



## FUTURE LAND USE ATLAS AMENDMENT STAFF REPORT AMENDMENT ROUND 23-A

---

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

#### A. Application Summary

##### I. General Data

---

<b>Project Name:</b>	<b>EJKJ Industrial (LGA 2023-004)</b>
<b>Request:</b>	<b>AGR to CMR/AGR</b>
<b>Acres:</b>	<del>7.93</del> <u>8.11</u> acres
<b>Location:</b>	West side of State Road 7, approx. 0.15 miles south of Atlantic Avenue
<b>Project Manager:</b>	Travis Goodson, Senior Planner
<b>Applicant:</b>	EJKJ Development LLC (Edward Jackson)
<b>Owner:</b>	EJKJ Development LLC (Edward Jackson)
<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 & Conclusion

---

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 allow up to 155,444 square feet of light industrial uses on the site located on the west side of State Road 7, approximately 0.15 miles south of Atlantic Avenue.

This amendment was submitted in May 2022 requesting the Industrial (IND) future land use designation. Following the Board's adoption of the newly established Commerce FLU designation on August 25, 2022, the applicant revised their request. 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 generating 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 to the Commerce FLU designation will allow for the development of a light industrial use on a parcel fronting State Road 7 adjacent to an existing industrial land use and other nonresidential uses, with proximity to an established industrial and commercial corridor along both sides of Atlantic Avenue.

Based upon a letter from the Traffic Division dated June 14, 2022, and in order to comply with Traffic Future Land Use Element (TE FLUE) Policy 3.5-d, staff is recommending a condition of approval #1 limiting development of the site to the applicant's proposed intensity. Condition #2 is to establish the maximum intensity allowed on the site due to the increase in acreage (0.18 acres) between transmittal and adoption. Therefore, staff is recommending **approval with conditions**.

### III. Hearing History

---

**Local Planning Agency: *Approval with modifications*,** substitute motion by Lori Vinikoor, seconded by Barbara Roth, passed in an 8 to 2 vote (with Edwin Ferguson and Penny Pompei dissenting) at the October 14, 2022 public hearing. The modification consisted of an additional condition of approval to limit uses allowed under the proposed Commerce future land use designation to 50,000 square feet. The initial motion of approval with staff's conditions was made by Penny Pompei, seconded by Rick Stopek. Board discussion included concerns related to the environmental and traffic impact resulting from the maximum square feet allowed under the proposed Commerce future land use. Three members of the public spoke in opposition citing concerns for the potential of heavy intense uses on the site and stating that the proposed use does not contribute to agriculture. One member of the public spoke in support.

*Subsequent to the Planning Commission public hearing, the map in Exhibit 9 and summary of amendments in process on pages 9 and 10, were updated to reflect the most up to date information.*

**Board of County Commissioners Transmittal Public Hearing: *Transmit*,** motion by Commissioner Marino, seconded by Commissioner Bernard, passed in a 7 to 0 vote at the November 28, 2022 public hearing. Board discussion included concerns regarding the types of uses allowed within the proposed warehouse buildings and finding a balance between potential future limitations on intensity and providing locations for local small businesses to develop. One member of the public spoke in opposition, citing concerns with continued development west of State Road 7 and increased traffic.

**State Review Comments:** The State Land Planning Agency reviewed this amendment under Round 22-08 ESR and issued a letter dated January 11, 2023 stating that the Agency had no comment on the proposed amendment. The Florida Fish and Wildlife Conservation Commission provided technical assistance comments related to potential habitats for federally and state listed species that may be located around the site. The comments also provided survey protocols and recommendations should evidence of these species be found onsite (see Exhibit 11).

**Subsequent to Transmittal:** Subsequent to transmittal, a surveying error was identified. The applicant owns an additional 0.18 acres to the south of the site, increasing the acreage from 7.93 to 8.11 acres. Therefore, this report was revised to update the acreage and legal description. In addition, a condition of approval #2 (see Exhibit 1) was added to limit the site's maximum square footage based on the 7.93 acres. Therefore, the increase in acreage will not result in the increase of the development potential of the site as transmitted by the Board. In addition, 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. Additional changes to the report include revisions to the map in Exhibit 9 and summary of amendments in process on pages 9 and 10, to reflect the most up to date information. These changes are shown in underline and ~~striketrough~~. Finally, on June 3, 2023, the Planning Director notified the Department of Economic Opportunity that the County agreed to extend the adoption date for this amendment to January 6, 2024 (see Exhibit 11).

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

T:\Planning\AMEND\23-A\Reports-Agendas\4-BCCAdopt\EJKJ-Industrial-Adopt-Rpt.docx

B. Petition Summary

I. Site Data

Current Future Land Use	
Current FLU:	Agricultural Reserve (AGR)
Existing Land Use:	Vacant
Current Zoning:	Agricultural Reserve (AGR)
Current Dev. Potential Max:	Agricultural uses, up to 51,815 square feet (.15 FAR)
Proposed Future Land Use Change	
Proposed FLU:	Commerce with an underlying Agricultural Reserve (CMR/AGR)
Proposed Use:	Light Industrial
Proposed Zoning:	Light Industrial (IL) or Multiple Use Planned Development (MUPD)
Dev. Potential Max/Conditioned:	Industrial uses, up to 155,444 square feet (.45 FAR) or Flex Space, up to 151,000 square feet (by condition) or Landscape Service, up to 7.93 acres
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:	<u>Vice Mayor</u> Maria Sachs, Commission District 5





## C. Introduction

### I. Intent of the Amendment

---

The ~~7.93-~~ 8.11 acre subject site is located in the Agricultural Reserve Tier, on the west side of State Road 7, approx. 0.15 miles south of Atlantic Avenue.

**Future Land Use Amendment:** The proposed future land use amendment is a request to change the future land use designation from Agricultural Reserve (AGR) to Commerce with an underlying Agricultural Reserve (CMR/AGR). Currently, the site can be utilized for agricultural uses up to 51,815 square feet (.15 FAR). The maximum development potential would allow up to 155,444 square feet of light industrial uses (.45 FAR).

**Background:** The site has not been the subject of a prior land use amendment. According to the applicant, the site previously supported cultivation of row crops, and is currently vacant and heavily vegetated. The current property owner, EJKJ Development, LLC, purchased the property in April of 2022.

**Zoning Application:** There is a concurrent Zoning application in process (PDD-2022-1470) to rezone the subject site from Agricultural Reserve (AGR) to Multiple Use Planned Development (MUPD). The Control Number is 2022-00076. Although submission of a site plan has not historically been required with an application for a rezoning to a standard zoning district, FLUE Policy 1.5-v requires submittal of a concurrent Zoning application and a conceptual site plan, which has been submitted to the Planning Division and included in Exhibit 10. The applicant indicates the site is proposed to be developed with warehouse and accessory office.

### II. Background/History

---

#### 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
Glass Installation Services	Technical Trade Schools
Gun Clubs, Enclosed	Utility Work Centers, Power & Communications

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 Industrial 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 Amendments and Commerce (CMR) FLU**

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 continuation 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 amendment that included policy guidance for future industrial requests to define the appropriate site attributes for requests to CMR FLU and to add a preserve requirements. The text amendment was transmitted 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 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).** 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 140 acre site is located on the north and south sides of Atlantic Avenue, adjacent to the Florida's Turnpike. 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 (2021):** This privately proposed text amendment for initiation 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. The associated FLUA requested 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 47.21-acre site is located on the north side of Boynton Beach Boulevard, west of Florida's Turnpike. 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.
- **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 all these proposed amendments can be found in Exhibit 9 as shown in yellow. In total, these 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 currently in process ~~proposes~~ 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. ~~As of the writing of this report, this amendment is scheduled for the October 14, 2022 Planning Commission and November 16, 2022 Board of County Commissioners Transmittal public hearings. 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. ~~As of the writing of this report, this amendment is scheduled for the October 14, 2022 Planning Commission and November 16, 2022 Board of County Commissioners Transmittal public hearings. The Planning Commission recommended approval with modifications (limiting site to 30,000 square feet) with a vote of 9 to 0 at the October 14, 2022 public 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.~~
- **BC Commerce Center (LGA 2023-003).** The application currently in process proposes a future land use amendment on 42.71 acres of land from AGR to CMR/AGR in order to develop light industrial uses, with a maximum potential of 925,410 square feet (.45 floor area ratio). The site is located on the north side of Boynton Beach Boulevard, between Acme Dairy Road and the Florida's Turnpike. ~~As of the writing of this report, the amendment is tentatively scheduled for the 23-A2 Round (January 2023 PLC and February BCC Transmittal public hearings). The Planning Commission recommended approval with modifications (limiting site to 0.35 floor area ratio) with a vote of 9 to 0 at the January 13, 2023 public hearing. The BCC transmitted this amendment on February 1, 2023 with a condition limiting the site to 719,764 square feet (0.35 floor area ratio). The amendment is anticipated to be heard for adoption at the August 24, 2023 BCC Zoning public hearing.~~
- **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. ~~As of the writing of this report, this amendment is scheduled for the November 4, 2022 Planning Commission and November 16, 2022 Board of County Commissioners Transmittal public hearings. 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.~~

- **LTG Sports Turf (LGA 2023-007).** 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 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. ~~As of the writing of this report, this amendment is scheduled for the October 14, 2022 Planning Commission and November 16, 2022 Board of County Commissioners Transmittal public hearings. 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.~~

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 new applications are shown in blue in Exhibit 9.

