



**FUTURE LAND USE ATLAS AMENDMENT STAFF REPORT  
AMENDMENT ROUND 23-A2**

**BCC ADOPTION PUBLIC HEARING, AUGUST 24, 2023**

**A. Application Summary**

**I. General Data**

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<b>Project Name:</b>	<b>BC Commerce Center (LGA 2023-003)</b>
<b>Request:</b>	<b>AGR to CMR/AGR</b>
<b>Acres:</b>	47.21 acres
<b>Location:</b>	Northeast corner of Boynton Beach Boulevard and Acme Dairy Road
<b>Project Manager:</b>	Jerry Lodge, Planner II
<b>Applicant:</b>	BC Boynton Industrial, LLC (Jon Channing) – Contract Purchaser
<b>Owner:</b>	Paul Dye, Kimberly Tieran, Martha Ely & Randy Ely, Randall Thorne and Randall Tim Linkous
<b>Agent:</b>	JMorton Planning & Landscape Architecture
<b>Staff Recommendation:</b>	Staff recommends <b>approval with conditions</b> based upon the conclusions contained within this report

**II. Assessment & Recommendation**

The 47.21 acre subject site is located on the northeast corner of Boynton Beach Boulevard and Acme Dairy Road. The amendment proposes to change the future land use (FLU) designation from Agricultural Reserve (AGR) to Commerce with an underlying Agricultural Reserve (CMR/AGR) in order to develop up to 925,410 square feet of light industrial uses. The applicant is proposing ~~645,400~~ 659,227 square feet of uses including recreational, warehouse with accessory office and self-storage through the concurrent zoning application.

This amendment was submitted in May 2022 requesting the Industrial (IND) future land use designation for 9.26 acres. Following the Board’s adoption of the newly established Commerce FLU designation on August 25, 2022, the applicant revised their request to include four additional parcels totaling 47.21 acres. The new Commerce FLU and implementing policies provide a framework for the location and extent of future light industrial uses within the Agricultural Reserve Tier, for which there were previously no guiding policies in the Comprehensive Plan. The CMR FLU designation affords opportunities for low-trip generating light industrial and/or employment uses, balancing the overarching objectives of the Agricultural Reserve while responding to increased residential growth and the corresponding needs of support services. The proposed amendment is consistent with the Commerce FLU designation criteria established by the Board, and allows for the development of a light industrial use on a parcel fronting Boynton Beach Boulevard in close proximity to commercial, institutional, and other non-residential uses. Based upon a letter from the Traffic Division dated December 19, 2022 (Exhibit 5), and in order to comply with FLUE Policy 3.5-d, staff is recommending a condition of approval limiting the development of the site based on a maximum number of generated trips.

**III. Hearing History**

**Local Planning Agency:** **Approval with modifications**, motion by Glenn Gromann, seconded by Sarah Pardue, passed in a 9 to 0 vote at the January 13, 2023 public hearing. The modification consisted of an additional condition of approval to limit the site to 719,764 square feet (0.35 FAR) of uses allowed within the CMR future land use designation. The applicant stated on the record that they agree with the added condition. Board discussion included questions regarding the timing of pending Unified Land Development Code (ULDC) amendments to address uses allowed in the Commerce FLU, the size and location of the preserve area, and the appropriateness of limiting the allowed square footage on the site. Three members of the public, including representatives of the Sierra Club Loxahatchee Group, spoke in opposition citing the need to preserve agricultural lands and potential traffic impacts. In addition, a representative of the Coalition of Boynton West Residential Associations (COBWRA) spoke in opposition stating that the community desired uses (indoor recreation) are not currently allowed in the proposed ULDC amendments. Two members of the development team spoke in support citing their previous projects and proposed uses for the community that do not current exist in the area.

**Board of County Commissioners Transmittal Public Hearing:** *Transmit*, motion by Vice Mayor Sachs, seconded by Commissioner Marino, passed in a 7 to 0 vote at the February 1, 2023 public hearing. The motion included the addition of condition #3 to limit the site to 0.35 floor area ratio as shown in the add/delete and in underline text in Exhibit 1. Board discussion included comments regarding the proposed brewery use, the potential for additional commercial uses including a farm to table restaurant, and the Agricultural Reserve Master Plan recommendation for the location of employment uses. One member of the public, representing the Coalition of Boynton West Residential Associations (COBWRA), spoke in support stating the request is at a good location and requested additional uses be allowed to serve the residents. Two members of the public spoke in opposition, both representing the Sierra Club Loxahatchee Group and 1000 Friends of Florida, citing concerns regarding potential environmental impacts, the need to preserve agricultural lands and review comments from the Florida Department of Transportation (FDOT).

**State Review Comments:** The State Land Planning Agency reviewed this amendment under Round 23-02 ESR and issued a letter dated March 16, 2023 stating that the Agency had no comment on the proposed amendment. The Florida Department of Transportation provided technical assistance comments related to coordination with the County regarding land uses to reduce potential for future deficient Turnpike interchange operation and recommendations for increasing roadway user, pedestrian and bus passenger safety (see Exhibit 12).

**Subsequent to Transmittal:** Subsequent to transmittal, the condition in Exhibit 1 requiring concurrent approval of zoning and future land use applications was removed as it is moot with the scheduling of the hearings on the same date. The deletion is shown in ~~double strikethrough~~. Additional changes to the report include revisions to the map in Exhibit 9, updates to reflect the latest site plan, and revisions to the summary of amendments in process on pages 10, 11 and 12 to reflect the most up to date information. These changes are shown in double underline and ~~double strikethrough~~.

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

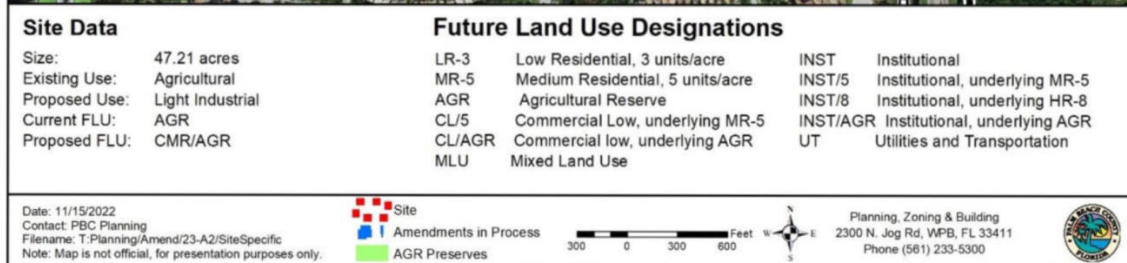
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B. Petition Summary

I. 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 308,470 square feet (.15 FAR)
Proposed Future Land Use Change	
Proposed FLU:	Commerce with an underlying Agricultural Reserve (CMR/AGR)
Proposed Use:	Multiple Use Planned Development with Light Industrial Uses
Proposed Zoning:	Multiple Use Planned Development (MUPD)
Dev. Potential Max/Conditioned:	Light Industrial uses, up to 925,410 square feet (.45 FAR)
General Area Information for Site	
Tier:	Agricultural Reserve Tier – No Change
Utility Service:	Palm Beach County Water Utilities Department
Overlay/Study:	Agricultural Reserve Master Plan
Comm. District:	Maria Sachs, Vice Mayor, District 5

## BC Commerce Center (LGA 2023-003)





## C. Introduction

### I. Intent of the Amendment

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The 47.21 acre subject site is located in the Agricultural Reserve Tier, on the northeast corner of Boynton Beach Boulevard and Acme Dairy Road.

**Future Land Use Amendment.** The subject site consists of five parcels.

- **Original Submittal.** In May 2022, a future land use amendment was submitted for the eastern most 9.26 acre parcel of the subject site at the northwest corner of Boynton Beach Boulevard and the Florida's Turnpike. The amendment requested to change the future land use to Industrial. The remaining 4 parcels, totaling 37.95 acres, was the subject of a separate future land use amendment, submitted in August 2022, called Valico Residential which requested to change the future land use to Essential Housing for up to 8 units per acre.
- **Fall 2022 Revisions.** Following the adoption of the Commerce future land use on August 25, 2022, the applicant withdrew the Valico Residential amendment and subsequently revised this amendment to include all 5 parcels, totaling 47.21 acres and requesting the Commerce future land use designation.

**Background.** Currently, the site can be utilized for agricultural uses up to 308,470 square feet (.15 FAR). The site currently supports active agricultural uses. Under the CMR designation, the maximum development potential would allow up to 925,410 square feet of light industrial uses (.45 FAR). However, in order to meet the requirements of Future Land Use Element (FLUE) Policy 3.5-d, the proposed maximum development potential on the site will be limited by the maximum of 3,835 net daily trips.

The site has been the subject of several land use amendments as described below:

- **RaceTrac Boynton and Acme Dairy (LGA 2018-006).** In 2018, this privately proposed text and future land use amendment requested changes to the Future Land Use Element of the Comprehensive Plan to increase the commercial cap in the Agricultural Reserve Tier and to add a new location for commercial future land use designations. The intent of the proposed amendment was to develop a 2.50 acre portion of the overall 9.55 acre parcel on the northeast corner of Boynton Beach Boulevard and Acme Dairy Road in order to develop a 5,411 square foot convenience store with 24 fueling positions. The southern 2.50 acre portion was proposed for Commercial Low and the remaining 7.05 acres was to retain the AGR future land use designation. Staff did not support the request due to the commercial cap limit being reached and at the time nearly 500,000 square feet of approved commercial was unbuilt. At the January 12, 2018 public hearing, the Planning Commission recommended denial in a 12 to 0 vote. The applicant withdrew the request at the May 2, 2018 BCC Transmittal Hearing.
- **Boynton Technology Park Text.** In 2020, this privately proposed text amendment for initiation was requesting to allow the Economic Development Center (EDC) future land use in the Tier as a multiple use commercial, industrial and residential Planned Industrial Park Development (PIPD), increase the commercial cap and to allow for 3 units per acre with no preserve requirement and including a workforce housing requirement. The subject site consisted of 140 acres located on the north and south sides of Atlantic Avenue, adjacent to Florida's Turnpike. The applicant proposed 185,000 square feet of commercial and industrial uses, a 140 room hotel and up to 420 units. At the June 12, 2020 public hearing, the Planning Commission recommended denial of initiation in an 11 to 2 vote. The text initiation was withdrawn by the applicant prior to the June 29, 2020 BCC Transmittal Hearing.
- **Boynton Parc Plaza Text.** In 2021, this privately proposed text amendment for initiation for the 47.21 acre subject site was requesting to allow the Multiple Land Use future land use designation with Industrial and High Residential, 8 units per acre (MLU, IND/8) in the Tier; provide exemption from preserve requirements; add policy language for a Workplace, Employment & Economic Development in the Tier; and, add a requirement for workforce housing. If initiated, the associated FLUA would request to change the future land use from Agricultural Reserve (AGR) to Multiple Land Use with underlying Industrial and High Residential, 8 units per acre (MLU, IND/8). The applicant proposed 300,000 square feet of industrial uses and up to 376 multifamily units. At the April 9, 2021 public hearing, the Planning Commission recommended denial of initiation in a 13 to 0 vote. The application was withdrawn by the applicant prior to the May 5, 2021 BCC Transmittal Hearing.

**Zoning Application:** There is a concurrent Zoning application in process (PDD-2022-1785) to rezone the subject site from Agricultural Reserve (AGR) to Multiple Use Planned Development (MUPD). The Control Number is 2016-00163. The ~~conceptual~~ site plan (~~Exhibit 10~~) proposes ~~645,400~~ 659,227 square feet (~~34.32~~ 34.32 FAR) of light industrial uses including 372,117 square feet warehouse with accessory office, 128,110 square feet recreational (fitness center), 139,000 square feet of limited access self-storage, 14,000 square feet of Manufacturing and Processing which includes a 6,000 square foot Taproom with 150 seats, ~~and a 12.15~~ The 12.14 acre onsite preserve parcel includes a 4.9 acre water management tract.

**II. Background/History**

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**A. Agricultural Reserve Tier**

The subject site is located within the Agricultural Reserve Tier, an area of the County with specific limitations on development options in the Comprehensive Plan that were largely established to implement the Agricultural Reserve Master Plan. The Master Plan was completed in 1999 and implemented through the adoption of Comprehensive Plan policies in 2001. The purpose of the Tier is captured in Objective 1.5.

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

The Tier was formally designated as the Agricultural Reserve in the 1980 Comprehensive Plan with an emphasis on the preservation of agriculture. In 1998, the BCC directed development of a Master Plan for the Agricultural Tier which established a goal to *preserve and enhance agricultural activity and environmental and water resources in the Agricultural Reserve, and produce a master development plan compatible with this goal.* The BCC did not adopt the Master Plan, but adopted amendments to the Comprehensive Plan in Round 01-1 incorporating the majority of the recommendations of the final Master Plan. The surrounding area has therefore stayed primarily in agricultural uses and low density single-family residential with limited commercial uses serving the Tier.

**B. Agricultural Reserve Master Plan Industrial Recommendations**

At the time of the creation of the Agricultural Reserve Master Plan, the consultants recommended that industrial uses be allowed in the Agricultural Reserve, using the Economic Development Center future land use designation. The consultants identified two locations, within 1/4 mile of the Florida Turnpike interchanges with Boynton Beach Boulevard and Atlantic Avenue, as appropriate locations for these Economic Development Centers. The consultants recommended requiring developers set aside preserve areas in the same 60/40 ratio of preserve area to open space as the Traditional Marketplace, which had locations identified at the intersections of Lyons Road with Boynton Beach Boulevard and Atlantic Avenue. The Master Plan Phase II Report recommended that two employment centers shared a maximum of 330,000 square feet of industrial development between the two locations, and that there be an additional 245,000 square feet of office park uses in the Tier. Master Plan Phase II, Section 4.3.4.5 Economic Centers, states that allowing employment centers in the Tier would provide the following:

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

The Consultants identified the following uses as appropriate within the Employment Centers:

Automobile Rentals	Laboratories
Auto Repair, Detailing, Paint and Body Shop	Landscaping Services
Bottling Plant	Light Fabrication
Brewery	Lumber yards
Broadcasting Stations for Radio or TV	Machine or Welding Shops
Cabinet Working and Carpentry	Mini Warehouse/Self Storage
Catering Services	Motion Picture production Studios
Contractor’s Storage Yards	Ornamental Metal Workshops
Farm Equipment Repair	Printing Shops

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The staff recommendation in the Addendum supported this concept, stating: *“The Plan should be amended to acknowledge the ability to utilize the Economic Development Center category for industrial uses in the locations recommended by the Consultant.”*

### C. Agricultural Reserve Policies – Board Direction

Upon the conclusion of the Master Planning effort, the BCC did not concur with the consultant’s recommendations on industrial land use, and directed that no new industrial future land use designations be permitted in the Agricultural Reserve. Consequently, the 2001 Comprehensive Plan amendment to adopt policies implementing the Master Plan did not establish any policies for new industrial lands. The only provision was related to the .45 floor area ratio for the 64 acres of land with industrial future land use that predated the Master Plan, located along the north and south sides of Atlantic Avenue, east of State Road 7.

Since 2016, there have been several requests for future land use amendments seeking an industrial future land use designation in the Agricultural Reserve Tier, which are summarized below in Section II.E. More recently, on May 5, 2021, the BCC transmitted a future land use amendment request for industrial in the Tier, known as Sunflower Light Industrial (LGA 2021-016). Staff consistently recommended denial of new Industrial FLU requests as there were no policies in the Comprehensive Plan directing the appropriate uses, locations, and intensity for industrial in the AGR Tier. Under discussion of the item, the BCC directed staff to explore the concept of a new light industrial future land use designation and to return for a workshop to discuss additional industrial future land uses in the Tier. Subsequently, the Board adopted the Sunflower amendment on July 28, 2021 with additional conditions as summarized under Section II.E. (Industrial FLUA Amendments in the Agricultural Reserve). The Board transmitted another amendment request for industrial in the Tier known as Las Farms Landscape (LGA 2022-001) on November 3, 2021. The Las Farms amendment was adopted by the BCC at the February 2, 2022 public hearing subject to the same conditions as the Sunflower amendment.

### D. County-Initiated Text Amendment

Following the Board’s direction on May 5, 2021 for staff to explore a new light industrial future land use designation, staff returned to the Board on October 26, 2021 and continued on November 3, 2021 for a workshop regarding the Agricultural Reserve Tier. The discussion of a new industrial future land use was one of many topics discussed that day. At the workshop, the Board expressed support for the Commerce (CMR) future land use designation within the Tier that would be limited to “light industrial” uses. On February 2, 2022, the Board initiated text amendments to the Comprehensive Plan for staff to proceed with the review and analysis of the new Commerce future land use designation. Subsequently, staff returned on May 4, 2022 with proposed text amendments that included policy guidance for future industrial requests to define the appropriate site attributes for requests to CMR FLU and to add a preserve requirement. The text amendment was transmitted by the Board and subsequently adopted on August 25, 2022. Therefore, the newly-established policies have been incorporated into this staff report for review and analysis of this site-specific request for Commerce future land use designation.

### E. Industrial FLUA Amendments in the Agricultural Reserve

There are approximately 64 acres of industrially designated properties fronting the north and south sides of Atlantic Avenue east of State Road 7 that pre-date the Master Plan. Since the adoption of the Master Plan implementing policies in 2001, the County has processed several privately proposed future land use amendments for industrial, including the subject request, as summarized below:

- **Homrich Commercial (LGA 2016-019).** In 2016, the BCC adopted an amendment to the Future Land Use Atlas on a 13.44-acre site with Agricultural Reserve (AGR) future land use to Commercial Low (CL) with underlying Industrial (IND). A voluntary condition of approval limited development of the site to a maximum of 29,400 square feet of Commercial and 197,100 square feet of Light Industrial uses. Staff recommendation for denial was based in part on a lack of a comprehensive analysis and policy direction considering appropriate locations, uses, extent, and intensity established for new industrial uses in the Tier. At the January 15, 2016 public hearing, the Planning Commission recommended approval of the FLUA in a 7 to 5 vote.
- **West Atlantic Industrial (LGA 2017-017).** The West Atlantic Industrial amendment was privately proposed, and requested to change the future land use designation on a 2.51 acres parcel from AGR future land use to IND/AGR. The site is located on the south side

of Atlantic Avenue, approximately 1,100 feet west of Lyons Road. Staff recommended denial due to lack of policy direction for new industrial in the Tier and since the establishment of industrial uses mid-block on a small, isolated parcel would not be compatible with surrounding agricultural uses. At the June 16, 2017 public hearing, the Planning Commission recommended denial in a 10 to 1 vote. The amendment was denied by the BCC at the July 26, 2017 Transmittal Hearing.

