



COMPREHENSIVE PLAN AMENDMENT STAFF REPORT AMENDMENT ROUND 24-B

STATE REVIEW TRANSMITTAL REPORT, MAY 1, 2024

A. Application Summary

I. General Data

Project Name:	Central Park Commerce Center MUPD (LGA 2024-006)
FLUA Summary:	RR-10 to EDC on 64.46 acres and revise conditions on 202.79 acres
Text Summary:	To revise Future Land Use Element policies, table, and Map Series regarding Limited Urban Service Areas (LUSAs) and Economic Development Center (EDC) future land use, to include 64.46 acres of the subject site.
Acres:	202.79 acres total
Location:	North side of Southern Boulevard, west of the L-8 Canal, and approximately 3.4 miles west of Seminole Pratt Whitney
Project Manager:	Maria Bello, Principal Planner
Applicant:	PBA Holdings, Inc. (Enrique Tomeu) and WPB Logistics Owner, LLC (J. Bradford Smith)
Owner:	PBA Holdings, Inc. (Enrique Tomeu) and WPB Logistics Owner, LLC (J. Bradford Smith)
Agent:	Joni Brinkman, Urban Design Studio
Staff Recommendation:	Staff recommends approval with conditions based upon the conclusions contained within this report

II. Assessment & Conclusion

The same factors and key policy issues considered in the adopted 2016 amendment that created the LUSA and granted the EDC FLU for the 138.31 acre portion of the site also apply to the current proposed amendment, including:

- the need to enhance employment opportunities in the central and western areas of the county;
- unsuitability of RR-10 FLU, given that GAPO prohibits residential uses west of the L-8 canal;
- the site's location away from the western edge of the GAPO;
- the light industrial nature of EDC FLU and its use as a transition between residential uses east of the L-8 canal and more intense utility and mining uses to the west and north; and
- the site's elevation and other characteristics that render it unsuitable for agricultural use, but enhance its attractiveness for development using infrastructure in proximity to the site.

The proposed amendment seeks to "square off" the area designated as EDC in the GAPO, does not propose to increase the square footage of approved uses, and does not create compatibility issues. The proposed amendment does not propose to modify the boundaries or purposes of the GAPO. Staff concurs with the applicant's assessment that the text and FLUA amendment are justified, and recommends approval with conditions.

III. Hearing History

Local Planning Agency: *Approval with conditions (as proposed by staff)*, motion made by Barbara Roth, seconded by Penny Pompei, passed in an 8 to 0 vote at the April 12, 2024 public hearing. The Commission asked questions regarding possible additional future land use changes in the vicinity. One member of the public, representing the Sierra Club-Loxahatchee Group, spoke in opposition, citing concern over proximity to the Everglades Agricultural Area.

Board of County Commissioners Transmittal Public Hearing: *Transmit*, motion by Commissioner Baxter, seconded by Vice Mayor Marino, passed in a 7 to 0 vote at the May 1, 2024 public hearing. There was minimal Board discussion. Three members of the public, including one representing the Loxahatchee Group of the Sierra Club, spoke in opposition citing concerns over the location's proximity to agricultural and environmental lands. One of the applicants spoke in support, citing the progress on the project and interest in data center development.

State Review Comments:

Board of County Commissioners Adoption Public Hearing:

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B. Petition Summary

I. Site Data

Current Future Land Use

Current FLU:	Rural Residential, 1 unit per 10 acres (RR-10) on 64.46 acres and Economic Development Center (EDC) on 138.31 acres
Existing Land Use:	Aggregates Processing
Current Zoning:	Multiple Use Planned Development (MUPD) on 138.31 acres and Special Agriculture (SA) on 64.46 acres
Current Dev. Potential Max:	Light Industrial uses, up to 491,749 square feet and Warehouse uses, up to 2,786,577 square feet

