



COMPREHENSIVE PLAN AMENDMENT STAFF REPORT AMENDMENT ROUND 18-C

BCC TRANSMITTAL PUBLIC HEARING, MAY 2, 2018

A. Application Summary

I. General

Project Name:	RaceTrac Boynton & Acme Dairy (LGA 2018-006)
FLUA Summary:	AGR to CL/AGR (2.5 acres) and to AGR (7.05 acres)
Text Summary:	To revise the Future Land Use Element to add a new location for commercial development and to increase the allowable square footage for commercial in the Ag Reserve Tier.
Acres:	9.55 total acres
Location:	Northeast corner of Boynton Beach Boulevard and Acme Dairy Road
Project Manager:	Bryce Van Horn, Senior Planner
Applicant:	RaceTrac Petroleum, Inc.
Owner:	Valico Nurseries
Agent:	Lewis, Longman & Walker, P.A.
Staff Recommendation:	Staff recommends denial based upon the findings and conclusions contained within this report.

II. Assessment & Conclusion

In April 2016, the Board of County Commissioners adopted changes to the Comprehensive Plan to allow new neighborhood oriented commercial uses in the Agricultural Reserve Tier to be reviewed on a case-by-case basis. This amendment included increasing the cap on commercial retail and office uses within the Tier from 750,000 to 980,000 square feet. Subsequent to increasing the cap in 2016, the County approved ten commercial applications up to the allowable square footage cap. More recently, in October 2017, the Board adopted the Three Amigos amendment that increased the cap further with an additional 35,000 square feet, from 980,000 to 1,015,000 square feet. This represents an increase of 265,000 square feet, or 35 percent, since 2016. Nearly ½ a million square feet of the approved commercial is unbuilt.

Although the Board adopted both County and privately initiated future land use amendments and text amendments for the West Boynton Center (Smigiel) site at the northwest corner of Acme Dairy Road in 2016, which the applicant cites to support the proposed amendment, those amendments were based on unique circumstances surrounding a specific parcel and are neither applicable nor provide adequate justification to locate new commercial on another site. The proposed increase would exceed the commercial cap in the Tier. Considering the basis of the cap was to limit the amount of commercial uses in the Tier and that approximately ½ of the approved square footage is vacant, there is no basis for increasing the allowable commercial uses in the Tier at this time nor approving a new commercial location at the intersection.

III. Hearing History

Local Planning Agency: *Denial*, motion by Neil Merin, seconded by Barbara Roth, passed in a 13-0 vote at the January 12th public hearing. Board discussion included comments regarding the lack of need for more commercial in the Tier, the inappropriateness of the location, the piecemeal aspect of the request, the history of the Smigiel amendment and Major Intersection, and the potential proliferation of gas stations in the corridor. Two members of the public spoke in opposition, both representing the Coalition of Boynton West Residential Associations (COBWRA), citing that the proposed amendment was unwarranted, piecemeal, would stretch the cap further, inappropriateness of the site for a gas station, and being out of character with the area.

Board of County Commissioners Transmittal Public Hearing:

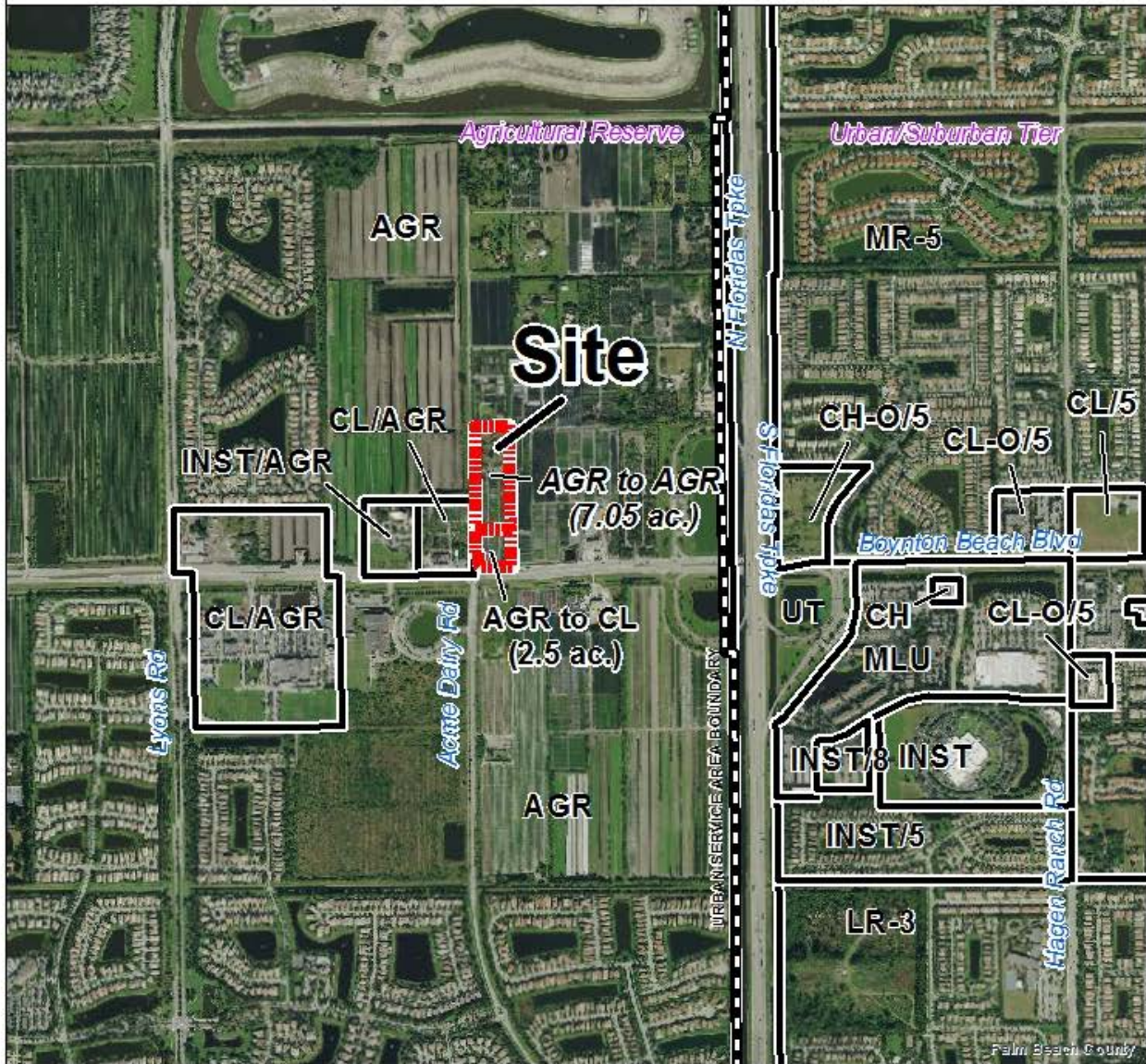
State Review Agency Comments:

Board of County Commissioners Adoption Public Hearing:

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Future Land Use Atlas Amendment

RaceTrac Boynton and Acme Dairy (LGA 2018-006)



Site Data

Size: 9.55 acres
 Existing Use: Nursery
 Proposed Use: Convenience Store with Gas Sales on 2.5 ac and Nursery on 7.05 ac
 Current FLU: Agricultural Reserve (AGR)
 Proposed FLU: Commercial Low (CL) on 2.5 ac and Agricultural Reserve (AGR) on 7.05 ac

Future Land Use Designations

LR-3 Low Residential, 3 units per acre
 MR-5 Medium Residential, 5 units per acre
 CL/AGR Commercial Low, underlying Agricultural Reserve
 CH Commercial High
 INST Institutional
 INST/5 Institutional, underlying 5 units per acre
 INST/8 Institutional, underlying 8 units per acre
 INST/AGR Institutional, underlying AGR
 UT Utilities and Transportation

Date: 9/21/2017
 Contact: Planning
 Filename: Planning\AMEND\18-B\Site\18-06
 Note: Map is not official, for presentation purposes only



0 300 600 1,200 Feet

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



B. Petition Summary

I. General

Project Name: RaceTrac Boynton & Acme Dairy (LGA 2018-006)
FLUA Summary: AGR to CL/AGR (2.5 acres) and to AGR (7.05 acres)
Text Summary: To revise the Future Land Use Element to add a new location for commercial development and to increase the allowable square footage for commercial in the Ag Reserve Tier.
Acres: 9.55 total acres
Location: Northeast corner of Boynton Beach Boulevard and Acme Dairy Road
Project Manager: Bryce Van Horn, Senior Planner
Applicant: RaceTrac Petroleum, Inc.
Owner: Valico Nurseries
Agent: Lewis, Longman & Walker, P.A.

II. Site Data

Current Future Land Use

Current FLU: Agricultural Reserve (AGR)
Existing Land Use: Agriculture
Current Zoning: Agricultural Reserve (AGR)
Current Dev. Potential Max: Agricultural uses up to .15 FAR

Proposed Future Land Use Change

Proposed FLU: Agricultural Reserve (AGR) to Commercial Low with underlying AGR (CL/AGR) on 2.5 acres and AGR on 7.05 acres
Proposed Use: Conv. Store with Gas Sales and Agriculture
Proposed Zoning: Neighborhood Commercial (CN) and Agricultural Reserve (AGR)
Dev. Potential Max/Conditioned: Commercial - Convenience Store & Gas/Fuel Sales (5,411 sf and 24 fuel positions) on 2.5 acres; and Agriculture on 7.05 acres

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: Mary Lou Berger, District 5

C. Introduction

I. Intent of the Amendment

The intent of the amendment is to change the future land use designation on a 9.55 acre site in order to establish a new site for commercial uses in the Agricultural Reserve Tier and to revise the text of the Comprehensive Plan to allow the new site. The proposed future land use amendment is for a change from Agricultural Reserve (AGR) to Commercial Low with an underlying AGR on a 2.5 acre portion of the site and to retain the existing AGR on the remaining 7.05 acres. The proposed 2.5 acres is proposed to be carved out of an approximately 38 acre wholesale nursery use. The property cannot process a site specific amendment for only the 2.5 acre portion since that portion is not a lot of record.

The applicant's intent is to develop a 5,411 square foot convenience store with 24 fueling positions. A concurrent zoning application (RaceTrac Market, Z/CA 2017-01993) was submitted on October 18, 2017 to the Zoning Division. Specifically, the concurrent zoning request is for a Zoning Map amendment to rezone the 2.5 acres from the Agricultural Reserve zoning district to the Neighborhood Commercial (CN) standard zoning district, with a Class A Conditional Use request for Retail Gas and Fuel Sales with Convenience Store.