- **Boynton Technology Park Text (2020).** Previously discussed in Background Section.
- **Boynton Parc Plaza Text (2021).** Previously discussed in Background Section.
- **Star Key Industrial (LGA 2021-015).** This privately proposed text and future land use amendment was withdrawn by the applicant on September 30, 2021 prior to scheduling of a Planning Commission hearing. The applicant proposed to change the future land use designation for 50.99 acres of land to change from the AGR future land use designation to IND/AGR in order to develop industrial uses, with a maximum potential of .45 floor area ratio (999,506 square feet). The site is located on the north side of Atlantic Avenue, between Starkey Road and the Turnpike. The Zoning application (PDD-2021-00445) requested Planned Industrial Park (PIPD) zoning and was submitted in 2021.
- **Sunflower Light Industrial (LGA 2021-016).** The application proposed a future land use amendment for 8.19 acres of land from the AGR future land use designation to IND/AGR in order to develop industrial uses, with a maximum potential of .45 floor area ratio (160,540 square feet). The site is located on the west side of State Road 7, approximately a quarter mile south of Atlantic Avenue. At the April 23, 2021 public hearing, the Planning Commission recommended denial in a 6 to 6 vote. The Board adopted the amendment on July 28, 2021 with conditions of approval limiting the site to:
  - Uses shall exclude heavy industrial uses which engage in the basic processing, manufacturing, or storage of flammable, hazardous, or explosive materials or products, or processes which potentially involve hazardous or commonly recognized offensive conditions as described in Future Land Use Element Policy 2.2.4-d of the Palm Beach County Comprehensive Plan; and
  - Uses identified as Commercial in Article 4 of the Unified Land Development Code are prohibited on the site, with the exception of Landscape Service, Self-Service Storage, and accessory uses.
- **Las Farms (LGA 2022-001).** On February 2, 2022, the BCC adopted a future land use amendment request for 6.95 acres of land from the AGR future land use designation to IND/AGR in order to develop industrial uses, with a maximum potential of .45 floor area ratio (136,234 square feet). The site is located on the west side of State Road 7, approximately one half mile north of Boynton Beach Boulevard. The amendment includes the same conditions of approval as the Sunflower Light Industrial amendment. At the October 1, 2021 public hearing, the Planning Commission recommended approval in a 9 to 4 vote.
- **West Atlantic Industrial Fina (LGA 2022-018).** The application proposed a future land use amendment for 10.11 acres of land from the AGR future land use designation to IND/AGR in order to develop industrial uses, with a maximum potential of .45 floor area ratio. The site is located on the north side of Atlantic Avenue, approximately one half mile west of State Road 7. The amendment proposed the same conditions of approval as the Sunflower Light Industrial and Las Farms amendments. At the April 8, 2022 public hearing, the Planning Commission recommended denial in an 8 to 1 vote. On May 4, 2022, the BCC denied transmittal of the amendment.

In addition to the subject request, the following FLUA amendment applications were submitted requesting for Industrial FLU in May of 2022, prior to the adoption of the Commerce FLU and related Industrial policies in August of 2022. These applications amended their requests to the Commerce FLU in September 2022 and a map of these proposed amendments can be found in Exhibit 9 (shown in yellow). In total, these 6 amendments add up to 114 acres and 2,324,087 square feet of proposed light industrial uses in the Tier.

- **Boynton Land Commerce (LGA 2023-001).** The application proposed a future land use amendment on 15 acres of land from AGR to CMR/AGR in order to develop light industrial uses, with a maximum potential of 294,030 square feet (.45 floor area ratio). The site is located on the west side of State Road 7, approximately 1.25 miles south of Hypoluxo Road. The Planning Commission recommended denial in a 10 to 0 vote at the October 14, 2022 Planning Commission Hearing. At the November 28, 2022 BCC Transmittal public hearing, the Board denied transmittal of the amendment in a 4 to 3 vote.



- **Morin/Connolly Commerce (LGA 2023-002).** The application ~~proposed currently in process~~ proposes a future land use amendment on 3.41 acres of land from AGR to CMR/AGR in order to develop light industrial uses, with a maximum potential of 66,843 square feet (.45 floor area ratio). The site is located on the west side of State Road 7, approximately 0.20 miles north of Boynton Beach Boulevard. The Planning Commission recommended approval with modifications with a vote of 9 to 0 at the October 14, 2022 Planning Commission Hearing. At the November 28, 2022 BCC Transmittal public hearing, the Board transmitted the amendment in a 7 to 0 vote. At the March 23, 2023 BCC Zoning public hearing, the Board adopted the amendment in a 6 to 1 vote.
- **EJKJ Industrial (LGA 2023-004).** The application ~~proposed currently in process~~ proposes a future land use amendment on 7.93 acres of land from AGR to CMR/AGR in order to develop light industrial uses, with a maximum potential of 155,444 square feet (.45 floor area ratio). The site is located on the west side of State Road 7, approximately 0.15 miles south of Atlantic Avenue. The Planning Commission recommended approval with modifications with a vote of 8 to 2 at the October 14, 2022 Planning Commission Hearing. At the November 28, 2022 BCC Transmittal public hearing, the Board transmitted the amendment in a 7 to 0 vote. The amendment is anticipated to be heard for adoption at the August 24, 2023 BCC Zoning public hearing.
- **LTG Sports Turf (LGA 2023-007).** The application ~~proposed currently in process~~ proposes a future land use amendment on 5 acres of land from AGR to CMR/AGR in order to develop light industrial uses, with a maximum potential of 98,280 square feet (.45 floor area ratio). The site is located on the north side of 100<sup>th</sup> Street S (Boynton Beach Boulevard), approximately 0.13 miles west of State Road 7. The Planning Commission recommended approval with modifications with a vote of 9 to 1 at the October 14, 2022 Planning Commission Hearing. At the November 28, 2022 BCC Transmittal public hearing, the Board transmitted the amendment in a 7 to 0 vote. At the March 23, 2023 BCC Zoning public hearing, the Board adopted the amendment in a 6 to 1 vote.
- **SR 7 Business Plaza (LGA 2023-006).** The application ~~proposed currently in process~~ proposes a future land use amendment on 40 acres of land from AGR to CMR/AGR in order to develop light industrial uses, with a maximum potential of 784,080 square feet (.45 floor area ratio). The site is located on the north side of Happy Hollow Road, fronting State Road 7, approximately 0.3 miles west of Smith Sundry Road. The Planning Commission recommended approval with conditions with a vote of 7 to 3 at the November 4, 2022 Planning Commission Hearing. At the November 28, 2022 BCC Transmittal public hearing, the Board transmitted the amendment in a 6 to 1 vote. At the May 25, 2023 BCC Zoning public hearing, the Board adopted the amendment in a 6 to 1 vote with a condition limiting the site to 700,000 square feet of warehouse and 63,000 square feet of general office.

In addition, there are two new applications requesting the Commerce future land use. These applications include text amendments that were initiated by the BCC on May 3, 2023. The FLUA amendments were subsequently submitted on May 10, 2023. These amendments are shown in Exhibit 9 in blue.

- **Bedner Farms Agriculture Marketplace (LGA 2024-003).** This privately proposed text amendment is requesting to define Agriculture Marketplace in the Introduction and Administration Element and to allow the agriculture marketplace use within the preserve area of an AGR-MUPD. The applicant has submitted a land use amendment from Agricultural Reserve (AGR) to Commerce (CMR) on a 5-acre site to the north and 9-acre site to the south of the Marketplace. This amendment is anticipated to be heard by the BCC on November 1, 2023 for transmittal to the State.
- **Olympus MUPD – (fka Gold Coast Logistics) (LGA 2024-004).** This privately proposed text is requesting to revise location criteria in the Agricultural Reserve Tier to allow the Commerce future land use on eligible sites along State Road 7 located north of La Reina Road. The applicant has submitted a future land use amendment to change the future land use designation of the 6.33-acre site from Agricultural Reserve (AGR) to Commerce, with an underlying Agricultural Reserve (CMR/AGR). This amendment is anticipated to be heard by the BCC on November 1, 2023 for transmittal to the State.

### III. Data and Analysis Summary

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This section of the report provides a summary of the consistency of the amendment with the County's Comprehensive Plan. The chapters in Exhibit 2 detail the consistency of the amendment with Plan policies, including justification, compatibility, public facilities impacts, intergovernmental coordination, and consistency with specific overlays and plans.

- A. Overview of the Area.** West of the Florida's Turnpike, the Boynton Beach Boulevard corridor consists of a mix of future land use designations on the north and south of the road including Agricultural Reserve (AGR), Commercial Low (CL) and Institutional (INST). Institutional uses are located south of the site including an elementary school, middle school and a district park. Commercial uses are primarily located at the intersection of Boynton Beach Boulevard and Lyons Road as well as directly west across Acme Dairy Road. Currently, there are two additional amendments in process in the immediate area.
- **Erickson Senior Living (LGA 2023-018)** – Directly south of the subject site is an amendment in process for a 92.49 acre site. At the August 25, 2022 public hearing, the Board initiated a privately proposed text amendment to the Comprehensive Plan to add an additional location to be eligible for the Congregate Living Residential (CLR) future land use designation in the Ag Reserve. The intent of the FLUA amendment request to CLR is to develop a congregate living facility. ~~This amendment is tentatively scheduled for 23-B Amendment Round, for a Spring 2023 Planning Commission and May 2023 BCC Transmittal Hearing.~~ The Planning Commission recommended approval with conditions in a vote of 10 to 0 at the April 14, 2023 hearing. The Board of County Commissioners transmitted this amendment on May 3, 2023 with a vote of 7 to 0.
  - **Logan Ranch (LGA 2023-014)** – Also directly south of the subject site, at the northeast corner of Boynton Beach Boulevard and Acme Dairy Road is an amendment in process to change 39.24 acres of land from Agricultural Reserve (AGR) to Essential Housing with underlying AGR (EH/AGR) in order to develop up to 314 units. ~~This amendment is scheduled for 23-A2 Amendment Round, for a January 2023 Planning Commission and February 2023 BCC Transmittal Hearing.~~ The Planning Commission recommended approval with conditions in a vote of 9 to 0 at the January 13, 2023 hearing. The Board of County Commissioners transmitted this amendment on February 1, 2023 with a vote of 7 to 0.
- B. Appropriateness of the Amendment.** The Commerce FLU designation and implementing policies provide a framework guiding the extent and location of light industrial uses within the Agricultural Reserve Tier, for which there were previously no guiding policies in the Comprehensive Plan. The subject site meets the minimum requirements of the CMR FLU designation (as further discussed later in this report), and allows opportunities for low-trip generating light industrial and/or employment generating uses. The proposed amendment will allow for the development of a light industrial use on a parcel fronting Boynton Beach Boulevard and adjacent to the Florida's Turnpike, with proximity to an established commercial node.
- C. Compatibility.** The site is located on the northeast corner of Boynton Beach Boulevard and Acme Dairy Road. As detailed above, the area surrounding the subject site consists of agricultural, commercial and institutional uses. In addition, there is existing commercial development at the commercial node located at the intersection of Boynton Beach Boulevard and Lyons Road along with additional parcels with CL and INST future land use designations along the corridor. Directly abutting the site to the north and west are preserve parcels which currently support various agricultural uses, including farm residences. To the south, across Boynton Beach Boulevard, are several institutional uses including two public schools and a County district park. Further south are agricultural uses and low density residential AGR-PUDs.

The applicant indicates the site will be utilized to support future light industrial uses. The CMR FLU and implementing policies establish specific policy requirements dictating the size, location, frontage and access, thereby guiding where these types of industrial and allowable nonresidential uses may be considered. The submitted conceptual plan shows the light industrial uses located closest to Boynton Beach Boulevard, Acme Dairy Road and Florida's Turnpike with the ~~42.15~~ 12.14 acre preserve parcel located at the northern boundary of the site, which is adjacent to existing agricultural uses. This results in a separation of almost 200 feet from the closest proposed building to the northern property. As the site meets the criteria for CMR FLU and is generally consistent with the development pattern of the corridor, staff finds that the subject request is compatible.

- D. Assessment and Recommendation.** The 47.21 acre subject site is located on the northeast corner of Boynton Beach Boulevard and Acme Dairy Road. The amendment proposes to change the future land use (FLU) designation from Agricultural Reserve (AGR) to Commerce with an underlying Agricultural Reserve (CMR/AGR) in order to develop up to 925,410 square feet of light industrial uses. The applicant is proposing ~~645,400~~ 659,227 square feet of uses including recreational, warehouse with accessory office and self-storage through the concurrent zoning application.

This amendment was submitted in May 2022 requesting the Industrial (IND) future land use designation for 9.26 acres. Following the Board's adoption of the newly established Commerce FLU designation on August 25, 2022, the applicant revised their request to include four additional parcels totaling 47.21 acres. The new Commerce FLU and implementing policies provide a framework for the location and extent of future light industrial uses within the Agricultural Reserve Tier, for which there were previously no guiding policies in the Comprehensive Plan. The CMR FLU designation affords opportunities for low-trip generating light industrial and/or employment uses, balancing the overarching objectives of the Agricultural Reserve while responding to increased residential growth and the corresponding needs of support services. The proposed amendment is consistent with the Commerce FLU designation criteria established by the Board, allows for the development of a light industrial use on a parcel fronting Boynton Beach Boulevard in close proximity to commercial, institutional, and other non-residential uses. Based upon a letter from the Traffic Division dated December 19, 2022 (Exhibit 5), and in order to comply with FLUE Policy 3.5-d, staff is recommending a condition of approval limiting the development of the site based on a maximum number of generated trips.

Therefore, staff is recommending **approval with conditions**.

<b>Exhibits</b>	<b>Page</b>
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Exhibit 1

Amendment No:	BC Commerce Center (LGA 2023-003)
FLUA Page No:	89
Amendment:	From Agricultural Reserve (AGR) to Commerce with an underlying Agricultural Reserve (CMR/AGR) <u>with conditions</u>
Location:	Northeast corner of Boynton Beach Boulevard and Acme Dairy Road
Size:	47.21 acres <u>approximately</u>
Property No:	00-42-43-27-05-050-0992, 00-42-43-27-05-050-0991, 00-42-43-27-05-050-1000, 00-42-43-27-05-050-1010 and 00-42-43-27-05-050-1020

**Conditions:** Development of the site under the Commerce future land use designation shall be subject to the following:

1. A maximum of 3,835 net daily trips, 723 net AM peak hour trips, and 571 net PM peak hour trips.
- ~~2. The proposed future land use amendment and the proposed rezoning shall be considered for adoption by the Board of County Commissioners at the same public hearing.~~
- 3 2. Site is limited to 719,764 square feet (0.35 FAR) of uses allowed within the CMR future land use designation



## Legal Description

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THE EAST ONE-HALF (E 1/2) OF LOT 99 AND THE EAST ONE-HALF (E 1/2) OF LOT 122, BLOCK 50, THE PALM BEACH FARMS CO. PLAT NO. 3, A SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THAT PORTION OF LOT 122 CONTAINED IN THE ORDER OF TAKING RECORDED IN O.R. BOOK 6366, PAGE 721, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND

THE WEST ONE-HALF (W 1/2) OF TRACT 99, TRACTS 100, 101, 102, 119, 120, 121 AND THE WEST ONE-HALF (W 1/2) OF TRACT 122, BLOCK 50 OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THE SOUTH 30 FEET OF TRACTS 119, 120, 121 AND THE WEST ONE-HALF OF TRACT 122, BLOCK 50 OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AS DESCRIBED IN THAT RIGHT-OF-WAY DEED RECORDED IN DEED BOOK 1018, PAGE 449, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ALSO LESS AND EXCEPT THE PROPERTY DESCRIBED IN THAT ORDER OF TAKING RECORDED IN O.R. BOOK 6366, PAGE 721, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PORTION OF TRACTS 119, 120, 121 AND 122 OF BLOCK 50 OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, AT PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING AND BEING IN SECTION 20, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE FOUND 1/2" ROD MARKING THE INTERSECTION OF THE BASELINE OF SURVEY FOR BOYNTON BEACH BOULEVARD (S.R. 804) AND THE BASELINE OF SURVEY FOR ACME DAIRY ROAD SOUTH; THENCE N 89° 26'12" E ALONG THE SAID BASELINE OF SURVEY FOR BOYNTON BEACH BOULEVARD (S.R. 804) FOR A DISTANCE OF 66.97 FEET; THENCE N°00 33'48" W, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING; THENCE N 46°22'41" W, A DISTANCE OF 37.30 FEET; THENCE N 00°33'48" W, A DISTANCE OF 98.00 FEET; THENCE S 89°26'12" W, ALONG A LINE 184 FEET NORTH OF AS MEASURED AT RIGHT ANGLES TO THE SAID BASELINE FOR BOYNTON BEACH BOULEVARD (S.R. 804), A DISTANCE OF 25.00 FEET; THENCE S 00°33'48" E, A DISTANCE OF 144.00 FEET; THENCE N 89°26'12" E, A DISTANCE OF 1320.00 FEET; THENCE N 00°33'48" W A DISTANCE OF 65.14 FEET TO A POINT ON A CURVE CONCAVE TO THE SOUTH HAVING A CHORD BEARING OF S 86°25'28" W AND A RADIUS OF 8972.64 FEET; THENCE WESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 434.20 FEET THROUGH A CENTRAL ANGLE OF 02°46'22" TO A POINT OF REVERSE CURVATURE HAVING A CHORD BEARING OF S 87°14'15" W AND A RADIUS OF 7579.44 FEET; THENCE WESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 581.86 FEET THROUGH A CENTRAL ANGLE OF 04°23'55"; THENCE S 89°26'12" W A DISTANCE OF 253.39 FEET TO THE POINT OF BEGINNING.AND SAID LANDS

47.212 ACRES – 2,056,563 SQ. FT.

## Exhibit 2

### Consistency with Comprehensive Plan

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This Exhibit 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 provides a Justification Statement (Exhibit 3) which states that:

- *"These changes indicate that the Agricultural Reserve has continued to change from a rural agricultural area to a suburban community with a growing population that needs various services and goods within proximity of their homes."*
- *"In order to meet the current and future demand for those residents within the Boynton Beach Boulevard corridor, it is anticipated that new industrial development similar to that proposed along the Atlantic Avenue corridor will be developed within the next several years as the need continues to increase."*
- *"This Property is the ideal location for an industrial use as it is located at an important transportation node and a major intersection. The proposed Commerce project will provide for needed industrial development along a corridor that has developed in a piecemeal pattern which includes institutional, commercial and agricultural development."*

**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. With regards to justification, there are several themes presented by this amendment that are discussed individually.

The subject site has a current development potential of a maximum 308,470 square feet (.15 FAR) of non-residential uses allowed in the AGR future land use designation. The applicant proposes to change the land use designation to Commerce with an underlying Agricultural Reserve (CMR/AGR) in order to develop up to 925,410 square feet (.45 FAR) of light industrial uses.

With regard to the justification, the applicant states that the requested future land use amendment is appropriate as residential and commercial development in the Agricultural Reserve Tier has created a need for light industrial uses to support them, located near the residents and businesses they will serve. Currently, no industrial uses exist along the Boynton Beach Boulevard corridor. Approved Industrial future land uses are primarily located along Atlantic Avenue and limited locations west of State Road 7. The site's location in proximity to non-residential uses with access to Boynton Beach Boulevard allows for the potential of appropriately located light industrial uses which could serve the residents of the Tier.

The newly established Commerce FLU designation and implementing policies provide a framework for the future of light industrial uses within the Agricultural Reserve Tier, for which there were previously no guiding policies in the Comprehensive Plan. The subject site meets the minimum requirements of the CMR FLU designation (as further discussed later in this report), and is located on the northwest corner of Boynton Beach Boulevard and the Florida Turnpike, adjacent to agricultural uses to the north, commercial uses to the west and in proximity to other non-residential uses along the corridor. Given the information provided and recent policy changes to the Comprehensive Plan, the applicant has provided sufficient justification.

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

**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.*

**Direction 4. Land Use Compatibility.** *Ensure that the densities and intensities of land uses are not in conflict with those of surrounding areas, whether incorporated or unincorporated.*

**Direction 8. Economic Activity Centers.** *Encourage the development of Planned Industrial Developments primarily designed to accommodate and promote manufacturing industry and other value-added activities.*

**Direction 15. Agricultural and Equestrian Industries.** *Support and enhance agriculture and equestrian-based industries.*

**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 Agricultural Reserve provisions implement that objective by limiting development to require the clustering of development, and limiting the location and amount of non-residential development to serve the existing and future residents of the Tier. These provisions promote the “Agricultural and Equestrian Industries” Direction, while balancing this direction with “Livable Communities,” “Growth Management,” “Land Use Compatibility,” and other County Directions.

The newly established CMR FLU and related industrial policies provide opportunities for low-trip generating light industrial and/or employment generating uses, thus balancing the objectives of the Agricultural Reserve while responding to increased residential growth and the corresponding needs of support services. Consistent with Direction 4 and 8, the proposed amendment will allow for the development of light industrial fronting Boynton Beach Boulevard on a site located along a corridor with established commercial nodes identified within the Comprehensive Plan. In regard to the agricultural industries, the proposed CMR future land use has a preserve requirement, thus furthering Direction 15.

