palm Beach County, thus additional dredge spoil disposal will not be required for the subject property.

(b) An analysis of proposed development and redevelopment based on recommendations, deemed appropriate by the local government, contained in any existing or future hazard mitigation reports.

The subject property is not contained in any existing or future hazard mitigation reports.

D. Consistency with Rule 9J-11.007, F.A.C.

(1) Each proposed plan amendment must be supported by data and analysis in accordance with subsection 9J-5.005(2), F.A.C. and subparagraphs 9J-11.006(1)(b)1. through 5., F.A.C. If the original plan data and analysis or the data and analysis of a previous amendment support and meet the requirements cited above for the amendment, no additional data and analysis are required to be submitted to the Department unless the previously submitted data and analysis no longer include and rely on the best available existing data. Copies of the updated and reanalyzed data and analysis must be submitted if the original plan data or data in support of a previous amendment are no longer the best available data and analysis or if the data and analysis no longer support the plan.

The requested amendment is supported by the data and analysis provided in the application and is in accordance with subsection 9J-5.005(2), F.A.C. and subparagraphs 9J-11.006(1)(b)1 through 5 F.A.C., which outlines the requirements for the proposed amendment package.

V. CONCLUSION

On the basis of this assessment, it is considered that the proposal to amend the existing AGR/SA Land Use designation to INST/SA designation will better respond to the demands of the locality. The proposal **demonstrates the suitability and appropriateness of the proposed use and changes in FLUA designations on adjacent properties in the immediate area and associated impacts on the subject property (section II); Compatibility of Land Use with the surrounding and adjacent uses (section**

III); and Consistency with the County Comprehensive Plan and State Statutes (section IV). Thus, the proposal is considered to be consistent with the policies of the Palm Beach County Comprehensive Plan.

Exhibit 4

Applicant's Public Facilities Table

VIII. Public Facilities Information

A. Traffic Information

See Traffic Review letter from the PBC Traffic Division as Attachment H.

	Proposed	Maximum
Current FLU	103 Daily Trips	103 Daily Trips
Proposed FLU	1,110 Daily Trips	1,110 Daily Trips
Difference	+1,007 Daily Trips	+1,007 Daily Trips
Significantly impacted roadway segments that fail (Long Range)	None	None
Significantly impacted roadway segments for Test 2	None	None
Traffic Consultant	Dr. Juan F. Ortega, P.E., Land Design South	

B. Mass Transit Information

Nearest Palm Tran Route(s)	Bus Route 2 runs along Congress Avenue and Bus Route 81 runs along Atlantic Avenue
Nearest Palm Tran Stop	Approximately 3.47 miles southeast of the property
Nearest Tri Rail Connection	Route 2, 70 and 81 provides a connecting service to the Delray Beach Tri-Rail station

C. Potable Water & Wastewater Information

See Potable Water & Wastewater Level of Service (LOS) comment letter as Attachment I.

Potable Water & Wastewater Providers	Palm Beach County Water Utilities Department
Nearest Water & Wastewater Facility, type/size	The nearest PBCWUD owned potable water and wastewater pipes are located near the intersection of Boynton Beach Blvd. and Lyons Rd. approximately 4,000 feet from the subject property. The water and wastewater utility pipes are under construction by a third party in the immediate proximity, less than 100 feet of the property.

D. Drainage Information

See Drainage Statement as Attachment J.

E. Fire Rescue

Nearest Station	Fire Station No. 47 located at 7950 Enterprise Circle
Distance to Site	2.50 miles
Response Time	The average response time to the subject property was 6.56 minutes (fiscal year 2010)
Effect on Resp. Time	The estimated response time to the subject property is 7.30 minutes. The amendment has little impact on Fire Rescue. See Fire Rescue Letter (Attachment K)

F. Environmental

Significant habitats or species	See Attachment L.
Flood Zone*	X500. See Attachment M
Wellfield Zone*	Not located within a Wellfield Zone. See Attachment M

* If the site is located within an A or V flood zone and/or within a Wellfield Protection zone, requests for greater intensity may be viewed unfavorable.

G. Historic Resources

Sees Attachment N.