Proposed Future Land Use Change

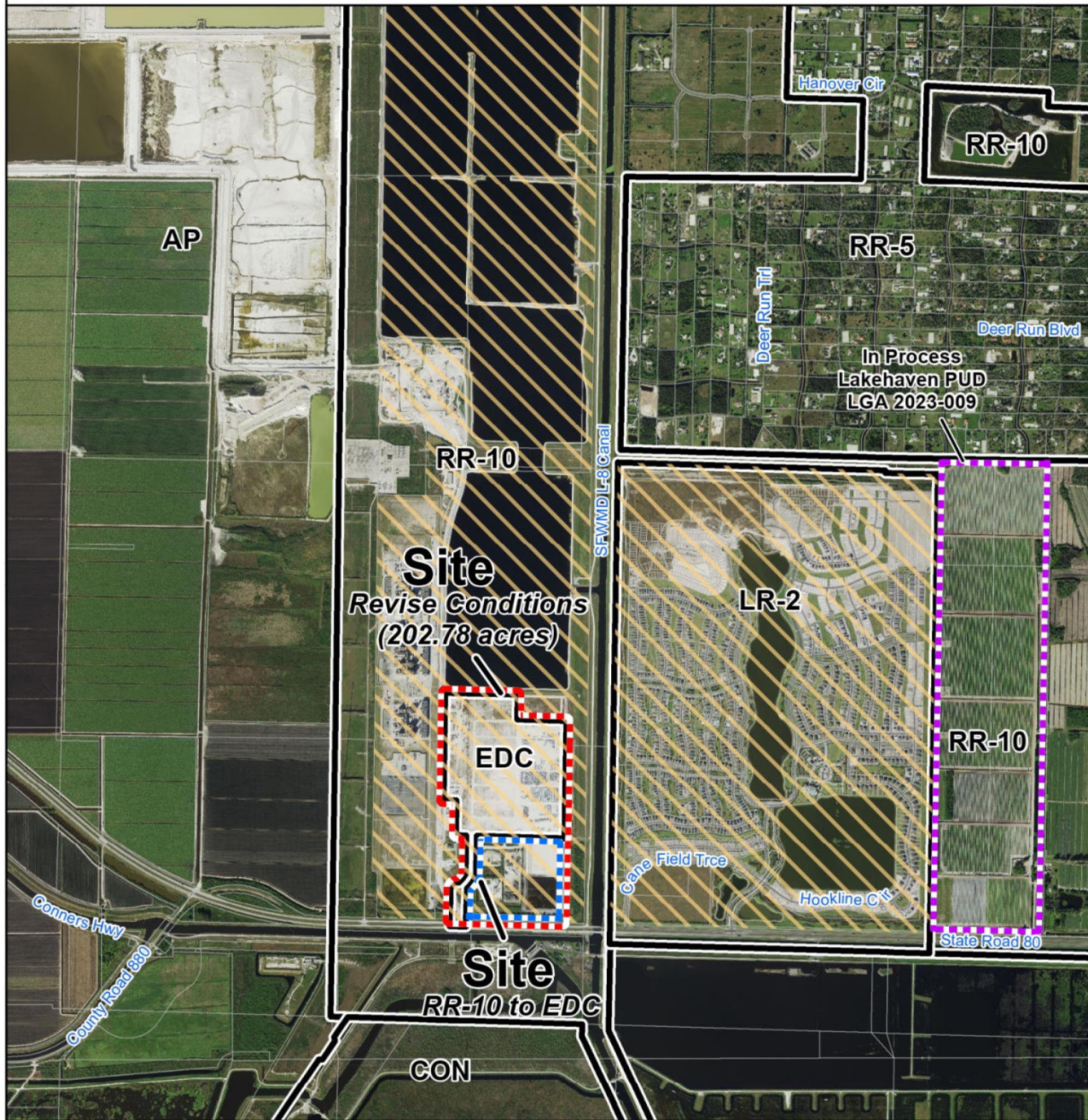
Proposed FLU:	Economic Development Center (EDC) on 64.46 acres, for a total of 202.79 acres, and to revise conditions of approval in Ord 2018-012
Proposed Use:	Light Industrial and Warehouse Uses
Proposed Zoning:	Multiple Use Planned Development (MUPD) on 202.79 acres
Dev. Potential Max/Conditioned:	Light Industrial, up to 491,749 square feet & Warehouse, up to 2,786,577 square feet (by condition, no change proposed)