- **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

---

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.

- Overview of the Area.** The western side of State Road 7 is currently home to many heavy agricultural uses and agri-business facilities along its entire stretch through the Agricultural Reserve. Uses include packing plants, feed stores, the Bedner's farmer's market, transshipment uses, landscape services with nursery, chipping and mulching, and other uses allowable in the Agricultural Reserve future land use designation. Additional sites with Commercial future land use and Residential AGR-PUDs also exist in the vicinity of the SR-7 and Atlantic Avenue corridors. Many of these heavy agricultural and other non-residential uses are vehicular based. Specifically, the subject site is located along a corridor just south of the commercially and industrially designated sites at the intersection of Atlantic Avenue and SR-7.
- 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 State Road 7 adjacent to an existing industrial land use and other nonresidential uses, with proximity to an established industrial and commercial corridor along both sides of Atlantic Avenue.

- C. Compatibility.** The vacant, ~~7.93~~ 8.11 acre site is located on the west side of State Road 7, approximately 0.15 miles south of the intersection of Atlantic Avenue and State Road 7. As detailed above, the immediate vicinity consists of several nonresidential uses, including landscape service and nursery to the south; chipping and mulching facility to the west; and, a post office and commercial retail development to the north. To the east, across State Road 7, is the single-family residential community of Dakota. Approximately one quarter mile to the north of the site, at the northeast and southeast corners of Atlantic Avenue and State Road 7, are industrial future land uses assigned prior to the adoption of the 1989 Comprehensive Plan and subsequent creation of the Agricultural Reserve Tier, with additional nonresidential development further east.

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

- D. Assessment and Recommendation.** The amendment proposes to change the future land use (FLU) designation from Agricultural Reserve (AGR) to Industrial Commerce with an underlying Agricultural Reserve (~~IND CMR~~/AGR) in order to allow up to 155,444 square feet of light industrial uses on the site located on the west side of State Road 7, approximately 0.15 miles south of Atlantic Avenue.

This amendment was submitted in May 2022 requesting the Industrial (IND) future land use designation. Following the Board's adoption of the newly established Commerce FLU designation on August 25, 2022, the applicant revised their request. 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 generating 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 to the Commerce FLU designation will allow for the development of a light industrial use on a parcel fronting State Road 7 adjacent to an existing industrial land use and other nonresidential uses, with proximity to an established industrial and commercial corridor along both sides of Atlantic Avenue.

Based upon a letter from the Traffic Division dated June 14, 2022, and in order to comply with ~~Traffic~~ Future Land Use Element (~~TE FLUE~~) Policy 3.5-d, staff is recommending a condition of approval #1 limiting development of the site to the applicant's proposed maximum intensity. Condition #2 is to establish the maximum intensity allowed on the site due to the increase (0.18 acres) in acreage between transmittal and adoption.

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

<b>Exhibits</b>	<b>Page</b>
1. Future Land Use Map & Legal Description	E-1
2. Consistency with Comprehensive Plan	E-3
3. Applicant's Justification/Consistency with Comprehensive Plan & Florida Statutes	E-11
4. Applicant's Public Facility Impacts Table	E-18
5. Palm Beach County Traffic Division Letter	E-20
6. Water & Wastewater Provider LOS Letter	E-22
7. Applicant's Disclosure of Ownership Interests	E-23
8. Urban Sprawl Analysis	E-27
9. Ag Reserve Commerce Amendments in Process Map	E-29
10. Conceptual Plan	E-30
11. Correspondence	E-31

Exhibit 1

Amendment No:	EJKJ Industrial (LGA 2023-004)
FLUA Page No:	101
Amendment:	From Agricultural Reserve (AGR) to Commerce with an underlying Agricultural Reserve (CMR/AGR) <u>with conditions</u>
Location:	West side of State Road 7, approximately 0.15 miles south of Atlantic Avenue
Size:	7.93 <u>8.11</u> acres <u>approximately</u>
Property No:	00-42-43-27-05-067-0140

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

1. A maximum of 1,068 net daily trips, 275 net AM peak hour trips, and 165 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.~~
2. The site is limited to 155,444 square feet (0.45 FAR) of uses allowed within the CMR future land use designation





## Legal Description

---

THE NORTH 15 FEET OF THAT CERTAIN 30 FOOT WIDE PARCEL OF LAND LYING BETWEEN TRACTS 14 AND 15, BLOCK 67, THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BOUNDED ON THE EAST BY THE WEST RIGHT-OF-WAY LINE OF STATE ROAD NO. 7, BOUNDED ON THE WEST BY THE SOUTHERLY EXTENSION OF WEST LINE OF SAID TRACT 14.

TOGETHER WITH

TRACT 14, BLOCK 67, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 24, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA.

LESS THE FOLLOWING DESCRIBED PARCEL OF LAND:

COMMENCE AT A FOUND PALM BEACH COUNTY BRASS CAP MARKING THE NORTHWEST CORNER OF SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST, THENCE SOUTH 88° 44' 06" WEST ALONG THE NORTH LINE OF SAID SECTION 24, A DISTANCE OF 2.063 METERS (6.77 FEET) TO A POINT ON THE BASELINE OF SURVEY FOR STATE ROAD 7 (U.S. 441) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93210-2515; THENCE SOUTH 00° 18' 44" EAST ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 0.786 METERS (2.58 FEET) THENCE SOUTH 00° 39' 54" EAST CONTINUING ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 430.823 METERS (1,413.46 FEET); THENCE SOUTH 89° 12' 06" WEST ALONG A LINE AT A RIGHT ANGLE TO THE LAST DESCRIBED COURSE, A DISTANCE OF 22.836 METERS (74.92 FEET) TO A POINT ON THE WESTERLY EXISTING RIGHT OF WAY LINE FOR SAID STATE ROAD 7 (U.S. 441) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93210-2515 AND THE POINT OF BEGINNING; THENCE SOUTH 89° 34' 28" WEST ALONG THE SOUTH LINE OF SAID TRACT 14, A DISTANCE OF 49.412 METERS (162.11 FEET); THENCE NORTH 00° 34' 56" WEST, A DISTANCE OF 200.591 METERS (658.11 FEET); THENCE NORTH 89° 33' 28" EAST, A DISTANCE OF 48.655 METERS (159.63 FEET) TO A POINT ON SAID WESTERLY EXISTING RIGHT OF WAY LINE; THENCE SOUTH 00° 47' 54" EAST ALONG SAID WESTERLY EXISTING RIGHT OF WAY LINE, A DISTANCE OF 200.609 METERS (658.16 FEET) TO THE POINT OF BEGINNING.

ALSO DESCRIBED AS:

BEING A PORTION OF TRACT 14, BLOCK 67, PALM BEACH FARMS COMPANY PLAT NO. 3, PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 24, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, RUN THENCE SOUTH 88°51'16" WEST ALONG THE NORTH LINE OF SAID SECTION 24, A DISTANCE OF 6.77 FEET; THENCE SOUTH 01°18'44" EAST, A DISTANCE OF 2.58 FEET; THENCE SOUTH 00°39'54" EAST, A DISTANCE OF 1414.74 FEET; THENCE SOUTH 89°09'38" WEST, A DISTANCE OF 74.92 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 14, BLOCK 67; THENCE SOUTH 89°35'18" WEST ALONG THE SOUTH LINE OF SAID TRACT 14, A DISTANCE OF 162.12 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°35'18" WEST, A DISTANCE OF 522.06 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 14; THENCE NORTH 00°49'56" WEST ALONG THE WEST LINE OF SAID TRACT 14, A DISTANCE OF 659.96 FEET TO THE NORTHWEST CORNER OF SAID TRACT 14; THENCE NORTH 89°35'18" EAST ALONG THE NORTH LINE OF SAID TRACT 14, A DISTANCE OF 524.94 FEET TO A POINT OF THE WEST RIGHT-OF-WAY LINE OF STATE ROAD 7 (U.S. 441) AS SAME IS DESCRIBED IN OFFICIAL RECORDS BOOK 10678, PAGE 1621, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 00°34'56" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 659.95 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA AND CONTAINING 353,310 SQUARE FEET/8.1109 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

## Exhibit 2

### Consistency with Comprehensive Plan

---

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:

- *“Several of the uses surrounding the Property are either industrial in nature such as the chipping and mulching facility to the west or have been approved for Industrial land use and zoning designations such as the landscape services property to the south.”*
- *“The Property was historically utilized for agriculture however, the Property has since become overgrown with mostly invasive plant materials and is now vacant. As new residential projects continue to be approved in the Agricultural Reserve and more people populate the area, additional services are needed and should be located close to the populated area.”*
- *“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.”*
- *The Agricultural Reserve Tier has recently been the subject of numerous changes ... these changes indicate 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.”*
- *“Also, given the Property’s size as well as environmental constraints, use of the Property for the cultivation of crops is not appropriate. The residents and workers within the Agriculture Reserve would be better served if the Property were to be developed with a light industrial use such as office warehouse, cold storage or landscape services to meet the needs of the surrounding community.”*

**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 51,815 square feet (.15 FAR) of non-residential uses allowed in the AGR future land use designation. The applicant proposes to amend the land use designation to Commerce with an underlying Agricultural Reserve (CMR/AGR) in order to develop light industrial uses up to a maximum 155,444 square feet (.45 FAR).