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:** There are no parcels under the same or related ownership and no residual parcels that would be created. This proposed amendment would not encourage piecemeal development as defined in the Introduction and Administration Element of the Comprehensive Plan which describes ‘piecemeal’ as the development of “small portions of a larger, undeveloped property is developed in a sequential manner, such that land use decisions are being made for individual sub-areas of the original parent tract independent from the whole.”

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 parcels 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.” There are no residual parcel issues with this amendment.

5. **FLUE Policy 2.2.4-c: Industrial Future Land Use Designations.** *The three Industrial future land use designations are intended to accommodate industrial uses which are defined as uses engaged in the manufacturing, assembly, processing, research and development, wholesale distribution, or storage of products, related uses and services, including Office of an Industrial Nature (as defined by the Introduction and Administration Element).*
  1. **Industrial.** *The Industrial (IND) future land use designation allows the full range of industrial activities ranging from light to heavy industry.*
  2. **Economic Development Center.** *The Economic Development Center (EDC) future land use designation is intended to accommodate employment opportunities, research parks, and Employment Centers (as defined by the Introduction and Administration Element). Properties with an EDC designation are intended to be developed as planned developments in order to promote internal circulation and buffering from surrounding land uses. Industrial uses allowed shall be limited to those that demonstrate Light Industrial characteristics.*
  3. **Commerce.** *The Commerce (CMR) future land use designation is intended to accommodate light industrial uses to provide an option for low-trip generating non-residential and/or employment generating uses on arterial roadways. Industrial uses allowed shall be limited to those that demonstrate Light Industrial characteristics.*

**Staff Analysis:** Until the recent adoption of the Commerce future land use designation, the Comprehensive Plan recognized only two Industrial land use designations – Industrial (IND) and Economic Development Center (EDC). The IND FLU allows for a full range of Industrial uses, and the EDC FLU is intended for larger, campus-like industrial uses as part of a planned development. While the EDC FLU is limited to the Urban/Suburban Tier and uses that exhibit Light Industrial characteristics, the IND FLU was the only allowable Industrial FLU in the Agricultural Reserve. As previously detailed, the County has processed several requests for IND FLU within the past few years in the Agricultural Reserve. As there were no specific policies to guide the location and intensity of Industrial uses, applications seeking the IND FLU could open up a site to a wide array of industrial uses, including heavy, intense uses that may not be appropriate for the location, or commercial uses allowed under the IND FLU and corresponding zoning that would circumvent the commercial cap within the Tier. With the addition of the CMR FLU, the Comprehensive Plan now provides a land use designation that allows opportunities for light industrial and limited non-residential uses to locate, subject to criteria intended to minimize potential negative externalities as described in the next policy, 2.2.4-d.

6. **FLUE Policy 2.2.4-d: Industrial Uses.** *Industrial uses shall be considered either Light or Heavy as defined below.*

**Light Industrial.** *Light industrial development's typical operation is not likely to cause undesirable effects, danger or disturbance upon nearby areas and typically does not create negative impacts on immediately adjoining uses. These uses typically do not cause or result in the dissemination of dust, smoke, fumes, odor, noise, vibration light, or other potentially objectionable effects beyond the boundaries of the lot on which the use is conducted. Examples of Light Industrial uses include: storage, warehouse, research, laboratories, dispatch, landscape service, flex space, media production, and light manufacturing and processing.*

**Heavy Industrial.** *Heavy industrial development's typical operation may cause or result in the dissemination of dust, smoke, fumes, odor, noise, vibration, light, or other potentially objectionable effects beyond the boundaries of the lot on which the use is conducted. These effects will be minimized through the application of performance standards established in the Unified Land Development Code. Heavy industrial uses include those that engage in the processing, manufacturing, or storage of flammable, hazardous, or explosive materials or products, or processes which potentially involve hazardous or commonly recognized offensive conditions. Examples of heavy industrial uses include, but are not limited to, salvage and junkyards, storage of regulated substances, asphalt and concrete mixing and product manufacturing, heavy manufacturing, construction and demolition recycling, and equestrian waste management.*

**Staff Analysis:** The Comprehensive Plan establishes that there are two overall classifications of Industrial uses as provided in Policy 2.2.4-d: Light Industrial and Heavy Industrial. However, only the Industrial future land use designation, which allows the full range of industrial uses, was previously allowed within the Agricultural Reserve Tier. Through the adopted CMR text amendment, this policy now includes specific examples of each Industrial category, further refining what is Light Industrial versus Heavy Industrial. As the CMR FLU is limited to specific nonresidential uses and/or Industrial uses which can only be classified as Light Industrial, defined by FLUE Policy 2.2.4-c, the proposed site-specific amendment for CMR and concurrent zoning application for Light Industrial uses is consistent with this policy. Amendments to the Unified Land Development Code (ULDC) to incorporate the new CMR FLU and corresponding relevant policies will be forthcoming.

## **B. Consistency with Agricultural Tier 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 primary objective of the Agricultural Reserve Tier is the preservation of agricultural and environmental lands, while allowing for development in a planned manner that is consistent with the Master Plan and associated policies within the Comprehensive Plan that direct the locations and amounts of allowable development. The Tier is located within a Limited Urban Service Area, (LUSA) and the development allowed within the Tier as part of one of the planned development options or on non-residentially designated sites is consistent with the objective of the Agricultural Reserve Tier. However, until recently and as discussed in the Background section of this report, there were no specific policy guidance for the location and extent of new Industrial future land uses in the Tier. The new CMR FLU and implementing policies recently adopted by the Board further refine the various types of allowable industrial uses, and guide the location and extent of future industrial uses within the Agricultural Reserve Tier. The site is located along an urban principal arterial roadway and adjacent to existing nonresidential uses, consistent with the development pattern of the corridor. In addition, the applicant is

proposing to locate the preserve requirement onsite which furthers the objective of the Agricultural Reserve Tier.

**2. Policy 1.5-v: Industrial.** *The County shall foster employment opportunities in the Agricultural Reserve Tier by allowing light industrial uses at appropriate locations to provide a balance of land uses for current and new residents of the Tier. All new future land use amendments requesting industrial type uses in the Agricultural Reserve Tier shall meet the following requirements:*

1. *Limited to the Commerce (CMR) future land use designation;*
2. *Located with frontage and access on State Road 7 (north of Rio Grande Avenue), Atlantic Avenue, Boynton Beach Boulevard or have access to these roadways through an existing commercial or industrial site. Sites located west of State Road 7 must share a common border with a property with commercial or industrial future land use;*
3. *Be accompanied by a concurrent zoning application and conceptual site plan in order to demonstrate that the proposal meets the design, scale, and character requirements of the Tier;*
4. *Have a minimum of 3 acres and a maximum of 50 acres (with the exception of lands dedicated to rights of way); and*
5. *Preserve shall be required for Commerce sites utilizing Light Industrial, Multiple Use Planned Development, or Planned Industrial Park Development zoning pursuant to FLUE Policy 1.5.1-q and subject to the following:*
  - a. *The preserve area requirements shall be based upon the acreage over 16 acres, shall be a minimum of 40% of the total land area over 16 acres, and allow water management tracts in preserve areas contiguous to the development area that provide enhanced environmental features and improved water quality as demonstrated through the future land use amendment process.*

**Staff Analysis:** Policy 1.5.-v establishes requirements for new industrial future land use requests within the Ag Reserve Tier. New applications requesting a FLU amendment to develop industrial uses shall be limited to the Commerce FLU designation only and satisfy the minimum requirements of this policy. The site is 47.21 acres in size with frontage on and access from Boynton Beach Boulevard. In accordance with part 5 of this Policy, a preservation area is provided that equates to forty percent of the site's acreage over 16 acre, minus right of way (ROW) dedications. As the site is 47.21 acres, the minimum preserve parcel based on information provided shall be approximately ~~42.15~~ 12.10 acres (47.21 acres – ~~0.82~~ 0.95 acres of ROW = ~~46.39~~ 46.26 acres; ~~46.39~~ 46.26 acres – 16 acres = ~~30.39~~ 30.26 acres; ~~30.39~~ 30.26 acres X 40% = ~~12.15~~ 12.10 acres). The preliminary site plan indicates ~~0.82~~ 0.95 acres of ROW dedications and a ~~42.15~~ 12.14 acre preserve parcel located on the north and central area of the site, adjacent to active agricultural uses. This preserve also proposes a ~~4.42~~ 4.9 acre water management tract and a wetland area to provide enhanced environmental features. An environmental statement regarding the preserve's environmental enhancement features has been included in Exhibit 11. Therefore, the proposed site-specific amendment meets the requirements of this policy.

**C. Compatibility**

Compatibility is defined as a condition in which land uses can co-exist in relative proximity to each other in a stable fashion over time such that no use is negatively impacted directly or indirectly by the other use. The applicant lists the surrounding uses and future land use designations and provides a compatibility analysis in Exhibit 3.

**Surrounding Land Uses:** Surrounding the subject site are the following:

**North:** North of the site there are five acre properties, most of which are in agricultural use as nurseries with a few containing farm residences. A majority of these properties are designated as preserve areas for three residential AGR-PUDs (Monticello, Canyon Lakes and Saturnia Isles/Dakota).

**East:** The Florida's Turnpike interchange is directly adjacent to the site to the east. East of the Florida Turnpike's is the Urban/Suburban Tier. Future land use designations include medium residential, commercial and institutional uses.

**South:** To the south of the subject site, across Boynton Beach Boulevard, are parcels with predominately AGR future land use designations, including two sites with future land use amendments in process as previously described. At the southwest corner of Boynton

Beach Boulevard and Acme Dairy Road are designated as the preserve area for the Canyon Town Center. Institutional uses including Sunset Palms Elementary School and a middle school currently under construction is located on the preserve. Canyon District Park is located south of the schools. Further south are low density residential communities developed as 60/40 AGR-PUDs.

**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 pre-existing commercial site and changing the future land use designation from AGR to CL/AGR (Ord. 2016-013) and the other to expand the commercial designation on the remainder of the overall 6.85 acres (Ord. 2016-036). Adjacent to this property to the west, is the Caridad Center Health on a roughly 6.7 acre property. 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 adopted in 2016 (Ord. 2016-006). Further west are additional agricultural lands and the adopted (Ord. 2016-029) Cobblestone Plaza MUPD with a CL/AGR future land use designation on the northeast corner of the Boynton Beach Boulevard and Lyons Road intersection.

**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.”*

**Applicant’s Comments:** The applicant states that the request for the Commerce future land use is compatible with existing and planned development in the immediate vicinity due to the site having direct access to Boynton Beach Boulevard, a major thoroughfare and states the impacts of the proposed future land use are similar to nearby agricultural operations. A light industrial use can provide essential services to residents of the surrounding area, and the ULDC can reduce potential negative impacts of development through the use of buffering, screening, setbacks, height and landscaping requirements.

**Staff Analysis:** The site is located on the northeast corner of Boynton Beach Boulevard and Acme Dairy Road. As detailed above, the area surrounding the subject site consists of agricultural, commercial and institutional uses. In addition, there is existing commercial development at the commercial node located at the intersection of Boynton Beach Boulevard and Lyons Road and additional properties with CL and INST future land use designations along the corridor. Directly abutting the site to the north and west are preserve parcels which currently support various agricultural uses, including some which contain farm residences. To the south, across Boynton Beach Boulevard, are several institutional uses including two public schools and the Canyons District Park.

The applicant indicates the site will be utilized to support future light industrial uses. The CMR FLU and implementing policies establish specific policy requirements dictating the size, location, frontage and access, and submittal of conceptual site plan, thereby guiding where these types of industrial and allowable nonresidential uses may be considered and potentially mitigating negative externalities generated by heavy or intrusive industrial uses. As the site meets the criteria for CMR FLU and is generally consistent with the land uses and development pattern of the surrounding area, staff finds that the subject request is compatible.

#### **D. Consistency with County Overlays, Plans, and Studies**

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

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

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



**Staff Analysis:** The subject site is within the boundaries of the West Boynton Area Community Plan (WBACP). The plan was received by the BCC in October of 1995. Two subareas were created in the WBACP to address the diverse nature of the areas within the plan boundaries. Subarea 1 covers the region east of the Agricultural Reserve. Subarea 2 delineates the northern Agricultural Reserve which is the area of the Agricultural Reserve north of the Lake Worth Drainage District (LWDD) L-30 Canal.

According to the WBACP, all recommendations in the plan only pertain to subarea 1, which is east of the Agricultural Reserve (i.e. east of Florida Turnpike), unless specifically noted.

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

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

The full text of the recommendation states "accept the direction given by the BCC establishing as a primary goal an agricultural future for the Agricultural Reserve area...". As an Agricultural Reserve Study was ongoing at the time the WBACP was being formulated, prior to 1995, and so as not to conflict with the progress of or impede that Agricultural Reserve Study, this is the only recommendation that was included in the plan regarding the Agricultural Reserve. The BCC adopted Agricultural Reserve policies in the Comprehensive Plan in 2001, subsequent to the 1999 Agricultural Reserve Master Plan, which guides the development of residential, commercial, and Institutional and Public Facilities uses while providing for the preservation of agriculture, wetlands and other open space. However, the recommendation in the WBACP is too broad of a statement in order for staff to determine that the proposed FLUA is consistent or inconsistent.

## E. Public Facilities and Services Impacts

The proposed amendment will change the future land use designation from Agricultural Reserve to Commerce with an underlying Agricultural Reserve (CMR/AGR). For the purposes of the public facilities impact analysis, the maximum intensity is based on the proposed change to allow up to 925,410 square feet. 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. 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, School District.

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 potential of 925,410 square feet of light industrial uses, flex space, or a 47.21 acre landscape service; as well as at the proposed potentials of 875,000 square feet of light Industrial, 525,000 square feet of flex space or a 20 acre landscape service. According to the County's Traffic Engineering Department (see letter dated December 19, 2022 in Exhibit 5), the amendment at the proposed potential would result in an increase of 2,471 net daily trips

over the current maximum potential of a 5-acre Nursery Garden Center and 42.21-acre Wholesale Nursery.

The Traffic letter concludes *“Based on the review, the Traffic Division has determined that the traffic impacts of the proposed amendment **meet** Policy 3.5-d of the Future Land Use Element of the Palm Beach County Comprehensive Plan at the **proposed potential** density shown above in accordance with the following conditions.*

- a) The proposal shall be limited to the proposed development potential as shown above or equivalent trips.*
- b) The segment below, on which the development has a significant impact, has a background deficiency for Test 2 based on the traffic report.*

*Boynton Beach Boulevard from Florida Turnpike to Hagen Ranch Road as a 6LD facility.*

The Traffic Study, dated December 2, 2022, was prepared by Bryan G. Kelley, 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>

## **II. Public and Municipal Review**

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

- A. Intergovernmental Coordination:** Notification of this amendment was sent to the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC) for review on December 29, 2022. Correspondence is added to Exhibit 11 as it is received during the course of the amendment process.
- B. Other Notice:** Public notice by letter was mailed to the owners of properties within 500' of the perimeter of the site on December 21, 2022. In addition, interested parties were notified by mail including the Coalition of Boynton West Residential Associations and members of the public who requested to be notified of hearing dates. Notification of this amendment, and other amendments related to the Ag Reserve Tier, was provided to the Agricultural Reserve email list of interested parties on January 3, 2023. Correspondence is added to Exhibit 11 as it is received during the course of the amendment process.

Exhibit 3

Applicant’s Justification/Consistency with Comprehensive Plan

Introduction

On behalf of the Applicant, JMorton Planning & Landscape Architecture is requesting a Comprehensive Plan Future Land Use Atlas amendment for a 47.21 acre property located on the north side of Boynton Beach Boulevard between Acme Dairy Road and the Florida Turnpike (“Property”).

I. PROPOSED FLUA MAP AMENDMENT

The Commerce Land Use designation was recently adopted by the Board of County Commissioners (BCC) at their meeting of August 25, 2022. Now that the Commerce Land Use Ordinance is effective, the Applicant is proposing to amend the Future Land Use designation from Agricultural Reserve (AGR) to Commerce, with an underlying Agricultural Reserve (CMR/AGR).

Description of Site Vicinity

The Property is located on north side of Boynton Beach Boulevard between Acme Dairy Road and the Florida Turnpike. The Property has a Future Land Use designation of Agricultural Reserve. Within the vicinity of the Property are multiple agricultural uses including row crops and a nursery. To the east of the Property and the Florida Turnpike is the Urban/Suburban Tier. To the west of the Property is an approved commercial project with self-storage facility that was recently the subject of a future land use amendment to Commercial Low. Further to the West along the Boynton Beach Boulevard corridor are several institutional uses including two schools, a future County Park and library, the Caridad Center and Soup Kitchen, a place of worship, and the Bethesda Hospital. Other significant projects along the Boynton Beach Boulevard corridor include commercial projects such as the Canyons Town Center and CobbleStone Commons.

Land uses directly abutting the Property include the following:

Adjacent Property	Land Use Designation	Zoning Designation	Existing Use	Control Number
North	Agricultural Reserve (AGR)	Agricultural Reserve (AGR)	AGR Planned Unit Development – Preserve Parcel - Agriculture Uses	2000-032 & 2005-014
South	Agricultural Reserve (AGR)	Agricultural Reserve (AGR)	Agriculture Uses	None
East	Utilities & Transportation (U/T), Commercial Low, with an underlying 5 units per acre (CL/5), & Medium Residential, 5 units per acre (MR-5)	Agricultural Reserve (AGR), Multiple Use Planned Development (MUPD), & Planned Unit Development (PUD)	Boynton Beach Turnpike Interchange Corridor, Boynton Commons Medical Offices - 115,000 SF of Medical Office & Indian Hills PUD (128 multi-family units – 7.55 du/acre)	2006-367 & 1994-024
West	Agricultural Reserve (AGR) & Commercial Low, with an underlying Agricultural Reserve (CL/AGR)	Agricultural Reserve-Planned Unit Development (AGR-PUD) & Multiple Use Planned Development (MUPD)	Agriculture Uses & Commercial & Self-Storage (4,999 SF Restaurant, 14,566 SF Retail, 127,113 SF Self-Storage)	2005-014 & 2008-339

History

The Agricultural Reserve Master Plan was originally developed and adopted to preserve and enhance agricultural activity and environmental and water resources in the Ag Reserve. Since the adoption of the Ag Reserve Master Plan, numerous residential developments have been built and the number of residents living within the boundaries of the Ag Reserve has significantly increased. The needs of those residents as well as good planning practices, have spurred additional changes in the Ag Reserve. These changes included increasing the commercial square footage cap to allow for additional smaller commercial projects, allowing 5-acre standalone preserve parcels, allowing smaller commercial projects to develop without the need to provide preserve acreage, approval of small industrial properties on the west side of State Road 7, and allowing the development of self-storage facilities. Additional changes are being proposed to allow the development of congregate living facilities, the creation of a new Commerce Future Land Use category for light industrial uses, and the creation of a new Essential Housing Residential Future Land Use category for multi-family 60/40 development.