Since the amount of commercial square footage in the Tier is capped at 1,015,000 s.f, and this cap has been reached with recently approved future land use amendments, the future land use amendment cannot be processed without a concurrent text amendment to increase the cap. In addition, the proposed amendment does not meet the commercial location criteria in the Tier. Therefore, the applicant is requesting a Private Text Amendment request to increase the cap from 1,015,000 s.f. to 1,020,411 s.f. to accommodate the additional square footage proposed, and is proposing to amend Agricultural Reserve commercial location policy to allow commercial uses at this corner. The specific amendment changes are provided in Exhibits 1 and 2.

II. Background and Overview

The subject site is within the Agricultural Reserve Tier and is comprised of 9.55 acres located on the northeast corner of Boynton Beach Boulevard and Acme Dairy Road. The site is currently in agriculture and is part of larger existing wholesale nursery use. Valico Nurseries, the owner of the subject site, owns approximately 38 acres of contiguous property inclusive of the subject site, along Boynton Beach Boulevard and is in wholesale nursery use.

The site is located immediately across Acme Dairy Road from an existing 6.85 acre commercial property that is on the northwest corner of the intersection. The commercial site, known as the West Boynton Center, or Smigiel, property includes one of several pre-existing commercial sites in the Tier that pre-dated the completion of the Agricultural Reserve Master Plan. In January of 2016 the Board adopted text changes (Ord. 2016-005) to the Comprehensive Plan to allow several pre-existing commercial sites as well as a 2.5 acre portion of the overall 6.85 acre Smigiel parcel as conforming commercial uses. Concurrently, the Board adopted a County initiated future land use amendment (Ord. 2016-013) to change the future land use designation from Agricultural Reserve to Commercial Low on the 2.5 acres. The text changes also included a provision to allow for the remainder of the 6.85 acre parcel to apply with a privately initiated amendment for a Commercial Low designation as well. An amendment application for a change to Commercial Low on the entire 6.85 site was submitted by the property owner and adopted in August of 2016 (Ord. 2016-036). The amendment included a condition limiting the site to 48,000 square feet. The applicant intended to pursue uses, such as a convenience store with gas sales, through a

subsequent zoning application. However, as the site did not meet the Major Intersection location criteria in the Unified Land Development Code (ULDC) for such uses in the Commercial Low designation, the amendment application also included a private text amendment for a new Policy to consider the intersection of Acme Dairy Road and Boynton Beach Blvd. as a Major Intersection and as meeting collector/arterial requirements for the purposes of location criteria in the ULDC. No zoning application has been submitted to date to redevelop the 6.85 acre site.

Overview of the Area

The site is located along a corridor comprised of properties with mostly Agricultural Reserve (AGR) future land use designation on the north and south side of the road. Two Institutional and Public Facilities (INST) designated properties exist on the north side; one known as the Caridad Medical Clinic, a pre-existing institutional use adjacent to the west side of the Smigiel site, and the other is the Bethesda West Hospital site further west near State Road 7. There are several commercially designated properties with future land use designation of CL/AGR in the corridor, including the Canyon Towncenter, at the southeast corner of the intersection of Boynton Beach Blvd. and Lyons Road, originally approved in 2005 as one of two Traditional Marketplace Developments in the Tier. The recently approved (2016) Cobblestone Plaza is at the northeast corner. There are also three pre-existing commercial sites in the corridor; Three Amigos and PF at West Boynton on the south side of Boynton Beach Boulevard across from the hospital, and Four Points Market at the northwest corner of State Road 7 and Boynton Beach Boulevard. Additional commercial/industrial (CL/IND), surrounding the Four Points Market and known as the Homrich Nursery amendment, was also adopted in 2016. There are several residential communities in the Ag Reserve in the vicinity, developed as Agricultural Reserve Planned Unit Developments (AgR-PUD's), including Cobblestone and Valencia Reserve on Lyons Road north and south of Boynton Beach Boulevard, and five communities to the south along Acme Dairy Road; Canyon Lakes, Canyon, Isles, Canyon Springs, Canyon Trails, and Valencia Cove. Other institutional uses, such as church, a middle school, and an elementary school, are located along the corridor as well in the AGR future land use. The majority of the remaining land in the immediate area is currently in agriculture as row crops or nurseries.

D. Consistency and Compatibility

I. Data and Analysis

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)*

The applicant includes a Justification Statement (Exhibit 2) which states that the amendment is justified as summarized below:

- The commercial nodes at Lyons Road and Boynton Beach Blvd. and Lyons Road and Atlantic Avenue do not provide the conveniently located, neighborhood scale, commercial services needed by the residents.
- The intersection already commercial at the northwest corner and the County recognizes the intersection as a major intersection in order to satisfy location criteria for certain uses, such as gas stations, in the County's Unified Land Development Code.
- With limited appropriate locations for community serving, neighborhood scale retail services, this intersection provides an opportunity to allow limited commercial expansion.
- Residential development in the area, need for neighborhood-scale commercial with convenient access, the development in the corridor, and the recent adoption of commercial at the northwest corner of the intersection support commercial on the 2.5 portion of the subject site.

Staff Analysis: This policy is the umbrella policy over the entire FLUA amendment analysis and many of the items are addressed elsewhere in this report as identified above. Regarding the perceived need for additional commercial in this area due to approved residential projects, 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.

Additionally, the applicant proposes that there is adequate justification due to additional commercial amendments for Commercial Low (CL) on other sites within the vicinity of the subject site and development in the corridor. Specifically the applicant refers to the West Boynton Center (Smigiel) expansion amendment adopted in 2016, at the northwest corner of the intersection. The applicant proposes that these amendments and development are changed circumstances that support further changes for additional new commercial on subject site. Other commercially designated properties near the site include PF at West Boynton (LGA 2016-011), Three Amigos (LGA-2016-016 & LGA-2017-018), Alderman West Boynton Farms, aka Cobblestone Plaza (LGA-2016-004), and Homrich Nursery (LGA 2016-030). These amendments were all recently adopted within the framework of the Board's stated intent to address pre-existing commercial sites and allow additional limited opportunities for new smaller commercial sites to develop as Multiple Use Planned Developments. The text amendment that allowed for additional commercial put in place parameters, such as location criteria and a square footage cap, within which all of those

amendments were considered and future commercial amendments could be considered on a case-by-case basis and for the long term. These other commercial sites cannot now be used to provide justification for further changes through privately initiated amendments. The Board has already adopted changes to the Comprehensive Plan to increase the cap for commercial in the Tier from 750,000 square feet to 1,015,000 square feet, a 35% increase. This increase includes the recent increase of 35,000 square feet included for the expansion of the Three Amigos pre-existing commercial site in 2017. Four of the five commercial amendment sites adopted since 2016 in this corridor have yet to submit zoning applications for development approval to develop or redevelop those sites. The Cobblestone Plaza MUPD site is currently the only site to have obtained zoning and site plan approval.

Further, the text amendment adopted with the West Boynton Center (Smigiel) Amendment on the 6.85 acre site at the northwest corner of the intersection was intended to be associated with that site specific future land use application in order to address unique circumstances with that specific amendment site and not intended to allow other properties surrounding the intersection to use the provision that allows consideration of the intersection as a major intersection to locate certain uses such as gas stations. The amendment was not intended to provide a justification for additional text amendments to the Comprehensive Plan to allow Commercial in new locations at the intersection outside the location criteria parameters and commercial square footage cap. The location parameters adopted in the Plan reestablished that new commercial in this corridor was to be located within ¼ mile of intersection of Boynton Beach Blvd. and Lyons Road. Policy changes were also adopted that allowed for smaller commercial development instead of the larger Traditional Marketplace Development mixed use form to accommodate new neighborhood scale commercial within the ¼ mile as Multiple Use Planned Developments.

The Smigiel amendment was unique in that a portion (2.5 acres) of the overall site (6.85 acres) was vested with commercial uses and recognized as a conforming preexisting commercial site in 2016. Policy was adopted in 2016 to allow the remainder of the parcel to apply for commercial as well and squaring off of that specific site. Given the recognition for expansion of commercial use on that specific site, the limitations in the Code for specific uses such as gas stations to locate in the CL future land use on that specific property, and the limited number of major intersections in the Tier where such uses could locate, the text amendment adopted with the Smigiel was warranted. However, the unique circumstances associated with the adoption of that amendment is not adequate justification to support carving out 2.5 acres from an existing agricultural use (nursery) at the opposite corner of the intersection for an entirely new commercial site and further expansion of commercial in the Tier beyond the ¼ mile parameter.

Therefore, the applicant has not adequately justified the change in future land use and text amendments to allow new commercial on the subject site.

