



## FUTURE LAND USE ATLAS AMENDMENT STAFF REPORT AMENDMENT ROUND 17-D

### PLANNING COMMISSION PUBLIC HEARING, JUNE 16, 2017

#### A. Application Summary

##### I. General

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<b>Project Name:</b>	<b>West Atlantic Industrial (LGA 2017-017)</b>
<b>Request:</b>	<b>AGR to IND/AGR</b>
<b>Acres:</b>	2.51 acres
<b>Location:</b>	South side of Atlantic Avenue, approx. 1,100 feet west of Lyons Road
<b>Project Manager:</b>	Bryce Van Horn, Senior Planner
<b>Owner:</b>	Bartolomeo Salazar
<b>Applicant:</b>	Greg Di Maria
<b>Agent:</b>	Jennifer Morton & Lauren McClellan, JMorton Planning & Landscape Architecture
<b>Staff Recommendation:</b>	Staff recommends <b>denial</b> based upon the findings and conclusions contained within this report.

##### II. Assessment & Conclusion

The amendment is proposing to change the future land use designation on a parcel in the Agricultural Reserve from Agricultural Reserve future land use to Industrial. The site has an application for a rezoning to the Light Industrial zoning district in order to develop an auto repair-auto paint and body shop. Currently the existing industrially and commercially designated parcels are clustered surrounding nodes established by the Comprehensive Plan and Future Land Use Atlas. There are approximately 77 acres of Industrial future land use within the Tier, of which nearly 70% is vacant or in agriculture. This includes approximately 63.5 acres of industrial located west of the site along Atlantic Avenue of which 40 acres is vacant or in agriculture.

The Comprehensive Plan encourages the preservation of industrial lands to promote economic development. However, the Comprehensive Plan Agricultural Reserve Tier policies do not provide guidance or criteria for new industrial future land use within the Tier. The final Agricultural Reserve Master Plan indicated that no new industrial should be allowed in the Tier. Subsequently, the only industrial future land use approved in the Tier was to square off the corner of Boynton Beach Blvd and SR-7 reflecting surrounding non-residential uses.

The proposed land use change is inconsistent with the Comprehensive Plan. The applicant has not met the adequate justification requirements to support the future land use change, particularly considering the amount of available industrially designated land in the Tier and to the west of the site. Finally, the establishment of industrial uses mid-block on a small, isolated parcel would not be compatible with existing surrounding agricultural future land use and agricultural and residential uses.

### **III. Hearing History**

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**Local Planning Agency:** *Scheduled for June 16, 2017*

**Board of County Commissioners Transmittal Public Hearing:** *Scheduled for July 26, 2017*

**State Review Comments:**

**Board of County Commissioners Adoption Public Hearing:**

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# Future Land Use Atlas Amendment

## West Atlantic Ave Industrial (LGA 2017-017)



### Site Data

Size: 2.51 acres  
 Existing Use: Vacant  
 Proposed Use: Auto Repair & Body Shop  
 Current FLU: Agricultural Reserve (AGR)  
 Proposed FLU: Industrial (IND)

### Future Land Use Designations

AGR Agricultural Reserve  
 CL/AGR Commercial Low, underlying Agricultural Reserve

Date: 2/7/2017  
 Contact: Planning Division  
 Filename: AMEND\17-D\Site\17-15  
 Note: Map is not official, for presentation purposes only.



0 150300 600 Feet

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



## B. Petition Summary

### I. General

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**Project Name:** West Atlantic Industrial (LGA 2017-017)  
**Request:** AGR to IND/AGR  
**Acres:** 2.51 acres  
**Location:** South side of Atlantic Avenue, approx. 1,100 feet west of Lyons Road  
**Project Manager:** Bryce Van Horn, Senior Planner  
**Applicant/Owner:** Greg Di Maria (applicant)/Bartolomeo Salazar (owner)  
**Agent:** Jennifer Morton & Lauren McClellan, JMorton Planning & Landscape Architecture

### II. Site Data

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#### Current Future Land Use

**Current FLU:** Agricultural Reserve (AGR)  
**Existing Land Use:** Vacant  
**Current Zoning:** Agricultural Reserve (AGR)  
**Current Dev. Potential Max:** Agricultural uses, up to 16,400 s.f. (0.15 FAR)

#### Proposed Future Land Use Change

**Proposed FLU:** Industrial with an underlying Agricultural Reserve (IND/AGR)  
**Proposed Use:** Auto Repair  
**Proposed Zoning:** Light Industrial (IL)  
**Dev. Potential Max/Conditioned:** Industrial uses, up to 47,000 sf (per condition of approval)

#### General Area Information for Site

**Tier/Tier Change:** Agricultural Reserve Tier - No change  
**Utility Service:** Palm Beach County Water Utilities Department  
**Overlay/Study:** None  
**Comm. District:** Commissioner Mary Lou Berger, District 5



## **C. Introduction**

### **I. Intent of the Amendment**

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The intent of the amendment is to change the future land use designation for the subject site from Agricultural Reserve (AGR) to Industrial, with an underlying Agricultural Reserve (IND/AGR). The maximum square footage based on the site's acreage and 0.45 maximum floor area ratio (FAR) would normally allow for up to 49,201 square feet. The applicant has proposed a condition to limit the square footage, resulting in a maximum potential of 47,000 square feet. The applicant submitted a zoning application (Z-2017-0800) in April, 2017 to rezone the parcel from the Agricultural Reserve (AGR) zoning district to the Light Industrial (IL) zoning district in order to develop an auto repair-auto paint and body shop. Auto repair or paint and body shop activities are allowed under the "Repair and Maintenance, Heavy" use type, a commercial use, in the County's Unified Land Development Code (ULDC) as a "Permitted" use. Should the BCC adopt an ordinance changing the FLU from AGR to IND/AGR and approve the rezoning application from AGR zoning to IL zoning, an application for "Repair and Maintenance, Heavy" and a site plan will not be presented to the Zoning Commission and BCC for review and approval. The use, as a "Permitted" use in the IL zoning district does not require BCC approval.

### **II. Background and Overview**

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The 2.51 acre subject site is located within the Agricultural Reserve Tier on the south side of Atlantic Avenue, approximately ¼ mile west of Lyons Road. The site is currently vacant and has not been the subject of any previous FLUA amendment. There are no prior zoning approvals.

#### **Overview of the Area**

The site is located along a corridor that contains a mixture of Industrial, Agricultural Reserve, and Commercial Low Future Land Use designations. Industrial designated lands are located fronting on both the north and south sides of Atlantic Avenue beginning approximately ¼ mile west of the subject site and extending further west to State Road 7. The majority of the Industrial designated land is not developed, has no approvals and is currently in agriculture. The industrial land is developed on the north side of Atlantic Ave. with a variety of commercial and industrial uses (i.e. self storage facility, convenience store/gas station, general wholesale, auto paint and body shop, and commercial sales and service) and on the south side of Atlantic Avenue with a place of worship and a now closed lumber yard. These properties have been designated industrial since the adoption of the 1989 plan, and most of the development that has occurred in these properties predates the 1989 Comprehensive Plan.

Commercially designated properties along the corridor are generally located within ¼ mile of the intersection of Atlantic Avenue and Lyons Road on the northwest, northeast, and southeast corners. There are no properties designated with Commercial or Industrial at the southwest corner around the subject site.

All other properties designated AGR within a ¼ mile of the subject site on the south side of Atlantic Ave are in agricultural use, agricultural related use, or developed residentially (i.e. row crops, nurseries, agricultural sales and service, and two homes).

## D. Consistency and Compatibility

### I. Data and Analysis

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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:** *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 163.3164(51), F.S.; (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)*

With regard to justification of the proposed IND FLU, the applicant has prepared a Justification Statement (Exhibit 2) which states that the proposed request is justified due to the following:

- The addition of neighborhood serving light industrial use will complement the existing industrial uses along Atlantic Avenue and reduce the amount of roadway trips to other industrial uses further away.
- Development of the property as a light industrial use such as an auto repair facility could serve as a transition between the existing industrial and commercial parcels.
- The intersection of Atlantic Avenue and Lyons Road has been designated as an important commercial node.
- This proposed industrial development will provide additional uses and potential job opportunities necessary to meet the needs of projected population growth.
- Approval of the Delray Market Place AgR-TMD, as well as other recent FLU amendments to Commercial Low (i.e. Dells Suburban Market, Fina Station, Delray Growers, Fuerring Commercial, Seneca, and Stop & Shop) indicate an increased demand for uses along the Atlantic Avenue corridor. This trend of recent approvals indicates that the Board of County Commissioners recognizes that changes are occurring within the Agricultural Reserve Tier.