General Area Information for Site

Tier:	Glades Tier - No Change
Utility Service:	Palm Beach County Water Utilities Department
Overlay/Study:	Glades Area Protection Overlay (GAPO)
Comm. District:	Commissioner Sara Baxter, District 6

Future Land Use Atlas Amendment

Central Park Commerce Center MUPD (LGA 2024-006)



Site Data

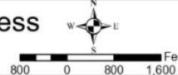
Size: 202.78 acres
 Existing Use: Aggregate Processing
 Proposed Use: Light Industrial & Warehouse
 Current FLU: RR-10 & EDC
 Proposed FLU: EDC

Future Land Use Designations

RR-10	Rural Residential, 1 unit/10 acres	EDC	Economic Development Center
RR-5	Rural Residential, 1 unit/5 acres		
LR-2	Low Residential, 2 units/acre		
AP	Agricultural Production		
CON	Conservation		

Date: 3/11/2024
 Contact: PBC Planning
 Filename: /24-B/SiteSpecific
 Note: Map is not official, for presentation purposes only.

 Total Site
 FLUA Site
 In Process
 GAPO



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



C. Introduction

I. Intent of the Amendment

The subject site is located approximately 3.4 miles west of Seminole Pratt Whitney Road on the north side of Southern Boulevard (SR 80) and is within the Glades Tier of the County's Growth Management Tier System. The site comprises two components, a 138.31 acre portion currently designated Economic Development Center (EDC) with previously adopted conditions of approval, and a 64.46 acre portion currently designated Rural Residential, 1 unit per 10 acres (RR-10).

The purpose of this amendment is to change the designation of the 64.46 acre portion of the site to EDC, to allow for this portion to be incorporated into the Central Park Commerce Center (CPCC) Multiple Use Planned Development (MUPD) approved and under development on the 138.31 acre portion. The 64.46 acre parcel is currently included in the overall Palm Beach Aggregates Excavation approval (Control No. 89-52) and supports uses ancillary to the mining use. These have valid site plans on file with the Zoning Division and include a concrete batch plant, a secondary containment site, and an asphalt batch plant. In addition to these uses, there has been a temporary drainage facility constructed in the eastern portion of the site as reflected in the PBA Hydro Storage Water Conservation & Energy Center Plat recorded in PB 135/109. The adopted Ordinance includes conditions prohibiting residential use of the property, and limiting uses based on trip generation. No revision of this limitation has been requested. In addition, the amendment proposes to eliminate a condition of approval for the 138.31 acre portion currently designated EDC, adopted by Ordinance 2016-026 and amended by Ord. 2018-012, which has been satisfied. These conditions will then be applied to the entire 202.79 acre site. The applicant has indicated that the incorporation of the 64.46 acre portion is intended to allow for improved site design, and to more easily meet the land development regulations associated with an MUPD.

Specifically, the amendment proposes to:

- Revise Future Land Use Element Policy 1.8-c and Policy 3.3-a.5 to increase the acreage of the Limited Urban Service Area (LUSA) to incorporate the subject site;
- Revise the Map Series Managed Growth Tier System Map, LU 1.1, and Service Area Map, LU 2.1 to incorporate the subject site within the LUSA;
- Revise Table III.C (Note 2) to increase the acreage of EDC future land use permitted in the Glades Area Protection Overlay (GAPO); and
- Amend the FLU designation of the 64.46 acre portion of the site from RR-10 to EDC FLU.

The text amendment was recommended for initiation by the Planning Commission on October 13, 2023, and initiated by the BCC on November 1, 2023, allowing for the application of the companion site-specific FLUA amendments.