With regard to the justification, the applicant states that there is a need for light industrial uses to locate within the Agricultural Reserve, which is being driven primarily by the increasing residential population in the area. Examples of such uses include but are not limited to storage, warehouse, dispatch service, and landscape service. The applicant further indicates that the ability to locate these types of services in close proximity to the population they serve is an important consideration by the business owners. The proposed light industrial use is adjacent to an existing landscape service to the south, the Amerigro chipping and mulching facility to the west, and a post office and commercial retail center to the north.

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 just south of the intersection of Atlantic Avenue and State Road 7, adjacent to industrial land use to the south and in proximity to other non-residential uses in 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 low densities, requiring clustering of development and preserve areas, 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 introduction of the Industrial (IND) future land use designation can open up a site to a long list of allowable uses, including very intense industrial uses. The newly established CMR FLU and related policies, however, are intended to allow opportunities for low-trip generating light industrial and/or employment generating uses, thus balancing the overarching objectives of the Agricultural Reserve while responding to increased residential growth and the corresponding needs of support services. The proposed amendment will allow for the development of a light industrial use on a parcel fronting State Road 7 adjacent to an existing industrial land use and other nonresidential uses, with proximity to an established industrial and commercial corridor along both sides of Atlantic Avenue. With regard to environmental conditions, the applicant submitted a Phase 1 Environmental Report that indicates the possibility of an on-site wetland in the southeastern portion. South Florida Water Management District (SFWMD) will review during future planned development and permitting to determine if a jurisdictional wetland exists. Native vegetation outside of any jurisdictional wetland will be reviewed in accordance with Article 14 of the ULDC through the corresponding use approval process.

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 other parcels under the same or related ownership adjacent to the subject site that are not included in the proposed amendment whereby residual parcels would be created. Therefore, the proposed amendment would not constitute piecemeal development.

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 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 nonresidential uses to locate, subject to criteria intended to minimize potential negative externalities.

**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 recent 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 a Light Industrial use 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**

- 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 allowable development within the Urban/Suburban 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 industrial uses, and guide location and extent of future industrial uses within the Agricultural Reserve. While the site is currently vacant, its location near a major intersection and adjacency to existing nonresidential uses is not inconsistent with the local development pattern.

**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, which was adopted by the Board as part of the Commerce text amendment, establishes specific criteria for new industrial future land use requests within the Agricultural Reserve Tier. Although the applicant's request for IND was submitted in May 2022, prior to the adoption of the CMR FLU, the applicant has chosen to amend their request to CMR with an underlying AGR. The site is ~~7.93~~ 8.11 acres in size and has frontage on and access available from State Road 7. There is a concurrent Zoning application in process (Z-2022-01116), requesting to rezone the site from AGR to IL, and a conceptual site plan was submitted to the Planning Division on September 16, 2022 (Exhibit 10). The conceptual site plan depicts site plan in the zoning application proposes 111,300 square feet of warehouse with office ~~111,300 square feet of warehouse with office~~. As the site is less than 16 total acres, a preserve is not required. The proposed site-specific amendment therefore meets the requirements on 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:** To the north of the subject site are parcels with predominately AGR future land use designations, with exception of one site designated Commercial Low with underlying AGR. Directly north is the eastern access way for the West Delray Beach US Post Office (Control No. 1996-0100), which contains an approximately 27,000 sq. ft. building on 11.44 acres. Fronting SR-7 north of the post office access way is a 1.4-acre propane facility (Cornerstone Propane). At the southwest corner of State Road 7 and Atlantic Avenue is

Stop and Shop (Control No. 1999-00029), a 5.13-acre built commercial development identified by FLUE Policy 1.5-i as pre-existing the creation of the AGR Tier. The site has a future land use designation of Commercial Low with underlying AGR (CL/AGR, Ord. 2016-049 w/1 condition), and site plan approval for 32,818 sq. ft. of commercial uses and 16 fueling positions. Further north, across Atlantic Avenue, is a preserve parcel for Ascot PUD (Pres 1, Control No. 2004-0206) currently utilized for the cultivation of row crops.

**East:** To the east across State Road 7 is the Dakota residential 60/40 AGR-PUD (Control No. 2000-00032, aka Sussman North), which supports 387 single-family and zero lot line dwelling units. Abutting Dakota to the south is Saturnia Isles (aka Sussman South), which supports 356 single-family and zero lot line dwelling units. To the northeast of the subject site, and abutting Dakota to the north, are parcels with IND FLU that predate the adoption of the 1989 Comprehensive Plan and the creation of the Agricultural Reserve Master Plan.

**South:** To the south of the subject site is the approximately 8-acre Sunflower Nursery and Landscape Service. The site was the subject of a prior land use amendment (LGA 2021-016) requesting an amendment from AGR to IND, and was adopted with conditions via Ord. 2021-021 on July 28, 2021. The associated conditions prohibit heavy industrial uses and principal commercial uses with exception, similar to the policies that established the Commerce FLU. Further south is a vacant 3.6-acre parcel with AGR FLU, and the Tierra Del Rey residential subdivision comprised of parcels ranging between 2.5 and 5 acres in size.

**West:** To the west of the site is the Amerigro Chipping & Mulching Facility (Control No. 1993-00022), which supports approximately 30 acres of the agricultural use and 15,768 square feet of supporting buildings. Further west are parcels of lands with an AGR FLU and several preserve parcels for various AGR-PUDs.

**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 Industrial land use is compatible with existing and planned development in the immediate vicinity due to the industrial or commercial nature of nearby agricultural uses, such as the Amerigro chipping and mulching facility to the west, the landscape service and nursery with IND FLU to the south, and the post office and commercial development to the north at the hard corner of Atlantic Avenue and State Road 7. The site has frontage and access from State Road 7, thus directing traffic away from local roads in the area and providing access to the major north/south transportation route. A light industrial use can provide essential services to residents of the surrounding area, and that the ULDC can reduce potential negative impacts of development through the use of buffering, screening, setbacks, height and landscaping requirements.

**Staff Analysis:** The vacant, ~~7.93~~ 8.11 acre site is located on the west side of State Road 7, approximately 0.15 miles south of the intersection of Atlantic Avenue and State Road 7. As detailed above, the immediate vicinity consists of several nonresidential uses, including landscape service and nursery to the south; chipping and mulching facility to the west; and, a post office and commercial retail development to the north. To the east, across State Road 7, is the single-family residential community of Dakota. Approximately one quarter mile to the north of the site, at the northeast and southeast corners of Atlantic Avenue and State Road 7, are industrial future land uses assigned prior to the adoption of the 1989 Comprehensive Plan and subsequent creation of the Agricultural Reserve Tier, with additional nonresidential development further east.

The applicant indicates the site will be utilized to support a future light industrial use. 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 not located within a Neighborhood Plan recognized by FLUE Policy 4.1-c of the Comprehensive Plan.

**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 155,444 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 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 155,444 square feet of light industrial uses, flex space, or 7.93 acre Landscape Service; as well as at the proposed potentials of 155,444 square feet of Light Industrial, 151,000 square feet of flex space, or 7.93 acres of Landscape Service. According to the County’s Traffic Engineering Department (see letter dated May 20, 2022 in Exhibit 5), the amendment at the proposed potential would result in an increase of 470 net daily trips over the current maximum potential, with 273 (109/164) AM and 165 (66/99) PM peak hour trips.

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, based on the below conditions.*

- a) The project 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 been considered as a background deficiency for Test 2 purposes in the traffic report:*

*State Road 7 from Site to Atlantic Avenue as 4LD facility.”*

The Traffic Study dated March 23, 2022 (revised April 19, 2022) was prepared by Rebecca J Mulcahy, 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>

3. **Fire Rescue:** The Palm Beach County Fire-Rescue Department indicated that the requested change in the land use designation will have some impact, generating approximately 82 calls/year.

