



COMPREHENSIVE PLAN AMENDMENT STAFF REPORT
AMENDMENT ROUND 23-A2

BCC ADOPTION PUBLIC HEARING, AUGUST 24, 2023

A. Application Summary

I. General Data

Project Name:	Logan Ranch Residential (LGA 2023-014)
FLUA Summary:	AGR to EH/AGR
Acres:	39.24 acres
Location:	Southeast corner of Boynton Beach Boulevard and Acme Dairy Road
Project Manager:	Jerry Lodge, Planner II and Stephanie Gregory, Principal Planner
Applicant:	Acme Dairy Holdco, LLC (Brett Gelsomino) – Contract Purchaser
Owner:	Barbara M Logan Trust, John Bargas Trust (David Bargas) & Barbara R Dereuil Trust
Agent:	Jennifer Morton & Heather Waldstein, JMorton Planning & Landscape Architecture
Staff Recommendation:	Staff recommends approval with conditions based upon the conclusions contained within this report

II. Assessment & Recommendation

The applicant is proposing a future land use amendment on a 39.24 acre site from Agricultural Reserve (AGR) to Essential Housing with an underlying Agricultural Reserve (EH/AGR). The EH future land use designation was adopted on August 25, 2022 as a result of Board direction for staff to develop a new, higher density FLU option in order to facilitate workforce housing in the Agricultural Reserve Tier. The EH future land use designation allows up to 8 units per acre for eligible properties and requires that a minimum of 25% of the total units be provided as workforce housing onsite. This proposed amendment is the first request submitted for the EH future land use designation. The applicant is proposing 314 dwelling units with 79 units (25%) provided as on-site workforce housing. The concurrent zoning application is proposing to locate the required 60% preserve area on the subject site, contiguous to the development area.

The vast majority of the built and approved residential units within the Tier are single family or zero lot line developments. The proposed amendment would assist with providing housing diversity within the Tier by allowing multifamily development, consistent with the Master Plan recommendations. In addition, the site's location is consistent with the Board's direction to focus higher densities on major corridors in proximity to the two existing mixed-use centers. The proposed amendment is consistent with the Essential Housing FLU criteria established by the Board, would allow for a higher-density residential development with a significant workforce housing requirement, and is compatible with adjacent uses. Staff is recommending conditions of approval to limit the site to a maximum of 314 units with a 25% workforce housing requirement and requiring the consideration of the adoption of the FLUA and zoning application at the same hearing. Staff is recommending approval with conditions.

III. Hearing History

Local Planning Agency: *Approval with staff's conditions*, motion by Penny Pompei, seconded by Glenn Gromann, passed in a 9 to 0 vote at the January 13, 2023 public hearing. Commission discussion included questions regarding the condition requiring a concurrent adoption hearing for the FLUA and zoning applications, the income distribution of the workforce housing units, the proposed number of stories, and the potential impacts to Acme Dairy Road. Two members of the public, including a representative of the Sierra Club Loxahatchee Group, spoke in opposition citing the need to preserve agricultural land. In addition, a representative of the Coalition of Boynton West Residential Associations (COBWRA) spoke in opposition stating the need to widen Acme Dairy Road and concerns with the density and proposed four story buildings. Three members of the public, including the applicant, spoke in support citing the benefits of workforce housing units on the site and compatibility with surrounding uses.

Board of County Commissioners Transmittal Public Hearing: *Transmit*, motion by Vice Mayor Sachs, seconded by Commissioner Marino, passed in a 7 to 0 vote at the February 1, 2023 public hearing. Board discussion included comments regarding the proposed number of stories, amenities provided in the project and additional community supporting uses, including potential commercial and/or recreational uses. Three members of the public, including the applicant, spoke in support citing the need for housing diversity and workforce housing in the Tier. A representative of the Coalition of Boynton West Residential Associations (COBWRA) spoke in support of the FLUA request to Essential Housing but expressed concerns regarding the proposed density, four story building height and traffic impacts. One member of the public, representing the Sierra Club Loxahatchee Group, spoke in support of the preserve area onsite but in opposition to the project as a whole.

State Review Comments: The State Land Planning Agency reviewed this amendment under Round 23-02 ESR and issued a letter dated March 16, 2023 stating that the Agency had no comment on the proposed amendment. The Florida Department of Transportation provided technical assistance comments related to coordination with the County regarding land uses to reduce potential for future deficient Turnpike interchange operation and recommendations for increasing roadway user, pedestrian and bus passenger safety (see Exhibit 11).

Subsequent to Transmittal: Subsequent to transmittal, the condition in Exhibit 1 requiring concurrent approval of zoning and future land use applications was removed as it is moot with the scheduling of the hearings on the same date. The deletion is shown in ~~strike through~~. The summary of land use amendments in process within the vicinity (page 8) of the subject site was updated to provide the most up to date information. The revisions are shown in ~~strike through~~ and underline.

Board of County Commissioners Adoption Public Hearing:

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B. Petition Summary

I. Site Data

Current Future Land Use	
Current FLU:	Agricultural Reserve (AGR)
Existing Land Use:	Agriculture
Current Zoning:	Agricultural Reserve (AGR)
Current Dev. Potential Max:	Agricultural uses, up to 256,394 square feet (0.15 FAR)
Proposed Future Land Use Change	
Proposed FLU:	Essential Housing with an underlying Agricultural Reserve (EH/AGR)
Proposed Use:	Residential
Proposed Zoning:	Multiple Use Planned Development (MUPD)
Dev. Potential Max/Conditioned:	Residential, up to 314 dwelling units
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:	Vice Mayor Maria Sachs, District 5



Future Land Use Atlas Amendment

Logan Ranch (LGA 2023-014)



Site Data

Size: 39.24 acres
 Existing Use: Agricultural
 Proposed Use: Residential
 Current FLU: AGR
 Proposed FLU: EH/AGR

Future Land Use Designations

LR-3	Low Residential, 3 units/acre	INST	Institutional
MR-5	Medium Residential, 5 units/acre	INST/5	Institutional, underlying MR-5
AGR	Agricultural Reserve	INST/8	Institutional, underlying HR-8
CL/5	Commercial Low, underlying MR-5	INST/AGR	Institutional, underlying AGR
CL/AGR	Commercial low, underlying AGR	UT	Utilities and Transportation
MLU	Mixed Land Use		

Date: 11/15/2022
 Contact: PBC Planning
 Filename: T:\Planning\Amend\23-A2\SiteSpecific
 Note: Map is not official, for presentation purposes only.

Site
 Amendments in Process
 AGR Preserves

300 0 300 600 Feet



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



C. Introduction

I. Intent of the Amendment

The 39.24 acre subject site is located in the Agricultural Reserve Tier, at the southeast corner of Boynton Beach Boulevard and Acme Dairy Road. The site is currently utilized for agriculture.

Future Land Use Amendment. The proposed future land use amendment requests to change the future land use designation from Agricultural Reserve (AGR) to Essential Housing with an underlying Agricultural Reserve (EH/AGR). Currently, with the existing AGR FLU, the site can develop up to 8 dwelling units (1 dwelling unit per 5 acres) or 256,394 square feet of agricultural uses. The maximum development potential of the site with the proposed amendment would allow up to 314 dwelling units (8 units per acre), clustered onto 40% of the site (resulting in net density of 20 units per acre), with a 60% preserve requirement.

Amendment Background. The site was subject to two previous text amendment requests:

- **Agricultural Reserve Multiple Land Use.** In 2020, the site was the subject of a request for initiation of a text amendment: to allow additional commercial and residential mixed-use centers to be exempt from the commercial cap, to allow Transfer of Density Rights and Workforce Housing Program bonus density with reduced preserve area acreage, to allow the addition of new preserve area uses, and to allow residential units located above mixed-use developments to be exempt from density calculations. If initiated by the Board, the applicant was proposing a future land use amendment from AGR to Multiple Land Use with Commercial Low and Medium Residential, 5 units per acre (MLU with CL and MR-5) with density bonuses available through the Transfer of Development Rights and Workforce Housing Programs, for 432 dwelling units, 261,360 square feet of commercial uses including retail, restaurant, grocer, office, theater, hotel, light industrial and fitness center. The Planning Commission on June 12, 2020, recommended to deny the initiation of the text amendment in a vote of 11 to 2. On June 29, 2020, the Board of County Commissioners unanimously denied the initiation of the text amendment in a vote of 7 to 0. Therefore, the text and FLUA amendment did not proceed.
- **Agricultural Reserve Multiple Land Use - Jade.** In 2021, the site was the subject of a request for initiation of a text amendment for the same request as the 2020 text and FLUA application. The Planning Commission on April 9, 2021, recommended to deny the initiation in a vote of 13 to 0. On May 5, 2021, the Board unanimously denied the initiation of the text amendment, in a vote of 7 to 0, stating that the proposal was too intense but they would consider other development options for the property in the future. Therefore, the text and FLUA amendment did not proceed.

Zoning Application. The concurrent zoning application (PDD-2022-01755) proposes to rezone the subject site from the Agricultural Residential (AR) zoning district to Multiple Use Planned Development (MUPD) in order to develop 314 multifamily dwelling units. The zoning application also includes two requested waivers for a 4% reduction in the total number of required parking spaces, and to eliminate the landscape buffer located between the recreational and residential uses. The zoning application proposes 79 of the 314 units (25%) as onsite workforce housing rental units and 60% preserve area contiguous to the development area.

II. Background/History

A. Agricultural Reserve Tier Introduction

The Agricultural Reserve is a unique area of the County, encompassing approximately 22,000 acres, located west of the suburban unincorporated communities of West Boca, West Delray, West Boynton, and east of the Loxahatchee Wildlife Refuge. The purpose of the Agricultural Reserve is to preserve unique farmland and wetlands in order to enhance agricultural activity, environmental and water resources, and open space, by limiting uses to agriculture, conservation, generally low-density residential development, and non-residential uses, which serve the needs of farmworkers and residents of the Agricultural Reserve Tier. The area has been designated primarily for agricultural preservation and limited development options for the past 40 years, and was established as an individual tier as part of the Managed Growth Tier System adoption in 1999. The Agricultural Reserve Tier was the subject of a Master Plan in the late 1990s, which was concluded with the adoption of policies in the Comprehensive Plan in 2001 that implemented Board direction at the time. Subsequent to the completion of the Master Plan (dated October 2000), the Tier has largely been developed as anticipated and is the home of approximately 27,000 residents. The Agricultural Reserve Tier policies are uniquely independent of the other policies in the Comprehensive Plan, and largely 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.*

B. Residential Use in the Agricultural Reserve Tier

Prior to 2021, residential development in the Ag Reserve Tier, excluding farmworker housing and grooms quarters, was limited to one of the following:

- 1 dwelling unit per 5 acres, or
- Two residential development options that are unique to this area of the County:

80/20 AGR Planned Unit Development. 1 dwelling unit per 1 acre, with a minimum of 40 contiguous acres. Units are to be clustered onto 20% of the land area, and the balance preserved as agriculture, passive recreation, or other open space use.

60/40 AGR Planned Unit Development. 1 dwelling unit per acre, with a minimum of 250 acres. Units are clustered onto 40% of the land area, and the balance preserved as agriculture, passive recreation, or other open space use. The preserved portion can be provided in multiple parcels, which need not be contiguous to one another nor to the development area; the development area must be located east of State Road 7.

The majority of the residential development that has occurred in the Tier since the Master Plan policies were adopted has been through 60/40 AGR-PUDs, consisting of approximately 11,000 approved units. The preserve areas resulting from these developments total nearly 7,500 acres. The resulting net density of the development areas of the 60/40 AGR-PUDs is typically 2.5 to 3 units per acre and constructed as zero lot line or single-family housing types. The two mixed-use developments approved at the commercial nodes of the Tier have approvals for residential multifamily development. The Delray Marketplace and the Canyon Town Center mixed-use projects allow for 73 and 93 multi-family units, respectively, with 59 of the Canyons units assigned to the County owned pod of the development. Inclusion of these multi-family units was intended to provide the opportunity for diversity in housing types and prices, but the units are not required to be income-restricted as workforce housing. To date, the units are unbuilt.

C. Higher Density Amendment Requests in the Tier

Since the adoption of the Master Plan implementing policies in 2001, several privately proposed text amendments included multi-family components, including two on this site as previously discussed. A summary of these amendments is located in Exhibit 9.

The **Reserve at Atlantic (LGA 2022-006)** site was the only density increase amendment initiated by the Board in 2021 in the Agricultural Reserve. The site was the subject of a text and future land use amendment to allow the Multiple Land Use (MLU) designation with up to 8 units per acre, a 25% workforce housing requirement and required preserve area. The companion text amendment limited the locations of parcels that would be eligible to apply for this FLU, including located fronting Atlantic Avenue, east of State Road 7, and within ¼ mile of an AgR-TMD or IND future land use designation. On July 28, 2022, the Board adopted the amendment, which was the first density increase in the Tier not part of an 80/20 or 60 AGR PUD.