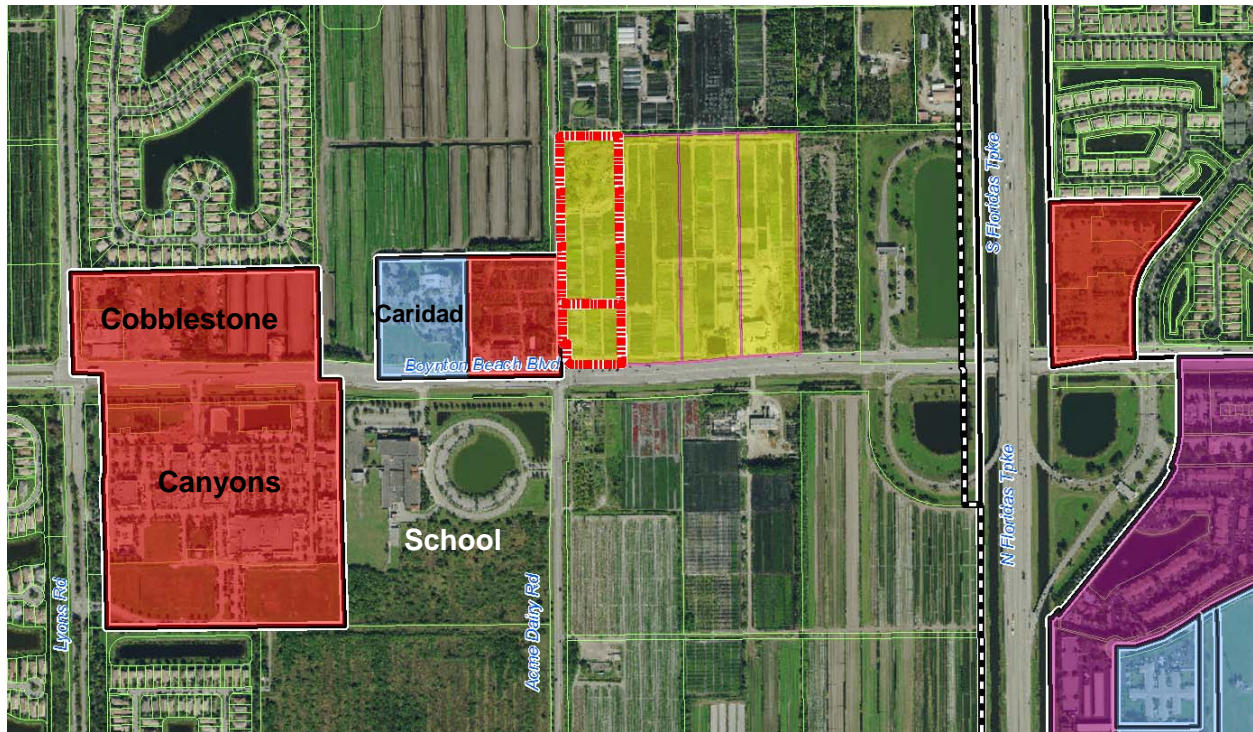
2. **County Directions - FLUE Policy 2.1-g:** *The County shall use the County Directions in the Introduction of the Future Land Use Element to guide decisions to update the Future Land Use Atlas, provide for a distribution of future land uses in the unincorporated area that will accommodate the future 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.*

Direction 2. 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; (b) requiring the transfer of development rights as the method for most density increases; (c) ensuring smart growth, by protecting natural resources, preventing urban sprawl, providing for the efficient use of land, balancing land uses; and, (d) providing for facilities and services in a cost efficient timely manner.*

Staff Analysis: The County directions are the basis for the goals, objectives, and policies of the Future Land Use Element, and are implemented within the framework of the Managed Growth Tier System, with its diverse areas and objectives. As a result, the County directions will not necessarily be applied uniformly throughout all Tiers, but will reflect the intent of each Tier. The intent of the Agricultural Reserve Tier is to preserve and enhance agricultural activity, environmental and water resources, and open space. The adopted Ag Reserve provisions implement that objective by limiting development to low densities and requiring clustering, requiring preserve areas, and limiting the location and amount of non-residential development. The proposed amendment is inconsistent with the County directions with respect to the Agricultural Reserve 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 amendment proposed to introduce the 2.5 acres for commercial at the hard corner of Boynton Beach Boulevard and Acme Dairy Roads. The subject site 9.55 acre parcel is under the ownership of a single entity and is proposed to be subdivided into two parcels if the amendment is approved. The site is part of a group of parcels totaling 38 acres under single ownership. The property owner owns land extending approximately 1,300 east and 1,200 feet north of the intersection of Boynton Beach Boulevard and Acme Dairy Roads. This proposed amendment will introduce commercial uses at this side of the intersection without contemplation of the plans for the remaining property in single ownership. The graphic on the following page highlights the land area in single ownership in yellow, with the outline of the proposed plan amendment in red. The smaller red area is proposed for commercial, and remaining strip of land to the north is proposed to remain AGR. The proposed amendment represents piecemeal development which is contrary to this policy, and the intent for planning commercial land uses comprehensively in the Tier overall.



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." This proposed amendment will retain a 7.05 acre portion of the property as AGR. Therefore, this portion will become a residual parcel, and the proposed amendment is inconsistent with this policy.

5. **Strip Commercial – FLUE Policy 2.2.2-d:** *The County shall not designate additional commercial areas on the Future Land Use Atlas that would result in or encourage the proliferation of strip commercial development.*

Staff Analysis: The Introduction and Administration Element defines strip commercial development as, *A form of development that is designed primarily for vehicular access and is hazardous or inconvenient for pedestrians to use. Strip commercial development may include any of the following:*

1. *intense, largely non-residential development, which is shallow in depth, and lies along a length of roadway*

2. *poorly coordinated site plan, with buildings organized in a linear pattern or in isolated “islands”*
3. *separate driveways or curb cuts from adjacent properties*
4. *separate parking lots from adjacent properties*
5. *inadequate accessibility and circulation for pedestrians and bicycles*

The applicant proposes to expand commercial to the northeast corner of the intersection and there is no overall coordinated planning to address residual parcels or adjacent agricultural use. The proposed amendment's sole purpose is for the ultimate development of a convenience store/gas station which is solely non-residential and an intense commercial use. The subject site is isolated from other commercial and therefore does not share driveways, parking, and curb cuts with adjacent properties. Therefore the amendment exhibits some of the characteristics of strip commercial development as defined in the Introduction and Administration Element of the Comprehensive Plan. Therefore, the proposed amendment is not consistent with this policy.

6. **ULDC Implications:** The privately proposed text amendment would increase the allowable square footage for commercial in the Ag Reserve Tier.

Staff Analysis: The proposed text amendments would not require ULDC amendments to implement the proposed Comprehensive Plan text amendment.

B. Consistency with Agricultural Tier Objective and Policies

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

OBJECTIVE 1.5 The Agricultural Reserve Tier

1. **Objective:** *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. The Agricultural Reserve Tier shall be preserved primarily for agricultural use, reflecting the unique farmlands and wetlands within it.*

Staff Analysis: The applicant's proposed amendment does not preserve or enhance agricultural activity as it does not propose to preserve land for agriculture. The amendment would expand the commercial uses in the Tier beyond the cap established by the Board in 2016 including the recent expansion for the Three Amigos amendment recently adopted in October of 2017, and therefore would allow non-residential development beyond the need that has been established to support the existing and future residents of the Tier. Further, this amendment would expand the commercial uses outside of the ¼ mile radius identified as appropriate at the location of Boynton Beach Boulevard and Lyons Roads. Therefore, the proposed amendment is inconsistent with the objective.

Commercial

2. **Policy 1.5-k:** *Commercial and mixed uses in the Agricultural Reserve Tier shall be located central to the Tier and designed at a neighborhood or community scale in order to be limited to serving the needs of the farmworker community, existing residents, and future residents of the Tier.*

Staff Analysis: This proposed amendment is requesting a convenience store with 24 fueling positions located outside one of the central locations identified as appropriate for commercial development. This amendment proposes to extend commercial uses closer to the Florida Turnpike than the Cobblestone Plaza MUPD gas station approved in April of 2017, presumably to capture customers from the Florida Turnpike. The Cobblestone Plaza MUPD approval also was accompanied by a variance to allow for 24 hour operation that was approved. By locating outside the central location and positioned to act as a draw for commercial traffic from outside the Tier, the proposed amendment violates this policy.

3. **Policy 1.5-m:** *In order to facilitate community growth, reduce traffic, and maintain open space, the County shall limit the locations of new commercial and mixed use future land use designations within the Agricultural Reserve Tier to within two commercial-mixed use centers. These centers are central to the Tier and intended to combine neighborhood shops, community commercial, offices, civic institutions, and housing opportunities. The two commercial-mixed use centers define the areas within 1/4 mile of the intersections of Lyons Road and Boynton Beach Boulevard, and the intersection of Lyons Road and Atlantic Avenue. In addition, the pre-existing commercial properties identified in Policy 1.5-l are allowed, and the County may consider future land use amendments for sites that share a common property line with pre-existing commercial properties identified in Policy 1.5-l to square off those locations.*

Applicant's Proposed Revisions: The applicant proposes to revise this policy to add the following words that would allow commercial on the subject site: “, or at the northeast corner of the Major Intersection of Boynton Beach Boulevard and Acme Dairy Road.”

Staff Analysis: The proposed amendment violates this policy as it is not located within one of the locations identified as appropriate for commercial land uses in the Tier nor does it share a common border with one of the pre-existing commercial sites. As discussed under the next Policy, the Board of County Commissioners has granted approval for approximately 265,000 additional square feet in the Tier within the past two years. There is no basis for adding a new location for commercial in the Tier at this time considering the amount of square footage approved and available for development.

5. **Policy 1.5-n:** *The County shall ensure a sustainable development pattern is achieved in the Agricultural Reserve by allowing commercial uses while ensuring that the supply of commercial square footage does not exceed the demand of the farm workers and residents of the Tier. The County may approve a maximum of 1,015,000 square feet of commercial uses (retail, service and office) within the Tier.*

Applicant's Proposed Changes: The applicant proposes to revise this policy to increase the cap of commercial square footage by making the following text change: “1,015,000 1,020,411”. The Applicant states that this text change allows

for commercial development anticipated by Policy 1.5-m, and will allow additional needed neighborhood commercial.

Staff Analysis: This policy was recently revised in April 2016 to reflect Board direction to allow additional neighborhood-serving, small scale commercial development in the Tier to be considered on a case-by-case basis. The April 2016 amendment increased the commercial cap by 30% from 750,000 s.f. to 980,000 s.f. The 980,000 s.f. figure reflected the ratio of commercial to residential development anticipated in the Ag Reserve Master Plan. The cap was again increased further in October of 2017 by another 35,000 square feet to 1,015,000 square feet to accommodate commercial expansion for only the Three Amigos amendment site across from the Bethesda Hospital to the west. A portion of the Three Amigos site was a pre-existing commercial site that the Board granted commercial low future land use to in 2016, recognizing it as a conforming commercial site as it had an existing commercial use that predated the Agricultural Reserve. The 2016 amendment granted commercial for 1 acre, the minimum size required for zoning, and policy was adopted to allow the remaining 4.5 acres to submit for commercial as well. By the time the property owner submitted a private application for the remaining 4.5 acres, the 980,000 square foot cap had been already been allocated to other allowed commercial sites. The Board increased the cap to the 1,015,000 to accommodate only the remaining 4.5 acre expansion on that site.

As indicated in the table below, through January of 2017, approximately 590,210 s.f. of commercial uses had been approved, of which 512,608 s.f. has been built and 77,602 was approved but un-built. Between January and October, the Board had adopted seven privately proposed future land use amendments for an additional 389,790 s.f. of commercial uses. An additional 35,000 s.f. was adopted with the Three Amigos amendment in October for a total additional to date of 424,790 square feet. All of the commercial square footage allowed in the Ag Reserve Tier has been allocated. Therefore, the commercial development proposed by the subject site is in excess of the cap of commercial square footage for the Tier and inconsistent with this policy.