H. Parks and Recreation – Residential Only

Park Type	Name and Location	Level of Service*	Population Change	Change in Demand
Regional	N/A	0.00339	N/A	N/A
Beach	N/A	0.00035	N/A	N/A
District	N/A	0.00138	N/A	N/A

* Acres per person

I. Libraries – Residential Only

Library Name	N/A
Address	N/A
City, State, Zip	N/A
Distance	N/A

Component	Level of Service	Population Change	Change in Demand
Collection	2 holdings per person	N/A	N/A
Periodicals	5 subscriptions per 1,000 persons	N/A	N/A
Info Technology	\$1.00 per person	N/A	N/A
Professional staff	1 FTE per 7,500 persons	N/A	N/A
All other staff	3.35 FTE per professional librarian	N/A	N/A
Library facilities	0.34 sf per person	N/A	N/A

J. Public Schools – Residential Only

Provide Comment Letter as Attachment O.

	Elementary	Middle	High
Name	N/A	N/A	N/A
Address	N/A	N/A	N/A
City, State, Zip	N/A	N/A	N/A
Distance	N/A	N/A	N/A

Exhibit 5

Traffic Study

(Available to the LPA & BCC upon request)

Traffic studies and other additional supplementary materials for site-specific amendments are available to the public on the PBC Planning web page at:

<http://www.pbcgov.com/pzb/planning/amendments/index.htm>.

Exhibit 6

Traffic Division Letter



**Department of Engineering
and Public Works**

P.O. Box 21229
West Palm Beach, FL 33416-1229
(561) 684-4000
FAX: (561) 684-4050
www.pbcgov.com

**Palm Beach County
Board of County
Commissioners**

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Shelley Vana, Vice Chair
Paulette Burdick
Steven L. Abrams
Burt Aaronson
Jess R. Santamaria
Priscilla A. Taylor

County Administrator

Robert Weisman

*"An Equal Opportunity
Affirmative Action Employer"*

September 12, 2011

Juan F. Ortega, P.E., Ph.D.
Land Design South
400 Columbia Drive, Suite 110
West Palm Beach, FL 33409

**RE: 2012-01a Boynton Beach Institutional
Policy 3.5-d Review**

Dear Dr. Ortega:

The Palm Beach County Traffic Division has reviewed the traffic study for the proposed Future Land Use Amendment for the above referenced project prepared by Land Design South and dated August 5, 2011, pursuant to Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan. The project is summarized as follows:

Location:	N side of Boynton Beach Blvd., just E of SR 7
PCNs:	00-42-43-27-05-051-1011, -1012, and -1013
Size:	4.90 Acres
Existing FLU:	AGR (-1013) and SA (-1011 and -1012)
Exist. Zoning:	AGR (-1013) and CG (-1011 and -1012)
Exist. Use:	Ag Packing Facility and Tractor Supply/Warehouse
Exist. Potential:	32,016 sf Warehouse
Proposed FLU:	INST/SA
Prop. Zoning:	To be determined
Max Potential:	74,705 sf Hospital
Net Daily Trips:	1,007 (based on maximum potential)
Net PH Trips:	36 (14/23) AM and 50 (26/24) PM (Max potential)

Based on the review, the Traffic Division has determined that the proposed amendment complies with Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan at the maximum potential use.

Please contact the Traffic Division at (561) 684-4030 with any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Nick Uhren".

Nick Uhren, P.E.
Sr. Professional Engineer – Traffic Division

NU:sf
ec: Addressee (jortega@landdesignsouth.com)
Kathleen Chang – PBC Planning Division (kchang@pbcgov.org)

File: General – TPS Gen.
n:\traffic\development review\comp plan\12-1\2012-01a bb institutional.docx



Exhibit 7

Water & Wastewater Provider LOS Letter



Water Utilities Department
Engineering

P. O. Box 16097

West Palm Beach, FL 33416-6097

(561) 493-6000

Fax: (561) 493-6113

www.pbcwater.com

Palm Beach County
Board of County
Commissioners

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RECEIVED
SEP 02 2011

August 31, 2011
Palm Beach County Water Utilities
8100 Forest Hill Boulevard
West Palm Beach, Florida 33416

Ms. Leslie Murrell
Land Design South
400 Columbia Drive,
Suite 110
West Palm Beach, Florida 33409