**Staff Analysis:** This policy is the umbrella policy over the entire amendment analysis and many of the items are addressed elsewhere in this report as identified above. With regard to justification for the amendment that there is a market driven need for additional industrial future land use in this area, statements regarding market demand are not relevant to establishing an adequate justification for a future land use change. More significant than market demands are the characteristics of the subject site, the character of the area, changes to the land use pattern that may indicate that the current future land use designation is no longer appropriate, consistency with the Comprehensive Plan, and appropriateness of the proposed designation.

The board did recognize recently, subsequent to BCC Workshops and a series of “Rountable” meetings among stakeholders, that some changes to the Ag reserve policies in the County’s Comprehensive Plan were needed. As a result, the BCC adopted changes to policies in 2016 to focus efforts to allow for additional neighborhood commercial on a case by case basis and for the commercial to be centrally located within one quarter mile of the nearby intersection at Atlantic Ave and Lyons Road. There were no policies adopted to address the locating of additional Industrial. The applicant’s intended ultimate use is for auto repair which is categorized under the commercial use of “Repair and Maintenance, Heavy” in the County’s Unified Land Development Code. This use is a “permitted” use in industrial lands and, subject to BCC approval, allowed in the Multiple Use Planned Development district with Commercial Low future land use designation as a Class A conditional use. However, although the intersection is a designated central location for commercial, in this case, the proposed amendment would result in an isolated standalone industrial parcel surrounded to the east, south and west by mostly agriculture (row crops) and an adjacent parcel with single family homes.

Additionally, there are no Industrial lands or commercial lands adjacent to the site to the east or west, as the applicant states, to even consider the applicant’s assertion that industrial on this isolated site could serve as a transition between industrial and commercial lands. The nearest commercially designated lands on the south side of Atlantic Avenue are almost 1/4 mile to the east at the southeast corner of the intersection and the nearest industrial on the same side of the roadway is more than ¼ mile to the west at the southwest corner of Atlantic Avenue and Half Mile Road.

Additionally, there is over 50 acres of undeveloped Industrial designated lands in the Tier with approximately 40 of those acres within ½ mile of the subject site to the west and the recently adopted Commercial and Industrial designation for approximately 13 acres at the northwest corner of Boynton Beach Blvd. and State Road 7. None of these properties have development approvals. Therefore, the applicant has not provided an adequate justification for the proposed **future land use amendment**.

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.*

The proposed amendment would introduce an Industrial future land use on a small, isolated parcel surrounded by agricultural and residential uses. There are several County Directions in the Future Land Use Element pertinent to the evaluation of the proposed amendment:

**Livable Communities.** *Promote the enhancement, creation, and maintenance of livable communities throughout Palm Beach County, recognizing the unique and diverse characteristics of each community. Important elements for a livable community include a balance of land uses and organized open space, preservation of natural features, incorporation of distinct community design elements unique to a given region, personal security, provision of services and alternative transportation modes at levels appropriate to the character of the community, and opportunities for education, employment, health facilities, active and passive recreation, and cultural enrichment.*

**Growth Management.** *Provide for sustainable communities and lifestyle choices by: (a) directing the location, type, intensity, timing and phasing, and form of development that respects the characteristics of a particular geographical area;*

**Land Use Compatibility.** *Ensure that the densities and intensities of land uses are not in conflict with those of surrounding areas, whether incorporated or unincorporated.*

**Agricultural and Equestrian Industries.** *Support and enhance agriculture and equestrian-based industries.*

**Staff Analysis:** The proposed amendment would not further the directions as it would not contribute to balancing of area land uses, respect the characteristics of the area, and would not contribute to supporting or enhancing agriculture. Industrial is not a transitional use as indicated by the applicant between other industrial to the west and commercial to the east as there is no industrial adjacent to the west or commercial adjacent to the east. There is a property with two single family homes to the west and agriculture (row crops) to the east and south. With respect to land use compatibility, which is also addressed elsewhere in this report, the introduction of Industrial future land use on this parcel, would contribute to incompatibilities with surrounding agricultural land uses and agricultural preservation intended for the Tier.

3. **Piecemeal Development – FLUE 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 same or related ownership that create residual parcels. The County shall also not approve rezoning petitions under the same or related ownership that result in the creation of residual parcels.*

**Staff Analysis:** The applicant for this amendment is a contract purchaser. According to current deeds on the surrounding parcels, neither the current owner nor the contract purchaser of the subject site appear to have a related ownership in the surrounding parcels. The proposed amendment is therefore consistent with this policy as it would not create a residual parcel or encourage piecemeal development of properties under related ownership.

4. **Residual Parcel – FLUE Policy 2.1-i:** *As a means of promoting appropriate land development patterns the County shall discourage the creation of residual parcels within or adjacent to a proposed development. If such a situation is identified, and the residual parcels cannot be eliminated, then the development shall be designed to allow for inter-connectivity with the residual parcels through various techniques including, but not limited to, landscaping and pedestrian and vehicular access. In addition, the future land use designation and/or zoning district of the residual parcel shall also be considered by the*



*Board of County Commissioners, concurrently with the development, to ensure that an incompatibility is not created.*

**Staff Analysis:** The Comprehensive Plan's Introduction and Administration Element defines residual parcel as "a property under the same or related ownership that has been left out of a development area, resulting in a parcel which has limited development options and connections to surrounding properties." The subject site and the adjacent similarly sized parcel with AGR FLU and two homes to the west share access to Atlantic Avenue and are not under the same or related ownership. As such, the proposed amendment would not result in a residual parcel.

## **B. Consistency with Requirements for the Specific FLU and the Agricultural Tier Requirements**

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....."*

- 1. Industrial: FLUE Policy 2.2.4-a:** *The County shall apply Industrial future land use categories at appropriate locations and intensities to satisfy the need for industrial space, provide opportunities for the retention and expansion of industrial and employment based economic activities, and to promote economic development consistent with the County's economic development directives. The County shall also encourage a broad range of employment opportunities and shall discourage Future Land Use Atlas amendments that result in the loss of industrially designated land.*

**Staff Analysis:** This policy was adopted in 2015 by the Board to discourage the conversion of industrial future land use in the County, thereby preserving opportunities for economic development and a strong, diverse economy. The proposed amendment does not seek to eliminate industrially designated land, but rather to convert the subject site from an agricultural designation to an industrial designation. The subject site would expand the amount of industrially designated lands. However, there are approximately 77 acres of Industrial lands in the Tier of which 53 acres (nearly 70%) are currently vacant or in agricultural use. This figure includes the recently adopted 13.4 acre Industrial land future land use change for the Homrich property located at the northwest corner of Boynton Beach Blvd. and SR-7 recently adopted in April of 2016 to square off the corner considering the non-residential uses surrounding the site. The majority of the industrial acreage in the Tier (63.5 acres) is located west of the subject site along Atlantic Avenue, and approximately 40 acres is currently vacant or in agricultural use with no approvals. Given the significant amount of undeveloped industrial in the immediate area and in the Tier overall, there is no basis for establishing additional Industrial on the isolated subject site. The proposed amendment is therefore not consistent with the Policy regarding applying Industrial at 'appropriate locations.'