D. Essential Housing Future Land Use Designation

During multiple public hearings where applications requesting higher densities in the Agricultural Reserve Tier were discussed, the Board expressed interest in considering amendments for multifamily development with a significant workforce housing component. During a Board workshop regarding the Agricultural Reserve Tier on October 26 and November 3, 2021, the Board discussed the potential of creating a new future land use for multifamily as well as light industrial uses in the Tier. On February 2, 2022, the Board formally initiated a text amendment to the Comprehensive Plan for staff to proceed with the review and analysis of the proposed amendment.

On August 25, 2022, the Board adopted the Essential Housing (EH) future land use designation to provide a higher-density category with both a workforce housing requirement and preserve requirement. Eligible sites for this future land use must include:

- A minimum of 30 acres;
- Frontage on Atlantic Avenue from the Florida's Turnpike to ½ mile west of Lyons Rd or Boynton Beach Boulevard from the Florida's Turnpike to ½ mile west of Lyons Road;
- A minimum of 25% of all units to be provided as workforce housing units onsite (60-140% of area median income); and
- A minimum of 60% preserve area with no more than 10% of the preserve area to be utilized for stormwater management purposes that is designed with enhanced environmental features.

This proposed amendment is the first request for the EH future land use designation.

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. Exhibit 2 provides further detail regarding 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 subject site is located on the southeast corner of Boynton Beach Boulevard and Acme Dairy Road within the Agricultural Reserve Tier. In general, the area consists of a variety of low density and intensity uses consistent with the recommendations of the Agricultural Master Plan and corresponding policies within the Comprehensive Plan. Currently, there are two additional amendments in process in the area:

- **Erickson Senior Living (LGA 2023-018)** – Directly east of the subject site is an amendment in process for a 92.49 acre site. At the August 25, 2022 public hearing, the Board initiated a privately proposed text amendment to the Comprehensive Plan to add an additional location to be eligible for the Congregate Living Residential (CLR) future land use designation in the Agricultural Reserve. The intent of the FLUA amendment request to CLR is to develop a congregate living facility. ~~This amendment is tentatively scheduled for 23-B Amendment Round, for a Spring 2023 Planning Commission and May 2023 BCC Transmittal Hearing.~~ The Planning Commission recommended approval with conditions in a vote of 10 to 0 at the April 14, 2023 hearing. The Board of County Commissioners transmitted this amendment on May 3, 2023 with a vote of 7 to 0.
- **BC Commerce Center (LGA 2023-003)** - North of the subject site, at the northeast corner of Boynton Beach Boulevard and Acme Dairy Road is an amendment in process to change 47.21 acres of land from Agricultural Reserve (AGR) to Commerce with underlying AGR (CMR/AGR) in order to develop up to 925,410 square feet of light industrial uses. ~~This amendment is scheduled for 23-A2 Amendment Round, for a January 2023 Planning Commission and February 2023 BCC Transmittal Hearing.~~ The Planning Commission voted 9 to 0 to approve with modifications (limiting the site to 0.35 FAR) The Board of County Commissioners transmitted this amendment on February 1, 2023 with a vote of 7 to 0 with a condition to limit the site to 719,764 square feet (0.35 FAR). The amendment is anticipated to be heard for adoption at the August 24, 2023 BCC Zoning public hearing.

Appropriateness of the FLU. This application brings forward a proposal that would help promote a sustainable land use pattern in the Agricultural Reserve Tier. Although a major focus of the policies adopted to implement the Agricultural Reserve Master Plan focused on the mechanics of residential Planned Developments with their required preserve areas, and the mixed use form and limitations on commercial land uses, the underlying theme of the Master Plan was to ensure that non-agricultural uses all be developed in a sustainable pattern. The vision in the Master Plan Phase II was to foster sustainable development that would *“serve area residents with respect to providing employment, shopping, recreation, services, and quality of life. Reducing the necessity for area residents to travel outside the area to receive services lessens the impact on surrounding area services and roads.”* This mixed-use, sustainable development was envisioned to promote an efficient pattern of development that would minimize infrastructure costs to reduce impacts on County taxpayers. The Master Plan consultants recommended a wide range of housing types and residential institutional uses, including nursing homes, assisted living facilities, and multi-family housing. Specifically, the Master Plan anticipated that 20% of residential units in the vicinity of the mixed use centers would be multi-family. In addition, the Board adopted the Essential Housing future land use subject to location criteria in order to support sustainable development in the Tier by allowing higher densities on major corridors in proximity to existing commercial nodes, which reduces trips.

Workforce Housing Requirement. The Agricultural Reserve Tier has been exempt from the County's Workforce Housing Program (WHP) since the program was established in 2006. As a result, there are currently no workforce housing units in the Tier. As previously noted, the two marketplace developments included approvals of 166 multi-family units, but to date, these have not been built, and are not required to be income restricted. The applicant is proposing 25% (79

units) of the total units to be provided as on-site workforce housing, as required by the EH future land use.

Preserve Requirement. The Comprehensive Plan requires that residential development in the Agricultural Reserve Tier is developed at either one unit per five acres or at one unit per acre within planned unit developments (PUD) and include a minimum of a 60% preserve area. With the adoption of the EH FLU, the Board maintained the preserve requirement of 60% while also allowing for no more than 10% of the preserve area for stormwater management purposes with enhanced environmental features. For a 39.24 acre site, a 60% preserve requirement would result in a 23.54 acre preserve area, of which 2.35 acres could be for stormwater management purposes designed with enhanced environmental features. The required preserve area will be calculated during review of the concurrent zoning application and finalized upon site plan approval as the required preserve area is based on the overall acreage of the site less right-of-way identified on the Thoroughfare Identification Map. In addition, the applicant is proposing the entire preserve area to be onsite and contiguous to the development area.

Compatibility. This portion of the Boynton Beach Boulevard Corridor contains a variety of non-residential uses including agricultural, commercial, and institutional uses such as schools and district parks. Therefore, the diversity of existing uses surrounding the site contributes to the compatibility of the proposed amendment to EH for multi-family development. The EH future land use designation was created specifically to offer a higher density development option within the Tier while contributing to the objectives of the Tier through preserve requirements and by allowing sites to be eligible for higher density, compact development on major corridors in proximity to the marketplaces which reduces trips. As the proposed development is consistent with the existing and proposed development pattern of the surrounding area, staff finds the request compatible.

Assessment and Recommendation. The applicant is proposing a future land use amendment on a 39.24 acre site from Agricultural Reserve (AGR) to Essential Housing with an underlying Agricultural Reserve (EH/AGR). The EH future land use designation was adopted on August 25, 2022 as a result of Board direction for staff to develop a new, higher density FLU option in order to facilitate workforce housing in the Agricultural Reserve Tier. The EH future land use designation allows up to 8 units per acre for eligible properties and requires that a minimum of 25% of the total units be provided as workforce housing onsite. This proposed amendment is the first request submitted for the EH future land use designation. The applicant is proposing 314 dwelling units with 79 units (25%) provided as on-site workforce housing. The concurrent zoning application is proposing to locate the required 60% preserve area on the subject site, contiguous to the development area.

The vast majority of the built and approved residential units within the Tier are single family or zero lot line developments. The proposed amendment assists with providing housing diversity within the Tier by allowing multifamily development, consistent with the Master Plan recommendations. In addition, the sites location is consistent with the Board’s direction to focus higher densities on major corridors in proximity to the two existing mixed-use centers. The proposed amendment is consistent with the Essential Housing FLU criteria established by the Board, would allow for a higher-density residential development with a significant workforce housing requirement, and is compatible with adjacent uses. Staff is recommending conditions of approval to limit the site to a maximum of 314 units with a 25% workforce housing requirement and requiring the consideration of the adoption of the FLUA and zoning application at the same hearing. Staff is recommending approval with conditions.

Staff recommends **approval with conditions** based upon the findings within this report.

Exhibits		Page
1.	Future Land Use Map & Legal Description	E-1
2.	Consistency with Comprehensive Plan	E-4
3.	Applicant’s Justification and Consistency with Comprehensive Plan	E-12
4.	Applicant’s Public Facility Impacts Table	E-20
5.	Palm Beach County Traffic Division Letter	E-22
6.	Water & Wastewater Provider LOS Letter	E-24
7.	School District Letter	E-25
8.	Applicant’s Disclosure of Ownership Interests	E-26
9.	Previously Proposed Residential Amendments in AGR Tier	E-42
10.	Applicant’s Environmental Statement	E-44
11.	Correspondence	E-45

Exhibit 1

Amendment No:	Logan Ranch (LGA 2023-014)
FLUA Page No:	89
Amendment:	From Agricultural Reserve (AGR) to Essential Housing with underlying Agricultural Reserve (EH/AGR) <u>with conditions</u>
Location:	Southeast corner of Boynton Beach Boulevard and Acme Dairy Road
Size:	39.24 acres <u>approximately</u>
Property No:	00-42-43-27-05-054-0070

- Conditions:** Development of the site under the EH FLU is subject to the following:
- 1. The subject site shall be limited to a maximum of 314 dwelling units.
 - 2. The zoning development order shall require a minimum of 25% of the total dwelling units to be built as onsite workforce housing units. These workforce housing units shall be evenly distributed among four income categories for households ranging from 60 to 140% of area median income, and subject to the requirements of Article 5.G.1 of the Unified Land Development Code.
 - 3. ~~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~~



Legal Description

TRACTS 7, 8, 25, 26, 39, 40, 57 AND 58, BLOCK 54, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TOGETHER WITH THAT CERTAIN 30 FOOT ROAD, DYKE AND DITCH RESERVATION LYING BETWEEN SAID TRACTS 25-26 AND 39-40, BLOCK 54, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THAT PORTION OF SAID TRACTS 7 AND 8, DESCRIBED AS PARCEL 106 IN THAT CERTAIN ORDER OF TAKING RECORDED IN O. R. BOOK 6366, PAGE 721, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

A PORTION OF TRACTS 7 AND 8, BLOCK 54 OF PALM BEACH FARMS CO. PLAT NO. 3 IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT 8, RUN NORTH 89 DEGREES 26 MINUTES 12 SECONDS EAST, ALONG THE NORTH LINE OF SAID TRACTS, A DISTANCE OF 659.80 FEET, TO THE NORTHEAST CORNER OF SAID TRACT 7; THENCE SOUTH 00 DEGREES 02 MINUTES 18 SECONDS EAST, ALONG THE EAST LINE OF SAID TRACT 7, A DISTANCE OF 86.97 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 7774.44 FEET, A CHORD BEARING S 88 DEGREES 08 MINUTES 04 SECONDS WEST, AND A CENTRAL ANGLE OF 02 DEGREES 36 MINUTES 16 SECONDS, THENCE WESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 353.39 FEET; THENCE SOUTH 89 DEGREES 26 MINUTES 12 SECONDS WEST, A DISTANCE OF 281.60 FEET TO A POINT ON A LINE 25.00 FEET EASTERLY OF, AND PARALLEL TO, THE WEST LINE OF SAID TRACT 8 (AS MEASURED AT RIGHT ANGLES THERETO); THENCE SOUTH 00 DEGREES 02 MINUTES 18 SECONDS EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 343.31 FEET; THENCE SOUTH 89 DEGREES 57 MINUTES 42 SECONDS WEST, A DISTANCE OF 25.00 FEET TO SAID WEST LINE OF TRACT 8; THENCE ALONG SAID WEST LINE, NORTH 00 DEGREES 02 MINUTES 18 SECONDS WEST, A DISTANCE OF 438.08 FEET, TO THE POINT OF BEGINNING.