Re: Future Land Use Amendment
4.9 AC east of SR7, north of Boynton Beach Blvd
(PCN 00-42-43-27-05-051-1011; 00-42-43-27-05-051-1012;
00-42-43-27-05-051-1013)
Your letter dated 8/15/2011

Dear Ms Murrell:

This letter is to confirm that PBCWUD is the potable water, wastewater and reuse water service provider for the referenced properties. No PBCWUD utility services are provided to the site at this time. PBCWUD is able to continue to meet the current level of service standards for the AGR-SA designated property and will be able to meet the utility needs at the increased density/intensity of this proposed amendment (INST/SA designation).

The nearest PBCWUD owned potable water and wastewater pipes are located near the intersection of Boynton Beach Blvd and Lyons Road, approximately 4,000 feet from the referenced property. Please note that water and wastewater utility pipes are under construction by a third party in the immediate proximity, less than 100 feet of the property.

Please be advised that in order to obtain a commitment for service, a capacity reservation agreement with PBCWUD will be required.

If you have any questions please call me at 561.493.6122
Sincerely,

A handwritten signature in blue ink that reads "Adam Galicki".
Adam Galicki

Exhibit 8

Palm Beach County School District LOS Letter

Required only for Residential FLUs

Exhibit 9

Disclosure of Ownership Interests

PALM BEACH COUNTY - ZONING DIVISION

FORM # 08

DISCLOSURE OF OWNERSHIP INTERESTS - APPLICANT

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

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

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

2. Affiant's address is: 9775 W. Boynton Beach Blvd
Boynton Beach, FL

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

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

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

Disclosure of Beneficial Interest –Applicant form

Created 01/30/2007

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

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

FURTHER AFFIANT SAYETH NAUGHT.

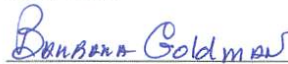


Dennis B. Davis, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 5 day of October
20 11, by Dennis B. Davis, [✓] who is personally
known to me or [✓] who has produced _____
as identification and who did take an oath.



Notary Public



(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: 7.18.2015



EXHIBIT "A"

PROPERTY

(PACEL 2a) THAT PART OF TRACT 101, BLOCK 51, PALM BEACH FARMS COMPANY PLAT 3, AS IN PLAT BOOK 2, PAGES 45 TO 54, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF SECTION 30, TOWNSHIP 45 SOUTH, RANGE 42 EAST, RUN SOUTHERLY ALONG THE WEST LINE OF SAID SECTION 30, 150.0 FEET TO THE CENTERLINE OF BOYNTON WEST ROAD (SR #804); THENCE RUN EASTERLY ALONG THE CENTERLINE OF SAID SR #804 1019.11 FEET TO A POINT; THENCE RUN NORTHERLY AT AN ANGLE OF 90000' (TURNED FROM WEST TO NORTH) FROM THE CENTERLINE OF SR 804 A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING. FROM THE POINT OF BEGINNING, RUN EASTERLY ALONG THE NORTH RIGHT-OF-WAY LINE OF SR 804, 208.17 FEET TO A POINT; THENCE NORTHERLY AT RIGHT ANGLES TO THE SAID RIGHT-OF-WAY LINE OF SR #804, 200.00 FEET TO A POINT; THENCE WESTERLY, PARALLEL TO THE NORTH RIGHT-OF-WAY LINE OF SR #804, 208.17 FEET TO A POINT; THENCE AT AN ANGLE OF 90000' (TURNED FROM EAST TO SOUTH) WITH THE LAST DESCRIBED COURSE, RUN 200.00 FEET TO THE POINT OF BEGINNING.