The applicant's suggested revisions would accommodate the proposed commercial FLUA amendment. However, the cap was developed through Board direction and reflects a ratio of commercial square footage to residential potential that was demonstrated in the Agricultural Reserve Master Plan as appropriate for the balance of uses in the Tier. Increasing the cap of commercial further at this time is inconsistent, considering the basis of the cap to ensure that commercial uses are not in excess of the needs of the residents and farmworkers of the Tier, and that nearly half of the approved commercial square footage in the Tier (approximately ½ million square feet) is unbuilt.

Commercial Sites in the Ag Reserve

Site	Acres	Built Sq. Ft.	Approved/ Proposed Retail & Office Sq. Ft.
Existing Commercial			
Canyons Towncenter	26.75	190,094	211,933
Delray Marketplace	33.20	278,940	278,940
Small CL Sites	1.83	22,712	22,712
Pre-existing Commercial	19.29	20,832	76,625
Existing Sites	81.07	512,608	590,210
Alderman (aka Cobblestone)	15.34	0	133,642
Homrich	13.44	0	29,400
Delray Growers	11.15	0	86,744
Feurring	4.91	0	42,776
Smigiel (additional sf)	4.35	0	26,670
Stop & Shop (additional sf)	5.11	0	32,020
Adopted in 2016	54.30	0	351,252
Seneca Commercial	4.51	0	38,538
Three Amigos	3.60	0	35,000
Adopted in 2017	8.11	0	73,538
Total Adopted 2016+2017	62.41	0	424,790
Total Existing Adopted	143.48	512,608	1,015,000

6. **Policy 1.5-o:** *All future land use amendments seeking a Commercial designation in the Agricultural Reserve Tier are encouraged to be accompanied by a concurrent zoning application in order to demonstrate that the proposal meets the design, scale, and character requirements of the Tier.*

Staff Analysis: The 2016 staff report that established this policy originally states that “the requirements serve to ensure that, given the caps on acreage and square footage within the Tier, the Board of County Commissioners can fairly evaluate all submittals and approve only those which best exemplify the County’s goals in the area.” This policy encourages a concurrent zoning application, but it is not a requirement. The proposed amendment has a concurrent zoning application. At the time of publication of this report it could not be determined whether the zoning application could meet the design, scale, and character requirements for new commercial in the Tier on such a small site given that the application is for a rezoning to a standard zoning district, Neighborhood Commercial (CN), and policies adopted in 2016, and further discussed below, intended that properties would be large enough to be rezoned to Multiple Use Planned Development that could accommodate a variety of neighborhood scaled uses and that could also meet the Ag Reserve Design Elements criteria in **Policy 1.5.1-r**.

7. **Policy 1.5.1-a:** *In order to preserve and enhance agricultural activity, environmental and water resources, open space, and sustainable development within the Agricultural Reserve Tier, all new residential, commercial, industrial, and/or mixed use developments shall be developed as an Agricultural Reserve Planned Development that contributes to the fulfillment of these objectives by meeting the preserve area requirements, subject to the provisions of this Element, with the exception of 1) Residential subdivisions predating the Ag Reserve Tier and those that are subdivided at 1 unit per 5 acre density; 2) pre-existing commercial sites identified in Policy 1.5-i which develop at the square footages identified within the Policy; and 3) the sites which received an industrial future land use designation as part of the adoption of the 1989 Comprehensive Plan.*

Staff Analysis: This policy requires that all new commercial development must be developed as an Agricultural Reserve Planned Development. The applicant (RaceTrac) is contract purchasing 2.5 acres for commercial out of a larger 9.55 acre parcel which is less than the minimum acreage establish (3 acres) in the ULDC for rezoning to a Multiple Use Planned Development in the CL future land use. The applicant proposes to rezone the site to a standard zoning district of Neighborhood Commercial. The proposed amendment and rezoning are, therefore, inconsistent with this policy. Further, the zoning application indicates that the commercial land area is too small to accommodate the necessary access to Boynton Beach Boulevard, and requires access through an adjacent parcel owned by the property owner. This demonstrates that the proposed commercial site is not appropriately sized for the proposed use, and compounds the inconsistencies with this policy. Therefore, the proposed amendment would be contrary to the policy that requires all new commercial to be developed as “an Agricultural Reserve Planned Development”.

8. **Policy 1.5.1-r: Ag Reserve Design Elements.** *In order to maintain the character of the Tier and quality of life for farm workers and residents, all new commercial and mixed use development the Ag Reserve Tier must demonstrate consistency with the following Ag Reserve Design Elements during the development review process. Conditions of approval to further define compliance with these elements may be adopted as part of the associated future land use amendment ordinance and/or zoning resolution:*

1. *A minimum of 5% usable open space as defined by the Introduction and Administration Element, prominently located within the project to act as a community gathering place;*
2. *Landscaped, pervious surfaces that incorporate native landscape species in the site design, with an emphasis along roadway frontages, at entry features, and the provision of exceptional landscape buffers to ensure compatibility with adjacent residential or agricultural properties;*
3. *Interconnected, well landscaped pedestrian systems that link buildings with useable open space, sidewalks and other trail systems, to promote pedestrian circulation and encourage pedestrians to walk between uses;*
4. *Building placement designed to foster pedestrian connectivity with surrounding parcels;*
5. *Compatible building heights consistent with the character of the community; and*
6. *Public amenities such as sidewalks, lighting, seating, signage, gathering space, water features, landscaping, public art, and provisions for outdoor dining and merchant displays.*

Staff Analysis: Given that the applicant intends to develop an intense Convenience Store and Retail Gas sales with 5,411 square feet of building space and 24 fueling positions (12 pumps) on a 2.5 acre site, the applicant would have to demonstrate that the concurrent zoning application would allow for incorporation of the design elements above. A minimum of 5% of usable open space would require that at least 2,178 square feet of space is located in the project. Native landscaping would need to be emphasized along roadway frontages and entry features. Exceptional landscape buffers would be required to address compatibility with the adjacent remaining agricultural use. Other items under items 3 through 6 would be required to be incorporated as well. Policy 1.5-o discussed in this report previously, encourages commercial future land use amendments *“to be accompanied by a concurrent zoning application in order to demonstrate that the proposal meets the design, scale, and character requirements of the Tier”*. Notwithstanding other policies that the proposed amendment is inconsistent with, at the time of publication of this report, it could not be determined whether the compliance with the design requirements could be attained.

C. Compatibility

Compatibility is defined as a condition in which land uses can co-exist in relative proximity to each other in a stable fashion over time such that no use is negatively impacted directly or indirectly by the other use. The applicant lists the surrounding uses and future land use designations in Exhibit 2. The applicant does not however address compatibility with the existing agricultural (nursery) use that will remain surrounding the subject site but indicates that the development of residential in the area has created an additional need for neighborhood serving uses and that the intersection and commercial located on the northwest corner make the subject site (2.5 acres) appropriate for commercial. Discussion of the applicant’s justification for additional commercial is addressed elsewhere in this report. The applicant fails to provide any analysis regarding compatibility with and protection of the existing agricultural use or impact directly or indirectly to agricultural users north of the subject site who use Acme Dairy Road as their sole means of ingress and egress to an arterial roadway (Boynton Beach Blvd.).

Surrounding Land Uses: Immediately abutting and in the vicinity of the site are the following:

North and East: The subject site is part of and surrounded by an existing wholesale nursery use (Valico Nurseries). The nursery is comprised of four 9 to 10 acre properties totaling approximately 38 acres along Boynton Beach Blvd., all of which have an AGR future land use. The subject site is proposed to be carved out of the one of the four parcels. Additionally, Acme Dairy Road to the north provides the sole ingress and egress for 25 roughly 5-acre properties, most of which are in agricultural use as nurseries with a few have single family residences.

Northwest: To the northwest across Acme Dairy Road are lands designated with AGR future land use and are currently in agriculture as row crops. The properties together were previously aggregated to form a 100 acre property that was previously approved for an AgR-PUD known as Ravello AgR-PUD. The approval was abandoned and the property remains in agriculture.

West: To the west at the northwest corner of the intersection is a 6.85 acre parcel with a CL/AGR future land use. This property was the subject of two Future Land Use Amendments in 2016, one recognizing the front 2.5 acres as a conforming pre-existing

commercial site and changing the future land use designation from AGR to CL/AGR (Ord. 2016-13) and the other to expand the commercial designation on the remainder of the overall 6.85 acres (Ord. 2016-36). Adjacent to this property to the west, is the Caridad Center Health Campus and Soup Kitchen on a roughly 6.7 acre property. Caridad provides comprehensive health and dental services to the uninsured, working poor families of the County. A county initiated amendment to change the future land use on this property from AGR to Institutional and Public Facilities with underlying AGR (INST/AGR) was recently adopted in 2016 also (Ord. 2016-006).

South: To the south is Boynton Beach Boulevard, a 6-lane divided road designated as a Principal Arterial roadway. Directly across this road to the south is a twenty acre tract in agricultural use as both nursery and row crops. Across the road but further west is the Canyon Towncenter, originally approved as an 60/40 AgR-TMD in 2005 but recently rezoned to AgR-MUPD. This 37 acre site has a CL/AGR future land use which was adopted in 2005. Additional land area, designated as the preserve area for the TMD, is adjacent to the development to the east and directly at the southwest corner of Acme Dairy intersection across from the subject site. The Sunset Palms Elementary School is located on this land. A County park is planned for much of the remaining Canyon Towncenter preserve area south of the school on Acme Dairy Road.

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 subject site is adjacent to AGR future land use designations to the to the north and east, and across the road to the south. All of these properties have existing agricultural uses (nurseries). The applicant has not provided adequate justification that the amendment furthers the Goals, Objectives, and Policies of the Plan nor demonstrated how development on the site will ensure compatibility with the adjacent agricultural use and whether the land uses can be made compatible through building placement, setbacks, parking, lighting, buffers, landscaping, and other site development elements.