**History of Industrial as part of the Master Planning Effort.** The early phases of the Master Planning effort included two employment centers in the Tier just west of the Florida Turnpike using the Economic Development Center future land use designation. Phase II recommended that two employment centers shared a maximum of 330,000 square feet of industrial development between the two locations on Boynton Beach and Atlantic Avenue,

and that there be an additional 245,000 square feet of office park uses in the Tier. Phase II, 4.3.4.5 Economic Centers, states that allowing employment centers in the Tier would provide the following:

- *“A greater variety in job opportunities for the residents of the Ag Reserve than are likely to be found elsewhere in the Ag Reserve. These opportunities could reduce traffic impacts outside of the Ag Reserve.*
- *A location for businesses that can offer farmers a second job if they need to supplement their income.*
- *Light industrial uses in two locations that will have the least negative impact on agricultural uses.”*

The staff recommendation in the Addendum supported this concept, stating, *“The Plan should be amended to acknowledge the ability to utilize the Economic Development Center category for industrial uses in the locations recommended by the Consultant.”* Staff supported the concept of and the Addendum and Final Master Plan included the following list of uses that the Consultants identified the following list of uses as appropriate for the Economic Development Centers:

Automobile Rentals	Laboratories
Auto Repair, Detailing, Paint and Body Shop	Landscaping Services
Bottling Plant	Light Fabrication
Brewery	Lumber yards
Broadcasting Stations and Studios for Radio or TV	Machine or Welding Shops
Cabinet Working and Carpentry	Mini Warehouse/Self Storage
Catering Services	Motion Picture production Studios
Contractor's Storage Yards	Ornamental Metal Workshops
Farm Equipment Repair	Printing Shops
Glass Installation Services	Technical Trade Schools
Gun Clubs, Enclosed	Utility Work Centers, Power and Telecommunications

However, the Final Master Plan states that, *“the BCC did not concur in this recommendation and directed that no new Industrial designations be permitted in the Ag Reserve”*, and therefore, the Round 01-1 Text Amendment that incorporated the BCC approved recommendations did not incorporate this option into the Comprehensive Plan.

### 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. **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.”* And **FLUE Policy 2.2.1-b** states that *“Areas designated for Residential use shall be protected from encroachment of incompatible future land uses and regulations shall be maintain to protect residential areas from adverse impacts of adjacent land uses. Non-residential future land uses shall be permitted only when compatible with residential areas, and when the use furthers the Goals, Objectives, and Policies of the Plan.”*

**Staff Analysis:** The site is located within ¼ mile of the intersection of Atlantic Ave. and Lyons Road and across the road from the Delray Marketplace Traditional Marketplace

Development, one of two centrally located and designated mixed use commercial developments. There are also recently adopted commercial sites intended for neighborhood commercial at the northeast corner, two pre-existing commercial sites (Fina Station and Dells Suburban Market), and southeast corners of the intersection adopted in August 2016 and early 2017 (Feurring Commercial and Seneca). There is also the 11.25 acre commercial site (Delray Growers) to the west of the Delray Marketplace on the north side of Atlantic Avenue. There is no commercially or industrial designated land at the southwest corner near the subject site. All of the lands at this corner are designated AGR and most are in agricultural use. Some support uses exist or have existed here such as a feed and supply store. Directly adjacent to the west is a 2.5 acre parcel similar in configuration to the subject site and for which it shares access to Atlantic Avenue with. This parcel is developed residentially with two single family homes.

The proposed amendment would introduce Industrial designated land on a parcel adjacent to agriculture and residential homes and would create conditions in which land uses would not be able to 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. Therefore the proposed amendment is not consistent with this policy.

#### **C. 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 property is not located within a neighborhood plan. It is located within the Ag Reserve which was the subject of the Ag Reserve Master Plan for which policies have already been adopted in the Comprehensive Plan in order to implement the Master Plan recommendations.

#### **D. Public Facilities and Services Impacts**

The proposed amendment would change the development potential of the site from agricultural or nursery to 47,000 square feet of light industrial uses. Public facilities impacts are detailed in the table in Exhibit 3.

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. No adverse comments were received from the following departments and agencies regarding impacts on public facilities:

Zoning (ULDC), Mass Transit (Palm Tran), Potable Water & Wastewater (PBC Water Utilities Dept.), Environmental (Environmental Resource Management), Traffic (Engineering), Historic Resources (PBC Archeologist), Parks and Recreation, Health (PBC Dept. of Health), Community Services (Health & Human Services) and Fire Rescue

**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 at a maximum of 47,000 square feet of light industrial. According to the County's Traffic Engineering Department (see letter dated January 19, 2017 in Exhibit 5) the amendment would result in an increase of 9 net daily trips and 39 (34/5) AM and 41 (5/36) PM net peak hour trips.

The Traffic letter concludes *"Based on the review, the Traffic Division has determined the proposed amendment meets Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan at the proposed development potential shown..."*

The Traffic Study (see Exhibit 4) was prepared by Rebecca J. Mulcahy, Pinder Troutman Consulting, Inc. Traffic studies and other additional supplementary materials for site-specific amendments are available to the public on the PBC Planning web page at: <http://discover.pbcgov.org/pzb/planning/Pages/Active-Amendments.aspx>

**E. Florida Statutes (FS) Consistency**

**Consistency with Urban Sprawl Rule:** 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 Exhibit 8 indicates that the proposed amendment does not encourage the proliferation of urban sprawl overall.

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.

## II. Public and Municipal Review

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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 June 2, 2017. To date, 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 May 30, 2017. In addition, on May 30, 2017 several interested parties were notified by mail including The Alliance of Delray Residential Associations, the Coalition of Boynton West Residential Association (COBWRA) and homeowner associations in the immediate area. To date, no correspondence has been received. Letters received are added to the Exhibits during the course of the amendment process.
- C. Informational Meeting:** The Planning Division hosted a meeting with area residents and interested parties to relay information regarding the amendment and development approval process on June 6, 2017. One member of the public attended.

## III. Conclusions and Recommendation

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The amendment is proposing to change the future land use designation on a parcel in the Agricultural Reserve from Agricultural Reserve future land use to Industrial. The site has an application for a rezoning to the Light Industrial zoning district in order to develop an auto repair-auto paint and body shop. Currently the existing industrially and commercially designated parcels are clustered surrounding nodes established by the Comprehensive Plan and Future Land Use Atlas. There are approximately 77 acres of Industrial future land use within the Tier, of which nearly 70% is vacant or in agriculture. This includes approximately 63.5 acres of industrial located west of the site along Atlantic Avenue of which 40 acres is vacant or in agriculture.

The Comprehensive Plan encourages the preservation of industrial lands to promote economic development. However, the Comprehensive Plan Agricultural Reserve Tier policies do not provide guidance or criteria for new industrial future land use within the Tier. The final Agricultural Reserve Master Plan indicated that no new industrial should be allowed in the Tier. Subsequently, the only industrial future land use approved in the Tier was to square off the corner of Boynton Beach Blvd and SR-7 reflecting surrounding non-residential uses.

The proposed land use change is inconsistent with the Comprehensive Plan. The applicant has not met the adequate justification requirements to support the future land use change, particularly considering the amount of available industrially designated land in the Tier and to the west of the site. Finally, the establishment of industrial uses mid-block on a small, isolated parcel would not be compatible with existing surrounding agricultural future land use and agricultural and residential uses.

Based on the data and analysis presented in this report, staff recommends **denial**.