### **G.1 Justification**

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

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

***Response:** The proposed future land use designation of Commerce (CMR) is suitable and appropriate for the Property. The Property is located on Boynton Beach Boulevard which is a major east-west thoroughfare that provides easy access to the Florida's Turnpike as well as State Road 7 and I-95. The consultants that originally prepared the Agricultural Reserve Master Plan recommended that up to 330,000 square feet of industrial uses be allowed in the Tier. Specifically, new industrial was recommended to be located at the intersections of Boynton Beach Boulevard and the Florida Turnpike and Atlantic Avenue and the Florida Turnpike.*

*An Industrial future land use corridor currently exists along Atlantic Avenue between State Road 7 and Half Mile Road/Smith Sundry Road. The Boynton Beach Boulevard corridor within the Agricultural Reserve currently lacks industrial land. The Board of County Commissioners has previously stated that there is a shortfall of industrially viable property within Palm Beach County. According to a report prepared by Marcus & Millchap, "Palm Beach County is among the tightest industrial markets in the country. A bevy of demographic trends come together to support the local industrial market. First, the county boasts the fastest rate of population growth among the South Florida markets, which is supporting household growth that nearly triples the national average. Many of these households are formed by retirees moving from colder climates or acquiring a winter retreat. Retirees also have a disproportionate level of discretionary income, which encourages spending and ultimately demand for industrial space. The local workforce also continues to grow, including the construction sector, which is building homes in the market to keep pace with household growth. Construction companies use a significant amount of industrial space and play a key role in generating the low vacancy Palm Beach County enjoys. New development of industrial space will accelerate this year, though sufficient pent-up demand will keep vacancy trending lower."*

*The Property's location at a major transportation node is an important factor for support of the proposed Commerce designation. In accordance with general good planning practice as further described by Alexander Dukes in "A Town Well Planned: Hierarchical Zoning" published in Strong Towns, "Industrial land uses are the most flexible because people are generally unconcerned with the activities that occur in industrial areas as long as they're not interfering with the rest of the city or harming the environment. Because residential districts are so inflexible, industrial land uses should not be placed within them. The noise, shipping traffic, and odor of many industries will harm homeowners' enjoyment of their residential land." The Property is not located adjacent to any residential development, rather it is surrounded by existing agriculture with frontage along two major transportation corridors (Boynton Beach Boulevard & Florida Turnpike).*

*As previously discussed, the Boynton Beach Boulevard corridor has changed significantly over that last 20 years. A Traditional MarketPlace (Canyons Town Center) was approved and developed at the southeast corner of Boynton Beach Boulevard and Lyons Road. Two schools were approved and developed on the north and south sides of the road to accommodate the increasing number of families with children moving into the Agricultural Reserve. A certificate of need was approved and a large hospital was constructed at the intersection of Boynton Beach Boulevard and State Road 7. The County has recognized the pre-existing institutional and commercial uses on Boynton Beach Boulevard through the adoption of several future land use atlas amendments. Most recently, a 16-acre commercial project (CobbleStone Commons) was approved and developed across from the Canyons Town Center Traditional MarketPlace. All of these changes have been made to address the shifting demographics and the continued influx of residents into the Agricultural Reserve.*

*This Property is the ideal location for an industrial use as it is located at an important transportation node and a major intersection. The proposed Commerce project will provide for needed industrial development along a corridor that has developed in a piecemeal pattern which includes institutional, commercial and agricultural development. Access to major rights-of-way as well as major transportation corridors ensures that the services and employment opportunities are easily available to future users, tenants, employees, etc.*

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

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

**Response** As previously mentioned, significant changes to the original Ag Reserve Master Plan have been approved and are being requested within the Agricultural Reserve Tier. The Board of County Commissioners approved several new commercial projects along the Boynton Beach Boulevard corridor including Cobblestone Plaza, 3 Amigos, West Boynton Plaza and Homrich Nursery. With the approval of these new commercial centers, the cap on commercial square footage was increased, commercial was no longer limited to one location within the Boynton Beach Boulevard and Lyons Road intersection, the preserve requirement for commercial parcels less than 16 acres was eliminated, and the requirement to utilize the Traditional MarketPlace zoning designation was changed. In addition to the commercial changes, the hospital (Bethesda) received a certificate of need to be located in the Agricultural Reserve Tier. The Board of County Commissioners also approved the Solid Waste Authority on the east side of State Road 7. Finally, residential development continues to grow within the Tier. This rapid rate of growth has created a need for additional services within the Agricultural Reserve Tier.

While the Atlantic Avenue corridor has been the subject of several recent industrial zoning applications, no industrial uses currently exist on Boynton Beach Boulevard. The residential developments within the vicinity of Atlantic Avenue do not travel to Boynton Beach Boulevard for services and vice versa, the residents within the vicinity of Boynton Beach Boulevard do not travel to Atlantic Avenue for services. In order to meet the current and future demand for those residents within the Boynton Beach Boulevard corridor, it is anticipated that new industrial development similar to that proposed along the Atlantic Avenue corridor will be developed within the next several years as the need continues to increase.

Earlier this year, the Board of County Commissioners also approved the adoption a Future Land Use Amendment for the LAS Farms Property located north of the Homrich Nursery Property on the west side of State Road 7. The amendment allowed a change from Agricultural Reserve (AGR) to Commerce (CMR/AGR), subject to conditions limiting the property to light industrial uses. The Board of County Commissioners also approved the Sunflower Industrial project on the west side of State Road 7 south of Atlantic Avenue in 2020. This project was also the subject of a Future Land Use Amendment from Agricultural Reserve (AGR) to Industrial (IND/AGR) subject to conditions limiting the property to light industrial uses.

All of these changes, and the recent direction from the Board of County Commissioners regarding additional light industrial uses in the Agricultural Reserve signify that additional land and opportunities for light industrial projects is needed and appropriate for properties fronting on State Road 7, Atlantic Avenue and Boynton Beach Boulevard.

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

**Response:** The characteristics of the area have changed significantly since the 1989 Comprehensive Plan was adopted. The Agricultural Reserve Master Plan originally intended that more intense uses and development would occur at nodes within the Tier. The Master Plan further intended for lower density residential to develop outside of the higher intensity core eventually transitioning to the Agricultural Preserve parcels. This development pattern has not occurred, rather development is disconnected. Commercial parcels and preservation parcels leapfrog along the corridor. The new hospital now surrounds an agricultural packing facility and other existing commercial, institutional and industrial type uses.

As discussed above, the characteristics of the Boynton Beach Boulevard corridor have changed. A Traditional MarketPlace (Canyons Town Center) was approved and developed at the southeast corner of Boynton Beach Boulevard and Lyons Road. Three schools were approved and developed on the north and south sides of the road to accommodate the increasing number of families with children moving into the Agricultural Reserve. The County has recognized the pre-existing commercial uses on Boynton Beach Boulevard through the adoption of several future land use atlas amendments. Most recently, a second commercial shopping center was approved and developed across from the Canyons Town Center Traditional MarketPlace. Subsequently, the Canyons Town Center was rezoned to a Multiple Use Planned Development (MUPD) to allow for a more traditional type of commercial project with outparcels. All of these changes have been made to address the increasing demands of the residents who continue to move into the Agricultural Reserve. Multiple residential projects have been developed between State Road 7 and Florida's Turnpike. The Bethesda Hospital, located just east of the Property, was constructed in the early 2000's, and received an expansion approval from the BCC that will nearly double the size and

*intensity of the medical campus. The residential and commercial development that has been constructed within the central part of the Tier along Boynton Beach Boulevard, Atlantic Avenue, and Lyons Road has forced several agricultural operations to relocate. The Alderman Farms Packing Plant relocated from the northeast corner of Boynton Beach Boulevard to the west side of State Road 7 after approval of the CobbleStone Commons retail plaza. The Thomas Packing Plant, located at the northeast corner of Clint Moore Road and State Road 7, closed and relocated out of the area after approval of the comprehensive plan amendment removing that property from the Agricultural Reserve Tier and designating it as Commercial Low, with an underlying 2 units per acre (CL/2). Most recently, Whitworth Farms has been sold to GL Homes and is proposed to be developed with another single family residential project.*

*These changes indicate that the Agricultural Reserve has continued to change from a rural agricultural area to a suburban community with a growing population that needs various services and goods within proximity of their homes. A sustainable community is a community that is planned, built and modified to promote a living environment that focuses on urban infrastructure, social equity, efficient provision of utility services and economic sustainability. Sustainable communities incorporate principles that improve access to affordable housing, increase transportation options, and lower transportation costs while protecting the environment. Approval of additional industrial land will allow for needed services to be located near existing housing, thus reducing vehicle trips outside of the Agricultural Reserve and ultimately contributing to less traffic congestion and better access throughout the Agricultural Reserve.*

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

**Response:** *The consultants that prepared the Agricultural Reserve Master Plan recognized the industrial corridor along Atlantic Avenue between State Road 7 and Smith Sundry Road/Half Mile Road. Furthermore, the consultant recommended 330,000 square feet of additional industrial square footage within the Agricultural Reserve. When the Board of County Commissioners reviewed the Agricultural Reserve Master Plan and directed Staff to prepare additional Comprehensive Plan policies for the Agricultural Reserve Tier however, the addition of industrial land and industrial uses was not included. Twenty years have passed since these Agricultural Reserve policies were incorporated into the Comprehensive Plan and the Agricultural Reserve Tier is close to being “built out”. Of the 22,000 acres within the Agricultural Reserve, only 1,700 acres remain without any development approvals. This represents a total of 5% of the Agricultural Reserve that is not entitled for development or preservation.*

*The County recently created the new Commerce future land use designation to recognize the need for light industrial uses while differentiating those light industrial uses from heavy industrial uses. The Commerce future land use designation is allowed within the Agricultural Reserve along the major corridors including Boynton Beach Boulevard, Atlantic Avenue and State Road 7. The Property is ideally located to receive such a designation.*

*The consultants that developed the Agricultural Reserve Master Plan anticipated that the Agricultural Reserve would be a place where people can live, work and play without having to travel to the Urban/Suburban Tier. Contrary to the intent of the Master Plan, the Agricultural Reserve has become an exclusive community comprised mainly of expensive single family homes. Most of the employment opportunities available within the Tier are generated by the commercial centers, farming activities, and industrial corridor along Atlantic Avenue. Based upon Comprehensive Plan directives, industrial FLU designations and uses should occur at appropriate locations with intensities to satisfy the need for industrial space, provide opportunities for the retention and expansion of industrial and employment based economic activities, and promote economic development. The proposed Future Land Use amendment to Commerce will create another opportunity for a service not currently located in the Tier. This opportunity would ultimately meet the intent of the Master Plan that has yet to be realized by the current limited development pattern.*

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

**Response:** *The Agricultural Reserve (AGR) future land use designation is not the most appropriate FLUA designation for the Property to create an appropriate balance of land uses within the Agricultural Reserve Tier. Based upon projected demand/need for additional industrial space and the location and size of the property in relation to Comprehensive Plan directives, Commerce is a more appropriate FLUA designation. The Commerce FLU designation is also consistent with neighboring agriculture and non-residential uses. The original master plan prepared by the professional consultants recommended that Boynton Beach Boulevard and Turnpike as an appropriate location for industrial. As previously mentioned, approval of this FLU amendment*

would create an employment node at the intersection of Boynton Beach Boulevard and Florida Turnpike.

**e. Whether the adopted FLU designation was assigned in error.**

**Response:** N/A

**G.2 Residential Density Increases**

This proposed FLU amendment is not a request to increase residential density.

**G.3 Compatibility**

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

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

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

- Primary access is available from Boynton Beach Boulevard, a right-of-way designated as an Urban Arterial road, thus directing traffic away from local roads in the vicinity. Secondary access is available from Acme Dairy Road.
- The Property is located at a major transportation node (Boynton Beach Boulevard & Florida Turnpike). Boynton Beach Boulevard is currently developed with a mix of institutional, commercial, residential and agricultural uses. The proposed industrial use will provide for additional services along this important east-west corridor of the Agricultural Reserve and Palm Beach County. On this basis, the proposed development concept at this location is determined to be compatible.
- The proposed use is consistent with the existing development pattern and adjacent uses that have occurred along the Boynton Beach Boulevard corridor.

As mentioned, many uses that are permitted and currently exist on the agriculture land within the Agricultural Reserve have similar impacts on adjacent properties. Farming activities often include: pesticide and herbicide spraying, heavy equipment storage and operation, produce packing activities, truck deliveries and loading including refrigeration trucks, 24-hour operations, noise, dust, and outdoor storage of materials and dead plants/vegetation. Agriculture activities are often not buffered from adjacent properties and uses. Additionally, the County code requires setbacks, buffers and landscaping for all on-site structures to ensure compatibility.

**G.4 Comprehensive Plan**

The proposed Future Land Use Atlas Amendment is consistent with various goals, objectives, and policies in the Palm Beach County Comprehensive Plan as detailed below.

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

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

**Response:** Approval of this proposed FLU amendment will allow for the development of an industrial project. Light industrial designations are typically employment generators and encourage economic development opportunities. Residential development in the Agricultural Reserve has been growing substantially without the service and job opportunities needed to protect livable communities and contribute to an overall balanced growth trend. Residents of the



*Agricultural Reserve continue to travel outside of the Tier for necessary services such as employment, shopping, medical needs, restaurants, etc. The proposed FLU amendment will bring additional job opportunities and services to the Agricultural Reserve Tier catering to the residents of the Tier thus enhancing the quality of life for those that have chosen to live within the western Boynton Beach area.*

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

**Response:** *The Property is located within the Agricultural Reserve Tier which is a Limited Urban Service Area (LUSA) where services and public facilities are already available. The Property’s location at a major transportation node with access/frontage on Boynton Beach Boulevard and Acme Dairy Road contribute to timely, cost effective service provision. The proposed light industrial project will better serve the immediate and future needs of the community as it will provide employment opportunities west of the Florida Turnpike. As noted in the justification section, the professional planners, hired by Palm Beach County, also recommended industrial at this location to provide a balance of land uses within the Agricultural Reserve Tier. Traffic on the east-west roadways in the Agricultural Reserve Tier is caused by the number of residents leaving the Tier in the mornings for work and other necessary services. This proposed amendment to Commerce will allow for the creation of employment and service opportunities thus keeping residents west of the Florida Turnpike and off the major east-west roadways.*

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

- **FLUE Objective 1.5 Agricultural Reserve Tier** – “Development areas should be concentrated east of SR7 (in the vicinity of Boynton Beach Boulevard and in the vicinity and south of Atlantic Avenue) in order to protect the environmentally sensitive lands within and surrounding the Loxahatchee National Wildlife Refuge, foster the preservation of agriculture in the center of the Tier, and to reduce infrastructure costs and impacts on tax payers.”

**Response:** *The Property is located at the intersection of Boynton Beach Boulevard and Acme Dairy Road. The Property also abuts the Florida Turnpike a state-wide north-south corridor. The Boynton Beach Boulevard corridor was identified by the professional consultant of the Agricultural Reserve Master Plan as the location for non-residential land uses to serve the neighboring residential communities. This proposed amendment will keep development close to transportation nodes and major intersections as described by FLUE Policy 1.5-p. The Agricultural Reserve Master Plan originally intended that more intense uses and development would occur at nodes within the Tier. The Master Plan further intended for lower density residential to develop outside of the higher intensity core eventually transitioning to the environmentally sensitive parcels. This development pattern has not occurred, rather residential development occurs throughout the tier leapfrogging preservation parcels and other existing commercial and industrial type uses. Approval of this FLU amendment would provide for an additional development opportunity close to the Florida Turnpike and away from environmentally sensitive lands.*

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

**Response:** *The Property is located within the Agricultural Reserve Tier which is a Limited Urban Service Area (LUSA) where services and public facilities are already available. The Property’s location at a major transportation node with access/frontage on Boynton Beach Boulevard and Acme Dairy Road contribute to timely, cost effective service provision. The proposed light industrial project will better serve the immediate and future needs of the community as it will provide industrial space for the service providers to serve their customers in the immediate area. Traffic on the east-west roadways in the Agricultural Reserve Tier is caused by the number of residents leaving the Tier in the mornings for work and service providers traveling into the area. This proposed amendment to Commerce will allow for the creation of employment and service opportunities thus keeping residents west of the Florida Turnpike and off the major east-west roadways and ultimately having a positive impact on the safety and welfare of the existing residents.*

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

- **FLUE 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 by Policy 1.5.1-i, the intersection of Acme Dairy Road and Boynton Beach Boulevard shall be considered a Major Intersection and as meeting collector/arterial requirements for the proposes of location criteria in the ULDC.”

**Response:** *The Property is located at the northeast corner of Boynton Beach Boulevard and Acme Dairy Road. As this intersection is now defined as a major intersection, the opportunity from commercial and industrial uses increases. This designation was the result of a request for the property located at the northwest corner and allows for more intensive commercial uses such as a gas station. The Property is adequately served by public utilities and transportation facilities. This proposed project will potentially create new job opportunities and contribute to economic development within the Agricultural Reserve Tier.*

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

**Response:** *The proposed FLU amendment to Commerce will allow for the development of employment generating uses. The Property’s location at a major intersection as defined by FLUE Policy 1.5-p as well as being located adjacent to the Florida Turnpike further indicates that the Property’s location is appropriate for a light industrial designation. It is important to note that the closest industrial areas are located approximately 5 miles away on Atlantic Avenue just east of State Road 7 or at Lantana Road just west of State Road 7. One small +/- 5 acre industrial parcel is located approximately 1.5 miles to the east of the Property on Boynton Beach Boulevard and another small commercial/industrial parcel is located at the northwest corner of Boynton Beach Boulevard and State Road 7 (Homrich Property). The Board of County Commission also determined that Commerce is appropriate for locations on Boynton Beach Boulevard.*

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

1. **Commerce.** The Commerce (CMR) future land use designation is intended to accommodate light industrial uses to provide an option for low-trip generating non-residential and/or employment generating uses on arterial roadways. Industrial uses allowed shall be limited to those that demonstrate Light Industrial characteristics.

**Response:** *Development of a light industrial use on the Property would be consistent and compatible with the existing development pattern within the Tier and along Boynton Beach Boulevard. A change to the Future Land Use designation would allow for the development of a project that would provide an employment opportunity and additional services to the surrounding community.*

## **G.5 Florida Statutes**

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

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

- Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single use development or uses.
  - **Response:** *The applicant is requesting to change the FLU of the Property from AGR to CMR/AGR which will provide additional services along the Boynton Beach Boulevard corridor of the*

*Agricultural Reserve Tier. The Agricultural Reserve is an existing area of low intensity/density and single-use development, however, the proposed amendment will provide uses which will allow for job employment opportunities and provide additional services not currently in existence within the Boynton Beach Boulevard corridor of the Agricultural Reserve Tier.*

- Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.
  - **Response:** *The Property is located in the Agricultural Reserve Tier which is a Limited Urban Service Area (LUSA) and within the Boynton Beach Boulevard corridor which is not rural in nature and urban services such as police, fire rescue and water/wastewater/drainage utilities exist in the immediate area.*
- Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.
  - **Response:** *The development is not isolated in nature as development surrounds the Property along the Boynton Beach Boulevard corridor. Specifically, commercial uses have been approved and developed at the intersections of Boynton Beach Boulevard and Acme Dairy Road and Boynton Beach Boulevard and Lyons Road just to the west of the Property. Several institutional uses including three schools, a hospital, a place of worship and the Caridad Center have been developed along the corridor. The proposed development would be considered infill development at a major intersection and transportation node between the intense commercial projects and the Urban/Suburban Tier boundary line along a rapidly changing roadway corridor.*
- Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.
  - **Response:** *This amendment does not fail to protect and conserve natural resources as the proposed development will have no negative impact on any other significant natural system. The Property does not support any environmentally sensitive areas. No listed species were located on the property and it is located outside of any wellfield protection zone. As required by the ULDC, any native plant material will be addressed during the zoning approval process.*
- Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.
  - **Response:** *The Property is located within the Agricultural Reserve Tier. Although it is currently utilized as a nursery, the Property is not designated as a preserve parcel. The Property's location on a major right-of-way, bordered by development to the east and west is not an optimal location for agricultural uses. The overall development pattern for this corridor has been determined by the recent County approvals and existing uses (commercial, institutional, and residential).*
- Fails to maximize use of existing public facilities and services.
  - **Response:** *Reports and letters are provided with this application to show the availability of roadway capacity, water/sewer service, drainage outfall and fire response. In comparison to other uses that are allowed in private civic parcels, it is anticipated that the proposed light industrial development will not negatively impact public facilities and services.*
- Fails to maximize use of future public facilities and services.
  - **Response:** *Reports and letters are provided with this application to show the availability of roadway capacity, water/sewer service, drainage outfall and fire response. In comparison to other uses that are allowed in private civic parcels, it is anticipated that the proposed industrial development will not negatively impact public facilities and services.*
- Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.
  - **Response:** *Public services and facilities are already available in the immediate vicinity. The proposed amendment will provide for infill development and fit in with the existing land use pattern.*
- Fails to provide a clear separation between rural and urban uses.
  - **Response:** *The Property is located within the Agricultural Reserve Tier which is a Limited Urban Service Area (LUSA). The Property is not adjacent to the Rural Tier therefore, the proposal discourages the proliferation of Urban Sprawl by locating goods, services and employment in close proximity to where people live.*
- Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.
  - **Response:** *This amendment will allow for infill development as development exists both east and west of the Property. The proposed project will serve the current and future needs of the surrounding communities.*

- Fails to encourage a functional mix of uses.
  - **Response:** Approval of this proposed amendment will allow the development of an industrial use within an area of the County that has historically only been developed with low intensity/density residential development. This industrial project will contribute to a functional mix of uses within the Boynton Beach Boulevard corridor which has been relatively homogeneous in the past.
- Results in poor accessibility among linked or related land uses.
  - **Response:** The proposed development will be designed with pedestrian connections as required through the site plan approval process.
- Results in the loss of significant amounts of functional open space.
  - **Response:** This amendment does not result in a loss of any functional open space as the subject property is currently not utilized as functional open space.