AND

PARCEL (2B) THAT PART OF TRACT 101, BLOCK 51, PALM BEACH FARMS COMPANY PLAT 3, AS IN PLAT BOOK 2, PAGES 45 TO 54, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NW CORNER OF SECTION 30, TOWNSHIP 45 SOUTH, RANGE 42 EAST, RUN SOUTHERLY ALONG THE WEST LINE OF SECTION 30, 150.0 FEET TO THE CENTERLINE OF BOYNTON WEST ROAD (SR #804); THENCE RUN EASTERLY ALONG THE CENTERLINE OF SAID SR #804, 1227.28 FEET TO A POINT; THENCE RUN NORTHERLY AT AN ANGLE OF 90000' (TURNED FROM WEST TO NORTH) FROM THE CENTER LINE OF SR #804 A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING. FROM THE POINT OF BEGINNING, RUN EASTERLY ALONG THE NORTH RIGHT-OF-WAY LINE OF SR #804, 217.80 FEET TO A POINT; THENCE NORTHERLY AND AT RIGHT ANGLES TO THE SAID RIGHT-OF-WAY LINE OF SR #804, 200 FEET TO A POINT; THENCE WESTERLY, PARALLEL TO THE NORTH RIGHT-OF-WAY LINE OF SR #804, 217.80 FEET TO A POINT; THENCE AT AN ANGLE OF 90000' (TURNED FROM EAST TO SOUTH) WITH THE LAST DESCRIBED COURSE, RUN 200.00 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THAT LAND TAKEN BY ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 10707, PAGE 61, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL NO. 126 STATE ROAD 7 FEE SIMPLE RIGHT OF WAY

A PORTION OF TRACT 101 AND TRACT 102, BLOCK 51, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 30, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A FOUND PALM BEACH COUNTY BRASS DISC IN CONCRETE MARKING THE NORTHWEST CORNER OF SAID SECTION 30; THENCE NORTH 89°02'01" EAST, A DISTANCE OF 1.308 METERS (4.29 FEET) TO A POINT ON THE BASELINE OF SURVEY FOR STATE ROAD 7 (U.S. 441) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93210-2524, THENCE SOUTH 00°57'59" EAST ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 44.080 METERS (144.62 FEET) TO A POINT ON THE BASELINE OF SURVEY FOR STATE ROAD 804 (BOYNTON BEACH BOULEVARD) AS SHOWN ON SAID MAP; THENCE NORTH 89°06'26" EAST ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 231.542 METERS (759.65 FEET); THENCE NORTH 00°53'54" WEST AT A RIGHT ANGLE TO THE LAST DESCRIBED COURSE, A DISTANCE OF 12.192 METERS (40.00 FEET) TO A POINT ON THE NORTHERLY EXISTING RIGHT-OF-WAY LINE FOR STATE ROAD 804 (BOYNTON BEACH BOULEVARD); THENCE NORTH 89°06'26" EAST ALONG SAID NORTHERLY EXISTING RIGHT OF WAY LINE AND A LINE 12.192 METERS (40.00 FEET) NORTHERLY OF AND PARALLEL WITH SAID BASELINE OF SURVEY, A DISTANCE OF 77.607 METERS (254.62 FEET) TO THE POINT OF BEGINNING; THENCE NORTH 00°53'54" WEST A DISTANCE OF 11.658 METERS (38.25 FEET) TO A POINT ON THE NORTHERLY EXISTING RIGHT OF WAY LINE FOR SAID STATE ROAD 804 (BOYNTON BEACH BOULEVARD); THENCE SOUTH 89°06'26" WEST ALONG SAID NORTHERLY EXISTING RIGHT OF WAY LINE AND A LINE 12.192 METERS (40.00 FEET) NORTHERLY OF AND PARALLEL WITH SAID BASELINE OF SURVEY, A DISTANCE OF 129.839 METERS (425.98 FEET) TO THE POINT OF BEGINNING.

Disclosure of Beneficial Interest Ownership form
CONSISTING OF 1.58 ACRES MORE OR LESS

Created 01/22/2007
Updated 01/31/2007

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

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

Name

Address

Dennis B. Davis 6572 NW103rd Ter., Parkland, FL 33076 - 100% ownership

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

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

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

2. Affiant's address is: 1469 Sailboat Circle
Wellington FL 33414.

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

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

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

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

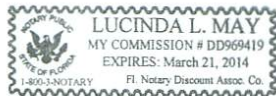
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

Thomas Yee
Thomas Yee, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 6 day of October, 2011, by Thomas Yee, ☒ who is personally known to me or ☐ who has produced _____ as identification and who did take an oath.