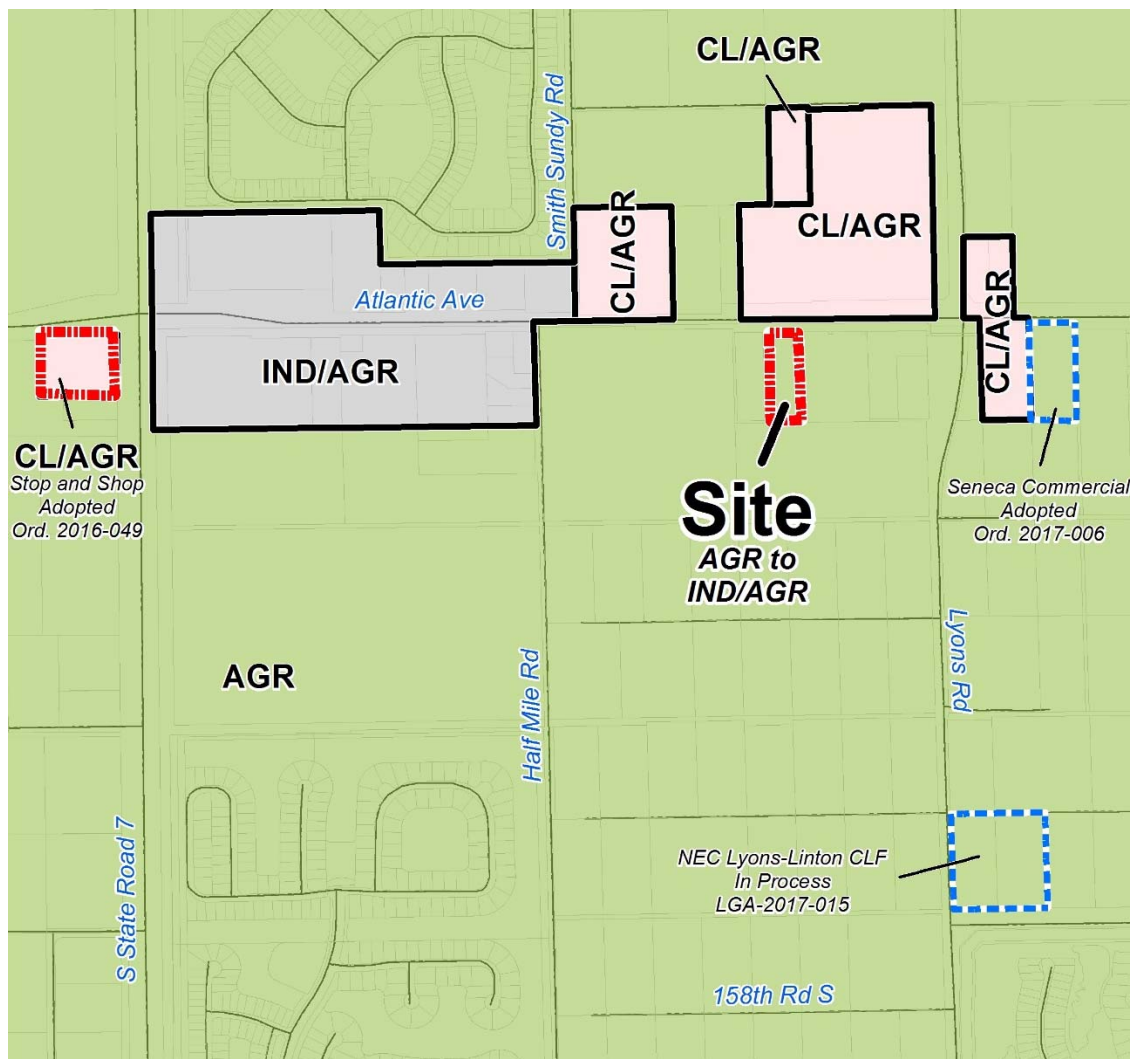
<b>Exhibits</b>	<b>Page</b>
1. Future Land Use Map & Legal Description	E-1
2. Applicant's Justification/Consistency with Comprehensive Plan and Florida Statutes	E-3
3. Applicant's Public Facility Impacts Table	E-13
4. Applicant's Traffic Study <i>(available to the LPA/BCC upon request)</i>	E-15
5. Palm Beach County Traffic Division Letter	E-16
6. Water & Wastewater Provider LOS Letter	E-17
7. Applicant's Disclosure of Ownership Interests	E-18
8. Urban Sprawl Analysis	E-26
9. Correspondence	E-28



## Exhibit 1

<b>Amendment No:</b>	<b>West Atlantic Industrial (LGA 2017-017)</b>
<b>FLUA Page No:</b>	102
<b>Amendment:</b>	From Agricultural Reserve (AGR) to Industrial with an underlying Agricultural Reserve (IND/AGR)
<b>Location:</b>	South side of Atlantic Avenue, approx. 1,000 ft. west of Lyons Road
<b>Size:</b>	2.51 acres approximately
<b>Property No:</b>	00-42-46-19-02-005-0010

**Conditions:** Development of the site utilizing the Industrial future land use designation is limited to a maximum of 47,000 square feet of light industrial uses or uses generating an equivalent number of trip.



## **Legal Description**

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LOTS 1 THROUGH 48, INCLUSIVE, BLOCK 5, ATLANTIC PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 14, PAGE 1, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 109,328 SQUARE FEET OR 2.510 ACRES MORE OR LESS.

## Exhibit 2

### Applicant's Justification and Consistency with Comprehensive Plan and Florida Statutes

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#### **Introduction**

On behalf of the Applicant, JMorton Planning & Landscape Architecture is requesting a Comprehensive Plan Future Land Use Atlas amendment for the West Atlantic Avenue Industrial Property from Agricultural Reserve (AGR) to Industrial (IND). The West Atlantic Avenue Industrial Property is 2.51 acres and is located on the south side of Atlantic Avenue, approximately 1,000 feet west of Lyons Road ("Property") The Property is undeveloped.

The Applicant currently operates the Delray Collision Center on an existing Industrial parcel to the west of the Property and east of State Road 7. That business has become so successful that the Applicant needs a larger facility to meet the customer demand. The Property would allow the Applicant to develop a new repair center within close proximity of the existing dated facility which would ensure that this much-needed service could stay within the Tier and serve the many residents of the Agricultural Reserve.

The County has approved many residential developments and recently approved several additional neighborhood commercial projects in the Agricultural Reserve Tier. As development continues to expand along the Atlantic Avenue Corridor the current and future residents of the Agricultural Reserve Tier will require sufficient options and access to needed localized industrial uses. The addition of neighborhood serving light industrial use will complement the existing industrial uses along Atlantic Avenue and reduce the amount of roadway trips to other industrial uses further away in the eastern part of the County.

#### **Description of Site Vicinity**

The proposed Property is located between the existing Industrial corridor on Atlantic Avenue and the existing and newly proposed commercial properties. Development of the property as a light industrial use such as an auto repair facility could serve as a transition between the existing industrial and commercial parcels. The intersection of Atlantic Avenue and Lyons Road has been designated as an important commercial node within the Agricultural Reserve Tier as evidenced by the Delray MarketPlace TMD as well as more recent future land use amendments to allow additional neighborhood commercial west of the TMD (known as Delray Growers) and at the southeast corner of the intersection of Atlantic Avenue and Lyons Road (known as Fuerring Commercial and Seneca).

Land uses of the properties directly abutting the Project include the following:

<b>Adjacent Property</b>	<b>Land Use Designation</b>	<b>Zoning Designation</b>	<b>Existing Use</b>	<b>Control Number</b>	<b>Resolution Number</b>
<b>North</b>	CL/AGR	TMD	Delray MarketPlace TMD	Control No. 2004-616	R-2014-0567
<b>South</b>	AGR	AGR	Agriculture	N/A	N/A
<b>East</b>	Current-AGR Proposed-CL	AGR	Agriculture	N/A	N/A
<b>West</b>	AGR	AGR	Agriculture	N/A	N/A

## **Justification**

Each proposed FLUA amendment must be found to be consistent with the Goals, Objectives, and Policies (GOPs) of the Comprehensive Plan. Future Land Use Element Policy 2.1.f requires that adequate justification for the proposed future land use be provided. Further, the justification statement must demonstrate that a change is warranted and demonstrate the following two factors:

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

***Response:** Section 1.D of the Future Land Use Element defines the characteristics of a livable community as a community that has a high quality of life and contributes to sustainability. Sustainable development patterns include a mix of uses that are able to support one another such as housing within relative proximity to employment opportunities and needed services and products. The current use exists nearby and because of the success the business has experienced from residents in the community, the Applicant needs a larger parcel of land. The need to stay in the area is critical as the Applicant has worked hard to provide a good service to the residents and workers within the immediate area.*

*The proposed FLUA Map Amendment will provide for a transitional use between the existing industrial development along Atlantic Avenue to the west of the Property and the increasing commercial uses along Atlantic Avenue east of the Property. Using TAZ data, population of the Tier is projected to increase by 14,828 residents during the 2015 – 2025 period and an additional 2,816 residents during the 2025 – 2035 period. This proposed industrial development will provide additional services and potential job opportunities necessary to meet the needs of projected population growth.*