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

- Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.
  - **Response:** This amendment does not fail to protect and conserve natural resources as the property is vacant of natural resources. The site is undeveloped and it is located outside of any wellfield protection zone. As required by the ULDC, any native plant material will be addressed during the zoning approval process.
- Promotes the efficient and cost-effective provision or extension of public infrastructure and services.
  - **Response:** The request for a FLUA amendment will maximize the use of future public facilities and services existing and within a relatively urban corridor. No facilities would be required to be installed in rural or sparsely populated areas, thereby maximizing the use of the existing facilities. Therefore, the proposal discourages the proliferation of Urban Sprawl by locating goods, services and employment adjacent to existing public infrastructure.
- Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.
  - **Response:** The development will be designed meeting the requirements for a Multiple Use Planned Development (MUPD) project which includes pedestrian connections, bike racks, transit stops, if needed, and other elements that support a compact development.
- Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.
  - **Response:** Approval of this proposed amendment will allow the development of a light industrial use within an area of the County that has historically only been developed with low intensity/density residential development. This industrial project will contribute to a functional mix of uses within the Boynton Beach Boulevard corridor which has been relatively homogeneous in the past. The proposed uses will better serve the surrounding residential community and Agricultural Reserve as it will provide for additional services and employment opportunities.

### **Conclusion**

As described above, the proposed FLU amendment from Agricultural Reserve (AGR) to Commerce, with an underlying Agricultural Reserve (CMR/AGR) is consistent with the Goals, Objectives, and Policies of Palm Beach County's Comprehensive Plan and the Florida State Statutes. The proposed amendment is also compatible with the surrounding area. The proposed amendment and will not does not contribute to urban sprawl. The amendment is consistent with the Agricultural Reserve Master Plan will provide a much needed service to the area residents and will not negatively impact service provision.

### **II. ULDC CHANGES**

No ULDC changes are needed in response to this proposed Comprehensive Plan Future Land Use Atlas Amendment.

Exhibit 4

Applicant’s Public Facilities Table

A. Traffic Information		
	Current	Proposed
Max Trip Generator	Nursery (Garden Center) - ITE 817: T = 108.10x; Nursery (Wholesale) - ITE 818: T = 19.5x	Light Industrial - ITE 110: T = 4.87x Flex Space – T = 7.86x Landscape Services – T = 121.70x
Maximum Trip Generation	1,364 daily trips	6,547 daily trips (maximum potential) 3,714 daily trips (restricted potential)
Net Daily Trips:	5,183 daily trips (maximum minus current) 2,350 daily trips (restricted minus current)	
Net PH Trips:	699 AM (723-24) restricted – current 516 (571-55) restricted - current	
Significantly impacted roadway segments that fail Long Range	None.	None.
Significantly impacted roadway segments for Test 2	None.	Boynton Beach Boulevard from State Road 7 to Jog Road
Traffic Consultant	Bryan Kelley, Simmons & White, Inc.	
B. Mass Transit Information		
Nearest Palm Tran Route (s)	Palm Tran Route 73 runs along Boynton Beach Boulevard immediately adjacent to the Property.	
Nearest Palm Tran Stop	Boynton Beach Boulevard & Acme Dairy Road – Stop # 6781 (0.2 mile)	
Nearest Tri Rail Connection	Route 73 intersects with Route 70 which links directly to the Boynton Beach Tr-Rail Station.	
C. Potable Water & Wastewater Information		
Potable Water & Wastewater Providers	Palm Beach County Water Utilities Department. Sufficient capacity is available for the proposed development. See Attachment I for letter from Palm Beach County Water Utilities Department.	
Nearest Water & Wastewater Facility, type/size	A 42” potable water main is located adjacent to the Property within Boynton Beach Boulevard right-of-way. A 24” wastewater forcemain is located adjacent to the Property within Boynton Beach Boulevard right-of-way. A 12” reclaimed water main is located within Acme Dairy Road right-of-way approximately 700 feet from the Property.	
D. Drainage Information		
The Property is located within the boundaries of the LWDD and SFWMD C-16 Basin. Legal positive outfall is available via connection to the Acme Dairy Road drainage system adjacent to the west property line.  See Attachment J for Drainage Statement. A legal positive outfall is available to the site via connection to the LWDD L-24 canal along the south side of Boynton Beach Boulevard. See Attachment J for Drainage Statement.		
E. Fire Rescue		
Nearest Station	PBC Fire-Rescue Station # 47 7950 Enterprise Center Circle Boynton Beach, FL 33437	

<b>Distance to Site</b>	Approximately 1 mile
<b>Response Time</b>	Average response time: 7:36 minutes
<b>Effect on Resp. Time</b>	The proposes amendment will have some impact on Fire Rescue. See Attachment K for letter from Fire-Rescue.
<b>F. Environmental</b>	
<b>Significant habitats or species</b>	There are no significant habitats or species on the Property. An area containing palm and pine trees is located in the northwest corner of the Property. Tree disposition is to be addressed during the zoning approval process. The site has previously been utilized for agricultural row crops. An aerial of the Property is provided as Attachment L.
<b>Flood Zone*</b>	The Property is located in Flood Zone X, which is not a flood zone.
<b>Wellfield Zone*</b>	The Property is not located within a Wellfield Protection Zone. See Attachment M for Wellfield Map.
<b>G. Historic Resources</b>	
No known archaeological resources are located on or within 500 feet of the Property. See Attachment N for Historic Resources Letter.	

Exhibit 5

Traffic Division Letter



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

Palm Beach County  
Board of County  
Commissioners

Gregg K. Weiss, Mayor  
Maria Sachs, Vice Mayor  
  
Maria G. Marino  
Dave Kerner  
Marci Woodward  
Sara Baxter  
Mack Bernard

County Administrator  
Verdenia C. Baker

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Affirmative Action Employer"

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and recycled paper

December 19, 2022

Bryan G. Kelley, P.E.  
Simmons & White  
2581 Metrocentre Boulevard West, Suite 3  
West Palm Beach, FL 33407

RE: BC Commerce Center  
FLUA Amendment Policy 3.5-d Review  
Round 2022-23-A2

Dear Mr. Kelley:

Palm Beach County Traffic Division has reviewed the Land Use Plan Amendment Application Traffic Statement for the proposed Future Land Use Amendment for the above-referenced project, revised on December 2, 2022, pursuant to Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan. The project is summarized as follows:

Location:	North side of Boynton Beach Boulevard between Acme Dairy Road and Florida Turnpike	
PCN:	00-42-43-27-05-050-0992 ( <i>others on file</i> )	
Acres:	47.21 acres	
	Current FLU	Proposed FLU
FLU:	Agricultural Reserve (AGR)	Commerce (CMR)/Agricultural Reserve (AGR)
Zoning:	Agricultural Reserve (AGR)	Multiple Use Planned Development (MUPD)
Density/ Intensity:	0.15 FAR	0.45 FAR
Maximum Potential:	Nursery (Garden Center) = 5.00 acres Nursery (Wholesale) = 42.21 acres	Light Industrial = 925,410 SF OR Flex Space – IND FLU = 925,410 SF OR Landscape Services = 47.21 acres
Proposed Potential:	None	Light Industrial = 875,000 SF OR Flex Space – IND FLU = 525,000 SF OR Landscape Services = 20 acres
Net Daily Trips:	5,183 (maximum – current) 2,471 (proposed – current)	
Net PH Trips:	1,624 (650/974) AM, 1,008 (403/605) PM (maximum) 723 (463/260) AM, 571 (229/342) PM (proposed)	





Bryan G. Kelley, P.E.  
December 19, 2022  
Page 2

*\* **Maximum** indicates typical FAR and maximum trip generator. **Proposed** indicates the specific uses and intensities/densities anticipated in the zoning application.*

Based on the review, the Traffic Division has determined that the traffic impacts of the proposed amendment **meet** Policy 3.5-d of the Future Land Use Element of the Palm Beach County Comprehensive Plan at the **proposed potential** density shown above in accordance with the following conditions:

- a. The proposal shall be limited to the proposed development potential as shown above or equivalent trips.
- b. The segment below, on which the development has a significant impact, has a background deficiency for Test 2 based on the traffic report.

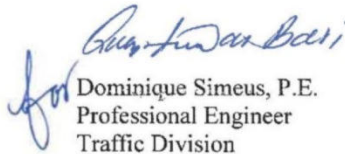
*Boynton Beach Boulevard from Florida Turnpike to Hagen Ranch Road as a 6LD facility.*

As such, a concurrent zoning application must be submitted, demonstrating compliance with Traffic Performance Standards to address the deficiency for Test 2, or this conditional land use amendment approval will be rendered null and void.

Please note the proposed amendment will have an insignificant impact on the long-range analysis.

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

Sincerely,

  
Dominique Simeus, P.E.  
Professional Engineer  
Traffic Division

DS  
ec:

Quazi Bari, P.E., PTOE – Manager – Growth Management, Traffic Division  
Lisa Amara – Director, Zoning Division  
Bryan Davis – Principal Planner, Planning Division  
Stephanie Gregory – Principal Planner, Planning Division  
Khurshid Mohyuddin – Principal Planner, Planning Division  
Kathleen Chang – Senior Planner, Planning Division  
David Wiloch – Senior Planner, Planning Division

File: General - TPS – Unincorporated - Traffic Study Review  
F:\TRAFFIC\Development Review\Comp Plan\23-A2\BC Commerce Center - Revised.docx

Exhibit 6  
Water & Wastewater Provider LOS Letter

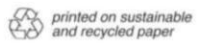


**Water Utilities Department  
Engineering**  
8100 Forest Hill Blvd.  
West Palm Beach, FL 33413  
(561) 493-6000  
Fax: (561) 493-6085  
www.pbcwater.com

**Palm Beach County  
Board of County  
Commissioners**  
  
Gregg K. Weiss, Mayor  
Maria Sachs, Vice Mayor  
  
Maria G. Marino  
Michael A. Barnett  
Marci Woodward  
Sara Baxter  
Mack Bernard

**County Administrator**  
Verdenia C. Baker

"An Equal Opportunity  
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July 21, 2023

Morton  
3910 RCA Boulevard  
Palm Beach Gardens, Fl. 33410

RE: Linkous Property  
PCN 00-42-43-27-05-050-0992, 00-42-43-27-05-050-0991, 00-42-43-27-05-050-1000, 00-42-43-27-05-050-1010 & 00-42-43-27-05-050-1020  
Service Availability Letter

Ms. Velasco,

This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area. Based on a review of current PBCWUD infrastructure and existing customers within the general vicinity of the referenced property, PBCWUD currently has the capacity to provide the level of service required for the proposed Commercial Development.

The nearest point of connection is a 42" potable water main and a 24" sanitary sewer forcemain located within Boynton Beach Blvd. adjacent to the subject property. There is a 12" reclaimed water main located within Acme Dairy Road approximately 700 feet from the subject property.

Please note that this letter does not constitute a final commitment for service until the final design has been approved by PBCWUD. In addition, the addition of new developments/customers prior to service initiation to the property may affect the available capacity. PBCWUD does not make any representations as to the availability of capacity as of the future service initiation date.

If you have any questions, please give me a call at (561)493-6116.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jackie Michels".

Jackie Michels, P.E.,  
Project Manager

Exhibit 7

Disclosure of Ownership Interests

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

1. Affiant is the [ ] individual or [x] Manager BC Boynton Industrial LLC [position—e.g., president, partner, trustee] of BC Boynton Industrial LLC [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership], (hereinafter, "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for real property legally described on the attached Exhibit "A" (the "Property").
2. Affiant's address is: 6820 Lyons Technology Circle  
Suite 100  
Coconut Creek, Florida 33073
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.

  
\_\_\_\_\_  
Jon Channing, Affiant  
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

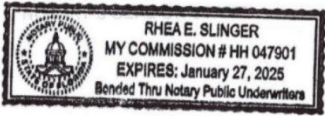
STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or  
[ ] online notarization, this 18 day of April, 2022 by  
JON H. CHANNING (name of person acknowledging). He/she is personally  
known to me or has produced \_\_\_\_\_ (type of identification) as  
identification and did/did not take an oath (circle correct response).

RHEA E. SLINGER  
(Name - type, stamp or print clearly)

  
(Signature)

My Commission Expires on: \_\_\_\_\_



**EXHIBIT "A"**

**PROPERTY**

THE EAST ONE-HALF (E 1/2) OF LOT 99 AND THE EAST ONE-HALF (E 1/2) OF LOT 122, BLOCK 50, THE PALM BEACH FARMS CO. PLAT NO. 3, A SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THAT PORTION OF LOT 122 CONTAINED IN THE ORDER OF TAKING RECORDED IN O.R. BOOK 6366, PAGE 721, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

9.259 ACRES - 403,319 SQ. FT.

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
Jon Channing	5100 PGA Bouelvard, Suite 209, Palm Beach Gardens, Florida 33418
Malcolm Butters	6820 Lyons Technology Circle # 100, Coconut Creek, Florida 33073



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 Paul B. Dye, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the ☒ individual or ☐ \_\_\_\_\_ [position - e.g., president, partner, trustee] of \_\_\_\_\_ [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
2. Affiant's address is: c/o Randy Ely  
3311 Polo Drive  
Gulf Stream, FL 33483
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.

Paul B Dye by Hilda m. Porro, attorney in fact  
Paul B. Dye, Affiant  
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 26 day of April, 2022 by Hilda m. Porro, Attorney in fact (name of person acknowledging). He/she is personally known to me or has produced \_\_\_\_\_ (type of identification) as identification and did/did not take an oath (circle correct response).

Margaret E. Walsh  
(Name - type, stamp or print clearly)

Margaret E Walsh  
(Signature)

My Commission Expires on: \_\_\_\_\_

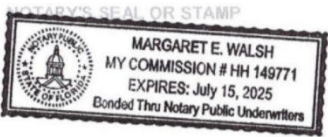


EXHIBIT "A"

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Name	Address
Randy T. Ely	3311 Polo Drive, Gulfstream, FL 33483
Martha T. Ely	3311 Polo Drive, Gulf Stream, FL 33483
Randall F. W. Thorne, c/o Randy Ely,	3311 Polo Drive, Gulf Stream, FL 33483
Paul B. Dye, c/o Randy Ely,	3311 Polo Drive, Gulf Stream, FL 33483
Kimberly A. Tiernan, c/o Randy Ely,	3311 Polo Drive, Gulf Stream, FL 33483

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 Randy T. Ely, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

- 1. Affiant is the ☒ individual or ☐ \_\_\_\_\_ [position - e.g., president, partner, trustee] of \_\_\_\_\_ [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
- 2. Affiant's address is: c/o Randy Ely  
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- 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.

Randy T. Ely  
Randy T. Ely, Affiant  
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA  
COUNTY OF PALM BEACH

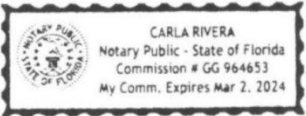
The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 20<sup>th</sup> day of April, 2022 by Randy T. Ely (name of person acknowledging). He/she is personally known to me or has produced FLDL (type of identification) as identification and did/did not take an oath (circle correct response).

Carla Rivera  
(Name - type, stamp or print clearly)

CRivera  
(Signature)

My Commission Expires on: Mar 2, 2024

NOTARY'S SEAL OR STAMP



**EXHIBIT "A"**

**PROPERTY**

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Randy T. Ely	3311 Polo Drive, Gulfstream, FL 33483
Martha T. Ely	3311 Polo Drive, Gulf Stream, FL 33483
Randall F. W. Thorne, c/o Randy Ely,	3311 Polo Drive, Gulf Stream, FL 33483
Paul B. Dye, c/o Randy Ely,	3311 Polo Drive, Gulf Stream, FL 33483
Kimberly A. Tieman, c/o Randy Ely,	3311 Polo Drive, Gulf Stream, FL 33483



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 Martha T. Ely, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the ☒ individual or ☐ \_\_\_\_\_ [position - e.g., president, partner, trustee] of \_\_\_\_\_ [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
2. Affiant's address is: c/o Randy Ely  
3311 Polo Drive  
Gulf Stream, FL 33483
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.

Martha T. Ely  
Martha T. Ely, Affiant  
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA  
COUNTY OF PALM BEACH

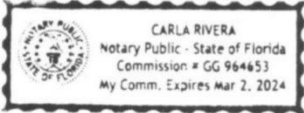
The foregoing instrument was acknowledged before me by means of [ ☒ ] physical presence or [ ☐ ] online notarization, this 20<sup>th</sup> day of April, 2022 by Martha T. Ely (name of person acknowledging). He/she is personally known to me or has produced FLDL (type of identification) as identification and did/did not take an oath (circle correct response).

Carla Rivera  
(Name - type, stamp or print clearly)

CRivera  
(Signature)

My Commission Expires on: Mar 2, 2024

NOTARY'S SEAL OR STAMP



**EXHIBIT "A"**

**PROPERTY**

THE EAST ONE-HALF (E 1/2) OF LOT 99 AND THE EAST ONE-HALF (E 1/2) OF LOT 122, BLOCK 50, THE PALM BEACH FARMS CO. PLAT NO. 3, A SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THAT PORTION OF LOT 122 CONTAINED IN THE ORDER OF TAKING RECORDED IN O.R. BOOK 6366, PAGE 721, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

9.259 ACRES - 403,319 SQ. FT.

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
Randy T. Ely	3311 Polo Drive, Gulfstream, FL 33483
Martha T. Ely	3311 Polo Drive, Gulf Stream, FL 33483
Randall F. W. Thorne, c/o Randy Ely,	3311 Polo Drive, Gulf Stream, FL 33483
Paul B. Dye, c/o Randy Ely,	3311 Polo Drive, Gulf Stream, FL 33483
Kimberly A. Tiernan, c/o Randy Ely,	3311 Polo Drive, Gulf Stream, FL 33483

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

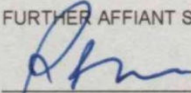
BEFORE ME, the undersigned authority, this day personally appeared Randall Thorne, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the ☒ individual or ☐ \_\_\_\_\_ [position - e.g., president, partner, trustee] of \_\_\_\_\_ [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
2. Affiant's address is: 3311 Polo Drive  
Gulfstream, Florida 33483
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.
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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.

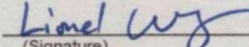
  
Randall F. W. Thorne, Affiant  
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

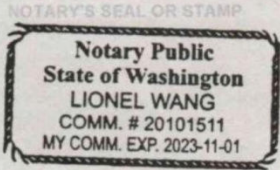
STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of [ ] physical presence or [ ] online notarization, this 22nd day of April, 2022 by Lionel Wang (name of person acknowledging). He/she is personally known to me or has produced WA State DL WDL3SBS5023B (type of identification) as identification and did ~~did not~~ take an oath (circle correct response).