Zoning Application. The existing 138 acre Central Park Commerce Center MUPD is approved as Control Number 2015-00085, and the 64.46 acres proposed to be added is currently part of the 5,500+/- acre Palm Beach Aggregates mining operation (Control Number 1989-00052). The Zoning applications include a Development Order Amendment (DOA) to remove the 64.46 acres of land area from Palm Beach Aggregates, a rezoning from Special Agriculture to Multiple Use Planned Development (MUPD), and a Development Order Amendment to add this land area to

the Central Park Commerce Center MUPD. Additional requests two Type II Concurrent Variances and request a Type 2 Waiver. The 64.46 acre site will be vested for the Concrete Batch Plant, Secondary Containment Site, and the Asphalt Batch Plant currently approved per the associated site plans.

II. Background/History

The proposed amendment affects Comprehensive Plan provisions related to GAPO and LUSAs, and the already approved CPCC project. Below is background on each of these components.

A. Glades Area Protection Overlay

The subject site is located within the 3,000-acre Glades Area Protection Overlay (GAPO). The GAPO spans both sides of the L-8 canal and includes portions of both the Rural and Glades Tiers. The purpose of the GAPO is to protect the Agricultural Production Area in the Glades, also known as the Everglades Agricultural Area (EAA), from encroachment by urban and other uses that would be detrimental to the viability and continuity of agricultural activities, existing and future conservation areas, and Everglades restoration programs and projects.

The GAPO was adopted by the Board of County Commissioners in 2004, as part of a strategy to prevent the voluntary annexation of Palm Beach Aggregates' properties into the Village of Wellington. The Board also adopted amendments designating a portion of the GAPO east of the L-8 Canal as a LUSA, allowing Palm Beach Aggregates, now PBA Holdings Inc., to pursue a FLUA amendment from Rural Residential, 1 unit per 10 acres (RR-10), to Low Residential, 2 units per acre (LR-2) for the area east of the L-8 canal. That amendment included conditions of approval that required the execution and recordation of a restrictive covenant in favor of the County on Palm Beach Aggregates lands within the overlay, providing for restrictions on annexation and limitations on uses. This portion east of the L-8 canal was subsequently approved as the 1,200 acre Arden project, which is currently under development.

For the area west of the L-8 canal, where the subject site is located, the GAPO initially limited development to the existing uses, a proposed FPL power plant and related cooling areas, and related uses. In 2016, as discussed below, the Board adopted text and FLU amendments allowing employment centers and the EDC FLU designation in the GAPO west of the L-8 canal, and changing the FLU of 138.31 acres to EDC. These 138.31 acres were subsequently approved for the CPCC MUPD, and are included in this proposed amendment for the purposes of eliminating a satisfied condition of approval, and extending the remaining conditions of approval to the entire 202.79 acre subject site.

The proposed amendment includes an increase to the amount of the acreage that can be designated EDC FLU in the GAPO; the amendment does not propose to modify the boundaries or purposes of the GAPO.

B. Limited Urban Service Area

The Comprehensive Plan establishes service areas, including Urban, Limited Urban, and Rural Service Areas, in consideration of the density and intensity of land uses, the cost and feasibility of extending services, the necessity to protect natural resources, and the objective of encouraging revitalization and redevelopment. Limited Urban Service Areas allow for a mix of urban and rural levels of service, and are specifically designated in the Plan, in Policy 3.3-a, and depicted in the Map Series. The Comprehensive Plan establishes factors for consideration when designating a

LUSA, including whether the proposed facility in the LUSA addresses a need, furthers County policy goals, provides public benefits, and is better suited for location in the Urban Service Area.

Presently, the Comprehensive Plan designates seven LUSAs, including the 138.31 portion of the subject site. The proposed amendment includes a request for LUSA designation of the 64.46 acre portion of the site, extending the LUSA designation over the entire 202.79 acres.