*Objective 1.1.3 of the Future Land Use element states that future growth should be accommodated while prohibiting further urban sprawl by requiring the use of compact forms of sustainable development. Atlantic Avenue is a major east-west corridor through the Agricultural Reserve Tier. East of the Florida Turnpike are several large high density residential developments with commercial plazas generally located at major intersections to serve those residents. The segment of Atlantic Avenue west of the Florida Turnpike has started changing to address the increased demand for services, therefore increasing the significance of this corridor to the Agricultural Reserve. Residents of this Tier should not have to travel long distances into the Urban/Suburban Tier to obtain needed products and services.*

*Policy 2.2.1-b of the Future Land Use Element states that areas designated for residential use shall be protected from encroachment of incompatible future land uses and regulations shall be maintained to protect residential areas from adverse impacts of adjacent land uses. Non-residential future land uses shall be permitted only when compatible with residential areas and when the use furthers the Goals, Objectives and Policies of the Plan. Industrial uses already exist to the west of the Property and are compatible with the surrounding area. It is important to note that the proposed light industrial is a compatible land use with agricultural uses to the south and west as well as the commercial to the north and east. This specific use would be designed to provide required landscape buffers and setback from adjacent less intense uses through the site plan approval process.*

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

**a. Changes in FLU designations on adjacent properties or properties in the immediate area and associated impacts on the subject site.**

*Response:* Approval of the Delray Market Place AgR-TMD, as well as other recent FLU amendments to Commercial Low (i.e. Dells Suburban Market, Fina Station, Delray Growers, Fuerring Commercial, Seneca, and Stop & Shop) indicate an increased demand for services along the Atlantic Avenue corridor. This trend of recent approvals indicates that the Board of County Commissioners recognizes that changes are occurring within the Agricultural Reserve Tier.

*The Atlantic Avenue corridor is a unique corridor within the Agricultural Reserve Tier. A portion of this corridor has been designated with an Industrial future land use designation. Many industrial uses have been developed on the north side of Atlantic Avenue east of State Road 7. These uses include an automotive body repair shop, golf cart sales & service, and a contractor storage yard. No industrial uses have been developed on the south side of Atlantic Avenue yet, but with recent zoning changes in progress, it is anticipated that new industrial development is forthcoming within the next year or so.*

**b. Changes in the access or characteristics of the general area and associated impacts upon the subject site.**

*Response:* Palm Beach County has recognized the increased traffic along Atlantic Avenue as construction improvements to the Atlantic Avenue and Florida's Turnpike intersection are proposed to commence in 2017. Road design efforts for the widening of Atlantic Avenue from State Road 7 to Jog Road are also proposed in 2017. Construction of the Florida's Turnpike Interchange at West Atlantic Avenue has resulted in increased accessibility to and from the southern portion of the Agricultural Reserve Tier. Related increased traffic and population growth has created demand for additional services within the Tier. This proposed FLU amendment to Industrial would allow for the proposed use which currently exists on a smaller parcel 0.5 mile away to continue to better serve the growing population of the Agricultural Reserve Tier and possibly help reduce the number of trips heading east on Atlantic Avenue.

*The Agricultural Reserve Master Plan originally intended that more intense uses and development would occur at nodes within the Tier. The Master Plan further intended for lower density residential to develop outside of the higher intensity core eventually transitioning to the Agricultural Preserve parcels. This development pattern has not occurred, rather development is sprinkled throughout the tier leapfrogging preservation parcels and other existing commercial and industrial type uses. Approval of this FLU amendment would provide a transition between the increasing commercial development and the existing industrial development thereby reducing the existing haphazard development pattern that is occurring along this corridor within the Agricultural Reserve Tier.*

**c. New information or change in circumstances which affect the subject site.**

*Response:* In terms of the proposed FLU amendment, recently updated population projections (2013 TAZ projections) indicate strong demand/need for additional services during the 2015 – 2025 period within the Agricultural Reserve Tier. Based upon Comprehensive Plan directives, the Florida's Turnpike/West Atlantic Avenue intersection is an appropriate location for such uses

to address projected demand within the Tier. Other changed circumstances include the recent FLU amendments to Commercial Low (i.e. Dells Suburban Market, Fina Station, Delray Growers, Fuerring Commercial, Seneca, and Stop & Shop) along Atlantic Avenue and within proximity of the Property.

**d. Inappropriateness of the adopted FLU designation.**

**Response:** AGR is not the most appropriate FLUA designation for the subject site to create an appropriate balance of land uses within the Agricultural Reserve Tier. Based upon projected demand/need for additional industrial space and the location and size of the property in relation to Comprehensive Plan directives, IND is a more appropriate FLUA designation. The IND FLUA designation is also consistent with neighboring uses that exhibit industrial characteristics. As previously mentioned, approval of this FLU amendment would provide a transition between the increasing commercial development and the existing industrial development. The proposed industrial designation is an appropriate land use designation for the Property as there are agricultural uses adjacent to the south of the Property. The Property has not been utilized for agriculture and it is not economically feasible to transition such a small parcel to agriculture.

**e. Whether the adopted FLU designation was assigned in error. Response: N/A**

**Residential Density Increases**

This proposed FLU amendment is not requesting to increase residential density.

**Comprehensive Plan**

The proposed Future Land Use Atlas Amendment is consistent with various goals, objectives, and policies in the Palm Beach County Comprehensive Plan as detailed below. Furthermore, the proposed amendment is consistent with the Agricultural Reserve Master Plan and Delray Alliance Neighborhood goals, objectives, and policies.

**Goals** – The proposed FLU amendment furthers the County’s goals as further described below.

- **Balanced Growth** – “...to recognize the diverse communities within the County, to implement strategies to create and protect quality livable communities respecting the lifestyle choices for current residents, future generations, and visitors, and to promote the enhancement of areas in need of assistance.”

**Response:** Approval of this proposed FLU amendment to Industrial will allow for the development of a neighborhood serving light industrial use for the residents as well as the existing small businesses within the Agricultural Reserve Tier. Allowing this industrial use within the Agricultural Reserve Tier will ensure that this area of Palm Beach County has the needed services to serve the residents thus promoting and enhancing the quality of life for current and future residents of the area. Atlantic Avenue between State Road 7 and Lyons Road already includes industrial future land use designations. This request is not introducing a new land use to the area as it already exists.

*The Application has operated a successful business and now needs additional land to continue meeting the demands of the community. The Applicant is not able to expand on the current site 0.5 mile to the west and therefore desires to relocate in the general area. The Property is vacant and based upon historical aerials have been utilized as a storage yard in the past, not as active agriculture.*



- **Land Planning** – “...to create and maintain livable communities, promote the quality of life, provide for a distribution of land uses of various types, and at a range of densities and intensities, and to balance the physical, social, cultural, and environmental and economic needs of the current and projected residents and visitor populations. This shall be accomplished in a manner that protects and maintains a diversity of lifestyle choices, and provides for the timely, cost-effective provision of public facilities.”

***Response:** Allowing additional light industrial uses nearby existing light industrial within the Agricultural Reserve Tier will encourage and provide for the appropriate distribution of land uses that promotes the quality of life for the residents in the area. Atlantic Avenue is a major east-west corridor with access to I-95, the Turnpike, and US 441. Infrastructure is already in place along this corridor to accommodate the existing industrial uses, commercial uses, residential developments, and place of worship that are already developed in the immediate vicinity of the Property.*

- **Community Planning and Design** – “...to develop and implement strategies that will enhance the quality of life within its neighborhoods and communities by ensuring that these areas are well-planned, visually pleasing, safe, and devoid of substandard housing and blight.”

***Response:** Approval of the proposed FLU amendment to industrial will allow for the expansion of a neighborhood serving light industrial use for the residents as well as the other small businesses within Agricultural Reserve Tier. The very definition of a well-planned community is one that is compact and self-contained with a mix of uses providing for the daily need to live, work, play, worship, dine, and shop.*

Objectives – The proposed FLU amendment furthers the County’s objectives as further described below.

- **Objective 1.5 The Agricultural Reserve Tier** – “Palm Beach County shall preserve the unique farmland and wetlands in order to preserve and enhance agricultural activity, environmental and water resources, and open space within the Agricultural Reserve Tier. This shall be accomplished by limiting uses to agriculture and conservation with residential development restricted to low densities and non-residential development limited to uses serving the needs of farmworkers and residents of the Tier.”