Lionel Wang  
(Name - type, stamp or print clearly)

  
(Signature)

My Commission Expires on: 2023-11-01



**EXHIBIT "A"**

**PROPERTY**

THE EAST ONE-HALF (E 1/2) OF LOT 99 AND THE EAST ONE-HALF (E 1/2) OF LOT 122, BLOCK 50, THE PALM BEACH FARMS CO. PLAT NO. 3, A SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THAT PORTION OF LOT 122 CONTAINED IN THE ORDER OF TAKING RECORDED IN O.R. BOOK 6366, PAGE 721, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

9.259 ACRES - 403,319 SQ. FT.



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
Randy T. Ely	3311 Polo Drive, Gulfstream, FL 33483
Martha T. Ely	3311 Polo Drive, Gulf Stream, FL 33483
Randall F. W. Thorne, c/o Randy Ely,	3311 Polo Drive, Gulf Stream, FL 33483
Paul B. Dye, c/o Randy Ely,	3311 Polo Drive, Gulf Stream, FL 33483
Kimberly A. Tiernan, c/o Randy Ely,	3311 Polo Drive, Gulf Stream, FL 33483

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  
Kimberly A. Tiernan, hereinafter referred to as "Affiant," who  
being by me first duly sworn, under oath, deposes and states as follows:

- 1. Affiant is the ☒ individual or ☐ \_\_\_\_\_ [position - e.g., president, partner, trustee] of \_\_\_\_\_ [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
- 2. Affiant's address is: 3311 Polo Drive  
Gulfstream, Florida 33483
- 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.
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- 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.

Kimberly A. Tiernan  
Kimberly A. Tiernan, Affiant  
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 07<sup>th</sup> day of April, 2022 by Donna Sands (name of person acknowledging). He/she is personally known to me or has produced Passport, DL (type of identification) as identification and did/did not take an oath (circle correct response).

Donna Sands  
(Name - type, stamp or print clearly)

Donna Sands  
(Signature)

My Commission Expires on: upcoming Date

NOTARY'S SEAL OR STAMP



EXHIBIT "A"

PROPERTY

THE EAST ONE-HALF (E 1/2) OF LOT 99 AND THE EAST ONE-HALF (E 1/2) OF LOT 122, BLOCK 50, THE PALM BEACH FARMS CO. PLAT NO. 3, A SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THAT PORTION OF LOT 122 CONTAINED IN THE ORDER OF TAKING RECORDED IN O.R. BOOK 6366, PAGE 721, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

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[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 Randall 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, a Florida Partnership [position - e.g., president, partner, trustee] of Valico Nurseries, a Florida Partnership [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: 1174 SW 27th Avenue  
Boynton Beach, Florida 33426-7824
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.

Randall Tim Linkous  
 Randall Tim Linkous, Affiant

(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA  
 COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 28<sup>th</sup> day of July, 2022 by Randall Tim Linkous (name of person acknowledging). He is personally known to me or has produced \_\_\_\_\_ (type of identification) as identification and did/did not take an oath (circle correct response).

Lauren McClellan  
 (Name - type, stamp or print clearly)

Lauren L. McClellan  
 (Signature)

My Commission Expires on: 2/28/22

NOTARY'S SEAL OR STAMP



LAUREN L. MCCLELLAN  
 Commission # HH 057806  
 Expires February 28, 2025  
 Bonded Thru Budget Notary Services



EXHIBIT "A"

PROPERTY

THE WEST ONE-HALF (W 1/2) OF TRACT 99, TRACTS 100, 101, 102, 119, 120, 121 AND THE WEST ONE-HALF (W 1/2) OF TRACT 122, BLOCK 50 OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.  
LESS AND EXCEPT THE SOUTH 30 FEET OF TRACTS 119, 120, 121 AND THE WEST ONE-HALF OF TRACT 122, BLOCK 50 OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AS DESCRIBED IN THAT RIGHT-OF-WAY DEED RECORDED IN DEED BOOK 1018, PAGE 449, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ALSO LESS AND EXCEPT THE PROPERTY DESCRIBED IN THAT ORDER OF TAKING RECORDED IN O.R. BOOK 6366, PAGE 721, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
A PORTION OF TRACTS 119, 120, 121 AND 122 OF BLOCK 50 OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, AT PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING AND BEING IN SECTION 20, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCE AT THE FOUND 1/2" ROD MARKING THE INTERSECTION OF THE BASELINE OF SURVEY FOR BOYNTON BEACH BOULEVARD (S.R. 804) AND THE BASELINE OF SURVEY FOR ACME DAIRY ROAD SOUTH; THENCE N 89° 26'12" E ALONG THE SAID BASELINE OF SURVEY FOR BOYNTON BEACH BOULEVARD (S.R. 804) FOR A DISTANCE OF 66.97 FEET; THENCE N 00° 33'48" W, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING; THENCE N 46°22'41" W, A DISTANCE OF 37.30 FEET; THENCE N 00°33'48" W, A DISTANCE OF 98.00 FEET; THENCE S 89°26'12" W, ALONG A LINE 184 FEET NORTH OF AS MEASURED AT RIGHT ANGLES TO THE SAID BASELINE FOR BOYNTON BEACH BOULEVARD (S.R. 804), A DISTANCE OF 25.00 FEET; THENCE S 00°33'48" E, A DISTANCE OF 144.00 FEET; THENCE N 89°26'12" E, A DISTANCE OF 1320.00 FEET; THENCE N 00°33'48" W A DISTANCE OF 65.14 FEET TO A POINT ON A CURVE CONCAVE TO THE SOUTH HAVING A CHORD BEARING OF S 86°25'28" W AND A RADIUS OF 8972.64 FEET; THENCE WESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 434.20 FEET THROUGH A CENTRAL ANGLE OF 02°46'22" TO A POINT OF REVERSE CURVATURE HAVING A CHORD BEARING OF S 87°14'15" W AND A RADIUS OF 7579.44 FEET; THENCE WESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 581.86 FEET THROUGH A CENTRAL ANGLE OF 04°23'55"; THENCE S 89°26'12" W A DISTANCE OF 253.39 FEET TO THE POINT OF BEGINNING.AND SAID LANDS

CONTAINING: 37.953 ACRES, 1,653,244 SQ. FT. MORE OR LESS.

SAID LANDS SITUATE IN SECTION 27, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA

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
Randall T. Linkous	1174 SW 27th Avenue, Boynton Beach, FL 33426-7824
Suetta Stewart	PO Box 740266, Boynton Beach, FL 33474-0266
Vanderdussen Greenhouses (Florida), Inc.	PO Box 633, Layton, FL 33001

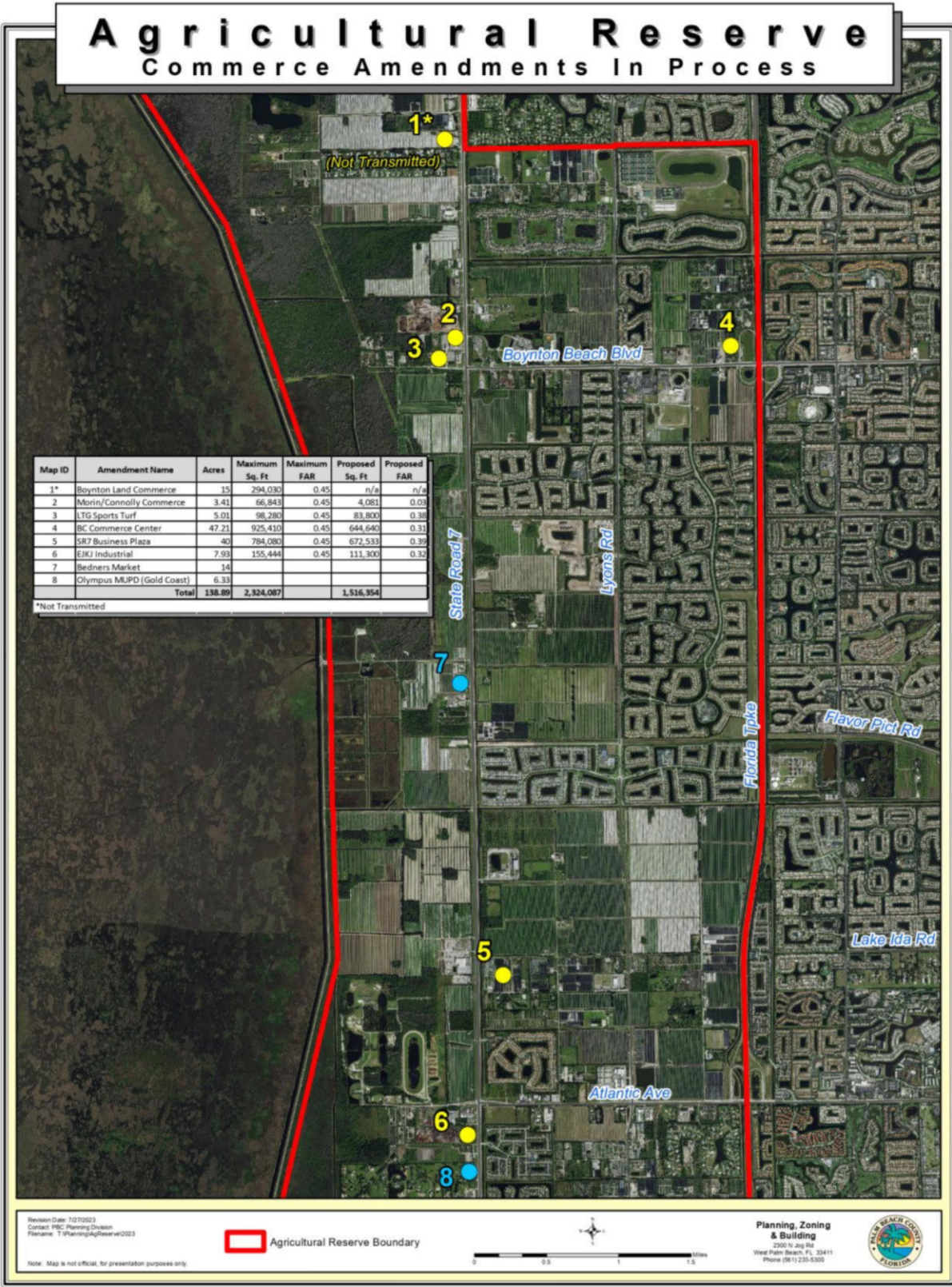
## Exhibit 8

### Urban Sprawl Analysis

Primary Indicators that an amendment does not discourage urban sprawl	Staff Assessment	Sprawl Indicated?
<b>Criteria Related to Land Use Patterns</b>		
Promotes, allows or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.	This amendment does not promote, allow or designate a substantial area of the County to develop as low-intensity, low-density, or single-use development or uses.	No
Promotes, allows or designates urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban developments.	This amendment does not designate urban development emanating from existing urban development. The site is within a Limited Urban Service area where urban services are provided.	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 industrial uses in an area with primarily Agricultural Reserve FLUs.	No
Results in poor accessibility among linked or related land uses.	The proposed amendment would 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. The site currently operates as a wholesale and retail nursery.	No
<b>Criteria related to sites located outside or at the edge of the Urban Service Area</b>		
Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development	The site is located within in the Agricultural Reserve, a Limited Urban Service Area (LUSA) which allows for a mix of urban and rural levels of service, and therefore, does not promote, allow, or designate a significant amount of urban development to occur in rural areas at substantial distances from existing urban areas.	No
Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems	The property does not contain any environmentally sensitive areas. The site is not within a Wellfield Protection Area.	No
Fails to adequately protect adjacent agricultural areas and activities, including silviculture, and including active agricultural and silvicultural activities as well as passive agricultural activities and dormant, unique and prime farmlands and soils.	The proposed amendment may result in compatibility concerns with adjacent agriculture. However with adequate buffering through the zoning process, significant adverse impact could be addressed. Therefore the proposed amendment does not fail to adequately protect adjacent agricultural areas.	No
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 residential and limited commercial development. The Agricultural Preserve provisions therefore allow for a mix of uses to support the allowed residential, commercial, and other non-residential development.	No
<b>Criteria Related to Public Facilities</b>		
Fails to maximize use of existing public facilities and services.	Public facilities and services will be provided and water and wastewater lines are currently available along Boynton Beach Boulevard adjacent to the subject property.	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. The subject site would maximize the use of future public facilities available in the area.	No

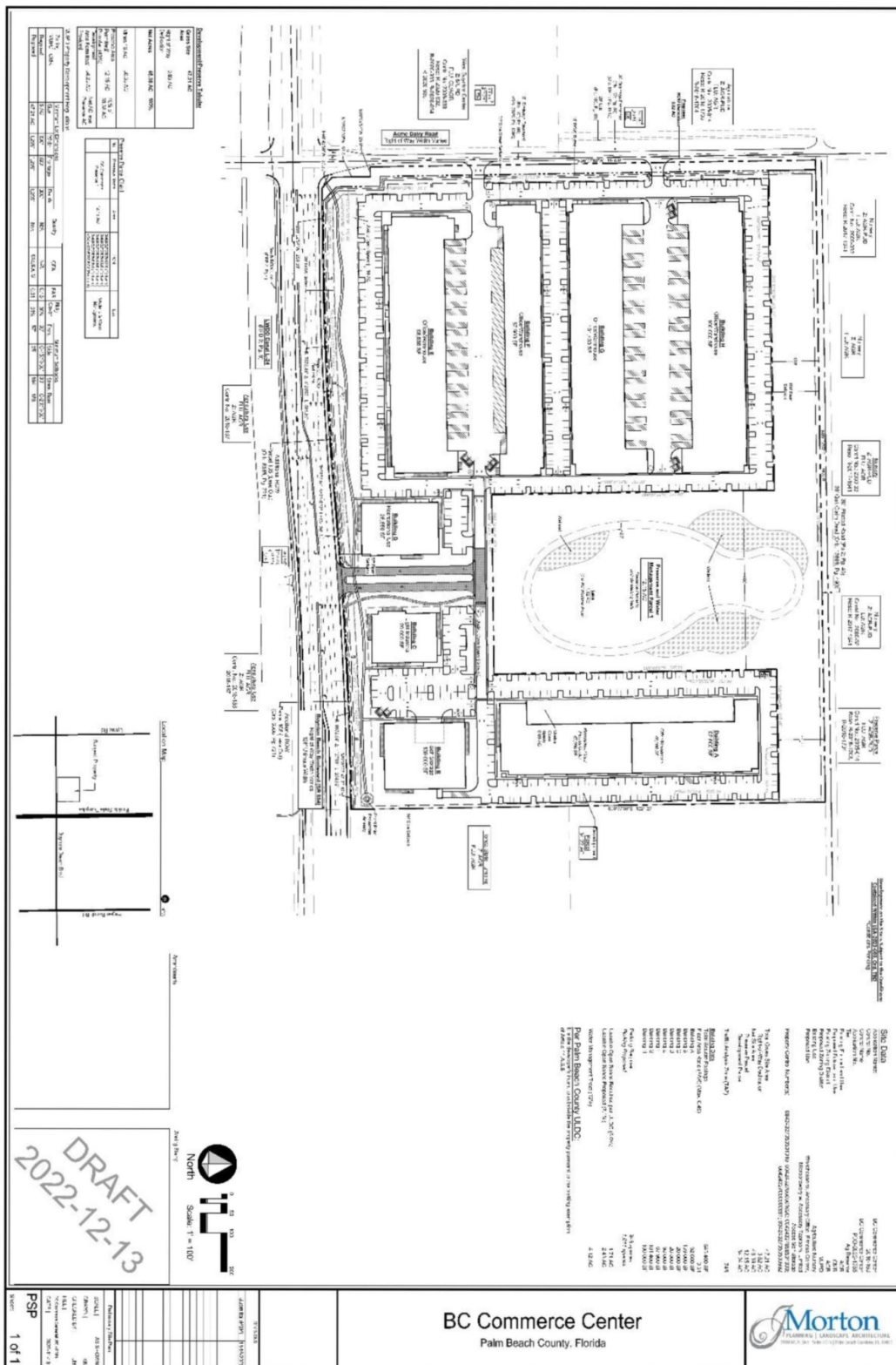
Primary Indicators that an amendment does not discourage urban sprawl	Staff Assessment	Sprawl Indicated?
Allows for land use patterns or timing which disproportionately increase the cost in time, money and energy, of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.	The site is within the AGR LUSA, which intends that urban levels of service serve development. There are no adverse impacts to public facilities and services as indicated by service providers through department review.	No
<b>Overall Assessment:</b> 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 9  
Ag Reserve Commerce Amendments in Process





## 23-A2 Amendment Staff Report



**Exhibit 11**  
**Preserve Environmental Statement**

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EW CONSULTANTS, INC.  
NATURAL RESOURCE MANAGEMENT, WETLAND, AND ENVIRONMENTAL PERMITTING SERVICES



November 8, 2022

**Subject: BC Commerce Center / Boynton Wellness Industrial;  
NE Corner of Boynton Beach Blvd & Acme Dairy Rd  
Palm Beach County, FL**

The subject project site contains approximately 47 acres located at the NE corner of Boynton Beach Boulevard and Acme Dairy Road, in unincorporated Palm Beach County. The proposed project includes several industrial and commercial buildings and associated infrastructure including parking, utilities, landscaping and a stormwater management lake with enhanced environmental aspects that will improve water quality and enhance natural habitat.

The applicant proposes to incorporate a wetland area within the Retention Area/Preserve. The wetland creation area will include both forested and herbaceous habitats and will be contoured and graded to appropriate elevations based on surrounding water table and control elevations to support these wetland habitats.

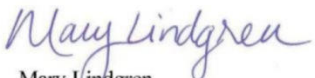
The wetland creation area will be designed with at least two zones to support both a shallow water forested habitat, and a deeper herbaceous marsh habitat. The forested habitat will include species such as bald cypress, red maple, pond apple, wax myrtle, buttonbush, maidencane, sawgrass and spikerush. Whereas the herbaceous marsh habitat will include species such as spikerush, pickerelweed, arrowhead, and fireflag.

These habitats will be ideal for attracting wildlife and providing foraging opportunities for a variety of wading birds including several listed species such as the wood stork, little blue heron, tri-colored heron, and roseate spoonbill.

In addition to creating wildlife habitat, the retention area and wetland will naturally treat and improve the water quality by removing impurities prior to discharge off-site. The retention area will also serve as a storage area, providing flood control for the site and proposed project.

Sincerely,

EW Consultants, Inc.

  
Mary Lindgren  
Environmental Project Manager

2581 METROCENTRE BLVD, SUITE 1 • WEST PALM BEACH, FL 33407 • 561-291-7950 PHONE  
WWW.EWCONSULTANTS.COM



## Exhibit 12

### Correspondence

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**Stephanie Gregory**

---

**From:** Hymowitz, Larry <Larry.Hymowitz@dot.state.fl.us>  
**Sent:** Wednesday, January 4, 2023 9:39 AM  
**To:** Stephanie Gregory  
**Cc:** Khurshid Mohyuddin; David Wiloch; Stroh, Justin; Krane, John; Fasiska, Christine; Kevin Fischer; VNeilson@palmbeachtpa.org; Stephanie Heidt; Norat, Tony; Shanmugam, Raj; Bush, Lois; Motasem Al-Turk; Parker, Tristan; Maack, Lisa; Melendez, Michael; Naselius, Ben  
**Subject:** RE: Upcoming Agricultural Reserve Items for January and February 2023 - FDOT Response  
**Attachments:** Agricultural Reserve FDOT Meeting Follow-Up  
**Importance:** High

**This Message Is From an External Sender**

This message came from outside your organization.

Greetings Stephanie. The Department appreciates receiving the update on the changes proposed in the Agricultural Reserve.