AND LESS AND EXCEPT THE 15 FOOT RIGHT OF WAY FOR ACME DAIRY ROAD, AS CONVEYED IN DEED BOOK 692, PAGE 78, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

THE WEST 15 FEET OF TRACTS 8, 25, 40 AND 57, BLOCK 54, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THE NORTH 30 FEET OF TRACT 8, BLOCK 54, AS CONTAINED IN DEED RECORDED IN DEED BOOK 113, PAGE 126, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

REVISED: AND LESS AND EXCEPT THAT REQUIRED RIGHT OF WAY AS REFERENCED ON INSTRUMENT RECORDED IN O. R. BOOK 1732, PAGE 612, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND LESS AND EXCEPT THAT CERTAIN STRIP OF LAND EXCEPTED IN DEED FROM LAKE WORTH DRAINAGE DISTRICT RECORDED IN DEED BOOK 697, PAGE 421, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

A STRIP OF LAND 40 FEET IN WIDTH ON EACH SIDE OF THE CENTER LINE OF THE COUNTY ROAD.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID TRACT 7, BLOCK 54, PALM BEACH FARMS PLAT NO. 3, PLAT BOOK 2, PAGE 54, OF PALM BEACH COUNTY, FLORIDA. RUN SOUTH 00 DEGREES 25 MINUTES 37 SECONDS EAST, ALONG THE EAST LINE OF SAID TRACT 7, A DISTANCE OF 86.97 FEET TO THE POINT OF BEGINNING A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 7774.44 FEET, A CHORD BEARING S 87 DEGREES 44 MINUTES 46 SECONDS

WEST, AND A CENTRAL ANGLE OF 02 DEGREES 36 MINUTES 22 SECONDS, THENCE WESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 353.62 FEET; THENCE SOUTH 89 DEGREES 02 MINUTES 57 SECONDS WEST, A DISTANCE OF 279.78 FEET TO A POINT ON A LINE 25.00 FEET EASTERLY OF, AND PARALLEL TO, THE WEST LINE OF SAID TRACT 8 (AS MEASURED AT RIGHT ANGLES THERETO); THENCE SOUTH 00 DEGREES 23 MINUTES 24 SECONDS EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 343.45 FEET; THENCE SOUTH 89 DEGREES 34 MINUTES 27 SECONDS WEST, A DISTANCE OF 10.00 FEET TO A POINT ON A LINE PARALLEL TO AND 15 FEET EAST OF THE WEST LINE OF TRACT 8, BLOCK 54; THENCE ALONG SAID PARALLEL LINE, SOUTH 00 DEGREES 23 MINUTES 24 SECONDS EAST, A DISTANCE OF 2310.99 FEET, TO A POINT ON THE NORTH LINE OF A 30 FOOT RIGHT-OF-WAY FOR LAKE WORTH DRAINAGE DISTRICT LATERAL 25, RECORDED IN OFFICIAL RECORDS BOOK 1585, PAGE 505 OF PALM BEACH COUNTY OFFICIAL RECORDS. THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY, NORTH 89 DEGREES 36 MINUTES 22 SECONDS EAST, A DISTANCE OF 644.94 FEET TO THE EAST LINE OF TRACT 58, BLOCK 54. THENCE NORTH 00 DEGREES 25 MINUTES 41 SECONDS WEST, ALONG EAST LINES OF TRACTS 58, 39, 26 AND 7 FOR A DISTANCE OF 2668.64 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATED IN SECTION 29, TOWNSHIP 45 SOUTH, RANGE 42 EAST OF PALM BEACH COUNTY, FLORIDA.

LANDS CONTAINING 1,709,166 SQUARE FEET OR 39.237 ACRES MORE OR LESS.

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 the amendment is justified on the basis of changes in the characteristics of the area that have occurred since the adoption of the County's Comprehensive Plan and subsequent policies that implemented the recommendations of Agricultural Reserve Master Plan. The applicant provides further justification to support the request and is summarized as follows:

- *Approval of the proposed future land use will allow for the development of a housing product that will add a diverse and affordable housing option for the workers within the Agricultural Reserve.*
- *The Essential Housing Future Land Use Designation creates a higher-density category with a significant workforce housing requirement and a preserve requirement, helping to create livable communities while recognizing the unique characteristics of the area. The higher density development will be located on major corridors with proximity to the marketplaces limiting trips and facilitating transit access.*

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.

The subject site currently has a future land use designation of Agricultural Reserve and has a maximum development potential of 8 residential dwelling units or up to 256,394 (0.15 FAR) square feet of agricultural uses. The applicant proposes to change the future land use designation from Agricultural Reserve (AGR) to Essential Housing with an underlying Agricultural Reserve (EH/AGR) in order to develop 314 multi-family dwelling units (8 units per acre).

This application brings forward a proposal that would help promote a sustainable land use pattern in the Agricultural Reserve Tier. Although a major focus of the policies adopted to implement the Agricultural Reserve Master Plan focused on the mechanics of residential Planned Developments with their required preserve areas, and the mixed use form and limitations on commercial land uses, the underlying theme of the Master Plan was to ensure that non-agricultural uses all be developed in a sustainable pattern. The vision in the Master Plan Phase II was to foster sustainable development that would “serve area residents with respect to providing employment, shopping, recreation, services, and quality of life. Reducing the necessity for area residents to travel outside the area to receive services lessens the impact on surrounding area services and roads.” This mixed-use, sustainable development was envisioned to promote an efficient pattern of development that would minimize infrastructure costs to reduce impacts on County taxpayers. The Master Plan consultants recommended a wide range of housing types and residential institutional uses, including nursing homes, assisted living facilities, and

multi-family housing. Specifically, the Master Plan anticipated that 20% of residential units in the vicinity of the mixed use centers would be multi-family.

In addition, the Board adopted the Essential Housing future land use subject to location criteria in order to support sustainable development in the Tier by allowing higher densities on major corridors in proximity to existing commercial nodes, which reduces trips and facilitates transit access. The policies guiding the EH future land use designation contain specific criteria relating to location criteria, preserve requirements and workforce housing, among other requirements which are discussed later in this report. Staff concurs with the applicant that this amendment will allow for housing diversity within the Tier and supports sustainability of the Tier by providing workforce housing in close proximity to places of employment. Therefore, 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 7. Housing Opportunity. *Ensure that housing opportunities are compatible with the County's economic opportunities by providing an adequate distribution of low, moderate, and middle income housing, Countywide, through the Workforce Housing Program.*

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

Staff Analysis: The proposed amendment furthers **Direction 1, Livable Communities**, by fostering additional housing opportunities for existing and future residents of the Agricultural Reserve Tier. A Livable Community, as stated in the Future Land Use Element of the Comprehensive Plan under **1.D. Characteristics of a Livable Community**, comprises certain characteristics including a diverse mix of housing for a wide range of family and household types. With regards to **Direction 7. Housing Opportunity**, as further discussed under Workforce Housing, this proposed amendment requires a minimum percentage of workforce housing which can increase housing diversity in the Agricultural Reserve Tier. Regarding **Direction 15. Agricultural and Equestrian Services**, this amendment is requesting the recently adopted Essential Housing (EH) future land use designation. A core concept of the Agricultural Reserve Tier is that all planned developments have an associated preserve requirement. The EH future land use designation requires 60% of the total acreage of the proposed project to be dedicated as a preserve area. EH preserve areas are restricted to agricultural and limited water management uses, which makes this request consistent with Direction 15.

3. **Piecemeal Development – FLUE Policy 2.1-h:** *The County shall not approve site specific Future Land Use Atlas amendments that encourage piecemeal development or approve such amendments for properties under same or related ownership that create residual parcels. The County shall also not approve rezoning petitions under the same or related ownership that result in the creation of residual parcels.*

Staff Analysis: There are no 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.

B. Consistency with Agricultural Tier Requirements

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

OBJECTIVE 1.5 The Agricultural Reserve Tier

1. **Objective:** *Palm Beach County shall preserve the unique farmland and wetlands in order to preserve and enhance agricultural activity, environmental and water resources, and open space within the Agricultural Reserve Tier. This shall be accomplished by limiting uses to agriculture and conservation with residential development restricted to primarily 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, directing the location and density of development. Prior to the adoption of the Essential Housing future land use designation, residential development in the Agricultural Reserve Tier was limited to 1 unit per 5 acres for properties with the AGR future land use designation, or property owners had the option of pursuing one of four planned development districts which allow 1 unit per acre. Each of these options allows for increased density on the overall development area in exchange for a percentage of the land area being dedicated as preserve, which allows specific uses intended to preserve and support the unique farmlands and wetlands within the tier. Implementing preserve requirements for residential developments in the tier is the primary method used to meet the intent of this objective. The applicant is proposing 23.17 acres, or 60% to be dedicated as preserve area therefore meets the intent of this objective.

2. **Policy 1.5-h-1:** *Any future land use amendment requesting the EH FLU shall be accompanied by a concurrent zoning application in order to demonstrate that the proposal meets the requirements of Policy 1.5.1-j and the design, scale, and character requirements of the Tier.*

Staff Analysis: This policy requires all proposed future land use amendments requesting the Essential Housing future land use designation to be accompanied by a concurrent zoning application, which ensures that the proposed development meets the requirements of Policy 1.5.1-j. The applicant submitted a concurrent zoning application to change the zoning district from Agricultural Reserve to Multiple Use Planned Development (MUPD), and is therefore consistent with this policy.

3. **Policy 1.5.1-t:** *Land designated EH FLU shall be permitted in an Agricultural Reserve Multiple Use Planned Development (AgR-MUPD), or an Agricultural Reserve Traditional Marketplace Development (AgR-TMD) at a density of up to 8 units per acre, provided that the project size, preserve area and other minimum requirements for a 60/40 AGR PUD with EH FLU are met.*

Staff Analysis: The applicant is requesting to change the future land use designation on the subject site to Essential Housing (EH) and the concurrent zoning application is requesting to change the zoning district to MUPD. This policy allows EH future land use designation to be consistent with the MUPD zoning district contingent upon the meeting the minimum requirements for a 60/40 AGR PUD in Policy 1.5.1-j, provided below.

4. **Policy 1.5.1-j:** *A 60/40 AGR-PUD with a future land use designation of Essential Housing shall require the following*
 1. *a minimum of 30 acres exclusive of right-of-way as shown on the Thoroughfare Identification Map;*
 2. *that the development area be contained in one compact area and not exceed 40 percent of the gross acreage less right-of-way as shown on the Thoroughfare Identification Map. The development area shall contain uses normally associated with a PDD such as the street system, water retention areas, water amenity areas,*

- active recreational areas (including golf courses), open space, which is integral to the PDD, and civic center sites;
3. the development area and the protected area need not be contiguous;
 4. that the development area shall be situated with frontage on either: State Road 806 (Atlantic Avenue), extending from ½ mile west of Lyons Road (Half-mile Road), to Florida's Turnpike; or, State Road 804 (Boynton Beach Boulevard), extending from ½ mile west of Lyons Road, to Florida's Turnpike;
 5. a minimum of 25% of all units to be provided as workforce housing units onsite, evenly distributed among 4 income categories for households ranging from 60% to 140% of area median income, and subject to the requirements of Article 5.G. 1 of the Unified Land Development Code.
 6. that the development have buildings that vary in the number of stories when the number of units exceeds two-hundred.
 7. that the preserve area shall consist of, at least, 60 percent of the gross acreage less right-of-way identified on the Thoroughfare Identification Map and be maintained in agriculture, passive recreation or other open space use. The preserve area shall:
 - a) contain a minimum area of 18 acres; and,
 - b) be utilized for crop production, pasture, equestrian purposes, retained as fallow land, or serve water management purposes per one or more of the following:
 - 1) designated by the South Florida Water Management District (SFWMD) as either a Water Preserve Area, or certified by SFWMD as serving regional water management purposes; or
 - 2) to serve regional water management purposes as certified by the Lake Worth Drainage District (LWDD). Lands owned by LWDD as of May 5, 2021 shall be limited to lands adjacent to existing preserve areas and limited to a maximum 276.509 acres of preserved area identified in Zoning Application PDD/DOA 2021-0122. For the purposes of this provision, adjacent includes lands separated from existing preserves by lands owned by LWDD. Any changes to the LWDD-owned lands provisions above shall require approval by at least five members of the Board of County Commissioners; or
 - 3) for water management purposes not directly related to the 60/40 AgR-PUD if approved by the Department of Environmental Resources Management, and managed for environmental resource values.
 - 4) for stormwater management purposes directly related to the development area provided that the stormwater management feature:
 - (a) is located in preserve area located contiguous to the development area;
 - (b) is limited to no more than 10% of the total project preserve area;
 - (c) is designed with enhanced environmental features and managed in a manner that promotes sustainability and improved water quality;
 - (d) is privately maintained; and,
 - (e) if public access is to be provided:
 - (1) any vehicular parking is accommodated in the development area;
 - (2) parking is provided in the preserve area only for bicycles and other non-vehicular modes, and for golf carts; and
 - (3) an easement is recorded providing for public access.
 - c) Accessory agricultural structures such as barns and pump structures shall be permitted.
 - d) Agricultural support uses such as processing facilities, and the like shall not be accommodated in the protected area of an AgR-PUD, unless the parcel meets the criteria provided in Policy 1.5-h; nor shall new residential uses be accommodated thereon except for farm worker quarters as described in Future Land Use Policy 1.5.1-k and Housing Policy 1.4-d or grooms quarters as described in Future Land Use Policy 1.5.1-k; and
 - e) that in cases of preserve areas that are contiguous to the associated development area, these preserves be held in common ownership and control by an HOA or other party for access by, and on behalf of, residents of the AgR-PUD or agricultural users, and operate under common management of an HOA or third party.