***Response:** Approval of this proposed FLU amendment will allow for the development of an appropriate neighborhood serving light industrial use for the residents of the Agricultural Reserve Tier. Allowing neighborhood serving light industrial uses within the Agricultural Reserve Tier will ensure that this area of Palm Beach County has the needed services to serve the residents and existing businesses and services, thus promoting and enhancing the quality of life for current and future residents and business owners in the area. This amendment would allow for the Property to be developed in a way that is more compatible with the surrounding uses and one that will provide a good transition between the existing industrial uses to the west of the Property with the existing and proposed commercial uses to the east of the Property.*

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

**Response:** *Allowing smaller light industrial uses within the Agricultural Reserve Tier will encourage and provide for the appropriate distribution of land uses that promotes the quality of life for the residents in the area. The Agricultural Reserve Tier has steadily been growing with an increasing amount of residential developments. These residents need places to work, shop and dine without having to travel a significant distance. The location of industrial uses within the Agricultural Reserve Tier supports balanced growth. The proposed FLU amendment to Industrial supports balanced growth as it is near existing industrial and commercial uses and will also continue to support the agriculture uses in the area.*

- **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.”

**Response:** *The proposed Industrial designation in the Agricultural Reserve Tier ensures that services are provided in the most cost-effective manner. The land development pattern that has been established within the Atlantic Avenue corridor is generally non-agricultural, commercial and industrial uses.*

Policies – The proposed FLU amendment furthers the County’s policies as further described below.

- **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 used in the unincorporated area that will accommodate the future population of Palm Beach County, and provide an adequate amount of conveniently located facilities and service while maintaining the diversity of lifestyles in the County.”

**Response:** *The land development pattern that has been established within the Atlantic Avenue corridor is generally non-agricultural, commercial and industrial uses. Limiting the redevelopment of the Property to an agricultural use surrounded by industrial and commercial uses does not further any goals of the Agricultural Reserve Tier. This industrial use exists today and serves the residents and workers of the Agricultural Reserve Tier. The growing population within the Tier has led to the success of the Applicant’s existing business driving the need to grow and expand to a larger property within the immediate vicinity that will still be able to serve the needs of the residents and existing customers.*

- **Policy 2.2.4-c:** “The Industrial and Economic Development Center future land use designations are intended to accommodate industrial uses which are defined as uses engaged in the manufacturing, assembly, processing, research and development, wholesale distribution, or storage of products, related uses and services, including Office of an Industrial Nature (as defined by the Introduction and Administration Element).”

**Response:** *Approval of the proposed FLU amendment will allow for the development of an industrial use that is compatible with the surrounding uses. The nature of the uses within the area have evolved over time from agriculture uses such as nurseries and bona fide agriculture to more industrial and commercial type uses. The Property has been vacant and this application for Industrial is consistent with the corridor and compatible with adjacent agriculture uses. There are not many locations within Palm Beach County that can accommodate new industrial designations, however the Applicant believes that this Property can.*

### **Florida Statutes**

Data and analysis demonstrating that the proposed development can be supplied by necessary services without violating adopted LOS standards are presented in Attachment H (Traffic Letter and Study), J (Drainage Statement), K (Fire Rescue Letter), and I (Water and Wastewater Provider Letter). Data and analysis discussing environmental and historical resources impacts are presented in Attachments J (Drainage Statement), M (Wellfield Zone), L (Natural Features Inventory and Map) and N (Historic Resource Evaluation Letter). No negative environmental impacts are identified.

The primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below along with the applicant's descriptions. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment discourages urban sprawl.

- Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single use development or uses.
  - **Response:** *The applicant is requesting to change the FLU of the property from AGR to IND with an underlying future land use of AGR for the purpose of providing additional services along the Atlantic Avenue corridor. The amendment does not promote low intensity/density or single-use development.*
- 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.
  - **Response:** *The property is located within the Atlantic Avenue corridor which is not rural in nature and urban services such as police, fire rescue and water/wastewater/drainage utilities are existing in the immediate area. The use currently exists but because of its need to expand and the lack of available Industrial land nearby within the existing Industrial corridor, the proposed use is consistent with the surrounding uses and acts as a transition between all of the uses.*
- Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.
  - **Response:** *The development is not isolated in nature as existing industrial development exists to the west. Commercial uses are proposed to the east. This proposed change would provide transition between the uses as well as provide for infill development along a rapidly changing roadway corridor. Industrial uses are generally not compatible with adjacent residential uses which makes this corridor ideal for industrial as it is comprised mostly of commercial, industrial and agricultural uses.*
- 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.
  - **Response:** *This amendment does not fail to protect and conserve natural resources as the proposed development will have no negative impact on any other significant natural system. The site is undeveloped and supports exotic and nuisance species, as well as some native species to a lesser extent. No listed species were located on the property and it is located outside of any wellfield protection zone. As required by the ULDC, any native plant material will be addressed during the zoning approval process.*

- Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.
  - **Response:** *The property does not currently support agriculture uses of any kind. The property to the north has been approved and developed for commercial uses. The property to the east is the subject of a land use change to commercial. The surrounding area has been changing from agriculture to commercial and industrial uses since 2006. As such no negative impacts to agricultural uses are anticipated with the land use change. This is also evident by the recent comprehensive plan changes to commercial on the east side of Lyons Road as well as the recent zoning change from Agriculture Residential (AR) to Light Industrial to the west of the Property, west of Half Mile Road. Even without this FLU amendment, it is highly unlikely that the Property would ever be used for farming or crop productions because of the small size and cost to prepare and improve the land for production.*
- Fails to maximize use of existing public facilities and services.
  - **Response:** *This amendment will maximize the use of existing facilities. PBCWUD has confirmed that it has capacity to service the subject property under its proposed FLUA amendment and facilities are existing. Also, existing fire rescue facilities are also located within close proximity of the subject property. Therefore, the proposal will maximize the existing public services in the area.*
- Fails to maximize use of future public facilities and services.
  - **Response:** *This amendment will maximize the use of any future facilities proposed or constructed in the future and provide additional tax base. Therefore, the proposal will maximize the existing public services in the area.*
- 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.
  - **Response:** *As a result of the existing development located within this area, the proposed amendment will not increase the costs of providing services as they already exist in the area. The additional tax revenue from the proposed development will aid in maintaining the existing infrastructure. Also, the proposed development will address stormwater management on site and as conditioned complies with Palm Beach County Traffic Performance Standards.*
- Fails to provide a clear separation between rural and urban uses.
  - **Response:** *Allowing IND land use for the proposed auto repair facility on the subject property will be consistent with the style of development to the west where the facility is currently operating. While the property is located within the Agricultural Reserve Tier of the County, this major roadway corridor has been changing as new commercial and industrial uses are approved and developed. The surrounding residential developments are supporting and increasing the demand for these uses. Therefore, the proposal discourages the proliferation of Urban/Sprawl.*
- Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.
  - **Response:** *This amendment will allow for what could be considered infill development as urban/suburban styles of development have exist both east and west of the Property.*
- Fails to encourage a functional mix of uses.

- **Response:** Approval of this proposed amendment will encourage a functional mix of uses for the Atlantic Avenue corridor. The proposed auto repair shop will provide for some synergy between the commercial uses to the east and the industrial uses to the west.
- Results in poor accessibility among linked or related land uses.
  - **Response:** The Atlantic Avenue corridor currently includes industrial uses which are often difficult to locate when residential housing is in such high demand. By allowing this Industrial land use designation, the proposed development will be able to collocate with similar related uses within the same corridor. There is a definite need for Industrial as the Applicant has a successful industrial use located 0.5 mile to the west of the Property and is in need of expansion to better serve the growing customer demands.
- Results in the loss of significant amounts of functional open space.
  - **Response:** This amendment does not result in a loss of any functional open space as the subject property is currently not utilized as functional open space.