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 subject site and the Agricultural Reserve as whole is considered as part of subarea 2 of the West Boynton Area Community Plan (WBACP) Neighborhood Plan area. According to the WBACP, all recommendations apply to subarea 1 (east of the Turnpike) unless specifically noted. The WBACP was created at the same time that the Board of County Commissioners were evaluating the future of the Agricultural Reserve, the WBACP is relatively silent as to specific future uses in the Ag Reserve and particularly for this site. The WBACP was finalized and subsequently recognized by the BCC in 1995. Subsequent to this, the BCC adopted Agricultural Reserve provisions in the Comprehensive Plan which guide the development of residential, commercial, and institutional uses while providing for the preservation of agriculture, wetlands and other open space.

D. Public Facilities and Services Impacts

The proposed amendment would change the development potential of the site from agricultural to commercial with a voluntary condition to limit development to 5,411 sf and 24 fuel positions. Public facilities impacts are detailed in the table in Exhibit 4.

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

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

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 5,411 square feet and 24 fueling stations. According to the County's Traffic Engineering Department (see letter dated October 23, 2017 in Exhibit 6) the amendment would result in an increase of 2,103 net daily trips with 150 (75/75) AM and 151 (76/75) PM net peak hour trips.

The Traffic letter concludes *“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 density shown above.”*

The Traffic Study (see Exhibit 5) was prepared by Shaun G. MacKenzie, P.E. 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 9 indicates that overall the proposed amendment does not encourage the proliferation of urban sprawl.

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

II. Public and Municipal Review

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

- A. Intergovernmental Coordination:** Notification of this amendment was sent to the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC) for review on December 20, 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 December 14, 2017. In addition, on December 14, 2017 several interested parties were notified by mail including the Coalition of Boynton West Residential Association (COBWRA) and several Homeowner Associations. 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 January 3, 2018. Representatives for the applicant and a representative of the Coalition of Boynton West Residential Associations (COBWRA) were in attendance regarding the subject site. There were no comments.

III. Conclusions and Recommendation

In April 2016, the Board of County Commissioners adopted changes to the Comprehensive Plan to allow new neighborhood oriented commercial uses in the Agricultural Reserve Tier to be reviewed on a case-by-case basis. That amendment included increasing the cap on commercial retail and office uses within the Tier from 750,000 to 980,000 square feet. Subsequent to increasing the cap in 2016, the County approved several county initiated and 7 commercial applications up to the allowable square footage cap. More recently, in October, 2017, the Board adopted the Three Amigos expansion amendment which increased the cap further with an additional 35,000 square feet, from 980,000 to 1,015,000 square feet. This represents an increase of 265,000 square feet, or 35%, since 2016. Nearly ½ a million square feet of the approved commercial is unbuilt.

Although the Board adopted both County and privately initiated future land use amendments and text amendments for the West Boynton Center (Smigiel) site at the northwest corner of Acme Dairy Road in 2016, which the applicant cites to support the proposed amendment, those amendments were based on unique circumstances surrounding a specific parcel and are neither applicable nor provide adequate justification to locate new commercial on another site. The proposed increase would exceed the commercial cap in the Tier. Considering that the basis of the cap was to limit the amount of commercial uses in the Tier and that approximately ½ of the approved square footage is vacant, there is no basis for increasing the allowable commercial uses in the Tier at this time nor approving a new commercial location at the intersection.

The proposed amendment is inconsistent with the Comprehensive Plan, more specifically, the Growth Management Direction, Policy 2.1-f, Policy 2.1-h, Policy 2.1-l, Policy 2.2.2-d, Objective 1.5 of the Ag Reserve Tier, and numerous policies thereunder; Policy 1.5, Policy 1.5-k, Policy 1.5-m, Policy 1.5-n, and Policy 1.5.1-a.

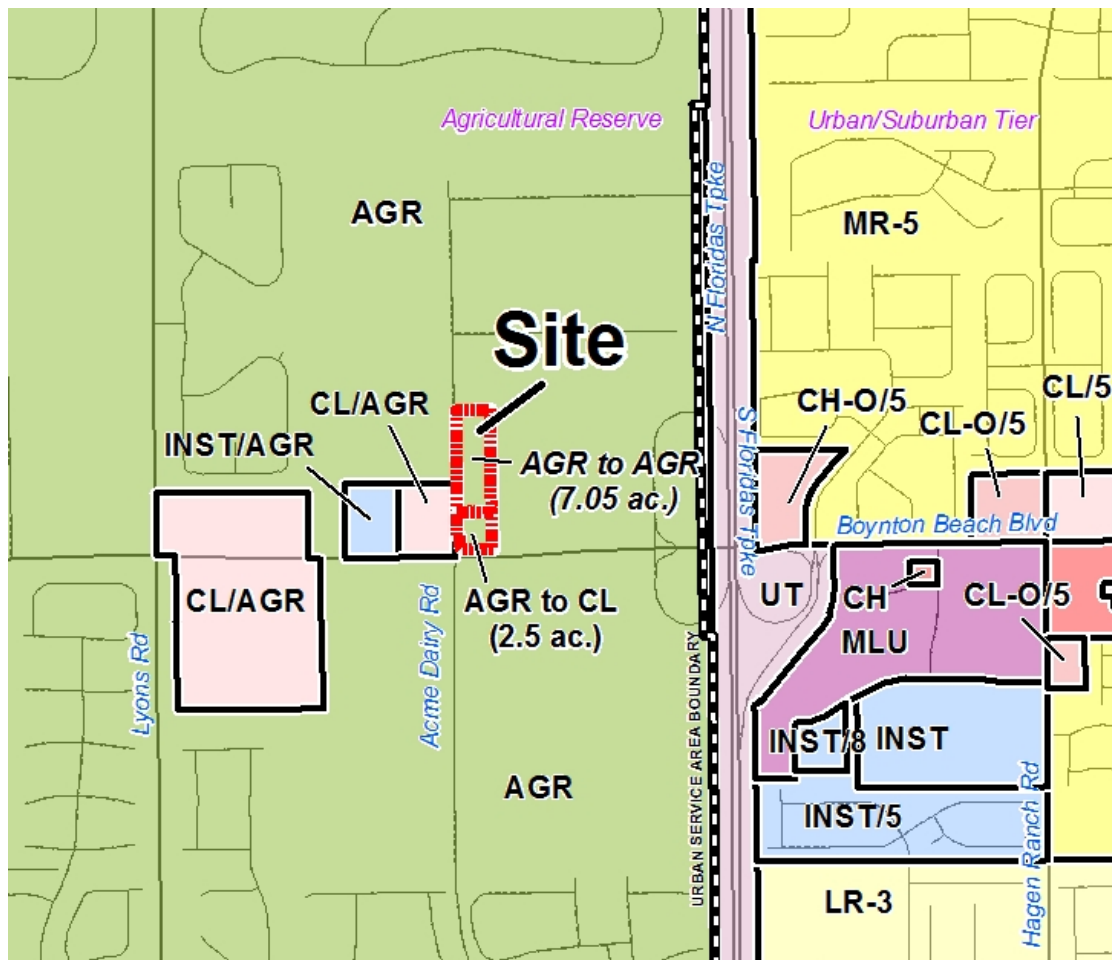
As such, staff recommends **denial** of the applicant's request.

Exhibits	Page
1. Future Land Use Map & Legal Description	E-1
2. Proposed Text Amendment	E-3
3. Applicant's Justification/Consistency with Comprehensive Plan0 and Florida Statutes	E-4
4. Applicant's Public Facility Impacts Table	E-19
5. Applicant's Traffic Study (<i>available to the LPA/BCC upon request</i>)	E-21
6. Palm Beach County Traffic Division Letter	E-22
7. Water & Wastewater Provider LOS Letter	E-23
8. Applicant's Disclosure of Ownership Interests	E-24
9. Urban Sprawl Analysis	E-28
10. Correspondence	E-30

Exhibit 1

Amendment No:	RaceTrac Boynton & Acme Dairy (LGA 2018-006)
FLUA Page No:	89
Amendment:	From Agricultural Reserve (AGR) to Commercial Low with an underlying AGR (CL/AGR) on 2.5 acres and AGR on 7.05 acres
Location:	Northeast corner of Boynton Beach Boulevard and Acme Dairy Road
Size:	9.55 acres
Property No:	00-42-43-27-05-050-1020

Conditions: Development of the site under the Commercial Low future land use designation is limited to a maximum of 5,411 square feet of retail uses and gas sales with a maximum of 24 fuel positions, or other uses which do not exceed the equivalent traffic generating trips.



Legal Description

PCN: 00-42-43-27-05-050-1020

LEGAL DESCRIPTION

(PARENT TRACT)

ALL OF TRACT 102 AND A PORTION OF TRACT 119, IN BLOCK 50, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA RECORDED IN PLAT BOOK 2, PAGE 45 TO 54, INCLUSIVELY, LESS RIGHTS-OF-WAYS.

CONTAINING 9.55 ACRES MORE OR LESS

LEGAL DESCRIPTION:

(RACETRAC PARCEL)

A PORTION OF TRACT 119, BLOCK 50, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45 THRU 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF BASELINE OF SURVEY STA: 91+29.86', (ALSO THE CENTERLINE OF CONSTRUCTION STA: 91+28.71) FOR BOYNTON BEACH BOULEVARD AND THE BASELINE OF SURVEY STA: 10+00.00 FOR ACME DIARY ROAD AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 97930-2317, SHEET 3 OF 8; THENCE RUN NORTH 00°56'44" WEST, ALONG SAID BASELINE, A DISTANCE OF 184.00 FEET; THENCE NORTH 89°03'16" EAST, A DISTANCE OF 15.00 FEET TO A POINT ON THE WEST LINE OF SAID TRACT 119, SAID POINT ALSO BEING THE POINT OF BEGINNING. THENCE CONTINUE NORTH 89°03'16" EAST, A DISTANCE OF 25.00 FEET; THENCE SOUTH 00°56'44" EAST, A DISTANCE OF 98.00 FEET; THENCE SOUTH 46°45'36" EAST, A DISTANCE OF 37.30 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF BOYNTON BEACH BOULEVARD; THENCE NORTH 89°03'16" EAST, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 253.39 FEET TO THE BEGINNING OF A CIRCULAR CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 7579.44 FEET AND A CENTRAL ANGLE OF 00°11'17"; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 24.86 FEET; THENCE NORTH 00°56'44" WEST, A DISTANCE OF 339.96 FEET TO A POINT THAT IS 400 FEET NORTH OF AND PARALLEL WITH SAID BASELINE AND CENTERLINE OF BOYNTON BEACH BOULEVARD; THENCE SOUTH 89°03'16" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 330.00 FEET TO A POINT ON SAID WEST LINE OF TRACT 119; THENCE SOUTH 00°56'44" EAST, ALONG SAID WEST LINE, A DISTANCE OF 216.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 2.50 ACRES MORE OR LESS

LEGAL DESCRIPTION:

(PARENT TRACT, LESS RACETRAC SITE = REMAINING PORTION)

ALL OF TRACT 102 AND A PORTION OF TRACT 119, IN BLOCK 50, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA RECORDED IN PLAT BOOK 2, PAGE 45 TO 54, INCLUSIVELY, LESS RIGHTS-OF-WAYS. LESS THE FOLLOWING DESCRIBED PARCEL OF LAND.