## II. Public and Municipal Review

---

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

- A. **Intergovernmental Coordination:** Notification of this amendment was sent to the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC) for review on September 23, 2022. To date, no comments have been received.
- B. **Other Notice:** Public notice by letter was mailed to the owners of properties within 500 feet of the site on September 23, 2022. On the same date, several interested parties were also notified by mail including the Dakota HOA, Tierra Del Rey POA, Saturnia Isles HOA, Four Seasons at Delray Beach HOA, and the Alliance of Delray Residential Associations. Notification of this amendment, and other amendments related to the Agricultural Reserve Tier, was provided to the Agricultural Reserve email list of interested parties. Letters received are added to Exhibit 11 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 the property located at on the west side of State Road 7, south of Atlantic Avenue (“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. In anticipation of the Commerce Land Use Designation Ordinance becoming 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 the west side of State Road 7, approximately ¼ mile south of South State Road 7. The Property has a Future Land Use designation of Agricultural Reserve. Within the vicinity of the Property are multiple agricultural uses including row crops, agriculture sales and service, and a significant chipping and mulching facility.

Land uses directly abutting the Property include the following:

<b>Adjacent Property</b>	<b>Land Use Designation</b>	<b>Zoning Designation</b>	<b>Existing Use</b>	<b>Control Number</b>
<b>North</b>	Agricultural Reserve (AGR)	Agricultural Reserve (AGR)	US Post Office (26,954 SF)	1996-100
<b>South</b>	Industrial, with an underlying Agricultural Reserve (IND/AGR) subject to conditions	Light Industrial (IL)	Sunflower Industrial Landscape Services	1999-30168
<b>East</b>	Agricultural Reserve (AGR)	Agricultural Reserve – Planned Unit Development (AGR-PUD)	Sussman Planned Unit Development (743 total units; 325 single family & 418 zero lot line) Dakota PUD (fka Sussman PUD)	2000-032
<b>West</b>	Agricultural Reserve (AGR)	Agricultural Reserve (AGR)	Amerigrow Chipping & Mulching Facility (14,638 SF & 29.94 acres)	1993-022

**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 Commerce Future Land Use designation is suitable and appropriate for the subject site. The Commerce designation establishes a third industrial destination which will correspond to the Light Industrial zoning designation allowing for light industrial uses. The Board of County Commissioners (BCC) has recently determined that it is appropriate to locate light industrial uses along the State Road 7 through policy direction as well as through the approval of multiple map amendments to the Comprehensive Plan.*

*The Property was historically utilized for agriculture however, the Property has since become overgrown with mostly invasive plant materials and is now vacant. As new residential projects continue to be approved in the Agricultural Reserve and more people populate the area, additional services are needed and should be located close to the populated area. These services include but are not limited to landscape services, flex office and warehouses for contractors, self-storage and similar uses are necessary to support the growing population in the immediate area. This small 7.9-acre parcel is not large enough to accommodate an agricultural use that would support agriculture operations in the area. The proposed change would allow for office warehouse use to provide a needed service to the neighboring residential communities without being directly adjacent to those uses. The Property’s location on the west side of State Road 7 between two parcels already designated as Industrial and*

*Commercial Low on the Future Land Use Atlas prevents the possibility of having a potentially negative impact on the residential use.*

**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:** *The Agricultural Reserve Tier has recently been the subject of numerous changes. The Future Land Use designation of the Homrich Nursery located at the southwest corner of Boynton Beach Boulevard and State Road 7 was changed to Commercial Low, with an underlying Industrial designation in 2016. Since then, the Homrich Nursery property has been developed with a landscape service business and a dispatch office/contractor storage yard for a waste management hauler. This Future Land Use amendment was the first change that spurred the Board of County Commissioners to re-examine the opportunity for industrial type development on the west side of State Road 7. Further, the Board of County Commissioners recognized the changing characteristics of the area and the compatibility concerns for certain agricultureuses that are industrial in nature on multiple properties throughout the Agricultural Reserve.*

*Earlier this year, the Board of County Commissioners also approved the adoption of a Future Land Use Amendment for the LAS Farms Property from Agricultural Reserve (AGR) to Industrial (IND/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 are evidence that additional land and opportunities for light industrial projects is needed and appropriate for properties fronting on State Road 7.*

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

**Response:** *As mentioned above, the characteristics of State Road 7 within the Agricultural Reserve have changed since the Agricultural Reserve Master Plan's inception. Multiple residential projects have been developed between State Road 7 and Florida's Turnpike. The residential, commercial, and industrial developments that have 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 and State Road 7 to the west side of State Road 7 after approval of the CobbleStone Commons retail plaza. The Thomas Packing Plant closed and relocated out of the area after approval of the comprehensive plan amendment removing that property located at the northeast corner of Clint Moore Road and State Road 7 from the Agricultural Reserve Tier and designating it as Commercial Low, with an underlying 2 units per acre (CL/2).*

*Additionally, the other recent Future Land Use amendments approved on the west side of State Road 7 including Stop and Shop (LGA 2016-023) to allow for gas sales and service and retail uses, Homrich Commercial (LGA 2016-019) to allow for industrial and commercial uses, Sunflower Light Industrial (LGA 2021-016) to allow for light industrial uses, and most recently LAS Farms (LGA 2022-001) to allow light industrial uses have been approved which confirm the changed conditions of the Agricultural Reserve. All of these changes allow for additional businesses to serve the needs of the growing number of residents moving to the Agricultural Reserve.*

*These changes indicate 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 in 2000 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. In 2000, 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, 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 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. 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 may have once been appropriate however, now that the Property is completely sandwiched between commercial and industrial uses to the north, south and west, this Future Land Use is no longer appropriate. The heavy industrial agriculture chipping and mulching use to the west significantly limits the type of uses that can be developed on the Property. Also, given the Property’s size as well as environmental constraints, use of the Property for the cultivation of crops is not appropriate. The residents and workers within the Agriculture Reserve would be better served if the Property were to be developed with a light industrial use such as office warehouse, cold storage or landscape services to meet the needs of the surrounding community.*

**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, 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 maintain the subject Property’s compatibility with the surrounding properties, some of which have undergone land use amendments while preventing land area for needed services.

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 Amendment designation will be compatible with neighboring uses.

- Primary access is available from State Road 7, a right-of-way designated as an Urban Arterial Road, thus directing traffic away from local roads in the vicinity.

- The Property is located on a major north/south transportation route (State Road 7). Many uses along this transportation route are industrial or commercial in nature even though they are technically agricultural uses. For example, there are multiple agriculture sales and service establishments, produce packing houses, agricultural storage locations for farm equipment and materials, a chipping and mulching facility, and a farmers' market all located on the west side of State Road 7. 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 State Road 7 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.

- **Strategic Planning** – "...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 office warehouse use on a Property with access to State Road 7, a major north/south transportation route. The area surrounding the Property is a mix of agricultural, industrial, and commercial uses. Residential PUDs are prohibited from being located on the west side of State Road 7. This use will ensure that the Agricultural Reserve Tier is a diverse community that can meet the needs of the existing and future residents located on the east side of State Road 7 and within the Tier.*

- **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 proposed amendment will further the County's Goals by establishing criteria for light industrial uses in the Agricultural Reserve Tier, allowing employment-based uses at suitable locations, along major thoroughfares, ensuring land use compatibility. 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 on a major transportation route with access/frontage on State Road 7 contributes to timely, cost-effective service provision. The proposed Commerce designation will allow for development of a use that will better serve the immediate and future needs of the community as it will provide additional services and employment opportunities.*

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

- **FLUE Objective 2.2 Future Land Use Provisions - General** – "Palm Beach County shall ensure development is consistent with the County's diverse character and future land use designations. All public and private activities concerning the use, development and redevelopment of a property, and the provisions of facilities and services shall be consistent with the property's future land use designation, and the applicable Goals, Objectives, and Policies of this Element."

***Response:** The newly adopted Commerce Future Land Use designation establishes a third category allowing industrial uses; it allows an opportunity for light industrial uses in appropriate locations in order to allow employment-based uses at suitable locations along major thoroughfares while protecting adjacent residences from more intense uses. A change to the Commerce Future Land Use designation would allow for the development of light industrial uses to support the growing residential communities within the Agricultural Reserve by providing additional services to the residents within the Tier and without further impacting the roadway network leading to the Urban/Suburban Tier.*

- **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) with services and public facilities available to the Property. The recently adopted Commerce Land Use designation established a third category for industrial uses, specifically light industrial uses. Development of a light industrial use on the Property would be consistent with the existing development pattern along State Road 7. 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.*

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

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

**Response:** *The recently adopted Commerce Land Use designation establishes a third category allowing industrial uses, specifically light industrial uses and provides policy guidance on location requirements, limiting to major corridors. Providing additional industrial land within the Agricultural Reserve ensures the availability of employment opportunities and needed services to the residents of the Agricultural Reserve Tier. By adding valuable industrial land to the Agricultural Reserve Tier, economic diversity is ensured within the Tier and Palm Beach County. The County has already determined that the west side of State Road 7 is an appropriate location for industrial as evidenced by the approval of the Homrich Nursery, LAS Farms Industrial, and Sunflower Industrial Comprehensive Plan amendments.*

- **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 with the existing development pattern along State Road 7. 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 with an underlying future land use of AGR for the purpose of providing additional services along the State Road 7 corridor. The amendment does not promote low intensity/density or single-use development.*
- Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.