We are pleased to see an amendment to update the Thoroughfare Right-Of-Way Identification Map with additional thoroughfares in the Agricultural Reserve. We have a concern however, that the proposed 80 ft designation is not adequate to include buffered bike lanes. Other Palm Beach County 80 ft thoroughfares were researched and none that we referenced contained any bicycle lanes. Could you or someone in Engineering send me the typical roadway section used by the County for an 80 ft corridor? Perhaps a new designation and typical section is necessary for the Thoroughfare Right-Of-Way Identification Map to ensure that collector roads can include bicycle facilities for better safety and security (level of comfort/reduced traffic stress). Perhaps 94 ft is sufficient to accommodate buffered bicycle facilities? I would appreciate hearing back from the County on this issue.

Regarding the proposed Commerce Unified Land Development (ULDC) amendments and the privately initiated BC Commerce Center land use change to Commerce, please see the attached correspondence from the Department to the County that includes our technical assistance comments as discussed with your office on July 22<sup>nd</sup>. We requested inclusion of our comments in the County Commission agenda package for consideration and as part of the public record. Please also include for the Planning Commission agenda as well. Amongst the comments, we recommended coordination between FDOT, the County, the Palm Beach Transportation Planning Agency, and the Treasure Coast Regional Planning Council prior to adoption of the amendment, to discuss the best approach to coordinating the inclusion of limited industrial development in the Agricultural Reserve and ensuring maximization of industrial land use compatibility with future planned transportation facilities and large-scale County approved residential communities. To the best of my knowledge, this has not occurred.

In the interests of transportation planning, safety, and our ability to deliver transportation facilities and services at our targeted level of service standards, we encourage the County to coordinate with its planning and transportation partners regarding evolving implementation of the Agricultural Reserve Master Plan and its effects on transportation prior to the adoption of the amendments.

Thank you for the outreach and for your continued cooperation. Your assistance in coordinating a County response to this correspondence is appreciated.



Larry Hymowitz

Planning Specialist, Policy and Mobility Planning Section  
Planning & Environmental Management - FDOT District Four  
p: (954) 777-4663 f: (954) 677-7892  
a: 3400 W. Commercial Boulevard, Ft. Lauderdale, FL 33309  
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*Together our actions have the power to save lives!*



[\[fdot.gov\]](http://fdot.gov)



**From:** Stephanie Gregory <[SGregor1@pbcgov.org](mailto:SGregor1@pbcgov.org)>

**Sent:** Tuesday, January 3, 2023 4:59 PM

**To:** Stephanie Gregory <[SGregor1@pbcgov.org](mailto:SGregor1@pbcgov.org)>

**Subject:** Upcoming Agricultural Reserve Items for January and February 2023

**EXTERNAL SENDER:** Use caution with links and attachments.

Good Afternoon and Happy New Year,

This email is being provided as a follow-up to prior interested parties emails, to provide information regarding Ag Reserve related items that are scheduled for public hearing in January and February 2023.

**Proposed County Amendments scheduled for Initiation:**

**Ag Reserve Thoroughfare Right-Of-Way Identification Map (TIM) amendments.**

**[\[gcc02.safelinks.protection.outlook.com\]](https://gcc02.safelinks.protection.outlook.com)** This is a County proposed map series amendment for initiation.

- **Map Series Summary:** To add rights-of-way to the Thoroughfare Right-Of-Way Identification Map (TE 14.1) as follows:
  - Smith Sundry Road, to add as an 80 foot right-of-way from Atlantic Avenue, north to Happy Hollow Road.
  - Half Mile Road, to add as an 80 foot right-of-way from 158th Street S. north to Atlantic Avenue, to line up with Smith Sundry Road.
  - Happy Hollow Road, to add as an 80 foot right-of-way from US-441/SR-7 to Lyons Road.
  - 158th Street S, to add as an 80 foot right-of-way from Half Mile Road to Lyons Road.
- **Initiation:** This item is scheduled for the January 13th Planning Commission (PLC) and February 1<sup>st</sup> BCC Meeting.
- **Informational Meeting:** The County will host an informational meeting regarding the proposed TIM amendments **via zoom on Monday, January 9, 2023 at 6 PM**
  - Please see the active amendments page for the zoom link:  
<https://discover.pbcgov.org/pzb/planning/Pages/Active-Amendments.aspx>  
[\[gcc02.safelinks.protection.outlook.com\]](https://gcc02.safelinks.protection.outlook.com)
- **Staff Report:** The agenda and staff report will be available on the County Planning website one week prior to the hearing: <https://discover.pbcgov.org/pzb/planning/Pages/Planning-Commission-Agendas-Minutes.aspx>

[\[gcc02.safelinks.protection.outlook.com\]](https://gcc02.safelinks.protection.outlook.com) and <https://discover.pbcgov.org/pzb/planning/Pages/BCC-Agendas-Minutes.aspx> [\[gcc02.safelinks.protection.outlook.com\]](https://gcc02.safelinks.protection.outlook.com)

**Proposed County ULDC amendments scheduled for public hearing:**

**Commerce Unified Land Development (ULDC) amendments.**

- **Summary:** This item is a County initiated amendment revising the Unified Land Development Code (the "Code") to implement text amendments to the Comprehensive Plan adopted by Ordinance 2022-024, Commerce Future Land Use, establishing a new industrial future land use designation called Commerce (CMR).
- **Public Hearing:** This item is scheduled for BCC permission to advertise on January 11<sup>th</sup>, BCC 1<sup>st</sup> Reading on January 26<sup>th</sup>, and 2<sup>nd</sup> Reading on February 23<sup>rd</sup>.
- **Staff Report:** The agenda and staff report will be available on the County Zoning website one week prior to the hearing: <https://discover.pbcgov.org/pzb/zoning/Pages/BCC-Hearings-Meetings.aspx> [\[gcc02.safelinks.protection.outlook.com\]](https://gcc02.safelinks.protection.outlook.com)

**Privately Initiated Amendments scheduled for public hearing:**

**BC Commerce Center (LGA 2023-003).** [\[gcc02.safelinks.protection.outlook.com\]](https://gcc02.safelinks.protection.outlook.com) This private future land use amendment was submitted in May 2022 to Industrial for 9.26 acres. The request was subsequently revised to Commerce with additional acreage.

- **FLUA Summary:** This is a privately proposed future land use change for 47.21 acres of land to change from the Agricultural Reserve (AGR) future land use designation to Commerce with an underlying Agricultural Reserve (CMR/AGR) in order to develop up to a maximum of 925,410 square feet of light industrial uses. The site is located at the northeast corner of Boynton Beach Boulevard and Acme Dairy Road.
- **Public Hearing:** This item is scheduled for the January 13th Planning Commission (PLC) and February 1<sup>st</sup> BCC Transmittal Hearing.
- **Staff Report:** The agenda and staff report will be available on the County Planning website one week prior to the hearing: <https://discover.pbcgov.org/pzb/planning/Pages/Planning-Commission-Agendas-Minutes.aspx> [\[gcc02.safelinks.protection.outlook.com\]](https://gcc02.safelinks.protection.outlook.com) and <https://discover.pbcgov.org/pzb/planning/Pages/BCC-Agendas-Minutes.aspx> [\[gcc02.safelinks.protection.outlook.com\]](https://gcc02.safelinks.protection.outlook.com)

**Logan Ranch Residential (LGA 2023-014).** [\[gcc02.safelinks.protection.outlook.com\]](https://gcc02.safelinks.protection.outlook.com) This private future land use amendment was submitted in August 2022.

- **FLUA Summary:** This is a privately proposed future land use change for 39.24 acres of land to change from the Agricultural Reserve (AGR) future land use designation to Essential Housing with an underlying Agricultural Reserve (EH/AGR) in order to develop up to a maximum of 314 dwelling units. The site is located at the southeast corner of Boynton Beach Boulevard and Acme Dairy Road.
- **Public Hearing:** This item is scheduled for the January 13th Planning Commission (PLC) and February 1st BCC Transmittal Hearing.
- **Staff Report:** The agenda and staff report will be available on the County Planning website one week prior to the hearing: <https://discover.pbcgov.org/pzb/planning/Pages/Planning-Commission-Agendas-Minutes.aspx> [\[gcc02.safelinks.protection.outlook.com\]](https://gcc02.safelinks.protection.outlook.com) and <https://discover.pbcgov.org/pzb/planning/Pages/BCC-Agendas-Minutes.aspx> [\[gcc02.safelinks.protection.outlook.com\]](https://gcc02.safelinks.protection.outlook.com)

Thank you,

Stephanie Gregory, AICP  
Principal Planner  
Palm Beach County Planning Division  
2300 N Jog Rd | West Palm Beach, FL 33411



**Importance:** High

FDOT is providing the following technical assistance comments consistent with Section 163.3168(3), Florida Statutes. These technical assistance comments will not form the basis of a challenge. These comments are intended to strengthen the County's comprehensive plan in order to foster a vibrant, healthy community and are designed to ensure consistency with the Community Planning Act in Chapter 163, Part II, F.S.

### Technical Assistance Comments - Commerce Future Land Use Designation

The Department has identified important state resources and facilities that may be adversely impacted by the amendment if adopted. These include the following state highway system facilities; State Road 7, State Road 804 (Boynton Beach Boulevard), State Road 806 (Atlantic Avenue), and the Florida's Turnpike interchanges at Boynton Beach Boulevard and Atlantic Avenue. No transportation analysis was included with the amendment to determine the amount of industrial development that can be sustained by the Agricultural Reserve Tier, consistent with long range transportation planning assumptions for traffic projections and the objectives of the Agricultural Reserve Master Plan, as documented in the Agricultural Reserve Tier of the Comprehensive Plan in Objective 1.5.

### Resolutions for Technical Assistance Comment #1

- 1**

concurrency and impact fee purposes and will not capture the larger scale and longer-term transportation facilities needed to serve Agricultural Reserve development and the regional transportation network.

2. Coordination with FDOT, the Palm Beach Transportation Planning Agency, and the Treasure Coast Regional Planning Council is recommended prior to adoption of the amendment, to discuss the best approach to coordinating the inclusion of limited industrial development in the Agricultural Reserve and ensuring maximization of industrial land use compatibility with future planned transportation facilities and large scale County approved residential communities.

**Technical Assistance Comment #2**

REVISED Policy 2.2.4-c (Industrial Uses): Provides for the new Commerce (CMR) future land use designation. It is intended to accommodate industrial uses with light industrial characteristics to provide an option for low-trip generating non-residential and/or employment generating uses on arterial roadways. Some of the allowable uses in the County's ULDC (Unified Land Development Code) Use Matrix, including but not limited to distribution, warehouse and wholesaling, may be inconsistent with the revised policy.

REVISED Policy 2.2.4-d (Industrial Uses) provides a limited number of example light industrial uses, including distribution. However, the County's ULDC Use Matrix for light industrial also includes warehouse and wholesaling. Distribution, warehouse and wholesaling uses may not be consistent with this Policy, as proposed, since the uses could involve higher trip making and significant levels of semi-tractor trailer truck trips that may cause "undesirable effects, danger or disturbance" upon nearby areas and immediately adjoining uses.

**Resolutions for Technical Assistance Comment #2**

1. The County could eliminate, reduce, or mitigate transportation impacts from distribution, warehouse and wholesaling uses by limiting the acreage for these sites and encouraging light industrial uses that more characteristically will serve the residents and agricultural interests of the Agricultural Reserve Tier.
2. The Department supports the application of industrial uses to the new Commerce Center future land use category that were initially specified for Employment Centers in the Agricultural Reserve Master Plan. These uses are likely to minimize trips and trip lengths by serving the industrial needs of residential and agricultural uses in the Agricultural Reserve Tier.

The Department requests an electronic copy of all adopted comprehensive plan amendment materials, including graphic and textual materials and support documents.

We would like to discuss our comments with you and will reach out to you in the next week to get your availability for a meeting.

We appreciate hearing from the County prior to adoption of the amendment.

Thank you.

**Correspondence provided at the February 1, 2023 BCC Transmittal Hearing**



ROBERT N. HARTSELL, P.A.  
61 N.E. 1st Street, Suite C Pompano Beach, Florida 33060  
(954) 778-1052  
[www.Hartsell-Law.com](http://www.Hartsell-Law.com)

January 12, 2023

Palm Beach County Planning Commission  
2300 N. Jog Road  
West Palm Beach, FL 33411

Submitted via email:

[penny@pompei.com](mailto:penny@pompei.com); [sarahcpardue@gmail.com](mailto:sarahcpardue@gmail.com); [nbrahs@gmail.com](mailto:nbrahs@gmail.com); [rothcosys@comcast.net](mailto:rothcosys@comcast.net);  
[glenn.e.gromann@gmail.com](mailto:glenn.e.gromann@gmail.com); [sbsiegel@teamsiegel.com](mailto:sbsiegel@teamsiegel.com); [vinikoor@bellsouth.net](mailto:vinikoor@bellsouth.net);  
[restopekdc@gmail.com](mailto:restopekdc@gmail.com); [marciavhayden@aol.com](mailto:marciavhayden@aol.com); [safefarm@aol.com](mailto:safefarm@aol.com); [ajones-vann@wpb.org](mailto:ajones-vann@wpb.org);  
[dleiser@pbcgov.org](mailto:dleiser@pbcgov.org); [sastone@pbcgov.org](mailto:sastone@pbcgov.org); [kfischer@pbcgov.org](mailto:kfischer@pbcgov.org); [rbulkeley@pbcgov.org](mailto:rbulkeley@pbcgov.org);  
[JGagnon@pbcgov.org](mailto:JGagnon@pbcgov.org); [SGregor1@pbcgov.org](mailto:SGregor1@pbcgov.org)

Re: *January 13, 2023, Palm Beach County Planning Commission*  
*Agenda Item: III.B.2 – BC Commerce Center (LGA 2023-003)*

Dear Palm Beach Planning Commission:

On behalf of our clients, 1000 Friends of Florida ("1000 Friends") and Sierra Club Loxahatchee Group ("Sierra Club"), please accept these comments and include them in the public record for the upcoming January 13, 2023, Palm Beach County Planning Commission Agenda Item: III.B.2 – BC Commerce Center (LGA 2023-003).

1000 Friends is a statewide 501(c)(3) smart growth advocacy nonprofit organization with a substantial number of members that live and work in Palm Beach County. Similarly, Sierra Club is a national 501(c)(3) grassroots environmental organization with the Loxahatchee Group comprised of a substantial number of members that live and work in Palm Beach County. The members of both non-profit environmental organizations advocate for preservation of agricultural resources that are a much-needed buffer for the environmental vitality of the communities without encroachment of increased high-density residential, commercial, mixed-uses, and industrial uses. All members of these organizations residing within Palm Beach County are afforded the protections of the Palm Beach County Comprehensive Plan and will be directly affected by any amendments passed altering the Agricultural Reserve Tier.

**Agricultural Reserve Requires Careful and Case-By-Case Analysis of  
Each Individually Proposed Land Use Amendment**

The purpose of the Agricultural Reserve is to preserve unique farmland and wetlands in order to *enhance* agricultural activity, environmental and water resources, and open space within the Tier, by *limiting* uses to agriculture, conservation, low density residential development, and non-residential uses which *serve the needs* of *farmworkers* and *residents* of the Agricultural Reserve Tier. See Objective 1.5. Furthermore, Palm Beach County Directions – FLUE Policy 2.1-g – have been enacted to guide decisions related to requests to update the Future Land Use Atlas, and focus on directing a developmental pattern that “*respects the characteristics of a particular geographical area*,” “*ensuring smart growth...by preventing urban sprawl*, providing for the *efficient use of land*, [and] *balancing land uses*,” *Direction 2*, “[e]nsur[ing] the densities and intensities of land uses are *not in conflict with those of surrounding areas*”. *Direction 4*.

Historically, industrial uses in the Ag Reserve were limited to 64 acres of land with industrial designation that predated the Master Plan and fronted the north and south sides of Atlantic Avenue east of State Road 7. The Board of County Commissioners considered recommendations for the addition of industrial uses above and beyond those grandfathered into the Tier years ago, and found them to be detrimental to the Tier, thereby specifically directing that no new industrial future land use designations be permitted in the Ag Reserve.

However, the Board of Commissioners has made recent concessions to allow for light industrial in the Ag Reserve through a Commerce Future Land Use (FLU) Designation, in a delicate balance to accommodate the growing population and inherent needs associated with such growth, while still focusing the intent of the Ag Reserve on land-use regulations that encourage agriculture and open space while restricting high intensity commercial and industrial uses, and ensuring that development is appropriately located by compatible land uses.

A key component of these concessions has been the right for public discussion and the need for approval by the Board of County Commissioners on each specific requested amendment from an Agricultural Reserve (AGR) FLU to Commerce (CMR) FLU to ensure that the site not only meets the criteria set forth in Policy 1.5-v, but to also take into considerations the unique characteristics of the site and surrounding areas, such as the agricultural, preserves, and surrounding low-density residential communities.

The Commerce FLU designation, which is exclusive to the Ag Reserve, “affords opportunities for low-trip generating light industrial and/or employment uses, balancing the overarching objectives of the Agricultural Reserve while responding to increased residential growth and the corresponding needs of support services.” 23-A2 Amendment Staff Report at p. 1 (“Staff Report”).

This is very different from an Industrial Low Designation which merely has checkbox requirements that if met would confer approval as a matter of right. The County Planning and Zoning Staff (County Staff) have made it very clear throughout this entire process, beginning with an extensive Workshop in October of 2021, that additional industrial uses in the Ag Reserve would not be by carte blanche approval at the whims of property owners/ developers. This unique approval process that has been set in place is for the very purpose of considering each application case by case and making a thoughtful decision as to whether or not the conversion from an AGR to CMR designation is an appropriate concession.



### **III.B.2 – BC Commerce Center (LGA 2023-003)**

The proposed BC Commerce Center is situated on 47.21 acres of land and proposes a land use amendment from Agricultural Reserve, with .15 FAR and allowable agricultural uses of up to 308,470 square feet, to a Commerce designation with .45 FAR and allowable light industrial uses of up to 925,410 square feet. This is an exponential increase in the intensity of uses on this parcel of land situated adjacent to preserve parcels on the north, northwest, and southwest, and agricultural lands to the south. It must be noted that the application for industrial in May of 2022, prior to the Commerce FLU passage in August of 2022, had been for a mere 9.26 acres, after years of attempting to utilize the 45 acre+ parcel for non-agricultural uses (RaceTrac Boynton and Acme Dairy in 2018 – withdrawn; Boynton Technology Park in 2020 – withdrawn; Boynton Parc Plaza 2021 – withdrawn; Valico Residential under Essential Housing 2022 – withdrawn).

The concurrent zoning application for this project is proposing 645,400 square feet of uses to include recreational, warehouse with accessory office, and self-storage on the property. However, there are valid concerns that this project is simply too much of an increase for the area, especially considering other pending applications for Essential Housing or Congregate Living facilities in the immediate areas. Furthermore, the Commerce FLU itself has been called into question by County Commissioners and the public alike due to ambiguities, absolute lack of any cap for allowable Commerce / industrial uses in the Ag Reserve, and a floor to area ratio akin to the Industrial designation. It would serve the public to postpone review of this application until the guiding Unified Land Development Codes are revised for clarification, currently set for the first reading before the County Commissioners on January 26, 2023.

To date, applications for the Commerce FLU, with a combined 1,104,647 square feet of light industrial uses, have been transmitted by the County Commission, without a concrete cap of what square footage is actually needed to fulfill the "purpose" of commerce — to provide commercial / low industrial uses for the benefit of the community — while not overloading the Ag Reserve, its rural characteristics and way of life, agricultural uses, and roadways.

Case in point, the proposed project, which would have a maximum value of over 6,500 daily trips at maximum potential and over 3,700 daily trips at restricted potential has still been shown to have a significant impact on Boynton Beach Boulevard from State Road 7 to Jog Road. Staff Report at p. E-27.