A PORTION OF TRACT 119, BLOCK 50, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45 THRU 54, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF BASELINE OF SURVEY STA: 91+29.86', (ALSO THE CENTERLINE OF CONSTRUCTION STA: 91+28.71) FOR BOYNTON BEACH BOULEVARD AND THE BASELINE OF SURVEY STA: 10+00.00 FOR ACME DIARY ROAD AS SHOWN ON FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP SECTION 97930-2317, SHEET 3 OF 8; THENCE RUN NORTH 00°56'44" WEST, ALONG SAID BASELINE, A DISTANCE OF 184.00 FEET; THENCE NORTH 89°03'16" EAST, A DISTANCE OF 15.00 FEET TO A POINT ON THE WEST LINE OF SAID TRACT 119, SAID POINT ALSO BEING THE POINT OF BEGINNING. THENCE CONTINUE NORTH 89°03'16" EAST, A DISTANCE OF 25.00 FEET; THENCE SOUTH 00°56'44" EAST, A DISTANCE OF 98.00 FEET; THENCE SOUTH 46°45'36" EAST, A DISTANCE OF 37.30 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF BOYNTON BEACH BOULEVARD; THENCE NORTH 89°03'16" EAST, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 253.39 FEET TO THE BEGINNING OF A CIRCULAR CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 7579.44 FEET AND A CENTRAL ANGLE OF 00°11'17"; THENCE RUN EASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 24.86 FEET; THENCE NORTH 00°56'44" WEST, A DISTANCE OF 339.96 FEET TO A POINT THAT IS 400 FEET NORTH OF AND PARALLEL WITH SAID BASELINE AND CENTERLINE OF BOYNTON BEACH BOULEVARD; THENCE SOUTH 89°03'16" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 330.00 FEET TO A POINT ON SAID WEST LINE OF TRACT 119; THENCE SOUTH 00°56'44' EAST, ALONG SAID WEST LINE, A DISTANCE OF 216.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 7.05 ACRES MORE OR LESS

Exhibit 2

Proposed Text Amendment

A. Future Land Use Element, RaceTrac Boynton & Acme Dairy

REVISED: To allow an additional commercial location and to increase the allowable commercial maximum square footage in the Ag Reserve Tier.

1. **REVISE Policy 1.5-m:** In order to facilitate community growth, reduce traffic, and maintain open space, the County shall limit the locations of new commercial and mixed use future land use designations within the Agricultural Reserve Tier to within two commercial-mixed use centers. These centers are central to the Tier and intended to combine neighborhood shops, community commercial, offices, civic institutions, and housing opportunities. The two commercial-mixed use centers define the areas within 1/4 mile of the intersections of Lyons Road and Boynton Beach Boulevard, and the intersection of Lyons Road and Atlantic Avenue. In addition, the pre-existing commercial properties identified in Policy 1.5-l are allowed, and the County may consider future land use amendments for sites that share a common property line with pre-existing commercial properties identified in Policy 1.5-l to square off those locations, or at the northeast corner of the Major Intersection of Boynton Beach Boulevard and Acme Dairy Road.
2. **REVISE Policy 1.5-n:** The County shall ensure a sustainable development pattern is achieved in the Agricultural Reserve by allowing commercial uses while ensuring that the supply of commercial square footage does not exceed the demand of the farm workers and residents of the Tier. The County may approve a maximum of 1,020,411 ~~1,015,000~~ square feet of commercial uses (retail, service and office) within the Tier.

Exhibit 3

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

CONSISTENCY WITH THE COMPREHENSIVE PLAN AND FLORIDA STATUTES

August 4, 2017

Revised August 10, 2017

2nd Revision September 1, 2017

I. SUBJECT PROPERTY/APPLICANT

This amendment application is for the parcel located at the northeast corner of Boynton Beach Boulevard and Acme Dairy Road (hereinafter, "Subject Property"). The Subject Property contains 9.55 acres, and is currently a plant nursery. RaceTrac Petroleum, Inc., the contract purchaser of the property, is the applicant.

II. REQUEST

- Request to amend the Future Land Use Atlas to change the Future Land Use of the south 2.50 acres of the Subject Property from AgR to CL/AgR; with the north 7.05 acres to remain AgR
- Request to amend the text of the Future Land Use Element of the Comprehensive Plan to allow a land use atlas amendment request in the Agricultural Reserve Tier on the northeast corner of the Major Intersection of Boynton Beach Boulevard and Acme Dairy Road; and to increase the maximum commercial development permitted in the Tier by 5,411 sq. ft.

III. SUMMARY OF JUSTIFICATION

- 1) The proposed designation of CL/AGR on the south 2.50 acres is suitable and appropriate for the subject site.**

ANALYSIS: Boynton Beach Boulevard and Atlantic Avenue represent the two arterial roadways through the Agricultural Reserve Tier, and as such, serve as the primary transportation corridors for the region. Two major commercial nodes were developed on these roadways at their respective intersections with Lyons Road. While these commercial nodes have been extremely successful in light of the limited commercial available in the Tier, they do not provide the conveniently located, neighborhood scale, commercial services needed by the residents.

The County has recognized Acme Dairy Road as a collector for the residential developments in the Tier and has determined that the intersection of Acme Dairy Road and Boynton Beach Boulevard is a Major Intersection under FLUE Policy 1.5-p, and that it satisfies the Unified Land Development Codes' location criteria for certain commercial uses. This intersection also has an established commercial use on the northwest corner, known as the West Boynton Center.

There are limited appropriate locations in the Agricultural Reserve Tier to locate community serving, neighborhood scale retail services. This Major Intersection with existing commercial uses creates an important opportunity to allow a limited expansion of commercial to better serve the needs of agricultural workers and existing and future Tier residents.

The Subject Property is utilized as a plant nursery but is otherwise vacant. 7.05 of the 9.55 acres will retain its AgR designation and agricultural use. However the 2.5 acres on the northeast corner of the Major Intersection create an appropriate location for limited commercial development that can serve the surrounding neighborhood. No historic resources will be disturbed, no significant natural habitats are impacted, and there are no issues related to flooding on the Subject Property.

2) The basis for the change to CL/AgR at this particular site is predicated on: the changes to the access and characteristics of the area surrounding the property; the changes to the FLU of properties in the immediate area; and the changing circumstances in the Tier.

ANALYSIS: The intersection at Boynton Beach Boulevard and Acme Dairy Road has evolved into a significant interchange due to the expansion of residential developments to the north and south, and increased development in the Tier along these corridors.

Palm Beach County recently adopted Ordinance No. 2016-036. This Ordinance expanded the Commercial Low designation of the property on the northwest corner of Acme Dairy Road and Boynton Beach Boulevard, immediately west of the Subject Property. The increased CL designation supports the important opportunity created here to locate compatible neighborhood-scale commercial uses at this intersection.

Ordinance No. 2016-036 also passed new Policy 1.5-p designated the intersection of Boynton Beach Boulevard and Acme Dairy Road as a “Major Intersection.” The newly adopted Comprehensive Plan policy states that this designation was a reflection of “the unique and limited commercial opportunities within the Agricultural Reserve Tier and the function of Acme Dairy Road as a collector roadway for 60/40 AGR-PUDs...” It is exactly this unique and limited opportunity that this application seeks to address by providing additional, limited commercial access to the residents of the Tier.

The increased population, need for neighborhood-scale commercial with convenient access, and the designation of this intersection as a Major Intersection all reflect the appropriateness of assigning the CL/AgR designation to the south 2.5 acres of the Subject Property.

IV. PROJECT NEED / BACKGROUND

The Agricultural Reserve Tier (“AR Tier”) represents a unique area in Palm Beach County. This area is hemmed in by the Loxahatchee National Wildlife Refuge and the Water Conservation Area to the west and the intense Urban and Suburban development lying east of Florida’s Turnpike. The Master Plan developed in 2000 by Palm Beach County recognized the desire to preserve agricultural uses and open space in the AR Tier, while clustering future development.

Many of the recommendations from the Master Plan were put into place, including the acquisition of significant portions of the Tier by the County. Development regulations required residential developments to place large areas into conservation. Commercial uses were restricted to two commercial nodes on Boynton Beach Boulevard and Atlantic Avenue. By many measures, the Master Plan has been a success. However, continued population growth coupled with the appeal of the mid-County location, has resulted in significant development in the AR Tier. According to the Palm Beach County residential projects list, over 10,000 residential single-family homes have been approved in the AR Tier, and over 7,000 of those homes have been built to date. Residential developers continue to seek additional opportunities to construct homes in the AR Tier.

The two commercial nodes provided for in the AR Tier have proven extremely successful, in light of the limited commercial and retail uses available. Developments such as the Canyon Town Center and the Delray Marketplace provide restaurants, grocery stores, entertainment and retail shopping. These centers have proven to be regional draws from throughout central Palm Beach County. Accordingly, the ability of these sites to provide convenient neighborhood-scale commercial and retail uses has been limited.

In order to address the needs of the growing population in the AR Tier, Palm Beach County has recognized commercial properties that pre-date the creation of the Agricultural Tier, and have granted these sites the right to remain and even expand within certain parameters. These commercial sites are smaller in scale than the two major commercial nodes, and provide an important opportunity for to meet the retail and service needs of the existing and future population of the AR Tier. This application seeks to address this need by appropriately expanding the opportunity for neighborhood-scale retail and commercial establishments surrounding those established vested commercial sites.