Lucinda L May



Notary Public

Lucinda L May
(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: _____

EXHIBIT "A"

PROPERTY

THAT PART OF TRACT 101, BLOCK 51, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT THIRTY (30) FEET NORTH OF THE SOUTHWEST CORNER OF TRACT 101, SAID POINT BEING AT THE INTERSECTION OF THE WEST BOUNDARY OF SAID TRACT AND THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 804 (BOYNTON ROAD WEST) FOR THE POINT OF BEGINNING; THENCE EASTERLY ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID ROAD TO THE SOUTHWEST CORNER OF THE PARCEL DESCRIBED IN THAT CERTAIN WARRANTY DEED DATED JANUARY 23, 1963, AND RECORDED IN OFFICIAL RECORDS BOOK 1075, PAGE 377, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA (BEING THE SOUTHEAST CORNER OF THIS PARCEL); THENCE NORTHERLY ALONG THE WEST BOUNDARY OF THE PARCEL DESCRIBED IN SAID DEED, TO THE NORTHWEST CORNER OF SAID PARCEL IN SAID DEED; THENCE NORTHERLY ALONG A LINE PARALLEL TO THE WEST BOUNDARY OF TRACT 101 TO THE NORTH BOUNDARY OF TRACT 101; THENCE WESTERLY ALONG THE NORTH BOUNDARY OF TRACT 101 TO THE NORTHWEST CORNER OF SAID TRACT 101; THENCE SOUTHERLY ALONG THE WEST BOUNDARY OF TRACT 101 TO THE POINT OF BEGINNING;

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL OF LAND;

A PORTION OF TRACT 101, BLOCK 51, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 30, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A FOUND PALM BEACH COUNTY BRASS DISC IN CONCRETE MARKING THE NORTHWEST CORNER OF SAID SECTION 30; THENCE NORTH 89°02'01" EAST, A DISTANCE OF 1.308 METERS (4.29 FEET) TO A POINT ON THE BASELINE OF SURVEY FOR STATE ROAD 7 (us 441) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93210-2524; THENCE SOUTH 00°57'59" EAST ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 44.080 MEETERS (144.62 FEET) TO A POINT ON THE BASELINE OF SURVEY FOR STATE ROAD 804 (BOYNTON BEACH BOULEVARD) AS SHOWN ON SAID MAP; THENCE NORTH 89°06'26" EAST ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 231.542 MEETERS (759.65 FEET); THENCE NORTH 00°53'34" WEST AT A RIGHT ANGLE TO THE LAST DESCRIBED COURSE, A DISTANCE OF 12.192 METERS (40.00 FEET) TO A POINT ON THE NORTHERLY EXISTING RIGHT-OF-WAY LINE FOR STATE ROAD 804 (BOYNTON BEACH BOULEVARD) AND THE WEST LINE OF SAID TRACT 101, ALSO BEING THE POINT OF BEGINNING; THENCE NORTH 00°57'53" WEST ALONG SAID WEST LINE, A DISTANCE OF 26.130 METERS (85.73 FEET); THENCE SOUTH 83°35'57" EAST, A DISTANCE OF 78.273 METERS (256.80 FEET); THENCE SOUTH 00°53'34" EAST, A DISTANCE OF 16.193 METERS (53.16 FEET) TO A POINT ON THE NORTHERLY EXISTING RIGHT-OF-WAY LINE FOR STATE ROAD 804 (BOYNTON BEACH BOULEVARD); THENCE SOUTH 89°06'26" WEST ALONG SAID NORTHERLY EXISTING RIGHT-OF-WAY LINE AND A LINE 12.192 METERS (40.00 FEET) NORTH OF AND PARALLEL WITH SAID BASELINE OF SURVEY, A DISTANCE OF 77.607 METERS (254.62 FEET) TO THE POINT OF BEGINNING.

CONSISTING OF 3.30 ACRES MORE OR LESS

Disclosure of Beneficial Interest Ownership form

Created 01/22/2007
Updated 01/31/2007

DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

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

Name

Address

50% Thomas Yee 1469 Sailboat Circle Wellington Fl. 33414
50% Nancy Yee 1469 Sailboat Circle Wellington Fl. 33414

Exhibit 10

Correspondence