- **Response:** *The Property is located within the State Road 7 corridor which is not rural in nature as evidenced by urban services such as police, fire rescue and water/wastewater/drainage utilities are existing in the immediate area. The proposed Commerce designation is consistent with the surrounding commercial, industrial and agricultural uses and activities.*
- Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.
  - **Response:** *The Property is not isolated in nature. The Property is surrounded by various commercial, and industrial development and thus would be considered infill development within a major north/south transportation 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. 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 currently vacant. Several changes have already been granted to properties within the immediate area that allow the development of commercial and industrial uses. The area has been changing from agriculture to commercial and industrial uses since 2006. Since the proposed request is for Industrial, no negative impacts to agricultural uses are anticipated with the land use change. The small size of the Property will not impact the adjacent larger parcels supporting agriculture operations.*
- Fails to maximize use of existing public facilities and services.
  - **Response:** *This amendment will maximize the use of existing facilities and services. The Property's location within a Limited Urban Service Area (LUSA) means that services and public facilities are available to serve the Property.*
- 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. This amendment will maximize the use of any future facilities proposed or constructed in the future and provide additional tax base. Therefore, the proposal will maximize the existing public services in the area.*
- Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.
  - **Response:** *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:** *Approval of a Commerce Future Land Use designation will be consistent with the type of development to the south. While the property is located within the Agricultural Reserve Tier of the County, this major roadway corridor has been changing as new commercial and industrial uses are approved and developed. The surrounding residential developments are supporting and increasing the demand for these uses. Therefore, the proposal discourages the proliferation of Urban/Sprawl.*
- Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.
  - **Response:** *This amendment will allow for the development of a small parcel of land that is consistent with the existing and proposed uses to the south. Future development on the Property will serve the current and future needs for the surrounding communities.*
- Fails to encourage a functional mix of uses.
  - **Response:** *Approval of this proposed amendment will allow the development of office warehouse uses that will provide services to the surrounding existing residential communities rather than allowing the current single use development pattern that has occurred in the Agricultural Reserve to continue. Development of the Property will allow the community needs to be met within the Tier which will cause trips to remain in the Agricultural Reserve Tier.*
- 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 does not contain any significant natural resources. The site 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 proposed Future Land Use amendment will maximize the use of public facilities and services. Public infrastructure already exists within this relatively urban area. No facilities would be required to be installed in rural or sparsely populated areas, thereby maximizing the use of the existing facilities. Therefore, the proposal discourages the proliferation of Urban Sprawl.*
- Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.
  - **Response:** *The development will be designed with pedestrian connections to State Road 7 as required through the site plan approval process.*
- Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.
  - **Response:** *Approval of this proposed amendment will allow the development of an industrial use that will provide the additional employment opportunities within an area of the County that has historically only been developed with low density single family residential development. In order to meet the growing demand, additional industrial land is needed in this area. Therefore, the proposed amendment would contribute to livable communities and help balance the land uses within the Agricultural Reserve while maintaining the character of the community.*

### **Conclusion**

As described above, the proposed FLU amendment from Agricultural Reserve (AGR) to Commerce (CMR) 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, does not contribute to urban sprawl, is consistent with the Comprehensive Plan 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) code 817 and Nursery (Wholesale) code 818: Daily: 108.1 trips/acre; 19.5 trips/acre AM: 2.82 trips/acre; 0.26 trips/acre PM: 8.06 trips/acre; 0.45 trips/acre	Light Industrial code 110, or Flex Space IND FLU, or Landscape Services. Maximum trip rates: Daily: 7.86 trips/1000 SF AM: 34.4 trips/acre PM: 1.21 trips/1000 SF
Maximum Trip Generation	Daily: 599 AM: 15 PM: 41	Daily: 1108 AM: 275 PM: 171
Net Daily Trips:	<u>509</u> (maximum minus current) <u>469</u> (proposed minus current)	
Net PH Trips:	<u>275</u> AM, <u>171</u> PM (maximum) <u>275</u> AM, <u>165</u> PM (proposed)	
Significantly impacted roadway segments that fail Long Range	None.	None.
Significantly impacted roadway segments for Test 2	None.	None.
Traffic Consultant		
B. Mass Transit Information		
Nearest Palm Tran Route (s)	There is no Palm Tran Route within close proximity of the Property. Route 81 is the closest route.	
Nearest Palm Tran Stop	There are no Palm Tran Stops within close proximity of the Property. Stop 6409 is the closest Palm Tran Stop located at Oriole Plaza which is 3.27 miles from the Property.	
Nearest Tri Rail Connection	Route 81 provides a connection to the Delray Beach Tri-Rail Station.	
C. Potable Water & Wastewater Information		
Potable Water & Wastewater Providers	Palm Beach County Water Utilities Department. Service 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 State Road 7 right-of-way. A 6" wastewater forcemain is located within State Road 7 right-of-way.	
D. Drainage Information		
The Property is located within the boundaries of the LWDD and SFWMD C-15 Drainage Basin. Legal positive positive outfall is available to the site via discharge to the LWDD E-1 Canal along the east side of State Road 7. See Attachment J for Drainage Statement.		
E. Fire Rescue		
Nearest Station	Palm Beach County Fire-Rescue Station # 54, located at 18501 South State Road 7	
Distance to Site	3.75 miles	

<b>Response Time</b>	Average response time 7:22
<b>Effect on Resp. Time</b>	The proposed amendment will increase the response time to 10 minutes for Station # 54. See Attachment K.
<b>F. Environmental</b>	
<b>Significant habitats or species</b>	The Property is heavily overgrown with invasive exotics on the northern half of the Property. This portion of the Property was previously used for the propagation of row crops dating back to 1953. A severely degraded Palustrine Forested wetland is located in the southeast portion of the Property. There are several large Strangler Figs on the Property that will be addressed during the site plan approval process. See Attachment L for Environmental Report and Tree Location Map.
<b>Flood Zone*</b>	Zone X – The Property is not located within a Flood Zone.
<b>Wellfield Zone*</b>	The Property is not located within a Wellfield Protection Zone. See Attachment M.
<b>G. Historic Resources</b>	
There are no significant historic resources present on the Property. See Attachment N for letter.	

Exhibit 5  
Traffic Division Letter

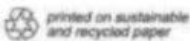


Department of Engineering  
and Public Works  
P.O. Box 21229  
West Palm Beach, FL 33416-1229  
(561) 684-4000  
FAX: (561) 684-4050  
www.pbcgov.com

■  
**Palm Beach County  
Board of County  
Commissioners**  
  
Robert S. Weinroth, Mayor  
Gregg K. Weiss, Vice Mayor  
  
Maria G. Marino  
Dave Kerner  
Maria Sachs  
Melissa McKinlay  
Mack Bernard

**County Administrator**  
Verdenia C. Baker

"An Equal Opportunity  
Affirmative Action Employer"



May 20, 2022

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

**RE: JCL Industrial aka EJKJ Industrial  
FLUA Amendment Policy 3.5-d Review  
Round 2022-23-A**

Dear Ms. Mulcahy:

Palm Beach County Traffic Division has reviewed the Land Use Plan Amendment Application Transportation Analysis for the proposed Future Land Use Amendment for the above-referenced project, revised on May 19, 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:

<b>Location:</b>	West side of SR-7, approximately ¼ mile south of Atlantic Avenue	
<b>PCN:</b>	00-42-43-27-05-067-0140	
<b>Acres:</b>	7.93 acres	
	<b>Current FLU</b>	<b>Proposed FLU</b>
<b>FLU:</b>	Agricultural Reserve (AGR)	Industrial (IND)/Agricultural Reserve (AGR)
<b>Zoning:</b>	Agricultural Reserve (AGR)	Light Industrial (IL)
<b>Density/ Intensity:</b>	0.15 FAR	0.45 FAR
<b>Maximum Potential:</b>	Nursery (Garden Center) = 5.00 acres Nursery (Wholesale) = 2.93 acres	Light Industrial = 155,444 SF OR Flex Space IND FLU = 155,444 SF OR Landscape Services = 7.93 acres
<b>Proposed Potential:</b>	None	Light Industrial = 155,444 SF OR Flex Space IND FLU = 151,000 SF OR Landscape Services = 7.93 acres
<b>Net Daily Trips:</b>	502 (maximum – current)	



Rebecca J. Mulcahy, P.E.  
May 20, 2022  
Page 2

	470 (proposed - current)
Net PH Trips:	273 (109/164) AM, 169 (68/101) PM (maximum) 273 (109/164) AM, 165 (66/99) PM (proposed)
* <i>Maximum</i> indicates typical FAR and maximum trip generator. <i>Proposed</i> 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, based on the below conditions.