**Florida Statutes, Section 163.3177.(6).(a).9.b:** Of those criteria listed in this section the subject property will meet the following criteria which shows that it will discourage the proliferation of urban sprawl:

- Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.
  - **Response:** This amendment does not fail to protect and conserve natural resources as the property is vacant of natural resources. The site is undeveloped and supports exotic and nuisance species, as well as some native species to a lesser extent. No listed species were located on the property and it is located outside of any wellfield protection zone. As required by the ULDC, any native plant material will be addressed during the zoning approval process. The proposed FLU amendment directs economic growth to this area of the corridor that does not have an adverse impact on natural resources.
- Promotes the efficient and cost-effective provision or extension of public infrastructure and services.
  - **Response:** The amendment for a FLUA amendment will maximize the use of future public facilities and services existing and within a relatively urban area. No facilities would be required to be installed in rural or sparsely populated areas, thereby maximizing the use of the existing facilities. Therefore, the proposal discourages the proliferation of Urban Sprawl. In addition, the use currently exists 0.5 mile away but because of the success, needs to expand in the general vicinity.
- Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.
  - **Response:** The development will be designed with pedestrian connections to Atlantic Avenue as required through the site plan approval process.
- Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.
  - **Response:** The proposed amendment would allow for a vacant parcel along the Atlantic Avenue corridor to provide additional industrial uses by utilizing an infill parcel within an area that is mostly developed or approved for the development of commercial and industrial uses. There is a demand from the residential population for Industrial uses as experienced by the success of the existing facilities. IN order to meet the growing demand additional industrial land is needed in this area. Therefore, the proposed amendment would utilize an undeveloped parcel within the

*Agricultural Reserve Tier and contribute to livable communities and help balance land uses that is within the character of the community, and furthers these Directives.*

### **Compatibility**

Compatible land uses are defined as those which are consistent with each other in that they do not create or foster undesirable health, safety, or aesthetic effects arising from direct association of dissimilar activities, including the impacts of intensity of use, traffic, hours of operation, aesthetics, noise vibration, smoke, hazardous odors, radiation, and other land use conditions. The definition of “compatibility” under the repealed Rule 9J-5, FAC, is “a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition”. With this definition in mind, the requested change would make the subject property more compatible with the surrounding properties which have undergone land use amendments.

To be compatible, it is not necessary that two uses have the exact same function (e.g. residential, commercial, institutional, etc.). Rather, compatibility is attained when uses do not adversely affect each other. Further, two uses whose functions are different can complement and support each other. For example, an industrial use can provide essential services to residents of surrounding neighborhoods, as well as the community at-large. In addition, buffering, screening, setback, height, and landscaping requirements can further enhance compatibility, and reduce the potential negative effects of functionally different land uses.

Several factors lead to the conclusion that the proposed FLUA Map Amendment designation will be compatible with neighboring uses.

- a. Primary access is available from West Atlantic Avenue, a designated Urban Minor Arterial road, thus directing traffic away from local roads in the vicinity.
- b. Proximity to the intersection of Florida’s Turnpike and West Atlantic Avenue as well as State Road 7 and Atlantic Avenue is an appropriate location for such an industrial use to serve the Agricultural Reserve Tier. On this basis, the proposed development concept at this location is determined to be compatible.
- c. The proposed use is consistent with the existing industrial and commercial development pattern that has occurred along the West Atlantic Avenue corridor. In addition to agriculture, the mix of uses includes the following:

**Civic** - U.S. Post Office facility, Our Lady Queen of Peace and Mission Medical Center

**Industrial** - Synergy Gas, Half-Mile Industries, Windmill Sprinkler and Hardware, Sunshine Golf Carts, Delray Collision Center (Existing), Blue Bell Creameries, and Storage Zone Self-Storage

**Commercial** - Stop and Shop, Peanuts Country Store/Shell Gas, Delray Market Place and Lyons Service Center

The above factors, coupled with setback, buffer and landscaping requirements will dictate that on-site structure(s) will not create or foster undesirable health, safety, or aesthetic effects in terms of its relationship to neighboring properties.

### **Conclusion**

As described above, the proposed FLU amendment from Agricultural Reserve (AGR) to Industrial (IND) is consistent with the Goals, Objectives, and Policies of Palm Beach County’s Comprehensive Plan and the Florida State Statutes. The proposed amendment is also compatible with the surrounding area as well as with the general intent of the Agricultural Reserve Master Plan.



### Exhibit 3

#### Applicant's Public Facility Impacts Table

#### VIII. Public Facilities Information

A. Traffic Information			
	Current FLU	Maximum	Conditioned or Concurrent
Max Trip Generation	286	326	295
Trip Increase Max.	40		
Trip Inc. Conditioned or Concurrent	9		
Significantly impacted roadway segments that fail Long Range		None.	None.
Significantly impacted roadway segments for Test 2			None.
Traffic Consultant	Pinder Troutman Consulting, Inc. See Application Attachment H.		
B. Mass Transit Information			
Nearest Palm Tran Route (s)	Route 81 – Delray Beach via Atlantic Avenue		
Nearest Palm Tran Stop	Oriole Plaza, Northeast corner of Hagen Ranch Road & Atlantic Avenue Approximately 1.75 miles to the east of Property		
Nearest Tri Rail Connection	Delray Beach TriRail Station, East side of Congress Avenue, approximately ¼ mile south of Atlantic Avenue; Approximately 6 miles to the east of the Property		
C. Portable Water & Wastewater Information			
Potable Water & Wastewater Providers	Palm Beach County Water Utilities Department (PBCWUD) Water LOS – 126 GPD Potable Water Wastewater LOS – 85 GPD Wastewater See Application Attachment I.		
Nearest Water & Wastewater Facility, type/size	Along Atlantic Avenue, adjacent to the Property		

#### **D. Drainage Information**

The site is located within the SFWMD's C-15 Canal Basin with legal, positive outfall through a proposed control structure from the site with outfall to the adjacent L-34 canal on the project's north property line. See Drainage Statement as Application Attachment J.

#### **E. Fire Rescue**

<b>Nearest Station</b>	PBC Fire-Rescue Station # 42, 14276 Hagen Ranch Road
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<b>Distance to Site</b>	Approximately 3 miles
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<b>Response Time</b>	8 minutes, 30 seconds
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<b>Effect on Resp. Time</b>	Minimal impact per the attached letter from PBC Fire-Rescue. See Application Attachment K.
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#### **F. Environmental**

<b>Significant habitats or species</b>	There are no significant habitats or species on the Property. An aerial of the Property is provided as Application Attachment L.
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<b>Flood Zone*</b>	The Property is located in Zone X500, which is not a flood zone. See Flood Zone Map as Application Attachment M.
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<b>Wellfield Zone*</b>	The Property is not located within a Wellfield Protect Zone. See Wellfield Map as Application Attachment N.
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#### **G. Historic Resources**

There are no significant historic resources on the Property or within 500 feet of the Property. See Application Attachment O.

## **Exhibit 4 Traffic Study**

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

<http://discover.pbcgov.org/pzb/planning/Pages/Active-Amendments.aspx>

## Exhibit 5

### Palm Beach County 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

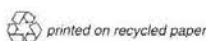
**Palm Beach County  
Board of County  
Commissioners**

Paulette Burdick, Mayor  
Melissa McKinlay, Vice Mayor  
  
Hal R. Valeche  
Dave Kerner  
Steven L. Abrams  
Mary Lou Berger  
Mack Bernard

**County Administrator**

Verdenia C. Baker

"An Equal Opportunity  
Affirmative Action Employer"



January 19, 2017

Rebecca J. Mulcahy, P.E.  
Pinder Troutman Consulting, Inc.  
2005 Vista Parkway, Suite 111  
West Palm Beach, FL 33411

**RE: Policy 3.5-d Review - Round 2017-D  
Delray Collision aka Atlantic Avenue Industrial**

Dear Rebecca:

Palm Beach County Traffic Division has reviewed the transportation analysis for the proposed Future Land Use Amendment for the above referenced project, dated December 20, 2016, pursuant to Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan. The project is summarized as follows:

<b>Location:</b>	South side of Atlantic Avenue, approximately 1,100 feet west of Lyons Road
<b>PCN #:</b>	00-42-46-19-02-005-0010
<b>Size:</b>	2.65 acres
<b>Existing FLU:</b>	Agricultural (AGR)
<b>Existing Zoning:</b>	Agricultural (AGR)
<b>Existing Use:</b>	Vacant
<b>Existing Max Potential:</b>	Retail Nursery = 2.65 acres
<b>Proposed FLU:</b>	Industrial
<b>Prop. Zoning:</b>	Light Industrial (IL) or General Industrial (IG)
<b>Proposed Use:</b>	Auto Repair & Body Shop
<b>Max Potential:</b>	51,945 SF Light Industrial (0.45 FAR)
<b>Prop. Dev. Potential:</b>	47,000 SF Light Industrial
<b>Net Daily Trips:</b>	9
<b>Net PH Trips:</b>	39 (34/5) AM, 41 (5/36) PM

Based on the review, the Traffic Division has determined that the proposed amendment meets Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan at the proposed development potential shown above.