C. Central Park Commerce Center

In 2016, via Ordinance 2016-026, the Board approved privately proposed text amendments and a FLU amendment for the 138.31 acre site now approved as the CPCC. The amendments designated a LUSA, added EDC to the list of FLU designations permitted in the Glades Tier only in the GAPO, and changed the FLU designation for the 138.31 acre site from Rural Residential, 1 unit per 10 acres (RR-10) to EDC. The intent of the amendment was to allow for development of an employment center on the site, to include a large-scale “data center,” a centralized computer storehouse that provides information technology infrastructure for a single or multiple commercial or government client(s). This site was subject to a second amendment in 2018, which was adopted by Ordinance 2018-012, to amend conditions of approval to extend the timing deadline for commencement of development to June 30, 2022. In March of 2022, the condition was deemed to have been met. As a result, the currently proposed amendment includes a request to eliminate this satisfied condition of approval. To date, according to the applicant, plats have been recorded and the master plan and subdivision plans have been approved. In addition, the final site plan has been approved for two data center buildings of 100,000 sf each and accessory office of 6,000 sf, and a third 1,200,000 sf warehouse building inclusive of 25,000 sf of accessory office. Per the site plan, there remains 614,000 sf of warehouse square footage or equivalent trips that could be developed on the 138.31 acre site and the additional 64.46 acre component of the subject site.

The designation of the LUSA and approval of the FLU change were based in part on the recommendations of the Sector Plan process, which the County undertook in 1999 to address long range planning and land use imbalances in the 50,000+ acre Central Western Communities area. The Sector Plan was adopted in 2005, and contained recommendations for approximately 2 million sq. ft. of non-residential uses, including a 943,000 sq. ft. employment center for the Leonard-Fleming properties, located between 20 mile-bend and Seminole Pratt Whitney Road. The Sector Plan was ultimately rescinded by the County after it was found not in compliance by the Florida Department of Community Affairs, but the recommendation for an employment center near 20 Mile Bend remained a consideration in the 2016 approval of the LUSA for the CPCC project. The LUSA addressed the need identified in the Sector Plan for an employment center that would provide opportunities for residents of the CWC as well as the Glades communities.

The proposed amendment seeks to expand the acreage of the LUSA designated in 2016 for the CPCC, to incorporate the 64.46 acre component adjacent to the CPCC MUPD.

III. Data and Analysis Summary

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

A. Overview of the Area

The site is located in the western central portion of the County just east of 20 Mile Bend. To the east, across a 400 foot wildlife corridor and the L-8 canal, is the Arden PUD. To the north and west, the CPCC economic development center, the L-8 reservoir, and an FPL power plant. To the south across Southern Boulevard are South Florida Water Management District stormwater treatment areas (STAs) within the Village of Wellington.

B. Appropriateness of the Amendment

1. **GAPO.** The proposed amendment would increase the acreage of EDC FLU permitted in the GAPO, for the purpose of expanding the already approved CPCC project. The 64.46 acre expansion area is at the south east corner of the existing approval, and would be bound by the existing approval to the north and west, the wildlife corridor and L-8 canal to the east and SR 80 to the south. The proposed amendment does not seek to change the purposes nor the boundaries of the GAPO.
2. **LUSA and EDC FLU.** The 2016 amendments that approved LUSA and EDC FLU for the 138.31 acre portion of the site involved several policy considerations, included enhancing employment opportunities in the central and western areas of the county where they were lacking, and where additional residential uses had been approved and continued to be proposed. In addition, with the FPL Energy Center to the west of the subject site, and with mining operations to the north, the EDC FLU proposed for the CPCC site was not introducing the first intense use to the GAPO, nor would it be located along the western edge of the GAPO. Further, the proposed EDC FLU category limited uses to light industrial, addressing concerns regarding siting heavy industrial uses in that location. The site's elevation and other site characteristics were not considered suitable for agricultural use, but enhanced its attractiveness for development making use of the infrastructure already existing in proximity to the site. Although the site is designated RR-10, the GAPO prohibits residential uses west of the L-8 canal. These same considerations apply to the currently proposed amendment, which would expand the area of the existing LUSA and EDC FLU, to incorporate the 64.46 acre piece that would essentially "square off the southeast corner of the CPCC, in an area previously deemed appropriate for an EDC FLU designation.
3. **Policy 3.5-d Consistency.** The proposed amendment would increase the acreage of EDC FLU permitted in the GAPO, to allow the adjacent, already approved CPCC to incorporate the subject site. However, the applicant is not seeking to expand the square footage of warehouse and industrial uses beyond the 2,786,577 square feet of warehouse and 491,749 square feet of Light Industrial uses, or equivalent trip-generating uses, approved for the CPC on the 138.31 acres. Instead, these uses would be able to be located throughout the total 202.79 acres. Maintaining the development potential over the entire site at the already approved levels meets Policy 3.5-d of the Future Land Use Element. The conditions of approval will extend these limits on development potential to apply over the entire 202.79 acre site; no revision of these limits has been requested.