- a) The project 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 been considered as a background deficiency for Test 2 purposes in the traffic report.

*State Road 7 from Site to Atlantic Avenue as 4LD facility.*

A concurrent zoning application must be submitted, demonstrating compliance with Traffic Performance Standards, specifically regarding Test 2, without which this conditional land use amendment approval will be rendered null and void.

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:cw

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  
Jorge Perez – Senior Planner, Planning Division

File: General - TPS – Unincorporated - Traffic Study Review  
N:\TRAFFIC\Development Review\Comp Plan\23-A\JCL Industrial aka EJKJ Industrial.docx

Exhibit 6  
Water & Wastewater Provider LOS Letter



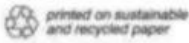
**Water Utilities Department  
Engineering**  
8100 Forest Hill Blvd.  
West Palm Beach, FL 33413  
(561) 493-6000  
Fax: (561) 493-6085  
www.pbcwater.com

**Palm Beach County  
Board of County  
Commissioners**

Robert S. Weinroth, Mayor  
Gregg K. Weiss, Vice Mayor  
Maria G. Marino  
Dave Kerner  
Maria Sachs  
Melissa McKinlay  
Mack Bernard

**County Administrator**  
Verdenia C. Baker

*"An Equal Opportunity  
Affirmative Action Employer"*



April 5, 2022  
  
Morton  
3910 RCA Boulevard  
Palm Beach Gardens, FL 33410  
  
RE: JCL Land Trust Property  
PCN 00-42-43-27-05-067-0140  
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 land use amendment from Agricultural Reserve to Industrial on approximately 8 acres subject to a Capacity Reservation Agreement with PBCWUD.

The nearest point of connection to potable water is a 42" water main and a 6" sanitary sewer forcemain located within SR7 adjacent to 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,  
  
Jackie Michels, P.E.,  
Project Manager

Exhibit 7

Disclosure of Ownership Interests

PALM BEACH COUNTY - ZONING DIVISION

FORM # 9

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 Edward Jackson, 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 ☒ Manager of EJKJ Development LLC, [position - e.g., president, partner, trustee] of EJKJ Development LLC [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: 19151 SW 54th Place  
Southwest Ranches, Florida 33332
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.

  
 Edward P. Jackson, 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 23<sup>rd</sup> day of April, 2022 by Edward P. Jackson (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).



  
 (Signature)

My Commission Expires on: 7/6/22

NOTARY'S SEAL OR STAMP

**EXHIBIT "A"****PROPERTY**

THE LAND IS DESCRIBED AS FOLLOWS:

TRACT 14, BLOCK 67, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 24, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA.

LESS THE FOLLOWING DESCRIBED PARCEL OF LAND:

COMMENCE AT A FOUND PALM BEACH COUNTY BRASS CAP MARKING THE NORTHWEST CORNER OF SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST, THENCE SOUTH 88° 44' 06" WEST ALONG THE NORTH LINE OF SAID SECTION 24, A DISTANCE OF 2.063 METERS (6.77 FEET) TO A POINT ON THE BASELINE OF SURVEY FOR STATE ROAD 7 (U.S. 441) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93210-2515; THENCE SOUTH 00° 18' 44" EAST ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 0.786 METERS (2.58 FEET) THENCE SOUTH 00° 39' 54" EAST CONTINUING ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 430.823 METERS (1,413.46 FEET); THENCE SOUTH 89° 12' 06" WEST ALONG A LINE AT A RIGHT ANGLE TO THE LAST DESCRIBED COURSE, A DISTANCE OF 22.836 METERS (74.92 FEET) TO A POINT ON THE WESTERLY EXISTING RIGHT OF WAY LINE FOR SAID STATE ROAD 7 (U.S. 441) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93210-2515 AND THE POINT OF BEGINNING; THENCE SOUTH 89° 34' 28" WEST ALONG THE SOUTH LINE OF SAID TRACT 14, A DISTANCE OF 49.412 METERS (162.11 FEET); THENCE NORTH 00° 34' 56" WEST, A DISTANCE OF 200.591 METERS (658.11 FEET); THENCE NORTH 89° 33' 28" EAST, A DISTANCE OF 48.655 METERS (159.63 FEET) TO A POINT ON SAID WESTERLY EXISTING RIGHT OF WAY LINE; THENCE SOUTH 00° 47' 54" EAST ALONG SAID WESTERLY EXISTING RIGHT OF WAY LINE, A DISTANCE OF 200.609 METERS (658.16 FEET) TO THE POINT OF BEGINNING.

ALSO DESCRIBED AS:

BEING A PORTION OF TRACT 14, BLOCK 67, PALM BEACH FARMS COMPANY PLAT NO. 3, PLAT BOOK 2, PAGES 45 THROUGH 54, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 24, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, RUN THENCE SOUTH 88°51'16" WEST ALONG THE NORTH LINE OF SAID SECTION 24, A DISTANCE OF 6.77 FEET; THENCE SOUTH 01° 18'44" EAST, A DISTANCE OF 2.58 FEET; THENCE SOUTH 00°39'54" EAST, A DISTANCE OF 1414.74 FEET; THENCE SOUTH 89°09'38" WEST, A DISTANCE OF 74.92 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 14, BLOCK 67; THENCE SOUTH 89°35'18" WEST ALONG THE SOUTH LINE OF SAID TRACT 14, A DISTANCE OF 162.12 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°35'18" WEST, A DISTANCE OF 522.08 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 14; THENCE NORTH 00°49'56" WEST ALONG THE WEST LINE OF SAID TRACT 14, A DISTANCE OF 659.96 FEET TO THE NORTHWEST CORNER OF SAID TRACT 14; THENCE NORTH 89°35'18" EAST ALONG THE NORTH LINE OF SAID TRACT 14, A DISTANCE OF 524.94 FEET TO A POINT OF THE WEST RIGHT-OF-WAY LINE OF STATE ROAD 7 (U.S. 441) AS SAME IS DESCRIBED IN OFFICIAL RECORDS BOOK 10678, PAGE 1621, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE SOUTH 00° 34'56" EAST ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 659.95 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN UNINCORPORATED, PALM BEACH COUNTY, FLORIDA AND CONTAINING 345479 SQUARE FEET, OR 7.93 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

## 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

OWNERS

EJKJ Development LLC (FL) LLC  
Parent Company

1) EJKJ Management LLC (50%) (DE) LLC  
Edward P. Jackson  
Kim Jackson  
19151 SW 54 PL Southwest Ranches, FL 33332

2) CJLSM LLC (50%) (DE) LLC  
Christopher J Licata  
Sneen McGowan  
6302 Via Venetia N  
Delray Beach, FL 33485

## 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 Agricultural Reserve and other Nonresidential 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 is currently vacant and landlocked between built developments.	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 is currently under evaluation for potential jurisdictional wetland. If confirmed, appropriate action will be taken in accordance with state and local regulations. 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 site currently supports a non-agricultural use and is adjacent to other non-agricultural land uses. Adequate buffering and use regulations through the zoning process can address adverse impact. 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 development and limited commercial development. Institutional uses are restricted from locating west of State Road 7. The Agricultural Preserve provisions therefore allow for a mix of uses to support the allowed residential, commercial, and other non-residential development.	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 located within SR-7 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. Future development east would be expected to utilize public facilities and services. The subject site would maximize the use of future public facilities available in the area.	No