- f) *Community vegetable gardens, as defined in the Unified Land Development Code, shall be permitted in the preserve area.*
- g) *The exchange of preserve areas shall be prohibited.*
- h) *Implementing provisions may include monitoring requirements for compliance with workforce housing requirements.*

Staff Analysis: This policy establishes the requirements for the Essential Housing future land use designation. Each criterion is evaluated below:

1. The subject site is 39.24 acres and meets the minimum size requirements.
2. The proposed site plan proposes the development area within one compact area and is no larger than 40% of the total project land area, less right of way.
3. Although the preserve area does not need to be contiguous to the proposed development area, the applicant is proposing an onsite, contiguous preserve.
4. The subject site is fronting Boynton Beach Boulevard and is located between the Florida's Turnpike and ½ mile west of Lyons Road. Therefore, the site meets the location requirements.
5. The applicant is proposing 25%, or 79, of the 314 multifamily units be provided as onsite workforce housing units. Staff is recommending conditions of approval in Exhibit 1 to ensure this requirement is met.
6. The proposed development is requesting more than 200 units and is subject to this requirement. The site plan submitted with the concurrent zoning application shows both two and four story buildings. Therefore, this requirement is met.
7. As previously discussed, the applicant is proposing 23.17 acres of preserve, contiguous to the development area. In addition, the proposed preserve area will consist of 10%, or 2.31 acres, of the total preserve area to be utilized for stormwater management purposes with enhanced environmental features as described in Exhibit 10. The Planning Division will coordinate with Zoning and ERM during the site plan review related to the environmental benefits.

C. Compatibility

Compatibility is defined as a condition in which land uses can co-exist in relative proximity to each other in a stable fashion over time such that no use is negatively impacted directly or indirectly by the other use.

FLUE Policy 2.1-f states that *“the County shall review and make a determination that the proposed future land use is compatible with existing and planned development in the immediate vicinity.”* And **FLUE Policy 2.2.1-b states that** *“Areas designated for Residential use shall be protected from encroachment of incompatible future land uses and regulations shall be maintain to protect residential areas from adverse impacts of adjacent land uses. Non-residential future land uses shall be permitted only when compatible with residential areas, and when the use furthers the Goals, Objectives, and Policies of the Plan.”*

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

- **North** – North of the subject site, across Boynton Beach Boulevard is a 47.21 acre parcel with agricultural use and is in process for a future land use amendment, **BC Commerce Center (LGA 2023-003)**, to change the designation from AGR to the recently adopted Commerce with underlying AGR (CMC/AGR) in order to develop up to 925,410 square feet of light industrial uses.
- **East** – To the east of the subject site are agricultural uses with the Agricultural Reserve (AGR) future land use designation. In total, approximately 92.5 acres of agricultural land between the subject site and the Florida's Turnpike. There is a future land use and text amendment in process called **Erickson Boynton Beach (LGA 2023-018)** on the site. On August 25, 2022, the Board initiated a text amendment to the Comprehensive Plan to change the location criteria for the Congregate Living Residential (CLR) future land use designation and the allow the same uses in preserve areas as the Essential Housing designation. The applicant is proposing a congregate living facility with up to 1,192 beds.
- **South** – To the south of the subject site is Canyon Trails AGR PUD (Control 2006-0550), residential development with an Agricultural Reserve (AGR) future land use designation developed as a 60/40 AGR-PUD. The AGR-PUD consists of 579 single family dwelling units. On the west side of Acme Dairy Road, is Canyon Lakes AGR-PUD. This is another

60/40 AGR PUD with an AGR future land use designation, consisting of 500 single family dwelling units.

West – West of the subject site, beyond Acme Dairy Road, are two Palm Beach County School District Schools and a District Park. At the southwest corner of Acme Dairy Road and Boynton Beach Boulevard is Sunset Palms Elementary School. Contained within the same 33.26 acre parcel is the recently named West Boynton Middle School, which is currently under construction and anticipated to be open for the 2023-2024 school year. The schools' site is a civic dedication on a preserve parcel for the Canyons Town Center MUPD and has a future land use designation of Agricultural Reserve (AGR). South of the schools' site, an additional civic dedication was provided through the preserve requirements of the Canyon Town Center MUPD in the form of a 52.17 acre district park known as Canyon District Park. The park offers lighted multipurpose fields, a fitness trail and a concession building and officially opened on September 24, 2022. The park also has an AGR future land use designation.

Further west, along Boynton Beach Boulevard, is the Canyon Town Center MUPD, which has a Commercial Low with underlying Agricultural Reserve (CL/AGR) future land use designation. The site consists of 125.82 acres and is developed as an AGR-MUPD. The developable area is located at the southeast corner of Boynton Beach Boulevard and Lyons Road and has approvals for several types of uses including retail, general office, medical office, restaurant and a daycare totaling 216,982 square feet. Pod B of the development area has approvals for civic uses including a public library, public park, general office and 59 multifamily dwelling units. The MUPD provides 56.33 acres (60%) of preserve areas including civic dedications for two schools and a district park.

Applicant's Comments:

- “Boynton Beach Boulevard is currently developed with a mix of industrial, commercial, residential, and agricultural uses. The proposed MLU will provide for additional housing opportunities along this important east-west corridor of the Agricultural Reserve and Palm Beach County. On this basis, the proposed development concept at this location is determined to be compatible.”, and
- “The proposed use is compatible with the existing development pattern and adjacent uses that have occurred along the Boynton Beach Boulevard corridor.”

Staff Analysis: The proposed 314 unit multifamily development is located on Boynton Beach Boulevard, a major thoroughfare and adjacent to uses which complement higher density developments such as district parks, two schools and employment uses. The site plan is proposing a preserve onsite located on the south end of the property, which is closest to existing residential. In addition, the site plan proposes the majority of the residential units closer to Boynton Beach Boulevard.

The Board adopted the Essential Housing future land use designation with the intent of providing higher density residential development within the tier as a means to provide workforce housing. The location criteria and other policies guiding the EH designation take compatibility into consideration as only a handful of sites are considered eligible for the recently adopted EH designation. For the reasons outlined above and throughout this report, staff finds this proposed development compatible with the existing and planned development in the area.

D. Consistency with County Overlays, Plans, and Studies

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

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

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

Staff Analysis: The subject site is within the boundaries of the West Boynton Area Community Plan (WBACP). The plan was received by the BCC in October of 1995. Two subareas were created in the WBACP to address the diverse nature of the areas within the plan boundaries. Subarea 1 covers the region east of the Ag Reserve in the Urban/Suburban Tier. Subarea 2 delineates the northern Ag Reserve which is the area of the Ag Reserve north of the Lake Worth Drainage District (LWDD) L30 Canal.

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

The following recommendation from the WBACP was intended to apply to the Agricultural Reserve (sub area 2, WBACP): "Accept an agricultural future for the Agricultural Reserve."

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

E. Public Facilities and Services Impacts

The proposed amendment will change the future land use designation from Agricultural Reserve to Essential Housing with underlying Agricultural Reserve. Public facilities impacts were reviewed at a maximum density of 314 units. Public facilities impacts are detailed in the table in Exhibit 4.

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

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

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

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

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

Staff Analysis: The Traffic Division reviewed this amendment at the maximum development potential of 314 multifamily dwelling units. According to the County's Traffic Division (see letter dated November 3, 2022 in Exhibit 5) the amendment would result in a net increase of 499 trips per day.

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 **maximum potential density** shown above."

The Traffic Study dated October 26, 2022 was prepared by Christopher W Heggen, P.E of Kimley-Horn and Associates, Inc. Traffic studies and other additional supplementary materials for site-specific amendments are available to the public on the PBC Planning website at: <http://discover.pbcgov.org/pzb/planning/Pages/Active-Amendments.aspx>

II. Public and Municipal Review

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

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

Exhibit 3

Applicant’s Justification

Introduction

On behalf of the Applicant, JMorton Planning & Landscape Architecture is requesting a Comprehensive Plan Future Land Use Atlas amendment (“amendment”) for the property located at the southeast corner of Boynton Beach Boulevard and Acme Dairy Road in Palm Beach County (“Property”) to amend the future land use designation from Agricultural Reserve (AGR) to Essential Housing (EH) and impose conditions of approval to limit development to 314 residential units. The Property is located within the Agricultural Reserve Tier (“Agricultural Reserve” or “Tier”) and is currently utilized for agriculture row crops.

I. PROPOSED FLUA MAP AMENDMENT

The Applicant is requesting a Future Land Use Atlas Amendment from Agricultural Reserve (“AGR”) to Essential Housing (“EH”) and to impose conditions of approval to allow for the development of 314 residential units. The current future land use designation would allow for the development of eight (8) dwelling units (1 du/5 acres x 39.24 ac.) or 256,394 SF (0.15 FAR x 39.24 ac.) of agricultural uses. The proposed future land use designation will allow for a maximum of 314 residential units (8 du/acre x 313.92 ac.). The Applicant is proposing to pursue a rezoning to Multiple Use Planned Development MUPD), which will allow for the development of a multi-family residential project.

Description of Site Vicinity

The Property is located along the south side of Boynton Beach Boulevard, just east of Acme Dairy Road within the Agricultural Reserve. Surrounding the Property to the north across Boynton Beach Boulevard, south and east are agricultural uses and to the west across Acme Dairy Road is an elementary school and middle school.

Land uses directly abutting the Property include the following:

Adjacent Property	Land Use Designation	Zoning Designation	Existing Use	Control Number	Resolution Number
North	AGR (Proposed EH)	AGR (Proposed EH)	Agriculture Uses (Proposed Multi-Family)	2016-0163	N/A
South	AGR	AGR-PUD	Canyon Trails PUD/579 Units/1 Du per acre	2006-550	R-2011-224
East	AGR	AGR	Agricultural Uses	N/A	N/A
West	AGR	MUPD	Elementary/Middle School Canyon District Park	2004-471	R-2019-1951, R-2019-1952

History

The Agricultural Reserve Master Plan was originally developed to preserve and enhance agricultural activity and environmental and water resources in the Ag Reserve. Since the adoption of the Ag Reserve related Comprehensive Plan policies, numerous residential developments have been built and the number of residents living within the boundaries of the Ag Reserve has significantly increased. The needs of those residents as well as good planning practices, have spurred additional changes in the Ag Reserve. These changes included increasing the commercial square footage cap to allow for additional smaller commercial projects, allowing 5-acre standalone preserve parcels, and allowing smaller commercial projects to develop without the need to provide preserve acreage. Additional changes have been approved to allow the development of congregate living facilities and self-storage facilities within the Ag Reserve. Finally, the Reserve at Atlantic project, a private text and future land use amendment, spurred the review by the County Board of Commissioners to consider a Future Land Use Designation of Essential Housing in the Agricultural Reserve. The Reserve at Atlantic project was adopted on July 28, 2022, by the County Board of Commissioners and the Future Land Use Designation of Essential Housing will be considered by the County Board of Commissioners on August 31, 2022. The Future Land Use Designation of Essential Housing will diversify housing opportunities by allowing for workforce housing and expanding the ability to develop multi-family housing options to serve the needs of nearby uses such as the hospital, congregate living facility, schools and agricultural facilities.

G.1 Justification

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

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

Response: *The proposed future land use designation of EH to allow for workforce housing in a Planned Unit Development with density exceeding 1 dwelling unit per acre is suitable and appropriate for the Property. The Property is located along Boynton Beach Boulevard, which is a major east/west right-of-way that provides easy access to the Florida's Turnpike as well as State Road 7 and I-95. Further, recent and future approved development near the Project includes a hospital, schools, congregate living facility and commercial uses. Locating higher-density, compact development on major corridors in proximity to the marketplaces limits trips and facilitates transit access. Workforce housing in the Tier also furthers the County objectives of dispersing workforce housing and addressing the housing needs of lower income households.*

Allowing additional housing opportunities within the Agricultural Reserve will encourage balanced growth. The Agricultural Reserve is comprised of single family homes, most of which are planned gated communities. This is a homogeneous development pattern with little to no economic diversity. The recent changes to the Agricultural Reserve Master Plan have allowed increased services to be developed to support the increasing amount of residential development. However, no accommodation of workforce housing for those working in the service, education, and healthcare industries has been provided. The Property is well suited for increased density and workforce housing due to its location between the industrial/institutional uses to the west and the commercial uses to the east. The proposed multi-family project will provide a transition between those intense uses on Boynton Beach Boulevard and the existing and future single-family uses to the north, south, east and west.