Please contact me at 561-684-4030 or email to [qbari@pbcgov.org](mailto:qbari@pbcgov.org) with any questions.

Sincerely,

A handwritten signature in blue ink that reads "Quazi Bari".

Quazi Bari, P.E.  
Senior Professional Engineer - Traffic Division

QB:DS:ac

ec: Dominique Simeus, E.I. - Project Coordinator II, Traffic Division  
Lisa Amara - Senior Planner, Planning Division  
Steve Bohovsky - Technical Assistant III, Traffic Division

File: General - TPS - Unincorporated - Traffic Study Review  
N:\TRAFFIC\Development Review\Comp Plan\17-D\Delray Collision aka Atlantic Avenue Industrial.docx

## Exhibit 6

### Water & Wastewater Provider LOS Letter

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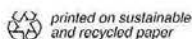
Water Utilities Department  
Engineering  
8100 Forest Hill Blvd.  
West Palm Beach, FL 33413  
(561) 493-6000  
Fax: (561) 493-6008  
www.pbcwater.com



Palm Beach County  
Board of County  
Commissioners  
  
Paulette Burdick, Mayor  
Melissa McKinlay, Vice Mayor  
  
Hal R. Valeche  
Dave Kerner  
Steven L. Abrams  
Mary Lou Berger  
Mack Bernard

County Administrator  
Verdenia C. Baker

"An Equal Opportunity  
Affirmative Action Employer"



printed on sustainable  
and recycled paper

January 4, 2017

Morton Planning  
3920 RCA Boulevard, Suite 2002  
Palm Beach Gardens, FL 33410  
Attn: Ms. Lauren McClellan

RE: Property on South side of Atlantic Ave, approximately 1100  
West of Lyons Road  
PCN# 00-42-46-19-02-005-0010  
Level of Service Letter  
Your request from 12-28-2016

Dear Ms. McClellan:

This is to confirm that Palm Beach County Water Utility Department (PBCWUD) is the potable water and wastewater service provider for the referenced property. Water and wastewater capacities are available to the property, subject to a reservation agreement with PBCWUD. PBCWUD is able to maintain our current level of service to provide water and wastewater to the property based upon the current Agricultural Reserve (AGR) Future Land Use designation as well as the proposed Industrial (IND) Future Land Use designation.

The nearest water and wastewater lines are located in Atlantic Avenue, fronting the subject property. Please note that the property is located within PBC Mandatory Reclaimed Water Service Area.

If you have any questions, please call me at (561)493-6122.

Sincerely,

  
Adam Galicki  
Manager of Technical Services

AG/mb

## Exhibit 7

### Disclosure of Ownership Interests

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PALM BEACH COUNTY - ZONING DIVISION

FORM # 09

#### DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

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

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

STATE OF FLORIDA  
COUNTY OF PALM BEACH

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

1. Affiant is the ☒ individual or ☐ \_\_\_\_\_ [position - e.g.,  
president, partner, trustee] of \_\_\_\_\_ [name and type of  
entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership  
interest in real property legally described on the attached Exhibit "A" (the "Property").  
The Property is the subject of an application for Comprehensive Plan amendment or  
Development Order approval with Palm Beach County.
2. Affiant's address is: 3617 Ruskin Ave.  
Boynton Beach, FL.  
33436
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of  
every person or entity having a five percent or greater interest in the Property.  
Disclosure does not apply to an individual's or entity's interest in any entity  
registered with the Federal Securities Exchange Commission or registered pursuant  
to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County  
policy, and will be relied upon by Palm Beach County in its review of application for  
Comprehensive Plan amendment or Development Order approval affecting the  
Property. Affiant further acknowledges that he or she is authorized to execute this  
Disclosure of Ownership Interests on behalf of any and all individuals or entities  
holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to  
reflect any changes to ownership interests in the Property that may occur before the  
date of final public hearing on the application for Comprehensive Plan amendment  
or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the  
penalties provided by the laws of the State of Florida for falsely swearing to  
statements under oath.



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

FURTHER AFFIANT SAYETH NAUGHT.

Bartolome S. S. S. S.  
Bartolome S. S. S. S. Affiant  
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 2 day of February, 2017, by Bartolome S. S. S. S. [ ] who is personally known to me or [ ] who has produced A Driver's License as identification and who did take an oath.

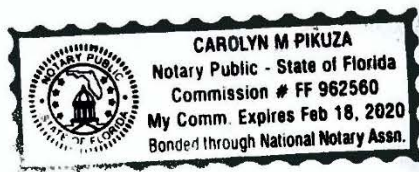
[Signature]  
Notary Public

Carolyn M. Pikuza  
(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: 2/18/20



**EXHIBIT "A"**

**PROPERTY**

LOTS 1 THROUGH 48, INCLUSIVE, BLOCK 5, ATLANTIC PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 14,  
PAGE 1, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.  
CONTAINING 109,328 SQUARE FEET OR 2.510 ACRES MORE OR LESS.

**EXHIBIT "B"****DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY**

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an 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**

Bartolome Salazar 3617 Ruskin Ave.  
Boynton Beach, FL  
33436

**DISCLOSURE OF OWNERSHIP INTERESTS – APPLICANT**

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

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

STATE OF FLORIDA  
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Greg Di Maria, 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 [X] Greg Di Maria [position—e.g., president, partner, trustee] of 9130 West Atlantic, LLC [name and type of entity—e.g., ABC Corporation, XYZ Limited Partnership], (hereinafter, "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for real property legally described on the attached Exhibit "A" (the "Property").

2. Affiant's address is: 9938 Equis Circle  
Boynton Beach FL 33472

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.

GREGORY DiMARIA, Affiant  
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 3rd day of Feb.,  
2017, by GREGORY DiMARIA, [ ] who is personally  
known to me or [x] who has produced License  
as identification and who did take an oath.



ARI SALOMON  
MY COMMISSION # FF 017992  
EXPIRES: May 14, 2017  
Bonded Thru Budget Notary Services

Notary Public

ARI SALOMON  
(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: May 14, 2017

**EXHIBIT "A"**

**PROPERTY**

LOTS 1 THROUGH 48, INCLUSIVE, BLOCK 5, ATLANTIC PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 14, PAGE 1, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.  
CONTAINING 109,328 SQUARE FEET OR 2.510 ACRES MORE OR LESS.

## EXHIBIT "B"

### DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

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

[illegible]

## Exhibit 8 Urban Sprawl Analysis

Primary Indicators that an amendment does not discourage urban sprawl	Staff Assessment	Sprawl Indicated?
<b>Criteria Related to Land Use Patterns</b>		
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 of the County 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.	This amendment does not designate urban development emanating from existing urban development.	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.	This amendment will expand industrial land use in the corridor with the intent to provide additional commercial uses in a light industrial district.	No
Results in poor accessibility among linked or related land uses.	The subject site has access to Atlantic Avenue and does not result in poor accessibility among related land uses.	No
Results in the loss of significant amounts of functional open space.	The proposed amendment is on a 2.5 acre parcel and will not result in the loss of significant amounts of functional open space.	No
<b>Criteria related to sites located outside or at the edge of the Urban Service Area</b>		
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 located within 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 amendment fails to adequately protect adjacent agricultural areas.	Yes



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
<b>Criteria Related to Public Facilities</b>		
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 as indicated by service providers through department review.	No
<b>Overall Assessment:</b> The proposed amendment does not meet 1 of the of the indicators of urban sprawl. However, overall would not contribute to urban sprawl in the county.		

## **Exhibit 9 Correspondence**

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