Palm Beach County Ordinance Number 2016-036 amended the Comprehensive Plan to designate the intersection of Boynton Beach Boulevard and Acme Dairy Road as meeting the “Major Intersection” criteria and satisfying the location criteria for certain commercial uses in the Unified Land Development Code (“ULDC”). This Major Intersection designation was granted in conjunction with the expansion of the Commercial Low designation on the northwest corner of the intersection for the project titled “West Boynton Center.” The Major Intersection designation provides a meaningful opportunity to create a community scale commercial node, consistent with best planning principals for the AR Tier. The 2016-036 amendment found that there is, “unique and limited commercial opportunities within the Agricultural Reserve Tier...” This application is in recognition of the limited opportunities and need to provide adequate dispersed neighborhood-scale retail amenities, while not allowing an oversupply of commercial uses in the AR Tier.

The proposed less than 1% increase to the commercial maximum square footage in the Tier represents an insignificant increase, however, this increase will improve the functional mix of uses and convenient access to neighborhood-scale retail in this section of the AR Tier.

V. CONSISTENCY WITH THE COMPREHENSIVE PLAN

The request to amend the Future Land Use Atlas is predicated on the approval of two text amendments:

Policy 1.5-m. This Policy currently only permits a land use change for a property that shares “a common property line with pre-existing commercial properties.” Applicant proposes a text change that would allow a land use change request by a property located at a Major Intersection where an existing commercial use has already been established.

Policy 1.5-n. This Policy provides for a maximum amount of square footage permitted within the AR Tier. Because this limit has already been distributed to existing commercial properties, an addition of 5,411 square feet is requested to allow for the approval of this application.

With the exception of these two policies, the request for a Commercial Low designation with underlying Agricultural Reserve designation is fully consistent with the Comprehensive Plan.

Objective 1.5 The Agricultural Reserve Tier. The objective states “non-residential development limited to uses serving the needs of farmworkers and the residents of the Tier.”

RESPONSE: With over 10,000 single family homes approved in the AR Tier, the burgeoning population has increased the need for convenient, localized commercial uses. The proposed Commercial Low designation at the Subject Property will provide for the needs of the current and future residents.

Policy 1.5-k.: “Commercial and mixed uses in the Agricultural Reserve Tier shall be located central to the Tier and designed at a neighborhood or community scale in order to be limited to serving the needs of the farmworker community, existing residents, and future residents the Tier.”

RESPONSE: While the larger commercial developments that were established through concentrations of commercial in the Tier created regional attractors, this application is limited in scale and designed to address the demand for neighborhood commercial. The remaining unbuilt commercial development is located in and around the two approved “nodes,” yet these areas do not provide the sort of convenient, dispersed, neighborhood commercial development that is needed by the residents on a daily basis. The scale of this amendment request – limited to 5,411 square feet of Commercial Low uses – will necessarily be targeted to the immediate surrounding community in the AR Tier.

Policy 1.5-o: All future land use amendments seeking a Commercial designation in the Agricultural Reserve Tier are encouraged to be accompanied by a concurrent zoning application in order to demonstrate that the proposal meets the design, scale, and character requirements of the Tier.

RESPONSE: It is the intent of the Applicant to submit a zoning application during the review period of this Comprehensive Plan application, in conformance with this Policy.

Policy 1.5-p: In order to reflect the unique and limited commercial opportunities within the Agricultural Reserve Tier and the function of Acme Dairy Road as a collector roadway for 60/40 AGR-PUDs as identified in Policy 1.5.1-l, the intersection of Acme Dairy Road and Boynton Beach Boulevard shall be considered a Major Intersection and as meeting collector/arterial requirements for the purposes of location criteria in the ULDC.

RESPONSE: This Policy reflects the changed circumstances in the AR Tier: the clustering of housing developments along Acme Dairy Road, south of the subject property and the limited available commercial space in the area. The designation of the intersection where the Subject Property is located as a Major Intersection emphasizes the appropriateness of allowing for additional neighborhood-scale commercial development at this location.

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: The proposed amendment directly addresses this Objective. The increased population growth in the Agricultural Reserve Tier has created a significant unmet demand for neighborhood-scale commercial development. By proposing a relatively limited-scale commercial development, at a Major Intersection that has established commercial uses, convenient retail access can be

provided, reducing the impact on the larger traffic network, while not over allocating commercial uses in the AR Tier.

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

RESPONSE: The proposed Land Use designation of Commercial Low and requested increase to the Commercial cap in the Tier is consistent with the guidance of this Policy. The attached Environmental Report demonstrates that the Subject Property has no significant soil issues, is not in a flood plain, is outside the wellfield protection areas, and has no significant natural habitats. The site is at a Major Intersection where existing commercial uses have already been introduced, and there is adequate facilities to service this location.

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, and the County shall review and make a determination that the proposed future land use is compatible with existing and planned development in the immediate vicinity and shall evaluate its impacts on:

1. The natural environment, including topography, soils and other natural resources;
2. The availability of facilities and services;
3. The adjacent and surrounding development;
4. The future land use balance;
5. The prevention of urban sprawl as defined by 163.3164(51), F.S.;
6. Community Plans and/or Planning Area Special Studies recognized by the Board of County Commissioners; and
7. Municipalities in accordance with Intergovernmental Coordination Element Objective 1.1.

RESPONSE: The location of the property at a Major Intersection where commercial uses have been established, make this an ideal location for the proposed Commercial Low land use designation. County Ordinance 2016-036 adopted a new Policy 1.5 section stating that there are “unique and limited commercial opportunities within the Agricultural Reserve Tier” and that the Boynton Beach Boulevard and Acme Dairy Road intersection constitutes a “Major Intersection” that would be an appropriate location for commercial uses. Thus while the Agricultural Reserve designation is consistent with the Tier, it does not assist in adequately serving the needs of the existing and future residential population.

1. The submitted Natural Features Report reflects no significant natural habitats, and no issues related to soils or flood zones.
2. The Subject Property has County water and waste water service available. Located at a Major Intersection, it is well served by the existing transportation network.
3. The Subject Property is adjacent to a Major Intersection, with an existing Commercial Low property to the west. The site is otherwise surrounded by properties within the Agricultural Reserve land use designation. All of the adjacent land north and east of the proposed CL area is owned by the owner of the Subject Property, thus the continued planned agricultural uses

will serve as a buffer to any other property owners. The scale of Boynton Beach Boulevard also serves as a buffer to the properties south of the site.

4. The Agricultural Reserve Tier has developed a significant amount of residential, agricultural and conservation land use, but is underserved by commercial uses. Because of the location of the Subject Property, despite being relatively small in scale, the land use amendment will provide important convenient access to neighborhood-scale retail uses.
5. The proposed land use will not contribute to urban sprawl. The surrounding area has been developed with significant residential development. The provision of commercial services to the area is consistent with proper development sequencing and necessary mix of uses.
6. The Agricultural Reserve Master Plan has guided the form and location of development. While the Plan could not predict the exact arrangement of development that would result, it did recognize the importance of clustering commercial development along the major corridors of Boynton Beach Boulevard and Atlantic Avenue. The Master Plan further encouraged the use of smaller neighborhood-scaled commercial development that would provide services to the workers and residents in the immediate area. Thus while some of the commercial development that has occurred at the two commercial nodes has created a regional attraction, the proposed commercial development, with its intensity limitations, will necessarily be geared to the needs of the immediate local residents in the AR Tier.
7. The closest municipality is the Village of Golf, which is over 3-1/2 miles away. Accordingly this application has no impact on existing municipalities.

VI. CONSISTENCY WITH THE FLORIDA STATUTES

F.S. 163.3177 (6)(a)8. Future land use map amendments shall be based upon the following analyses:

- a. An analysis of the availability of facilities and services.
- b. An analysis of the suitability of the plan amendment for its proposed use considering the character of the undeveloped land, soils, topography, natural resources, and historic resources on site.
- c. An analysis of the minimum amount of land needed to achieve the goals and requirements of this section.

RESPONSE: The Land Use amendment application reflects the availability of all necessary facilities and services. No significant natural habitats are located on the site, and it is outside of any flood zones. No historic resources are noted at this site. The limited scale of the request represents the minimum amount of land required to provide important neighborhood-scale commercial opportunities to local residents in the AR Tier.

F.S. 163.3177 (6)(a)9. The future land use element and any amendment to the future land use element shall discourage the proliferation of urban sprawl.

a. The primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below. 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:

- (I) Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.

- (II) 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.
- (III) Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.
- (IV) 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.
- (V) 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.
- (VI) Fails to maximize use of existing public facilities and services.
- (VII) Fails to maximize use of future public facilities and services.
- (VIII) 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.
- (IX) Fails to provide a clear separation between rural and urban uses.
- (X) Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.
- (XI) Fails to encourage a functional mix of uses.
- (XII) Results in poor accessibility among linked or related land uses.
- (XIII) Results in the loss of significant amounts of functional open space.

RESPONSE: The proposed amendment for Commercial Low at a Major Intersection, where commercial uses are already established, does not promote urban sprawl. The location promotes a compact development of necessary uses for existing and planned residents in the AR Tier. The site is served by existing public facilities and transportation networks and will not require any public expenditures to provide those services. The amendment is intended to create the necessary functional mix of uses that is currently non-existent in the AR Tier. The designation of the Major Intersection reflects the accessibility to related land uses. And the change does not result in a loss of significant amounts of functional open space.

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

- (I) Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.
- (II) Promotes the efficient and cost-effective provision or extension of public infrastructure and services.
- (III) Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.
- (IV) Promotes conservation of water and energy.
- (V) Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.
- (VI) Preserves open space and natural lands and provides for public open space and recreation needs.

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

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

RESPONSE: The proposed amendment meets five of the statutory standards for discouraging the proliferation of urban sprawl:

(I) The Commercial Low designation request is at a Major Intersection where commercial development has been established. This request has no adverse impact on and protects natural resources and ecosystems by locating on a site which does not feature any significant natural habitats.

(II) The request is at a site where public infrastructure and services are already available.

(III) The provision of Commercial Low at the Subject Property is at a location where the transportation network includes a Major Intersection, a dedicated bus route with nearby stops, and proximately to the collector road of several nearby housing communities.

(VII) The Commercial Low request seeks to help restore the balance of land uses based upon the existing and growing residential population in the immediate area. Neighborhood-scale commercial uses are limited in the AR Tier and this small development will help counter that deficiency.

(VIII) The residential development in the area has indications of sprawl in the single housing type, with limited functional mixture of uses. The Commercial Low designation on the Subject Property will help counter this single-use indication of sprawl in the area.

VII. CONCLUSION

The request to designate the south 2.50 acres of the Subject Property as Commercial Low with an underlying Agricultural Reserve designation, is fully consistent with the Palm Beach County Comprehensive Plan and the applicable Florida Statutes.