C. Compatibility

The 64.46 acre portion of the subject site for which the EDC FLU and LUSA designation are proposed is adjacent to existing EDC FLU and LUSA designation to the west and north. The site abuts SR 80, a four lane divided highway, to the South, and to the east the site is adjacent to a wildlife corridor and the L-8 canal. No potential adverse impacts were identified regarding expansion of the EDC FLU to the area adjacent to the wildlife corridor. The proposed amendment is compatible with the surrounding uses.

D. Assessment and Recommendation

The same factors and key policy issues considered in the 2016 amendments that created the LUSA and granted the EDC FLU for the 138.31 acre portion of the site also apply to the current proposed amendment, including:

- the need to enhance employment opportunities in the central and western areas of the county;
- unsuitability of RR-10 FLU, given that GAPO prohibits residential uses west of the L-8 canal;
- the site's location away from the western edge of the GAPO;
- the light industrial nature of EDC FLU and its use as a transition between residential uses east of the L-8 canal and more intense utility and mining uses to the west and north; and
- the site's elevation and other characteristics that render it unsuitable for agricultural use, but enhance its attractiveness for development using infrastructure in proximity to the site.

The proposed amendment seeks to "square off" the area designated as EDC in the GAPO, does not propose to increase the square footage of approved uses, and does not create compatibility issues. The proposed amendment does not propose to modify the boundaries or purposes of the GAPO. Staff concurs with the applicant's assessment that the text and FLUA amendment are justified, and recommends approval with conditions.

Exhibits	Page
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1B. Proposed Text and Map Series Amendments	E-4
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Exhibit 1-A

Amendment No:	Central Park Commerce Center MUPD (LGA 2024-006)
FLUA Page No:	52 & 59
Amendment:	From Rural Residential, 1 unit per 10 acres (RR-10) to Economic Development Center (EDC) on 64.46 acres; to revise conditions of approval in Ordinance 2018-012; and to apply those revised conditions to the 64.46 acre site that is the subject of this Ordinance.
Location:	North side of Southern Blvd., approx. 3.4 miles west of Seminole Pratt Whitney Rd.
Size:	202.79 acres approximately
Property No:	00-40-43-29-01-002-0000; 00-40-43-29-01-001-0000; 00-40-43-29-01-015-0000; 00-40-43-32-00-000-1050; 00-40-43-32-01-012-0030; 00-40-43-29-01-023-0000; and portion of 00-40-43-32-00-000-1030.

Conditions: The following conditions adopted by Ordinance 2016-026, amended by Ord. 2018-012, are amended as follows and apply to a total of 202.79 acres as shown in the red outline in the map.

1. Development of the site under the Economic Development Center future land use designation is limited to a maximum of 491,749 square feet of light industrial uses and 2,786,577 square feet of warehouse uses, or other uses which do not exceed the equivalent traffic generating trips.
- ~~2. If development of a minimum of 200,000 square feet of uses which make use of the unique attributes of the site, such as adjacency to Florida Power & Light West County Energy Facility, uninterrupted and redundant power source, the site elevation, and/or fiber optic availability, does not commence prior to June 30, 2022, then County staff shall bring back to the Board of County Commissioners for consideration of initiation an amendment to change the designation to an appropriate future land use designation.~~
- ~~32. Residential uses (except security or caretakers' quarters) are prohibited.~~
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

This is the legal description for the 64.46 acre portion of the subject site proposed for amendment from Rural Residential, 1 unit per 10 acres (RR-10) to Economic Development Center (EDC)