This Honorable Planning Commission should heed the warnings from the Florida Department of Transportation ("FDOT"), which stated unambiguously that there were "important state resources and facilities that may be adversely impacted by the amendment if adopted", noting that there was no transportation analysis "included with the amendment to determine the amount of industrial development that can be sustained by the Agricultural Reserve Tier, consistent with long range transportation planning assumptions for traffic projections and the objectives of the Agricultural Reserve Master Plan, as documented in the Agricultural Reserve Tier of the Comprehensive Plan in Objective 1.5." *Id.* at p. E-68 (emphasis added). FDOT continued:

The County should consider *evaluating the carrying capacity of the Agricultural Reserve Tier to accommodate industrial development for consistency with Objective 1.5 ... This would involve establishing a cap on industrial acreage or square feet of development.*

Failure to accomplish this analysis prior to adoption of the amendment will result in *piecemeal assessments of transportation impacts* for concurrency and impact fee purposes and *will not capture the larger scale and longer-term transportation facilities needed to serve Agricultural Reserve development* and the regional transportation network.

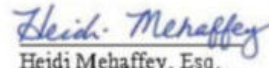
*Id.* at p. E-68 – E-69 (emphasis added).

Finally, FDOT noted that the new Commerce FLU is intended to “accommodate industrial uses with light industrial characteristics to provide an option for *low-trip generating* non-residential and/or employment generating uses on arterial roadways” and warned that some of the allowable uses, “may be inconsistent with the revised policy. ... since the uses could involve higher trip making and significant levels of semi-tractor trailer truck trips that may cause ‘undesirable effects, danger or disturbance’ upon nearby areas and immediately adjoining uses.” *Id.* at E-69 (emphasis in original).

1000 Friends of Florida and Sierra Club Loxahatchee Group stand in support of smart and sustainable growth that does not stunt agricultural uses nor create a burden upon the Ag Reserve Tier. For these reasons, it is respectfully requested that the Planning Commission recommend denial of the BC Commerce Center as it is too great an increase in intensities of use to fulfill the spirit of the Commerce designation and there are ambiguous guidelines on the Commerce designation that are actively being reviewed.

Thank you for your time and consideration of these comments.

Respectfully,

  
Heidi Mehaffey, Esq.  
Fla. Bar No. 118806  
Robert N. Hartsell, P.A.

CC: 1000 Friends of Florida; Sierra Club



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January 31, 2023

Board of County Commissioners  
301 N. Olive Avenue  
West Palm Beach, 33401

Submitted via email:

[GWeiss@pbcgov.org](mailto:GWeiss@pbcgov.org); [MSachs@pbcgov.org](mailto:MSachs@pbcgov.org); [MMarino@pbcgov.org](mailto:MMarino@pbcgov.org); [MBernard@pbcgov.org](mailto:MBernard@pbcgov.org);  
[MWoodward@pbcgov.org](mailto:MWoodward@pbcgov.org); [SBaxter@pbcgov.org](mailto:SBaxter@pbcgov.org); [MBarnett@pbcgov.org](mailto:MBarnett@pbcgov.org);  
[KFischer@pbcgov.org](mailto:KFischer@pbcgov.org); [RBulkeley@pbcgov.org](mailto:RBulkeley@pbcgov.org); [Dleiser@pbcgov.org](mailto:Dleiser@pbcgov.org); [Sastone@pbcgov.org](mailto:Sastone@pbcgov.org);  
[SGregor1@pbcgov.org](mailto:SGregor1@pbcgov.org)

*Re: February 1, 2023, Palm Beach County Comprehensive Plan Public Hearing  
Agenda Item: 4.B.3 – BC Commerce Center (LGA 2023-003)*

Dear Mayor Weiss and Honorable Commissioners of Palm Beach County:

On behalf of our clients, 1000 Friends of Florida ("1000 Friends") and Sierra Club Loxahatchee Group ("Sierra Club"), please accept these comments and include them in the public record for the upcoming February 1, 2023, Palm Beach County Planning Commission Agenda Item: 4.B.3 – BC Commerce Center (LGA 2023-003).

1000 Friends is a statewide 501(c)(3) smart growth advocacy nonprofit organization with a substantial number of members that live and work in Palm Beach County. Similarly, Sierra Club is a national 501(c)(3) grassroots environmental organization with the Loxahatchee Group comprised of a substantial number of members that live and work in Palm Beach County.

The members of both non-profit environmental organizations advocate for preservation of agricultural resources that are a much-needed buffer for the environmental vitality of the communities without encroachment of increased high-density residential, commercial, mixed-uses, and industrial uses. All members of these organizations residing within Palm Beach County are afforded the protections of the Palm Beach County Comprehensive Plan and will be directly affected by any amendments passed altering the Agricultural Reserve Tier.

### **Agricultural Reserve Requires Careful and Case-By-Case Analysis of Each Individually Proposed Land Use Amendment**

The purpose of the Agricultural Reserve is to preserve unique farmland and wetlands in order to *enhance* agricultural activity, environmental and water resources, and open space within the Tier, by *limiting* uses to agriculture, conservation, low density residential development, and non-residential uses which *serve the needs* of *farmworkers* and *residents* of the Agricultural Reserve Tier. See Objective 1.5. Furthermore, Palm Beach County Directions – FLUE Policy 2.1-g – have been enacted to guide decisions related to requests to update the Future Land Use Atlas, and focus on directing a developmental pattern that “*respects the characteristics of a particular geographical area*,” “*ensuring smart growth...by preventing urban sprawl*, providing for the efficient use of land, [and] *balancing land uses*,” *Direction 2*, “[e]nsur[ing] the densities and intensities of land uses are **not in conflict with those of surrounding areas**”. *Direction 4*.

Historically, industrial uses in the Ag Reserve were limited to 64 acres of land with industrial designation that predated the Master Plan and fronted the north and south sides of Atlantic Avenue east of State Road 7. The Board of County Commissioners considered recommendations for the addition of industrial uses above and beyond those grandfathered into the Tier years ago, and found them to be detrimental to the Tier, thereby specifically directing that no new industrial future land use designations be permitted in the Ag Reserve.

However, the Board of Commissioners has made recent concessions to allow for light industrial in the Ag Reserve through a Commerce Future Land Use (FLU) Designation, in a delicate balance to accommodate the growing population and inherent needs associated with such growth, while still focusing the intent of the Ag Reserve on land-use regulations that encourage agriculture and open space while restricting high intensity commercial and industrial uses, and ensuring that development is appropriately located by compatible land uses.

#### ***4.B.3 – BC Commerce Center (LGA 2023-003)***

The proposed BC Commerce Center is situated on 47.21 acres of land and proposes a land use amendment from Agricultural Reserve, with .15 FAR and allowable agricultural uses of up to 308,470 square feet, to a Commerce designation with .45 FAR and allowable light industrial uses of up to 925,410 square feet. This is an exponential increase in the intensity of uses on this parcel of land situated adjacent to preserve parcels on the north, northwest, and southwest, and agricultural lands to the south. Even an agreement by the Applicant to reduce the .35 FAR (719,764 square feet of industrial uses) is still too great of an intensity.

It must be noted that the application for industrial in May of 2022, prior to the Commerce FLU passage in August of 2022, had been for a mere 9.26 acres, after years of attempting to utilize the 45 acre+ parcel for non-agricultural uses (RaceTrac Boynton and Acme Dairy in 2018 – withdrawn; Boynton Technology Park in 2020 – withdrawn; Boynton Parc Plaza 2021 – withdrawn; Valico Residential under Essential Housing 2022 – withdrawn).

The concurrent zoning application for this project is proposing 645,400 square feet of uses to include recreational, warehouse with accessory office, and self-storage on the property. However, there are valid concerns that this project is simply too much of an increase for the area, especially considering other pending applications for Essential Housing or Congregate Living facilities in the immediate areas. Furthermore, the Commerce FLU itself has been called into question by County Commissioners and the public alike due to ambiguities, absolute lack of any cap for allowable Commerce / industrial uses in the Ag Reserve, and a floor to area ratio akin to Industrial and Economic Development Center Designations that are not "low-trip" generating. It would serve the public to postpone review of this application until the Ag Reserve Workshop, currently set for March 28, 2023.

The Commerce FLU designation, which is exclusive to the Ag Reserve, "affords opportunities for low-trip generating light industrial and/or employment uses, balancing the overarching objectives of the Agricultural Reserve while responding to increased residential growth and the corresponding needs of support services." 23-A2 Amendment Staff Report at p. 1 ("Staff Report") (emphasis added).

However, best intentions can end up dire unintended consequences, as we see with Commerce moving forward without clear restrictions. For example, to date there has been more than one million square feet of light industrial uses through the Commerce Designation transmitted by the County Commission, *without a concrete cap of what square footage is actually needed to fulfill the "purpose" of commerce* — to provide commercial / low industrial uses for the benefit of the community — while not overloading the Ag Reserve, its rural characteristics and way of life, agricultural uses, and roadways.

Case in point, the proposed project, which would have a maximum value of over 6,500 daily trips at maximum potential and over 3,700 daily trips at restricted potential has still been shown to have a significant impact on Boynton Beach Boulevard from State Road 7 to Jog Road. Staff Report at p. E-27.

This Honorable Board of County Commissioners should heed the warnings from the Florida Department of Transportation ("FDOT"), which stated unambiguously that there were "important state resources and facilities that may be adversely impacted by the amendment if adopted", noting that there was no transportation analysis "included with the amendment *to determine the amount of industrial development that can be sustained by the Agricultural Reserve Tier*, consistent with long range transportation planning assumptions for traffic projections and *the objectives of the Agricultural Reserve Master Plan*, as documented in the Agricultural Reserve Tier of the Comprehensive Plan in Objective 1.5." *Id.* at p. E-68 (emphasis added). FDOT continued:

*The County should consider evaluating the carrying capacity of the Agricultural Reserve Tier to accommodate industrial development for consistency with Objective 1.5 ... This would involve establishing a cap on industrial acreage or square feet of development.*



Failure to accomplish this analysis prior to adoption of the amendment will result in *piecemeal assessments of transportation impacts* for concurrency and impact fee purposes and *will not capture the larger scale and longer-term transportation facilities needed to serve Agricultural Reserve development* and the regional transportation network.

*Id.* at p. E-68 – E-69 (emphasis added).


Finally, FDOT recognized that the new Commerce FLU is intended to “accommodate industrial uses with light industrial characteristics to provide an option for low-trip generating non-residential and/or employment generating uses on arterial roadways” and warned that some of the allowable uses, such as distribution, warehouse, and wholesaling, “may be inconsistent with the revised policy. ... since the uses could involve higher trip making and significant levels of semi-tractor trailer truck trips that may cause ‘undesirable effects, danger or disturbance’ upon nearby areas and immediately adjoining uses.” *Id.* at E-69 (emphasis in original).

BC Commerce is proposing light industrial uses, includes warehouse uses, far above the .15 FAR (308,470 square feet) currently allowed under the AGR designation and being implemented on the 47.21 site that is currently engaged in active agriculture. Staff Report at p. 5. There must be a genuine discussion regarding the need for additional light industrial uses that will generate *low trips* for the benefit of the Ag Reserve community and not discourage or displace agricultural lands.

1000 Friends of Florida and Sierra Club Loxahatchee Group stand in support of smart and sustainable growth that does not stunt agricultural uses nor create a burden upon the Ag Reserve Tier. For these reasons, it is respectfully requested that the County Commissioners deny transmittal of the BC Commerce Center as it is too great an increase in intensities of use to fulfill the spirit of the Commerce designation and there are ambiguous guidelines on the Commerce designation that are actively being reviewed.

Thank you for your time and consideration of these comments.

Respectfully,

  
Heidi Mehafter, Esq.  
Fla. Bar No. 118806  
Robert N. Hartsell, P.A.

CC: 1000 Friends of Florida; Sierra Club

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**Correspondence received after the February 1, 2023 BCC Transmittal Hearing**

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Follow Up Flag:	Follow up
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FDOT is providing the following technical assistance comments and recommendations consistent with Section 163.3168(3), Florida Statutes. These technical assistance comments will not form the basis of a challenge. These comments are intended to strengthen the County's comprehensive plan to foster a vibrant, healthy community and are designed to ensure consistency with the Community Planning Act in Chapter 163, Part II, F.S.

*Amendment: Modify the Thoroughfare Right-of-Way Identification Map (TIM), TE 14.1 to widen 60<sup>th</sup> Street right-of-way segment between 140th Ave. N. and N. State Road 7 Extension, from 80 feet to 100 feet to allow an ultimate 5 lanes.*

The staff report and Palm Beach County Thoroughfare Roads Typical Sections document effective April 2018 do not contain a 100 ft 5-lane typical section. It is unclear how this amendment ensures that future roadway modifications to 60<sup>th</sup> St will accommodate all modes of transportation and improve safety, consistent with Objective 1.9 of the County's Transportation Element.

The amendment should include a typical section that is consistent with Transportation Element Objective 1.9 to promote the increased use of non motorized facilities. That includes elements such as sidewalks, protected bike lanes, lighting and safety treatment that support an interconnected multimodal transportation system.



**B.1: Logan Ranch Residential (LGA 2023-014)**

*Amendment: Land use designation change from Agricultural Reserve (AGR) to Essential Housing with an underlying Agricultural Reserve (EH/AGR).*

**Technical Assistance Comment #1**

Florida's Turnpike is a Strategic Intermodal System (SIS) facility with an interchange at Boynton Beach Boulevard nearly adjacent to the site of this amendment. Proximate land use changes have the potential to result in future deficient interchange operation, with no planned mitigation. The Florida Turnpike Enterprise (FTE) has the following programmed TSM&O interchange improvement project FPID 437169-6 (FY 24) and a planned improvement project FPID 437169-1 (tentatively FY 31), which were designed to account for approved land use/planned growth as of 2018.

**Recommendations for Comment #1**

Increasing the trip potential in the vicinity of the interchange necessitates proper access planning and management to assure no intermediate access or signals are needed. Additional signals and required coordination reduce the operational integrity of the interchange. Given the number of land use changes under consideration by the County within this area, the Department recommends the County coordinate with the Department and perform a comprehensive assessment of land use changes of future growth and implications for traffic congestion impacting the Turnpike interchange and Boynton Beach Blvd. To facilitate this effort, the Department will undertake an analysis to provide information to the County prior to the adoption of the amendment. This information may assist the County in identifying funded and unfunded infrastructure needed to accommodate development, at the County's adopted level of service standard.

**Technical Assistance Comment #2**

The proximity of the development to the adjacent schools, as well as the change in traffic movements, could impact roadway user safety.

**Recommendations for Comment #2**

The County should ensure that robust pedestrian facility connections are provided within and proximate to the development, along with appropriate signal controls and traffic calming measures are reviewed. Incorporating safe design, such as sidewalks, protected bike lanes, and convenient and marked access to buildings as part of development of the parcel, will promote the provision of complete streets and work to achieve the County's safety and vision zero goals. This recommendation is in alignment with the Palm Beach County Comprehensive Plan, Transportation Element, Objective 1.3, which states, "*The County shall emphasize the safe and efficient management of the transportation system,*" and Policy 1.4-p, which states "*Traffic Division shall consider and implement traffic calming measures, where feasible and appropriate, to reduce vehicular speed and encourage safety.*"

**Technical Assistance Comment #3**

The Department is concerned with safe access to multi-modal options from the new development.

**Recommendations for Comment #3**

The Department recommends the County coordinate closely with Palm Tran and the developer to make the bus stop adjacent to the development accessible and functional for all users, in accordance with the Palm Beach County Comprehensive Plan, Transportation Element, Objective 1.5 and Policy 1.5-f and 1.5-g. This may include aspects of "pedestrian friendly environment," "passenger loading areas," "user amenities" like

benches/covers, and “sidewalks that link to other nodes” from the development directly. The lack of quality facilities includes a crosswalk or sidewalk on the east side of Acme Dairy Rd, as well as an existing bus stop located just east of the southeast corner of Boynton Beach Blvd and Acme Dairy Rd with minimal amenities. As an example, the City of Riviera Beach has expressed its success toward this end by encouraging developers to assist with bus stop/shelter improvements and maintenance in accordance with Palm Tran’s standards. The Department supports this best practice and encourages the County to investigate the addition of such comprehensive plan language directing developer participation in neighboring transit stop/shelter improvements.

**B.2: BC Commerce Center (LGA 2023-003)**

*Amendment: Land use designation change from Agricultural Reserve (AGR) to Commerce with an underlying Agricultural Reserve (CMR/AGR).*

**Technical Assistance Comment #1**

Florida’s Turnpike is a Strategic Intermodal System (SIS) facility with an interchange at Boynton Beach Boulevard adjacent to the site of this amendment. Based on the traffic analysis conducted by Simmons & White, the future land use change satisfies level of service standard set by the Palm Beach Comprehensive Plan on every nearby roadway except eastbound Boynton Beach Blvd traveling to Florida’s Turnpike based on year 2045 analysis. Florida’s Turnpike Enterprise (FTE) has a programmed TSM&O interchange improvement project FPID 437169-6 (FY 24) and a planned improvement project FPID 437169-1 (tentatively FY 31) which were designed to account for approved land use/planned growth as of 2018. Proximate land use changes, including this amendment, have the potential to result in future deficient interchange operation, with no planned mitigation.

**Recommendations for Comment #1**

Increasing the trip potential in the vicinity of the interchange necessitates proper access planning and management to assure no intermediate access or signals are needed. Additional signals and required coordination reduce the operational integrity of the interchange. Given the number of land use changes under consideration by the County within this area, the Department recommends the County coordinate with the Department and perform a comprehensive assessment of land use changes of future growth and implications for traffic congestion impacting the Turnpike interchange and Boynton Beach Blvd. To facilitate this effort, the Department will undertake an analysis to provide information to the County prior to the adoption of the amendment. This information may assist the County in identifying funded and unfunded infrastructure needed to accommodate development, at the County’s adopted level of service standard.

**Technical Assistance Comment #2**

As a companion to Comment and Recommendation #1, based on the Palm Beach County’s Transportation Element’s and Unified Land Development Code Article 12’s Test 2 – Five Year Analysis, “all Links where the Total Traffic peak hour directional volumes exceed the applicable threshold and for all Links where the uninterrupted flow service volume has been utilized, the Major Intersections on each end of the Link shall be analyzed”. According to Palm Beach County’s Unified Land Development Code: No project shall be approved for a Site Specific Development Order unless it can be shown to satisfy the requirements of Test 2.

**Recommendations for Comment #2**

Based on the Test 2 analysis results, the Department recommends that Palm Beach County analyze major intersections along Boynton Beach Boulevard between Florida’s Turnpike and Hagen Ranch Road as part of a comprehensive analysis of future land use designations in the area and the impacts to Boynton Beach Blvd and

the interchange with Florida’s Turnpike, which could indirectly affect mainline operation. The County should consider the totality of the numerous simultaneous developments on traffic volumes and congestion on the roadway system in the vicinity of any proposed developments.

**Technical Assistance Comment #3**

The proximity of the development to the nearby schools, as well as the change in traffic movements, could impact roadway user safety.

**Recommendations for Comment #3**

The County should ensure that robust pedestrian facility connections are provided within and proximate to the development, along with appropriate signal controls and traffic calming measures are reviewed. Incorporating safe design, such as sidewalks, protected bike lanes, and convenient and marked access to buildings as part of development of the parcel, will promote the provision of complete streets and work to achieve the County’s safety and vision zero goals. This recommendation is in alignment with the Palm Beach County Comprehensive Plan, Transportation Element, Objective 1.3, which states, “The County shall emphasize the safe and efficient management of the transportation system,” and Policy 1.4-p, which states “Traffic Division shall consider and implement traffic calming measures, where feasible and appropriate, to reduce vehicular speed and encourage safety.”

The Department requests an electronic copy of all adopted comprehensive plan amendment materials, including graphic and textual materials and support documents.

Please don’t hesitate to contact me if you have any questions or need assistance with any of the recommendations. We appreciate hearing from the County prior to adoption.

Thank you.

**Justin Stroh**

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