The Master Plan envisioned the development of 2,520 multi-family units and 4,200 townhouse units. To date no townhouses or multi-family units have been developed and the Agricultural Reserve continues to be developed with large single-family homes generally priced above \$880,000. The consultants that prepared the Agricultural Reserve Master Plan recommended that the County allow density increases as a means of encouraging multi-family development and varied residential product types as well as encouraging integration between residential and non-residential uses. The development pattern of the Agricultural Reserve is segregated and lacks connectivity, as commercial uses are concentrated at the intersection of Boynton Beach Boulevard and Lyons Road, industrial fronts along Boynton Beach Boulevard between State Road 7 and the Turnpike; and the gated single family residential developments have primarily been developed with frontage/access on Lyons and Acme Dairy Roads. This type of development pattern requires residents to drive to and from the various services that they need. The Project will locate residential in close proximity to services and uses and encourage alternative modes of transportation. Additionally, the workforce of those various commercial businesses will have additional options for housing within these residential developments. Approval of the proposed future land use will allow for the development of a housing product that will add a diverse and affordable housing option for the workers within the Agricultural Reserve.

The density increase to 8 units per acre is necessary to accommodate the development of multi-family units. Higher density already exists in the Tier with the "In The Pines" development that serves some of the farmworkers of the Tier. Additionally, the proposed Congregate Living Facility text amendment will allow for density at 8 dwelling units per acre. Preserve area is still required and that additional density increase is needed to offset the cost of acquiring preserve land and providing workforce housing.

The creation of additional housing options within the Agricultural Reserve will allow the workforce in the area the opportunity to live close to their place of employment. By adding more housing options to the Agricultural Reserve, travel distance and time is reduced. This reduction would lessen the impacts on the major rights-of-way in the Tier, thus decreasing the burden for service provision on County taxpayers. Water and sewer lines have been installed along Boynton Beach Boulevard to serve the various residential projects being developed within the Agricultural Reserve. Allowing development of the Property with a workforce housing project would be an efficient use of these existing public facilities.

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

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

Response: *As previously mentioned, significant changes to the original master plan have been approved within the Agricultural Reserve. Most recently on July 28, 2022, the Board of County Commissioners approved Reserve at Atlantic, for development of 476 multi-family residential units and a daycare for 120 children. The Reserve at Atlantic Project was also the catalyst for the Board of County Commissioners to direct staff to initiate the Future Land Use Amendment for Essential Housing. The Essential Housing Future Land Use Designation will allow for development of multi-family housing and workforce housing within the Tier. With the approval of the Reserve at Atlantic*

and adoption of the County initiated EH Future Land use Designation, additional residential projects will continue to be proposed and developed within the Tier.

Continued residential growth has created a need for additional services within the Agricultural Reserve. The additional services that have been approved and developed along Boynton Beach Boulevard and in the immediate area, requires a workforce, and can benefit from housing options. The employees of these retail, restaurant, and other essential services that cater to the growing single family residential development are sometimes priced out of the single-family housing options that are currently available and being developed in the Agricultural Reserve. The employees and workforce of the existing nearby commercial, industrial and institutional uses would benefit from a more diverse housing option including multi-family or townhome developments. The increased density allows for a more affordable option of housing for these employees..

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

Response: The characteristics of the area have changed significantly since the 1989 Comprehensive Plan was adopted. The Agricultural Reserve Master Plan originally intended that more intense uses and development would occur along the major roadways and at nodes within the Tier. The Master Plan further intended for lower density residential to develop outside of the higher intensity core eventually transitioning to the Agricultural Preserve parcels. This development pattern has not occurred, rather development is disconnected. Contributing factors to this development pattern that were not anticipated include, several large farming families ceasing operations and no longer farming, including Whitworth, Winsberg, Mazzonni, Amestoy, and Dubois. Over the past 20 years, these large tracts of farmland have been converted into single family residential planned developments, thus significantly impacting the development pattern of the Tier. A majority of the residential developments in the Agricultural Reserve are comprised of single-family homes; and as housing prices increase eliminates the affordability of housing to the workforce of the nearby commercial, industrial and institutional uses. This Tier has been exempted from the County's mandatory workforce housing program and has limited density of 1 dwelling unit per acre thus, the area has become very homogeneous and cost prohibitive to workforce employees.

In the twenty years that have passed since the creation of the Agricultural Reserve Master Plan, the population has significantly increased. The 2020 population for Palm Beach County is 1,466,494 which represents a 30% population increase from 2000. The projected 2030 population will be 1,649,079, an increase of 15% over the period of 10 years. The Board of County Commissioners and the County Administrator have stated that Palm Beach County has a housing crisis due to a lack of workforce housing. The County's Workforce Housing Program was recently revised, in an attempt to provide more on-site construction of workforce housing and to ensure that units are being constructed and will meet the needs of the workforce population. The average home price in the Agricultural Reserve is approximately \$880,000 which is nearly double Palm Beach County's \$526,000 median single-family sales price (January 2020) and affordable only to households earning above the County's Moderate Household Income. The need for workforce housing is only being met by those developments within the Urban/Suburban Tier and being further exacerbated by the current development pattern and density limitations within the Agricultural Reserve. The median price of a home in Palm Beach County exceeds \$500,000 as stated in staff's report for the County Initiated Text Amendment to Essential Housing (EH) Future Land Use.

Other changes to the Agricultural Reserve include increases to the commercial square footage cap in order to meet the demand for retail, restaurants and other services by the residents of the Agricultural Reserve. This has allowed for more commercial parcels to be developed in addition to the originally designated Traditional Marketplace Developments (TMDs) located at Boynton Beach Boulevard and Lyons Road and Atlantic Avenue and Lyons Road. Other non-residential uses have been developed in the area to support the residents of the Tier. A large regional hospital campus including an approximately 170,000 square feet of medical office buildings, several private and charter schools have been approved and developed along the Boynton Beach Boulevard corridor. These institutional uses have numerous employees that would benefit from workforce housing in proximity to their places of employment thereby reducing travel times.

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

Response: The Agricultural Reserve Master Plan recognized the need for workforce housing within the Tier by allowing and encouraging vertical and horizontal integration of residential units within the TMDs. However, this type of forced design was not affordable, feasible or marketable, especially at a density of 1 dwelling unit per acre. The Consultant recommended that the County permit density bonuses as a means of encouraging vertical integration and ensuring a greater diversity of housing types.

The Master Plan originally intended for development to be concentrated and radiate outward from two nodes (Boynton Beach Boulevard and Lyons Road and Atlantic Avenue and Lyons Road). Preservation parcels were anticipated to be located west of State Road 7 and within the core of the Agricultural Reserve. The proposed text amendment will allow for development to occur along Boynton Beach Boulevard in an area originally designated by the Master Plan as a location for multi-family development.

Recently, the Board of County Commissioners approved a multi-family development, Reserve at Atlantic, with a density of 8 dwelling units to the acre providing for a total of 476 residential dwelling units; and a daycare for 120 children. This project is seen as a catalyst for the County Board of Commissioner's direction to staff to initiate a Future Land Use Amendment that would provide an Essential Housing designation within the Agricultural Reserve. The Essential Housing Future Land Use Designation creates a higher-density category with a significant workforce housing requirement and a preserve requirement, helping to create livable communities while recognizing the unique characteristics of the area. The higher density development will be located on major corridors with proximity to the marketplaces limiting trips and facilitating transit access.

The development of multi-family residential units will not occur in the Tier unless density rates are increased. Initially, multi-family was intended to locate within the two approved TMDs. The residential units have yet to be constructed within these two projects. The proposed project will provide additional housing options within the Tier that were originally contemplated but were never developed. These units will be located within close proximity of the TMDs to ensure the intent of the Agricultural Reserve Master Plan is realized.

d. Inappropriateness of the adopted FLU designation.

Response: *AGR is not the most appropriate FLUA designation for the Property to create an appropriate balance of land uses within the Agricultural Reserve. Allowing an increase in density will allow for the original intent of the Master Plan which included a variety of housing types including multi-family to be realized. The existing density of 1 du/acre will not allow for the development of multi-family housing in the Agriculture Reserve. Many municipalities across the Country have recently begun to eliminate single family zoning and future land use designations as these categories have been determined by planners and government officials to be discriminatory to those residents with lower incomes. The EH Future Land Use category that allows multi-family development in addition to single family development would be more appropriate to ensure a diverse and economically strong locality.*

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

Response: *N/A*

G.2 Residential Density Increases

Per Future Land Use Element Policy 2.4-b, the proposed request for a density increase is consistent with the following criteria:

- Demonstrate a need for the amendment.
- Demonstrate that the current FLUA designation is inappropriate.
- Provide a written explanation of why the Transfer of Development Rights, Workforce Housing, and Affordable Housing Programs cannot be utilized to increase density on the site.

a. Demonstrate a Need for the Amendment

Response: *As discussed above, Palm Beach County is in the middle of a Workforce Housing crisis. There is a significant deficit of workforce housing options available to working professionals such as teachers, police, nurses, etc. in Palm Beach County. The Density Bonus and Transfer of Development Rights as a means to increase density is not appropriate for this site as it is not permitted in the AGR. However, the Project will be increasing density through the requested amendment to the Future Land Use Designation of EH. As mentioned earlier, a requirement of the EH designation is to provide workforce housing. In addition, the amendment provides for market rate multi-family housing which is a needed option for so many of Palm Beach County's workforce. The Agricultural Reserve has been exempted from the mandatory Workforce Housing Program that has been in place since the early 2000's. This exemption has allowed the development of very expensive residential development within a 22,000-acre portion of Palm Beach County without any contributions to the housing crisis occurring throughout the County. This continued exclusive development has only exacerbated the divide between the "haves" and the "have nots" in Palm Beach County. The average home price of \$880,000 is not affordable for many workers within the Agricultural Reserve including the nurses, hospital staff, retail workers, restaurant workers, teachers, and future County Parks and Library Staff.*

b. Demonstrate that the Current FLUA Designation is Inappropriate

Response: *As discussed above, the development of multi-family residential units will not occur in the Agricultural Reserve unless density rates are increased. With the adoption of the Essential Housing Future Land Use designation, increased density will be permitted in the AGR allowing development of*

multi-family housing and requiring workforce housing. Initially, multi-family was intended to locate within the two approved TMDs. The residential units have yet to be constructed within these two projects. The proposed project will provide additional housing options within the Tier that were originally contemplated but were never able to be developed. These units will be located within close proximity of the TMDs to ensure the intent of the Agricultural Reserve Master Plan is realized.

c. Explanation of Why TDR, WHP and AHP Cannot be Utilized to Increase Density on the Property

Response: *The Agricultural Reserve is a sending area for the Transfer of Development Rights (TDR) Program. The recently adopted Future Land Use Designation EH, will provide the desired density 8 dwelling units per acre; and will set aside 25% of the proposed dwelling units for workforce housing units. Therefore, the proposed amendment is the appropriate means for providing these units.*

G.3 Compatibility

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

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

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

- Access is available from Boynton Beach Boulevard, a right-of-way designated as an arterial road, thus directing traffic away from local roads in the vicinity.
- Boynton Beach Boulevard is currently developed with a mix of industrial, commercial, residential, and agricultural uses. The proposed MLU will provide for additional housing opportunities along this important east-west corridor of the Agricultural Reserve and Palm Beach County. On this basis, the proposed development concept at this location is determined to be compatible.
- The proposed use is compatible with the existing development pattern and adjacent uses that have occurred along the Boynton Beach Boulevard corridor.

The above factors, coupled with setbacks, buffers and landscaping requirements will dictate that on-site structure(s) will be compatible with the neighboring properties and not create or foster undesirable health, safety, or aesthetic effects.

G.4 Comprehensive Plan

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

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

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

Response: *Approval of this proposed FLU amendment will allow for the development of multi-family residential units. Single-family residential development in the Agricultural Reserve has been growing substantially without any alternative housing options provided. Workers within the Agricultural Reserve continue to travel from outside of the Tier to work at various businesses, schools, and medical facilities. The proposed FLU amendment will bring additional housing opportunities to the Agricultural Reserve catering to the current workers and future residents of the Tier thus enhancing the quality of life for those that have chosen to live within the western Delray Beach area.*

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

and maintains a diversity of lifestyle choices, and provides for the timely, cost-effective provision of public facilities.”