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

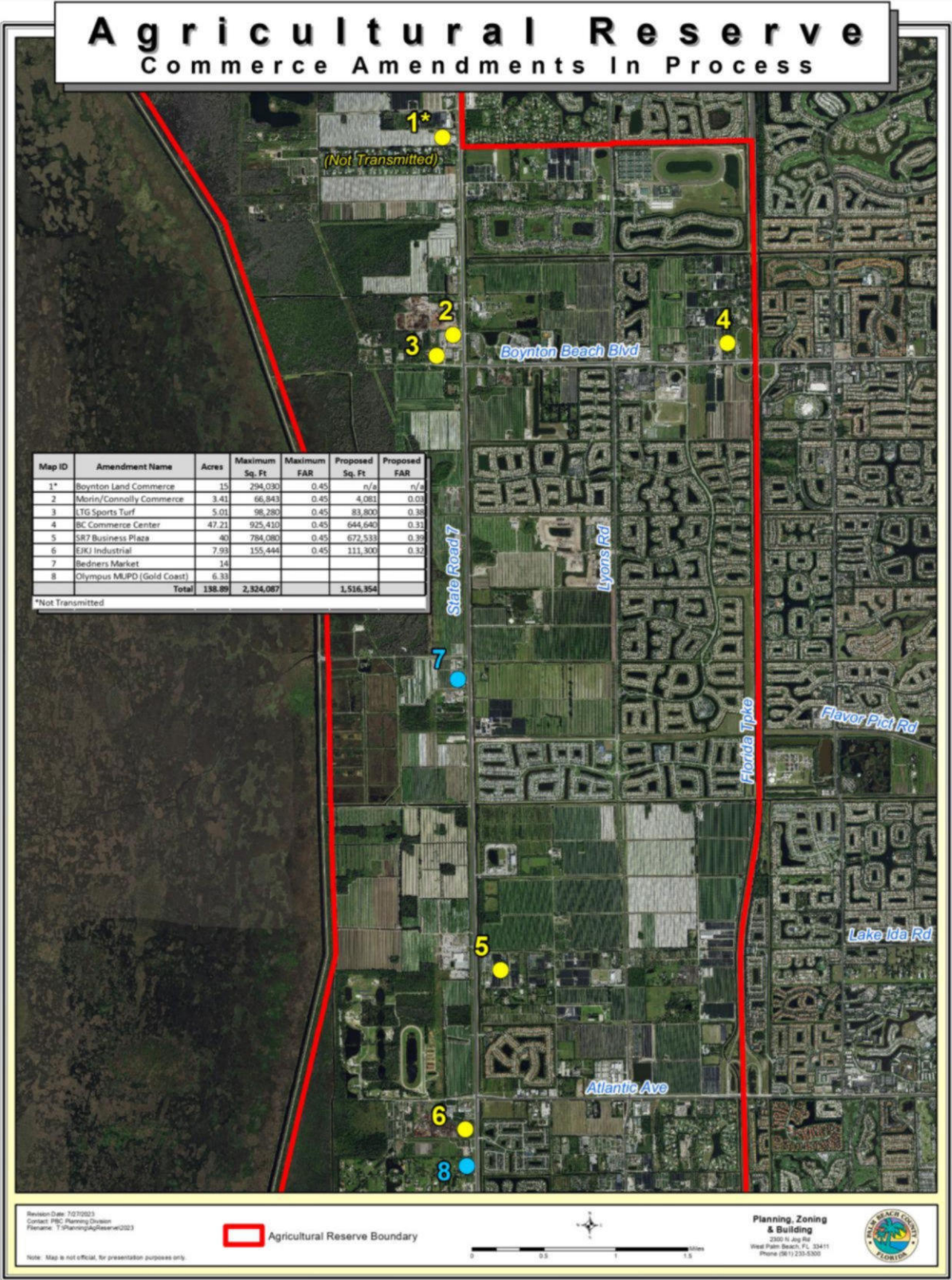


Exhibit 10  
Conceptual Site Plan

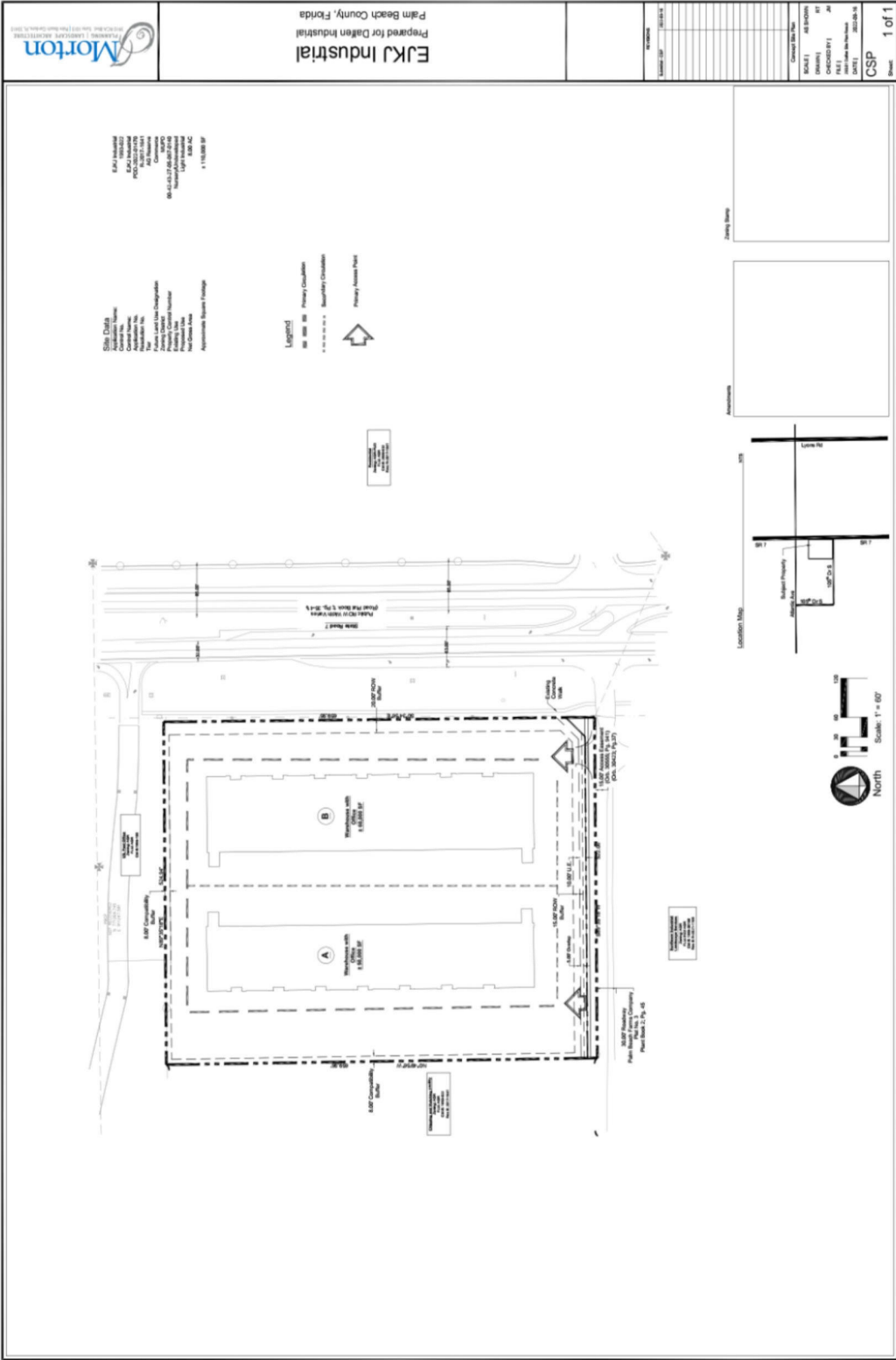




Exhibit 11

Correspondence



Florida Fish  
and Wildlife  
Conservation  
Commission

Commissioners

**Rodney Barreto**  
Chairman  
Coral Gables

**Steven Hudson**  
Vice Chairman  
Fort Lauderdale

**Gary Lester**  
Oxford

**Albert Maury**  
Coral Gables

**Gary Nicklaus**  
Jupiter

**Sonya Rood**  
St. Augustine

**Robert A. Spottswood**  
Key West

Office of the  
Executive Director

**Thomas H. Eason, Ph.D.**  
Acting Executive Director

**Jessica Crawford**  
Chief of Staff

Division of Habitat and  
Species Conservation  
Melissa Tucker  
Director

850-488-3831

Managing fish and wildlife  
resources for their long-term  
well-being and the benefit  
of people.

620 South Meridian Street  
Tallahassee, Florida  
32399-1600  
Voice: 850-488-4676

Hearing/speech-impaired:  
800-955-8771 (T)  
800 955-8770 (V)

MyFWC.com

January 10, 2023

Kevin Fischer  
Palm Beach County Planning Division  
2300 N. Jog Road  
West Palm Beach, FL 33411  
[kfischer@pbcgov.org](mailto:kfischer@pbcgov.org)

Re: Palm Beach County 22-08ESR (Round 23-A), Comprehensive Plan Amendment

Dear Mr. Fischer,

Florida Fish and Wildlife Conservation Commission (FWC) staff reviewed the above-referenced comprehensive plan amendment package and provides the following comments and recommendations for consideration in accordance with Chapter 163.3184, Florida Statutes. While there are no objections to the amendment, the following technical assistance information is provided to assist the Department of Economic Opportunity, the County, and any applicants during the amendment review and future project planning.

Project Description

The Palm Beach County Amendment Round 23-A includes three text amendments and six Future Land Use (FLU) amendments. The following comments and recommendations are associated with the amendments referred to as Trotting Center (LGA 2023-012), Hunters Crossing (LGA 2023-008), and EJKJ Industrial (LGA 2023-004). For the site referred to as Trotting Center, Lynx at Lake Worth, LLC (LGA 2023-0012) proposes to change the FLU designation on approximately 105.9 acres from Rural Residential to Low Residential (LR). This site is located on the west side of State Road 7, approximately 0.4 miles south of Hypoluxo Road. Hunters Crossing proposes to change the FLU designation from LR-1 to LR-2 on approximately 36.9 acres. This site is located on the south side of Lake Worth Road, approximately 0.2 miles east of State Road 7. EJKJ Development, LLC proposes to change the FLU designation from Agricultural Reserve to Commerce with an underlying Agricultural Reserve on a 7.9-acre site referred to as EJKJ Industrial. This site is located on the west side of State Road 7, approximately 0.1 miles south of Atlantic Avenue.