Exhibit 4
Applicant's Public Facility Impacts Table

VIII. Public Facilities Information

A. Traffic Information			
	Current FLU	Maximum	Conditioned or Concurrent
Max Trip Generation	43 Daily Trips	658 Daily Trips	2,146 Daily Trips
Trip Increase Max.	Net increase: 615 Daily Trips		
Trip Inc. Conditioned or Concurrent	Conditioned Net Increase with Intended Use; 2,103 Daily Trips		
Significantly impacted roadway segments that fail Long Range	None	None	None
Significantly impacted roadway segments for Test 2	None	None	None
Traffic Consultant	Shaun G. MacKenzie, P.E.		
B. Mass Transit Information			
Nearest Palm Tran Route (s)	Adjacent to Bus Route 73		
Nearest Palm Tran Stop	Westbound Stop 6781 immediately across Boynton Beach Blvd.; Eastbound Stop 6744 located 900 feet to the west.		
Nearest Tri Rail Connection	Approximately 9 miles to the Boynton Beach Tri-Rail Station.		
C. Portable Water & Wastewater Information			
Potable Water & Wastewater Providers	Subject Property within the Palm Beach County Water Utilities Department service area.		
Nearest Water & Wastewater Facility, type/size	There is a 12” water main and an existing 24” force main located adjacent to the property. A lift station will be required.		

D. Drainage Information (See Drainage Statement - Application Attachment J)

Water retention and treatment will be on site through a system of inlets, drainage pipes and exfiltration trenches for the commercial parcel. Discharge will be to the Acme Dairy Road drainage system consistent with SFWMD requirements. Site ultimately drains into the SFWMD C-16 Canal via the E-2-W Canal. Maximum allowable discharge rate is 2.6 CSM.

E. Fire Rescue (See Fire Rescue Letter – Application Attachment K)

Nearest Station	PBC Fire Rescue Station #47; 7950 Enterprise Center Circle
Distance to Site	1.25 miles
Response Time	To Subject Property: 5 minutes; Station Average 6:55 minutes.
Effect on Resp. Time	Minimal impact on Response Time, as noted in attached letter (See Application Attachment K)

F. Environmental (See Site Assessment Report - Application Attachment L)

Significant habitats or species	There we no species of interest found on the Subject Property. No significant natural habitat is located on the site. A low quality area of hydric soils to the north is highly impacted by exotic vegetation. The remainder of the site is in Floriculture.
Flood Zone*	Subject Property lies within the Flood Zone B (X500)
Wellfield Zone*	Subject Property lies outside of the wellfield protection zone (See Application Attachment M).

G. Historic Resources

No historic resources were noted on the Subject Property. (See Historic Letter – Application Attachment N)

Exhibit 5 Traffic Study

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 6

Palm Beach County Traffic Division Letter



October 23, 2017

**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

Shaun G. MacKenzie, P.E.
MacKenzie Engineering & Planning, Inc.
1172 SW 30th Street, Suite 500
Palm City, FL 34990

**RE: Round 2018-B
Boynton Beach & Acme Dairy
Policy 3.5-d Review**

Dear Mr. MacKenzie:

Palm Beach County Traffic Division has reviewed the traffic impact analysis for the proposed Future Land Use Amendment for the above referenced project, revised August, 2017 pursuant to Policy 3.5-d of the Future Land Use Element of the Palm Beach County Comprehensive Plan. The project is summarized as follows:

Location:	NE corner of Boynton Beach Boulevard and Acme Dairy Road
PCN:	00-42-43-27-05-050-1020
Size:	9.55 acres
Existing FLU:	Agricultural Reserve (AGR)
Existing Zoning:	Agricultural Reserve (AGR)
Existing Use:	Nursery
Existing Max Potential:	Nursery (Wholesale) = 9.55 acres
Proposed FLU:	Agricultural Reserve (7.05 acres) Commercial Low (CL) (2.50 acres)
Prop. Zoning:	Agricultural Reserve/Neighborhood Commercial (AGR/CN)
Proposed Use:	Nursery and Convenience Store with Gas Sales
Prop. Max Potential:	Nursery (Wholesale) = 7.05 acres General Commercial = 10,875 SF (FAR = 0.10)
Prop. Dev.:	Nursery (Wholesale) = 7.05 acres Gas Station = 24 Pumps Convenience Market = 5,411 SF
Net Prop Daily Trips (Max):	615
Net Prop Daily Trips (Dev):	2,103
Net PH Trips (Max):	6 (3/3) AM, 56 (27/29) PM
Net PH Trips (Dev):	150 (75/75) AM, 151 (76/75) PM

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

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Affirmative Action Employer"

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**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



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Shaun G. MacKenzie, P.E.
October 23, 2017
Page 2

Please contact me at 561-684-4030 or email to qbari@pbcgov.org with any questions.

Sincerely,

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

QB:DS/bc

cc: Dominique Simeus, E.I. - Project Coordinator II, Traffic Division
Lisa Amara - Principal Planner, Planning Division
Khurshid Mohyuddin - Principal Planner, Planning Division
Jorge Perez - Senior Planner, Planning Division
Steve Bohovsky - Technical Assistant III, Traffic Division

File: General - TPS - Unincorporated - Traffic Study Review
N:\TRAFFIC\Development Review\Comp Plan\18-B\Boynton Beach & Acme Dairy.docx

Exhibit 7

Water & Wastewater Provider LOS Letter



**Water Utilities Department
Engineering**

8100 Forest Hill Blvd.
West Palm Beach, FL 33413
(561) 493-6000
Fax: (561) 493-6113
www.pbcwater.com



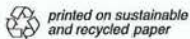
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Mary Lou Berger
Mack Bernard

County Administrator

Verdenia C. Baker

*"An Equal Opportunity
Affirmative Action Employer"*



June 20, 2017

Kevin Betancourt
Thomas Engineering Group
1000 Corporate Drive Suite 250
Fort Lauderdale, FL 33334

Re: Water and Sewer Availability
NE corner of Boynton Beach Blvd and Acme Dairy Road
PCN 00-42-43-27-05-050-1020

Kevin,

This is to confirm that the referenced site is located within the Palm Beach County Water Utilities Department service area. There is an existing 12" water main and an existing 24" force main located within Boynton Beach Blvd. right of way adjacent to your property. Connection to the forcemain would require the construction of a lift station.

Please note that this letter does not constitute a final commitment for service until the final project design has been approved by Palm Beach County Water Utilities Department.

Sincerely,

A handwritten signature in blue ink that reads "j. michels".

Jackie Michels
Plan Review Manager
JMichels@pbcwater.com
Phone (561)493-6116

Exhibit 8

Disclosure of Ownership Interests

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
Tim Linkous, 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 [] Partner Valico Nurseries, GP *[position - e.g., president, partner, trustee]* *[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: 8289 W. Boynton Beach Blvd.
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 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.

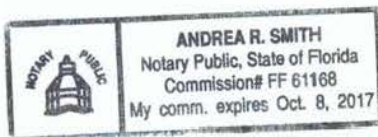
FURTHER AFFIANT SAYETH NAUGHT.



Tim Linkous, Affiant

(Print Affiant Name)

The foregoing instrument was acknowledged before me this 1 day of Aug, 2017, by Randall T. Linkous, [] who is personally known to me or [X] who has produced FC DC as identification and who did take an oath.





Notary Public

Andrea R Smith

(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: Oct, 8 2017

EXHIBIT "A"

PROPERTY

TRACTS 102 AND 119, IN BLOCK 50, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA RECORDED IN PLAT BOOK 2, PAGE 45 TO 54 INCLUSIVELY, LESS RIGHT OF WAY.

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

TIM LIN ROOS 1179 S.W. 27th AVE Boynton Beach FL 33426

SOE STEWART 6216 92nd ROAD SOUTH Boynton Beach FL 33437

VAN DER DUSSEN GREENHOUSES OF Fla. PETER VAN DER DUSSEN
8389 W. Boynton BEACH Blvd. Boynton Beach FL 33472 PRES.

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 Brian Thornton, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

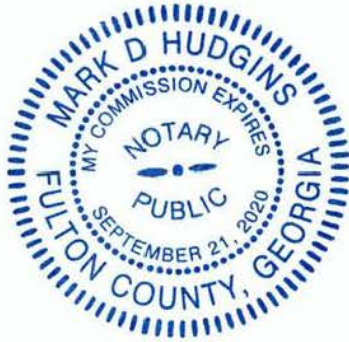
1. Affiant is the [] individual or [] Vice President [position—e.g., president, partner, trustee] of Del Lago Ventures, Inc. [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership], (hereinafter, "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for real property legally described on the attached Exhibit "A" (the "Property").
2. Affiant's address is: 200 Galleria Parkway SE, Suite 1000
Atlanta, GA 30339
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.



Brian Thornton, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 31 day of July,
20 17, by Brian Thornton, [] who is personally
known to me or [] who has produced _____
as identification and who did take an oath.





Notary Public

Mark D Hudgins
(Print Notary Name)

NOTARY PUBLIC

State of ~~Florida at Large~~My Commission Expires: 9/21/20

EXHIBIT "A"

PROPERTY

TRACTS 102 AND 119, IN BLOCK 50, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA RECORDED IN PLAT BOOK 2, PAGE 45 TO 54 INCLUSIVELY, LESS RIGHT OF WAY.

EXHIBIT "B"**DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT**

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

Name**Address**

Racetrac Petroleum Inc. 200 Galleria Parkway SE, Suite 1000, Atlanta GA 30339

Exhibit 9 Urban Sprawl Analysis

Primary Indicators that an amendment does not discourage urban sprawl	Staff Assessment	Sprawl Indicated?
Criteria Related to Land Use Patterns		
Promotes, allows or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.	This amendment does not promote, allow or designate a substantial area 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 introduce additional commercial uses that are neighborhood serving.	No
Results in poor accessibility among linked or related land uses.	The proposed amendment is at a signalized intersection. The proposed amendment 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 on this site will not result in the loss of significant amounts of functional open space.	No
Criteria related to sites located outside or at the edge of the Urban Service Area		
Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development	The site is 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 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.	Development of commercial on the amendment site will be required to meet design, character, and scale criteria per policies under Objective 1.5 of the Tier in order to protect adjacent agricultural activity.	No

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

Exhibit 10
Correspondence