Response: *Allowing additional housing options within the Agricultural Reserve will encourage balanced growth. The Agricultural Reserve is comprised of single family homes, most of which are planned gated communities out of the reach of workforce incomes. This is a homogeneous development pattern with little to no economic diversity. The recent changes to the Agricultural Reserve Master Plan have allowed increased services to be developed to support the increasing amount of residential development. However, no accommodation of housing for those working in the service, education, and healthcare industries has been provided.*

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

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

Response: *As mentioned above, if additional housing options were available within the Agricultural Reserve, much of the workforce would have the opportunity to live close to their place of employment. By adding more housing options to the Agricultural Reserve, travel distance and time is reduced. This reduction would lessen the impacts on the major rights-of-way in the Tier, thus decreasing the burden for service provision on County taxpayers. Water and sewer lines have been installed along Boynton Beach Boulevard to serve the various residential projects being developed within the Agricultural Reserve. All property owners with frontage along Boynton Beach Boulevard were required to pay assessments for the extension of these water and sewer lines. Allowing development of the Property with a workforce housing project would be an efficient use of these existing public facilities. Another contribution to a sustainable development pattern would be the reduction of carbon dioxide gas emissions as travel times are reduced.*

- **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 which is a Limited Urban Service Area (LUSA) where services and public facilities are already available. The Property’s location at a major transportation route with access/frontage on Boynton Beach Boulevard and Acme Dairy Road, within a mile of State Road 7 and Florida Turnpike contribute to timely, cost-effective service provision. The proposed project will better serve the immediate and future needs of the community as it will provide additional housing opportunities for those working for the existing retail, restaurant, and industrial businesses. Traffic on the east-west roadways in the Agricultural Reserve is caused by the number of residents leaving the Tier in the mornings for work and service providers traveling into the area. This proposed amendment will allow for the creation of additional housing opportunities thus keeping workers west of the Florida Turnpike and off the major east-west roadways and ultimately having a positive impact on the safety and welfare of the existing residents.*

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

- **FLUE Policy 1.5.1-b:** “A residential AgR-PDD shall require the following:
 1. That the development area be compact, contiguous, and arranged as a unified whole and appropriately buffered so as not to interfere with the continued or future function of the preserve area.
 2. That the development area be situated adjacent to other existing, planned, or projected development areas.
 5. That preserve areas be used only for agriculture or open space uses.”

Response: *The proposed development will provide the appropriate percentage of preserve area similar to other planned developments within the Tier. The proposed project is located on Boynton Beach Boulevard.*

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), N (Wellfield Zone), L (Natural Features Inventory and Map) and O (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 EH which will provide additional housing opportunities within the Agricultural Reserve. The Agricultural Reserve is an existing area of low intensity/density and single-use development. The proposed amendment will provide housing options not currently in existence within the Boynton Beach Boulevard corridor of the Agricultural Reserve. The proposed text change will allow for the development of multi-family residential units that will counteract the urban sprawl that has been occurring since the creation of the Agricultural Reserve Master Plan.*
- Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.
 - **Response:** *The Property is located in the Agricultural Reserve which is a Limited Urban Service Area (LUSA) and along the Boynton Beach Boulevard corridor which is not rural in nature. Urban services such as police, fire rescue and water/wastewater/drainage utilities exist in the immediate area.*
- Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.
 - **Response:** *The development is not isolated in nature as development surrounds the Property along the Boynton Beach corridor. Specifically, commercial uses have been approved and developed at the intersection of Boynton Beach Boulevard and Lyons Road just to the west of the Property. The proposed development would be considered infill development at a major intersection and transportation node between the intense commercial/industrial projects along a rapidly changing roadway corridor.*
- Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.
 - **Response:** *This amendment does not fail to protect and conserve natural resources as the proposed development will have no negative impact on any other significant natural system. The Property does not support any environmentally sensitive areas. No listed species were located on the property, and it is located outside of any wellfield protection zone. As required by the ULDC, any native plant material will be addressed during the zoning approval process.*
- Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.
 - **Response:** *The Property is located within the Agricultural Reserve. Although it is currently utilized as agriculture row crops, the Property is not designated as a preserve parcel. The Property's location along a major right-of-way, bordered by development to the east and west is not an optimal location for agricultural uses. The overall development pattern for this corridor has been determined by the recent County approvals and existing uses (commercial, industrial, and residential).*
- Fails to maximize use of existing public facilities and services.
 - **Response:** *Reports and letters are provided with this application to show the availability of roadway capacity, water/sewer service, drainage outfall and fire response. It is anticipated that the proposed residential development will not negatively impact public facilities and services.*
- Fails to maximize use of future public facilities and services.
 - **Response:** *Reports and letters are provided with this application to show the availability of roadway capacity, water/sewer service, drainage outfall and fire response. In comparison to other uses that are allowed in the 1 du/ac planned unit developments, it is anticipated that the proposed residential development will not negatively impact public facilities and services.*
- Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.
 - **Response:** *Public services and facilities are already available in the immediate vicinity. The proposed amendment will provide for infill development and fit in with the existing land use pattern.*
- Fails to provide a clear separation between rural and urban uses.
 - **Response:** *The Property is located within the Agricultural Reserve, which is a Limited Urban Service Area (LUSA). The Property is not adjacent to the Rural Tier therefore the proposal discourages the proliferation of Urban Sprawl by locating goods, services employment, and alternative housing options in close proximity to where people live.*

- Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.
 - **Response:** *This amendment will allow for infill development as development exists on all sides of the Property. The proposed project will serve the current and future needs for the surrounding communities and will also provide a much needed alternative housing option.*
- Fails to encourage a functional mix of uses.
 - **Response:** *Approval of the proposed amendments will allow for a mix of uses. The proposed amendment will allow for the development of an alternative housing type within an area of the County that has historically only been developed with low intensity/density residential development. The proposed project will contribute to a functional mix of uses along the Boynton Beach Boulevard corridor which has been relatively homogeneous in the past.*
- Results in poor accessibility among linked or related land uses.
 - **Response:** *The proposed development will be designed with pedestrian connections as required through the zoning 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. Additionally, the proposed text amendment will still provide for the required preservation land.*

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

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

Conclusion

As described above, the proposed future land use amendment from Agricultural Reserve (AGR) to Essential Housing (EH) to allow increased density is consistent with the Goals, Objectives, and Policies of Palm Beach County's Comprehensive Plan and the Florida State Statutes. The proposed amendment is also compatible with the surrounding area. The proposed amendment does not contribute to urban sprawl. The amendment is consistent with the Agricultural Reserve Master Plan as well as provide a much needed service and alternative housing option to the area residents and workers that will not negatively impact service provision.

Exhibit 4
Applicant’s Public Facilities Table

A. Traffic Information		
	Current	Proposed
Max Trip Generator	Single-Family Detached (ITE LUC 210)	Multifamily Mid-Rise (ITE LUC 221)
Maximum Trip Generation	80 daily, 6 AM, 9 PM	1,714 daily, 113 AM, 139 PM
Net Daily Trips:	1,634 (maximum minus current)	
Net PH Trips:	107 AM, 130 PM (maximum)	
Significantly impacted roadway segments that fail Long Range	None	None
Significantly impacted roadway segments for Test 2	None	None
Traffic Consultant	Christopher W Heggen, Kimley-Horn and Associates, Inc.	
B. Mass Transit Information		
Nearest Palm Tran Route (s)	Route 73 – BYB X-Town via Boynton Beach.	
Nearest Palm Tran Stop	Stop #6781 – Boynton Beach Blvd at Acme Dairy Road, Southeast corner of Boynton Beach Boulevard and Acme Dairy Road.	
Nearest Tri Rail Connection	Via Route 73 - Boynton Beach Tri-Rail Station, west side of I-95, approximately 0.2 miles east of High Ridge Road, approximately 9.4 miles to the northeast of the Property.	
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. See Attachment I for Potable Water & Wastewater Level of Service (LOS) comment letter.	
Nearest Water & Wastewater Facility, type/size	A 42” potable water main and a 24” sanitary sewer forcemain located within Boynton Beach Blvd. adjacent to the property. A 12” reclaimed water main located within Acme Dairy Road adjacent to the property.	
D. Drainage Information		
The drainage system for the proposed project will consist of dry detention area, exfiltration trenches, and outfalls to the Lake Worth Drainage District L-24 Canal that runs along the north side of the property, and L-25 Canal that runs along the south side of the property. The Property is located within the SFWMD C-16 Basin, and the site will comply with the C-16 Basin requirements of discharge of 62.6 cubic feet per square mile. See Attachment J for Drainage Statement.		
E. Fire Rescue		
Nearest Station	Palm Beach County Fire-Rescue Station # 47, located at 7950 Enterprise Center Circle.	
Distance to Site	1.50 miles	
Response Time	Average response time is 7:36	

Effect on Resp. Time	The proposed amendment will have some impact on the response time for Station # 47. See Attachment K.			
F. Environmental				
Significant habitats or species	There are no significant habitats or species on the Property. The site has previously been utilized for agricultural row crops. An aerial of the Property is provided as Attachment L.			
Flood Zone*	The Property is located in Zone X, which is not a flood zone.			
Wellfield Zone*	The Property is not located within a Wellfield Protect Zone. See Wellfield Map as Attachment M.			
G. Historic Resources				
There are no significant historic resources present on the Property. See Attachment N for letter.				
H. Parks and Recreation - Residential Only (Including CLF)				
Park Type	Name & Location	Level of Svc. (ac. per person)	Population Change	Change in Demand
Regional	John Prince Park 2700 6 th Avenue South Lake Worth, FL 33461	0.00339	+731	+2.47 acres
Beach	Ocean Ridge Hammock Park 6620 North Ocean Boulevard Ocean Ridge, FL 33435	0.00035	+731	+0.255 acre
District	Canyon District Park 8802 Boynton Beach Blvd. Boynton Beach, FL 33472	0.00138	+731	+1.01 acre
I. Libraries - Residential Only (Including CLF)				
Library Name	West Boynton Branch			
Address	9451 Jog Road			
City, State, Zip	Boynton Beach, FL 33437			
Distance	2.0 miles			
Component	Level of Service	Population Change	Change in Demand	
Collection	2 holdings per person	+731	+1,462 holdings	
All staff	0.6 FTE per 1,000 persons	+731	+0.44 FTE	
Library facilities	0.6 square feet per person	+731	+439 sf	
J. Public Schools - Residential Only (Not Including CLF)				
	Elementary	Middle	High	
Name	Sunset Palms Elementary	Woodlands Middle School	Olympic Heights Community High School	
Address	8650 Boynton Beach Blvd.	5200 Lyons Road	20101 Lyons Road	
City, State, Zip	Boynton Beach, FL 33472	Lake Worth, FL 33467	Boca Raton, FL 33434	
Distance	0.5 miles	6.6 miles	14.1 miles	

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
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November 3, 2022

Christopher W. Heggen, P.E.
Kimley-Horn and Associates, Inc.
1920 Wekiva Way
West Palm Beach, FL 33411

**RE: Logan Ranch Residential - Revised
FLUA Amendment Policy 3.5-d Review
Round 2022-23-A2**

Dear Mr. Heggen:

Palm Beach County Traffic Division has reviewed the Land Use Plan Amendment Application Traffic Analysis for the proposed Future Land Use Amendment for the above-referenced project, revised October 26, 2022, pursuant to Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan. The project is summarized as follows:

Location:	SE corner of Boynton Beach Boulevard and Acme Dairy Road	
PCN:	00-42-43-27-05-054-0070	
Acres:	39.24 Acres	
	Current FLU	Proposed FLU
FLU:	Agricultural Reserve (AGR)	Essential Housing (EH)/ Agricultural Reserve (AGR)
Zoning:	Agricultural Reserve (AGR)	Multiple Use Planned Development (MUPD)
Density/ Intensity:	0.15 FAR	8 Units per Acre
Maximum Potential:	Nursery (Garden Center) = 5 Acres Nursery (Wholesale) = 34.24 Acres	Multifamily Mid-Rise Housing 3- 10 story (Apartment/Condo/TH) = 314 DUs
Proposed Potential:	None	None
Net Daily Trips:	499 (maximum – current)	
Net PH Trips:	113 (29/84) AM, 138 (84/54) PM (maximum)	
<i>* Maximum indicates typical FAR and maximum trip generator. Proposed indicates the specific uses and intensities/densities anticipated in the zoning application.</i>		



Christopher W. Heggen, P.E.
November 3, 2022
Page 2

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 **maximum potential** density shown above.

Please note the proposed amendment will have an insignificant impact on both long-range and Test 2 analyses.

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

Sincerely,

A handwritten signature in blue ink, appearing to be "DS", is written above the printed name.

Dominique Simeus, P.E.
Professional Engineer
Traffic Division

DS
ec:

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

File: General - TPS – Unincorporated - Traffic Study Review
N:\TRAFFIC\Development Review\Comp Plan\23-A2\Logan Ranch Residential - Revised.docx

Exhibit 6
Water & Wastewater Provider LOS Letter



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

■

**Palm Beach County
Board of County
Commissioners**

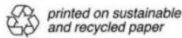
Robert S. Weinroth, Mayor
Gregg K. Weiss, Vice Mayor

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: Boynton Gardens
PCN 00-42-43-27-05-054-0070
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 (AGR) to Mixed Use on approximately 39 acres subject to a Capacity Reservation Agreement with PBCWUD. The proposed change will allow for multifamily residential and commercial uses.