Potentially Affected Resources

The amendment package did not provide wildlife survey information or an environmental assessment. FWC staff conducted a geographic information system (GIS) analysis of the project areas. The analysis found that the amendment sites are located near, within, or adjacent to:

- U.S. Fish and Wildlife Service (USFWS) Consultation Area for the following federally listed species:
  - Everglade snail kite (*Rostrhamus sociabilis plumbeus*, Federally Endangered [FE])
  - Florida scrub-jay (*Aphelocoma coerulescens*, Federally Threatened [FT])
  - Audubon's crested caracara (*Polyborus plancus audubonii*, FT)
- One or more wood stork (*Mycteria americana*, FT) nesting colony core foraging areas (CFA), consisting of an 18.6-mile radius around the nesting colony

- Potential habitat for the following federally and state-listed species:
  - Eastern indigo snake (*Drymarchon corais couperi*, FT)
  - Florida sandhill crane (*Antigone canadensis pratensis*, State Threatened [ST])
  - Little blue heron (*Egretta caerulea*, ST)
  - Tricolored heron (*Egretta tricolor*, ST)
  - Gopher tortoise (*Gopherus polyphemus*, ST)

## Comments and Recommendations

### Wildlife Surveys

To better identify potential project impacts to listed species of fish and wildlife, FWC staff recommends that species-specific surveys be conducted prior to any clearing or construction. Species-specific surveys are time sensitive and are best conducted by wildlife biologists with recent documented experience for that species. Species-specific survey protocols approved by the U.S. Fish and Wildlife Service (USFWS) and the FWC are provided in the Florida Wildlife Conservation Guide at <https://myfwc.com/conservation/value/fwcg/> or in the FWC *Species Conservation Measures and Permitting Guidelines* available at <https://myfwc.com/wildlifehabitats/wildlife/species-guidelines/>.

### Florida Sandhill Crane

The Trotting Center and EJKI Industrial sites may provide foraging habitat for Florida sandhill crane, and the freshwater marshes and reservoir onsite may provide potential nesting habitat for this species. FWC staff recommends that surveys for nesting Florida sandhill cranes be conducted prior to construction activities and during the December through August breeding season. If construction occurs over several years, it may be necessary to conduct surveys each year as Florida sandhill cranes do not nest in the same location every year. If active nests are identified onsite, the Species Conservation Measures and Permitting Guidelines for the Florida Sandhill Crane recommend that the nest site be buffered by 400 feet to avoid disturbance by human activities. If nesting is discovered after construction has begun or if maintaining the recommended buffer is not possible, the applicant can contact FWC staff identified below to discuss potential permitting needs. Additional information and guidance for conducting Florida sandhill crane surveys can be found in the Guidelines (<https://myfwc.com/media/11565/final-florida-sandhill-crane-species-guidelines-2016.pdf>).

### Wading Birds

The potential exists for wading bird nesting activity in the cypress and freshwater marshes within the Hunters Crossing and EJKI Industrial sites. FWC staff recommends that specific surveys be conducted for wading birds in the cypress and freshwater marshes prior to the commencement of any clearing, grading, or filling activities. Surveys should be conducted during their breeding season, which extends from March through August. Additional information and guidance for conducting surveys can be found in the *Species Conservation Measures and Permitting Guidelines for Little Blue Heron, Reddish Egret, Roseate Spoonbill, Tricolored Heron* (<https://myfwc.com/media/18634/threatenedwadingbirds-guidelines.pdf>). If there is evidence of nesting during this period, FWC staff recommends that any wading bird nest sites be buffered by 100 meters (330 feet) to avoid disturbance by human activities. If nesting is discovered after site activities have begun, if the removal or trimming of trees with active nests is unavoidable, or if maintaining the recommended buffer is not possible, the applicant may contact the FWC staff identified below to discuss potential permitting alternatives.

#### Gopher Tortoise

The Hunters Crossing site may have potential habitat for the gopher tortoise. The applicant should refer to the FWC's *Gopher Tortoise Permitting Guidelines* (Revised July 2020) (<http://www.myfwc.com/license/wildlife/gopher-tortoise-permits/>) for survey methodology and permitting guidance prior to any development activity. Survey methodologies require a burrow survey covering a minimum of 15 percent of potential gopher tortoise habitat to be impacted by development activities including staging areas (refer to Appendix 4 in the Gopher Tortoise Permitting Guidelines for additional information). Specifically, the permitting guidelines include methods for avoiding impacts (such as preservation of occupied habitat) as well as options and state requirements for minimizing, mitigating, and permitting potential impacts of the proposed activities. Any commensal species observed during burrow excavation should be handled in accordance with Appendix 9 of the Guidelines. For questions regarding gopher tortoise permitting, please contact John Snow by phone at (561) 882-5714 or at [John.Snow@MyFWC.com](mailto:John.Snow@MyFWC.com).

#### Federal Species

This site may also contain habitat suitable for the federally listed species identified above. FWC staff recommends coordination with USFWS South Florida Ecological Services Office (ESO) as necessary for information regarding potential impacts to these species. The USFWS South Florida ESO can be contacted at (772) 562-3909.

FWC staff appreciates the opportunity to provide input on this project. For specific technical questions regarding the content of this letter, please contact Sydney Wilson at (561) 882-5711 or by email at [Sydney.Wilson@MyFWC.com](mailto:Sydney.Wilson@MyFWC.com). All other inquiries may be sent to [ConservationPlanningServices@MyFWC.com](mailto:ConservationPlanningServices@MyFWC.com).

Sincerely,



for

Jason Hight, Director  
Office of Conservation Planning Services

jh/sw  
Palm Beach County 22-08ESR\_52723\_01102023

cc: Stephanie Gregory, [sgregor1@pbcgov.org](mailto:sgregor1@pbcgov.org)





**Department of Planning,  
Zoning & Building**  
2300 North Jog Road  
West Palm Beach, FL 33411-2741  
(561) 233-5000

Planning Division 233-5300  
Zoning Division 233-5200  
Building Division 233-5100  
Code Enforcement 233-5500  
Contractors Certification 233-5525  
Administration Office 233-5005  
Executive Office 233-5228  
[www.pbcgov.com/pzb](http://www.pbcgov.com/pzb)

**Palm Beach County  
Board of County  
Commissioners**

Gregg K. Weiss, Mayor

Maria Sachs, Vice Mayor

Maria G. Marino

Michael A. Barnett

Marci Woodward

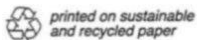
Sara Baxter

Mack Bernard

**County Administrator**

Verdenia C. Baker

"An Equal Opportunity  
Affirmative Action Employer"



June 9, 2023

Barbara Powell, Deputy Bureau Chief  
State Land Planning Agency  
Caldwell Building  
107 East Madison - MSC 160  
Tallahassee, Florida 32399-4120  
Email: [Barbara.Powell@DEO.MyFlorida.com](mailto:Barbara.Powell@DEO.MyFlorida.com)

**RE: Palm Beach County Comprehensive Plan Amendment  
EJKJ Industrial (LGA 2023-004) Time Extension**

Dear Ms. Powell:

The purpose of this letter is to notify the Department of Economic Opportunity (DEO) that Palm Beach County has agreed to extend the adoption for a privately proposed site-specific Future Land Use Atlas (FLUA) known as EJKJ Industrial (LGA 2023-004). The amendment was transmitted as part of Amendment Round 23-A / 22-08 ESR. The DEO issued a review letter for this Round dated January 11, 2023 stating that the Department had "no comment on the proposed amendment." Pursuant to Section 163.3184(3)(c)1, F.S., the second hearing is required to be held within 180 days of receipt of DEO comments or shall be considered withdrawn unless extended by agreement with notice to DEO and any affected person that provided comments on the amendment.

This proposed amendment was transmitted by the Board of County Commissioners with a condition of approval to return for adoption at the same hearing as the associated zoning application. Delays with the zoning application have prevented the amendment from proceeding to an adoption hearing within the allocated 180 days of receipt of the State comments (by Monday, July 10, 2023). The applicant has requested, and the County has agreed, to extend the adoption time frame for an additional 180 days (through January 6, 2024).

If you have any questions, please contact me at (561) 233-5467 or Stephanie Gregory, Principal Planner, at (561) 233-5388.

Sincerely,

Kevin Fischer, Planning Director

cc: Patrick Rutter, Assistant County Administrator  
Whitney Carroll, Interim PZB Director  
Darren Leiser, Assistant County Attorney  
Stephanie Gregory, Principal Planner  
Jennifer Morton, Agent  
Lauren McClellan, Agent

T:\Planning\AMEND\23-A\Memos-Letters\DEO-EJKJ-Extension-6-9-23.docx