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

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
School District Letter



THE SCHOOL DISTRICT OF
PALM BEACH COUNTY, FL

PLANNING AND INTERGOVERNMENTAL RELATIONS
3661 INTERSTATE PARK RD. N., STE 200
RIVIERA BEACH, FL. 33404

KRISTIN K. GARRISON
DIRECTOR

JOSEPH M. SANCHES, MBA
CHIEF OPERATING OFFICER

PHONE: 561-434-8020 / FAX: 561-357-1193
WWW.PALMBEACHSCHOOLS.ORG/PLANNING

SCHOOL CAPACITY AVAILABILITY DETERMINATION (SCAD)

Application	Submittal Date	08/01/2022		
	SCAD No.	22080102F - FLU		
	FLU /Rezoning/D.O. No.	Not Provided – Palm Beach County		
	PCN No. / Address	00-42-43-27-05-054-0070 / 11275 Acme Dairy Road		
	Development Name	Logan Ranch Residential		
	Owner / Agent Name	Barbara M. Logan Trust / Lauran McClellan		
	SAC No.	259B		
	Proposed Amendment	Maximum 315 Residential Units		
Impact Review		Sunset Palms Elementary School	Woodlands Middle School	Olympic Heights High School
	New Students Generated	50	27	39
	Capacity Available	-117	-495	-562
	Utilization Percentage	111%	135%	125%
School District Staff's Recommendation	Based on the findings and evaluation of the proposed development, there will be a negative impact on the public-school system. Therefore, if the proposed development is approved by the Palm Beach County government, School District staff recommends the following condition to mitigate such impacts.			
	In order to address the school capacity deficiency generated by this proposed development at the District elementary, middle and high school level, the property owner shall contribute a total of \$1,260,111.00 to the School District of Palm Beach County prior to the issuance of first building permit.			
	This school capacity contribution is intended to supplement the required school impact fee (impact fee credit has already been applied). The contribution amount may be adjusted to reflect the actual unit number and type during the Development Order process.			
	Please note that the school impact fee credit is calculated based on the Net Impact Cost per Student, as calculated in the County's latest Impact Fee Ordinance, which was adopted on April 16, 2019.			
Validation Period	1) This determination is valid from 08/03/2022 to 08/02/2023 or the expiration date of the site-specific development order approved during the validation period. 2) A copy of the approved D.O. must be submitted to the School District Planning Dept. prior to 08/02/2023 or this determination will expire automatically on 08/02/2023.			
Notice	School age children may not necessarily be assigned to the public school closest to their residences. Students in Palm Beach County are assigned annually to schools under the authority of the School Board and by direction of the Superintendent, public school attendance zones are subject to change.			

Joyce Cai

School District Representative Signature

Joyce C. Cai, Senior Planner

Print Name & Title

August 3, 2022

Date

joyce.cai@palmbeachschools.org

Email Address

CC: Kevin Fischer, Planning Director, Palm Beach County
Joyell Shaw, PIR Manager, School District of Palm Beach County

The School District of Palm Beach County, Florida
A Top High-Performing A Rated School District
An Equal Education Opportunity Provider and Employer

Exhibit 8
Disclosure of Ownership Interests

PALM BEACH COUNTY - ZONING DIVISION FORM # 8

DISCLOSURE OF OWNERSHIP INTERESTS – APPLICANT

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

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Brett Gelsomino, 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 ☒ Managing Member *[position—e.g., president, partner, trustee]* of Acme Dairy Holdco, LLC *[name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership]*, (hereinafter, "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for real property legally described on the attached Exhibit "A" (the "Property").

2. Affiant's address is: 4200 SW 131st Avenue
Davie, Florida 33330

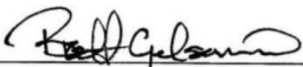
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Applicant. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission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

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

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

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

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


Brett Gelsomino, 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 28th day of July, 2022 by
Brett Gelsomino (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).

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

Lauren L. McClellan
(Signature)

My Commission Expires on: 2/28/25

NOTARY'S SEAL OR STAMP



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

EXHIBIT "A"

PROPERTY

DESCRIPTION:

TRACTS 7, 8, 25, 26, 39, 40, 57 AND 58, BLOCK 54, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TOGETHER WITH THAT CERTAIN 30 FOOT ROAD, DYKE AND DITCH RESERVATION LYING BETWEEN SAID TRACTS 25-26 AND 39-40, BLOCK 54, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THAT PORTION OF SAID TRACTS 7 AND 8, DESCRIBED AS PARCEL 106 IN THAT CERTAIN ORDER OF TAKING RECORDED IN O. R. BOOK 6366, PAGE 721, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

A PORTION OF TRACTS 7 AND 8, BLOCK 54 OF PALM BEACH FARMS CO. PLAT NO. 3 IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT 8, RUN NORTH 89 DEGREES 26 MINUTES 12 SECONDS EAST, ALONG THE NORTH LINE OF SAID TRACTS, A DISTANCE OF 659.80 FEET, TO THE NORTHEAST CORNER OF SAID TRACT 7; THENCE SOUTH 00 DEGREES 02 MINUTES 18 SECONDS EAST, ALONG THE EAST LINE OF SAID TRACT 7, A DISTANCE OF 86.97 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 7774.44 FEET, A CHORD BEARING S 88 DEGREES 08 MINUTES 04 SECONDS WEST, AND A CENTRAL ANGLE OF 02 DEGREES 36 MINUTES 16 SECONDS, THENCE WESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 353.39 FEET; THENCE SOUTH 89 DEGREES 26 MINUTES 12 SECONDS WEST, A DISTANCE OF 281.60 FEET TO A POINT ON A LINE 25.00 FEET EASTERLY OF, AND PARALLEL TO, THE WEST LINE OF SAID TRACT 8 (AS MEASURED AT RIGHT ANGLES THERETO); THENCE SOUTH 00 DEGREES 02 MINUTES 18 SECONDS EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 343.31 FEET; THENCE SOUTH 89 DEGREES 57 MINUTES 42 SECONDS WEST, A DISTANCE OF 25.00 FEET TO SAID WEST LINE OF TRACT 8; THENCE ALONG SAID WEST LINE, NORTH 00 DEGREES 02 MINUTES 18 SECONDS WEST, A DISTANCE OF 438.08 FEET, TO THE POINT OF BEGINNING. AND LESS AND EXCEPT THE 15 FOOT RIGHT OF WAY FOR ACME DAIRY ROAD, AS CONVEYED IN DEED BOOK 692, PAGE 78, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

THE WEST 15 FEET OF TRACTS 8, 25, 40 AND 57, BLOCK 54, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THE NORTH 30 FEET OF TRACT 8, BLOCK 54, AS CONTAINED IN DEED RECORDED IN DEED BOOK 113, PAGE 126, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

REVISED: AND LESS AND EXCEPT THAT REQUIRED RIGHT OF WAY AS REFERENCED ON INSTRUMENT RECORDED IN O. R. BOOK 1732, PAGE 612, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND LESS AND EXCEPT THAT CERTAIN STRIP OF LAND EXCEPTED IN DEED FROM LAKE WORTH DRAINAGE DISTRICT RECORDED IN DEED BOOK 697, PAGE 421, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

A STRIP OF LAND 40 FEET IN WIDTH ON EACH SIDE OF THE CENTER LINE OF THE COUNTY ROAD. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID TRACT 7, BLOCK 54, PALM BEACH FARMS PLAT NO. 3, PLAT BOOK 2, PAGE 54, OF PALM BEACH COUNTY, FLORIDA. RUN SOUTH 00 DEGREES 25 MINUTES 37 SECONDS EAST, ALONG THE EAST LINE OF SAID TRACT 7, A DISTANCE OF 86.97 FEET TO THE POINT OF BEGINNING A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 7774.44 FEET, A CHORD BEARING S 87 DEGREES 44 MINUTES 46 SECONDS WEST, AND A CENTRAL ANGLE OF 02 DEGREES 36 MINUTES 22 SECONDS, THENCE WESTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 353.62 FEET; THENCE SOUTH 89 DEGREES 02 MINUTES 57 SECONDS WEST, A DISTANCE OF 279.78 FEET TO A POINT ON A LINE 25.00 FEET EASTERLY OF, AND PARALLEL TO, THE WEST LINE OF SAID TRACT 8 (AS MEASURED AT RIGHT ANGLES THERETO); THENCE SOUTH 00 DEGREES 23 MINUTES 24 SECONDS EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 343.45 FEET; THENCE SOUTH 89 DEGREES 34 MINUTES 27 SECONDS WEST, A DISTANCE OF 10.00 FEET TO A POINT ON A LINE PARALLEL TO AND 15 FEET EAST OF THE WEST LINE OF TRACT 8, BLOCK 54; THENCE ALONG SAID PARALLEL LINE, SOUTH 00 DEGREES 23 MINUTES 24 SECONDS EAST, A DISTANCE OF 2310.99 FEET, TO A POINT ON THE NORTH LINE OF A 30 FOOT RIGHT-OF-WAY FOR LAKE WORTH DRAINAGE DISTRICT LATERAL 25, RECORDED IN OFFICAL RECORDS BOOK 1585, PAGE 505 OF PALM BEACH COUNTY OFFICAL RECORDS. THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY, NORTH 89 DEGREES 36 MINUTES 22 SECONDS EAST, A DISTANCE OF 644.94 FEET TO THE EAST LINE OF TRACT 58, BLOCK 54. THENCE NORTH 00 DEGREES 25 MINUTES 41 SECONDS WEST, ALONG EAST LINES OF TRACTS 58, 39, 26 AND 7 FOR A DISTANCE OF 2668.64 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATED IN SECTION 29, TOWNSHIP 45 SOUTH, RANGE 42 EAST OF PALM BEACH COUNTY, FLORIDA.

LANDS CONTAINING 1,709,166 SQUARE FEET OR 39.237 ACRES MORE OR LESS.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

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

Name	Address
ACME DAIRY INVESTCO LLC	4200 SW 131 ST AVE, DAVIE, FL 33330
GELSOMINO HOLDING LLC	" "
BROT GELSOMINO	" "
KELLY GELSOMINO	" "

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 Cecily DeReuil Fazio, 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 ☒ trustee Barbara R. DeReuil Trust [position - e.g., president, partner, trustee] of Barbara R. DeReuil Trust [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: 1864 River Road
Jacksonville, FL 32207
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.

Cecily DeReuil Fazio
Cecily DeReuil Fazio, 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 28th day of July, 2022 by Cecily Fazio (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).

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

Lauren L. McClellan
(Signature)

My Commission Expires on: 2/28/25

NOTARY'S SEAL OR STAMP

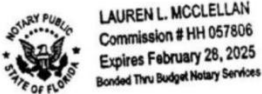


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AND LESS AND EXCEPT THE 15 FOOT RIGHT OF WAY FOR ACME DAIRY ROAD, AS CONVEYED IN DEED BOOK 692, PAGE 78, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

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REVISED: AND LESS AND EXCEPT THAT REQUIRED RIGHT OF WAY AS REFERENCED ON INSTRUMENT RECORDED IN O. R. BOOK 1732, PAGE 612, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

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LANDS CONTAINING 1,709,166 SQUARE FEET OR 39.237 ACRES MORE OR LESS.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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Name	Address
Co-Trustees of Barbara R. DeReuil Trust:	
Cecily DeReuil Fazio	1864 River Road
	Jacksonville, FL 32207
James DeReuil	4405 Scenic Highway
	Pensacola, FL 32504

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
Barbara M Logan, 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 ☒ Trustee Barbara M Logan Trust [position - e.g., president, partner, trustee] of Barbara M Logan Trust [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: 651 Village Drive
Apt. 502
Pompano Beach, Florida 33060
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
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6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

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

FURTHER AFFIANT SAYETH NAUGHT.

Barbara M Logan
Logan Barbara M Trust, Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization, this 28 day of July, 2020 by Barbara M Logan (name of person acknowledging). He/she is personally known to me or has produced personally known (type of identification) as identification and did/did not take an oath (circle correct response).

Linda Cilien
(Name - type, stamp or print clearly)

Linda Cilien
(Signature)

My Commission Expires on: June 18, 2025

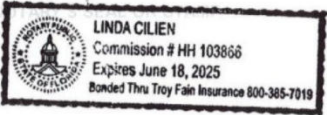


EXHIBIT "A"
PROPERTY

TRACTS 7, 8, 25, 26, 39, 40, 57 AND 58, BLOCK 54, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TOGETHER WITH THAT CERTAIN 30 FOOT ROAD, DYKE AND DITCH RESERVATION LYING BETWEEN SAID TRACTS 25-26 AND 39-40, BLOCK 54, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THAT PORTION OF SAID TRACTS 7 AND 8, DESCRIBED AS PARCEL 106 IN THAT CERTAIN ORDER OF TAKING RECORDED IN O. R. BOOK 6366, PAGE 721, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AS FOLLOWS:

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SAID LANDS SITUATED IN SECTION 29, TOWNSHIP 45 SOUTH, RANGE 42 EAST OF PALM BEACH COUNTY, FLORIDA.

LANDS CONTAINING 1,709,166 SQUARE FEET OR 39.237 ACRES MORE OR LESS.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

Name	Address
David Bargas	2425 NW 40 Circle, Boca Raton, FL 33431
Cecily Fazio	1864 River Road, Jacksonville, Florida 32207
Barbara M. Logan	651 Village Drive, Apt 502, Pompano Beach, Florida 33060

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
David Bargas, 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 ☒ Trustee *[position - e.g., president, partner, trustee]* of John Bargas Trust *[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: 2425 NW 40th Circle
Boca Raton, FL 33431
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.

David Bargas
David Bargas, 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 14 day of JULY, 2022 by DAVID BARGAS (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).

GLENN LEWIS
(Name - type, stamp or print clearly)

[Signature]
(Signature)

My Commission Expires on: 7/28/23

NOTARY'S SEAL OR STAMP



Glenn Lewis
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG355956
Expires 7/28/2023

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Exhibit 9

Previously Proposed Residential Amendments in the AGR Tier

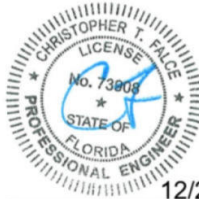
Since the adoption of the Master Plan implementing policies in 2001, several privately proposed future land use amendments have included multi-family residential components, as summarized below:

- **Morning Star Multiple Land Use (LGA 2017-008).** In 2017, this private text and future land use amendment proposed to change the future land use designation for 50.99 acres of land from AGR to Multiple Land Use with Commercial Low and High Residential, 8 Units per Acre (MLU with CL & HR-8). The site is located on the north side of Atlantic Avenue, between Starkey Road and the Turnpike. The text amendment included increasing the commercial cap, eliminating the requirement that commercial be central to the Tier, add a new mixed use center, all MLU designation and Urban/Suburban Tier densities if 40% of the units are workforce housing, eliminating preserve requirement and exempting the amendment from 3.5-d. The applicant proposed to develop the site with retail uses, a hotel, a congregate living facility, and 360 residential units with 40% provided as workforce housing. The proposal included no preserve area. This amendment was withdrawn by the applicant on December 20, 2017 prior to the Board considering the item at a transmittal hearing.
- **Boynton Technology Park Text.** In 2020, this privately proposed text amendment for initiation was requesting to allow the Economic Development Center (EDC) future land use in the Tier as a multiple use commercial, industrial and residential Planned Industrial Park Development (PIPD), increase the commercial cap and to allow for 3 units per acre with no preserve requirement and including a workforce housing requirement. The subject site consisted of 140 acres located on the north and south sides of Atlantic Avenue, adjacent to the Florida's Turnpike. The applicant proposed 185,000 square feet of commercial and industrial uses, a 140 room hotel and up to 420 units. At the June 12, 2020 public hearing, the Planning Commission recommended denial of initiation in an 11 to 2 vote. The text initiation was withdrawn by the applicant prior to the June 29, 2020 BCC Transmittal Hearing.
- **Agricultural Reserve Multiple Land Use.** In 2020, the site was the subject of a request for initiation of a text amendment: to allow additional commercial and residential mixed-use centers to be exempt from the commercial cap, to allow Transfer of Density Rights and Workforce Housing Program bonus density with reduced preserve area acreage, to allow the addition of new preserve area uses, and to allow residential units located above mixed-use developments to be exempt from density calculations. If initiated by the Board, the applicant was proposing a future land use amendment from AGR to Multiple Land Use with Commercial Low and Medium Residential, 5 units per acre (MLU with CL and MR-5) with density bonuses available through the Transfer of Development Rights and Workforce Housing Programs, for 432 dwelling units, 261,360 square feet of commercial uses including retail, restaurant, grocer, office, theater, hotel, light industrial and fitness center. The Planning Commission on June 12, 2020, recommended to deny the initiation of the text amendment in a vote of 11 to 2. On June 29, 2020, the Board of County Commissioners unanimously denied the initiation of the text amendment in a vote of 7 to 0. Therefore, the text and FLUA amendment did not proceed.
- **Boynton Parc Plaza Text.** In 2021, this privately proposed text amendment for initiation for the 47.21 acre site located north of Boynton Beach Boulevard, between the Florida's Turnpike and Acme Dairy requested to allow the Multiple Land Use future land use designation with Industrial and High Residential, 8 units per acre (MLU, IND/8) in the Tier; provide exemption from preserve requirements; add policy language for a Workplace, Employment & Economic Development in the Tier; and, add a requirement for workforce housing. If initiated, the associated FLUA would request to change the future land use from Agricultural Reserve (AGR) to Multiple Land Use with underlying Industrial and High Residential, 8 units per acre (MLU, IND/8). The applicant proposed 300,000 square feet of industrial uses and up to 376 multifamily units. At the April 9, 2021 public hearing, the Planning Commission recommended denial of initiation in a 13 to 0 vote. The application was withdrawn by the applicant prior to the May 5, 2021 BCC Transmittal Hearing.
- **Agricultural Reserve Multiple Land Use - Jade.** In 2021, the site was the subject of a request for initiation of a text amendment for the same request as the 2020 text and FLUA application. The Planning Commission on April 9, 2021, recommended to deny the initiation in a vote of 13 to 0. On May 5, 2021, the Board denied the initiation of the text amendment in a vote of 7 to 0 stating that the proposal was too intense but would consider other development options for the property in the future. Therefore, the text and FLUA amendment did not proceed.

- **Reserve at Atlantic (LGA 2022-006).** In 2022, a private text and future land use amendment was adopted by the Board in Amendment Round 22-A, to change the land use on 59.46 acres from AGR to Multiple Land Use, with Institutional and Public Facilities, AGR, and High Residential, 8 units per acre (MLU with INST/AGR/8). The applicant proposed to develop a day care center and up to 480 residential rental units, with a minimum of 25% of the units to be workforce housing on site and with development on 40% of the total project acreage, and preservation of 60%. The development area is located at the southeast corner of Atlantic Avenue and Half Mile Road. The preserve comprises one parcel located on Lyons Road, approximately one-half mile north of Atlantic Avenue, and several smaller parcels adjacent to the development area. The amendment was transmitted on November 3, 2021, and adopted concurrent with the zoning hearing for the project on July 28, 2022.
-

Kimley»Horn

PALM BEACH COUNTY, FLORIDA



Christopher Falce

Exhibit 11

Correspondence

Correspondence provided at the February 1, 2023 BCC Transmittal Hearing

January 23, 2023


PBC Planning, Zoning & Building
2300 N Jog Rd
West Palm Beach, FL 33411

RECEIVED
JAN 26 2023
PLANNING DIVISION

Dear Mr. Lodge, Mr. Fisher & Ms. Gregory-

I am writing to express my opposition to convert the Logan Ranch Residential (LGA 2023-014) to Essential Housing. I personally drive 37 miles one-way to work each day and do not understand why essential housing is needed near my home. The county has essentially created this situation by allowing GL homes to buy up land, even along canals to offset and build multimillion-dollar homes in West Boynton and Delray. If the county had addressed this with GL Homes and limit that giant greedy corporation, the situation of needing essential housing would not exist. As such, I do not support the county continuing to support GL Homes creating a situation that affects my home negatively. Hence, I urge you to vote AGAINST converting LGA 2023-014 to Essential Housing.

Thank you,


Tiffany Holmes
8563 Woodgrove Harbor Lane
Boynton Beach, FL 33473

Jerry Lodge J.

From: J. Spatz <jjspatz@gmail.com>
Sent: Thursday, January 12, 2023 9:08 AM
To: Jerry Lodge J.
Subject: Logan Ranch (LGA 2023-014)

This Message Is From an Untrusted Sender
You have not previously corresponded with this sender.

Dear Mr. Lodge,

I received the letter you sent in regards to the proposed change for the Logan Ranch property on Acme Dairy Rd and Boynton Beach Blvd. I would like to know what plans are in place for widening Acme Dairy Rd in order to accommodate any increased traffic this proposal will bring. Acme Dairy Rd is already a disaster during school drop off and pick up, and there is the new middle school being built which will only further the congestion on Acme Dairy. Adding this proposal without a plan for Acme Dairy will be disastrous.

Thank you.

Regards,
Jonathan Spatz

Correspondence provided after the February 1, 2023 BCC Transmittal Hearing

Jerry Lodge J.

From: Sam H <shamdeh@live.com>
Sent: Tuesday, March 28, 2023 9:41 AM
To: Jerry Lodge J.
Subject: Proposed future land use

This Message Is From an Untrusted Sender

You have not previously corresponded with this sender.

Good Morning Mr. Lodge,

Thank you for sending the letter about the change in zoning. I would like to state my dissatisfaction in the proposed changes, specifically the atlas amendment for Erickson senior living and Logan ranch. I live in canyon trails and these changes would essentially ruin the family environment of the area. This area is a safe and relaxing place for kids and adults. It is one of the last places in south Florida where you can see nature. We don't want to lose the small city vibe of west Boynton. These changes will create a lot of traffic on an already small road of acme dairy, it will decrease property values and increase crime. These are not the changes that should be done next to a middle school, elementary school, and soccer park where kids can walk free and safe. Please don't ruin the last pieces of sanctuary and peace in south Florida. I urge you and the board to reject these changes and preserve the agricultural preserve status. Don't be blinded by the requests of businesses trying to make a profit at the expense of kids safety and preservation of our environment.

Thank you,
Sam Hamdeh

Stephanie Gregory

From: Stroh, Justin <Justin.Stroh@dot.state.fl.us>
Sent: Thursday, March 16, 2023 7:06 PM
To: DCPexternalagencycomments
Cc: Hymowitz, Larry; Krane, John; Fasiska, Christine; Stephanie Gregory
Subject: Palm Beach County 23-02ESR

Follow Up Flag: Follow up
Flag Status: Flagged

This Message Is From an External Sender
This message came from outside your organization.

Pursuant to Section 163.3184(3), Florida Statutes (F.S.), in its role as a reviewing agency as identified in Section 163.3184(1)(c), F.S., the Florida Department of Transportation (FDOT) reviewed the proposed Palm Beach County comprehensive plan amendments with DEO reference number 23-02 ESR. The reviewed amendments include (A.2) a modification of the Thoroughfare Right-of-Way Identification Map (TIM) to widen 60th Street right-of-way segment between 140th Ave. N. and N. State Road 7 Extension, from 80 feet to 100 feet; (B.1) changing future land uses from Agricultural Reserve (AGR) on approximately 39 acres to Essential Housing with an underlying Agricultural Reserve (EH/AGR) in respect to the Logan Ranch Site; and (B.2) changing future land uses from Agricultural Reserve (AGR) on approximately 47 acres to Commerce with an underlying Agricultural Reserve (CMR/AGR) in respect to the Commerce Center Site.

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

A.2. Thoroughfare Right-of-Way Identification Map Amendment
Amendment: Modify the Thoroughfare Right-of-Way Identification Map (TIM), TE 14.1 to widen 60th Street right-of-way segment between 140th Ave. N. and N. State Road 7 Extension, from 80 feet to 100 feet to allow an ultimate 5 lanes.

Technical Assistance Comment #1
The staff report and Palm Beach County Thoroughfare Roads Typical Sections document effective April 2018 do not contain a 100 ft 5-lane typical section. It is unclear how this amendment ensures that future roadway modifications to 60th St will accommodate all modes of transportation and improve safety, consistent with Objective 1.9 of the County’s Transportation Element.

Recommendations for Comment #1
The amendmant should include a typical section that is consistant with Transportation Element Objective 1.9 to promote the increased use of non motorized facilities. That includes elements such as sidewalks, protected bike lanes, lighting and safety treatment that support an interconnected multimodal transportation system.

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

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

Technical Assistance Comment #1

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

Recommendations for Comment #1

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

Technical Assistance Comment #2

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

Recommendations for Comment #2

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

Technical Assistance Comment #3

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

Recommendations for Comment #3

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

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

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

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

Technical Assistance Comment #1

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

Recommendations for Comment #1

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

Technical Assistance Comment #2

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

Recommendations for Comment #2

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

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

Technical Assistance Comment #3

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

Recommendations for Comment #3

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

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

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

Thank you.

Justin Stroh

Planning Specialist II
Planning and Environmental Management
FDOT – District Four
3400 W. Commercial Blvd.
Fort Lauderdale, Florida 33309
Justin.Stroh@dot.state.fl.us
Office: (954) 777-4294