ROFO PARCEL

A PORTION OF THE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 7842, PAGE 1757 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LOCATED WITHIN SECTION 32, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF TRACT OS-5, CENTRAL PARK COMMERCE CENTER MUPD, AS RECORDED IN PLAT BOOK (P.B.) 135, PAGE 101 OF THE PALM BEACH COUNTY RECORDS (P.B.C.R.); THENCE SOUTH 88°23'35" EAST FOR 919.41 FEET ALONG THE SOUTHERLY LINE OF TRACT B OF SAID CENTRAL PARK COMMERCE CENTER MUPD PLAT; THENCE DEPARTING FROM SAID SOUTHERLY LINE OF TRACT B SOUTH 00°57'24" WEST FOR 1615.97 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF STATE ROUTE 80, AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 93120-2515; THENCE NORTH 88°28'42" WEST FOR 1097.23 FEET ALONG THE SAID NORTH RIGHT-OF-WAY LINE OF STATE ROUTE 80, THE FOLLOWING THREE (3) COURSES BEING ALONG THE EASTERLY LINES OF SAID CENTRAL PARK COMMERCE CENTER MUPD PLAT; THENCE DEPARTING SAID NORTH RIGHT-OF-WAY LINE OF STATE ROUTE 80 NORTH 01°31'46" EAST FOR 599.86 FEET TO THE POINT OF BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 585.00 FEET AND FROM SAID POINT A RADIAL LINE BEARS NORTH 40°36'01" WEST; THENCE NORTHERLY ALONG SAID CURVE FOR 323.00 FEET THROUGH A CENTRAL ANGLE OF 31°38'07"; THENCE NORTH 00°56'55" EAST FOR 747.16 FEET TO THE POINT OF BEGINNING;

TOGETHER WITH;

D1 & D2 PARCELS (OVERALL)

A PORTION OF THE LANDS DESCRIBED IN ORB 7842, PAGE 1757, LOCATED WITHIN SECTION 32, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF TRACT B, CENTRAL PARK COMMERCE CENTER MUPD, AS RECORDED IN P.B. 135, PAGE 101 P.B.C.R.; THENCE SOUTH 00°57'24" WEST FOR 1614.87 FEET, ALONG THE WEST LINE OF TRACT NO. VF-100-007, AS RECORDED IN OFFICIAL RECORD BOOK 21362, PAGE 1081 P.B.C.R. TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF STATE ROUTE 80, BEING 203.00 FEET WIDE, AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 93120-2515; THENCE NORTH 88°28'42" WEST FOR 741.88, ALONG SAID NORTH RIGHT-OF-WAY LINE; THENCE DEPARTING SAID RIGHT-OF-WAY LINE OF STATE ROUTE 80 NORTH 00°57'24" EAST FOR 1615.97 FEET TO A POINT IN THE SOUTHERLY LINE OF SAID TRACT B; THENCE SOUTH 88°23'35" EAST FOR 741.89 FEET ALONG SAID LINE, TO THE POINT OF BEGINNING.

SAID TOTAL LANDS CONTAINING 64.462 ACRES, MORE OR LESS.

This is the legal description for the 202.79 acre subject site over which the proposed revised conditions of approval will apply.

A PORTION OF SECTIONS 29 AND 32, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, AND ARE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 29, TOWNSHIP 43 SOUTH, RANGE 40 EAST; WHICH IS THE SAME AS THE NORTHEAST CORNER OF SECTION 32, TOWNSHIP 43 SOUTH, RANGE 40 EAST; THENCE NORTH 88°20'18" WEST 918.66' ALONG THE SOUTH LINE OF SAID SECTION 29 TO A POINT ON THE EAST LINE OF CENTRAL PARK COMMERCE CENTER MUPD, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 135, PAGE 101, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID POINT ALSO BEING THE POINT OF BEGINNING;

THENCE SOUTH 00°57'24" WEST, ALONG SAID EAST LINE AND THE SOUTHERLY EXTENSION THEREOF, A DISTANCE OF 3374.06 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF STATE ROUTE 80, BEING 203.00 FEET WIDE, AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 93120-2515; THENCE NORTH 88°28'42" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 2147.49 FEET TO THE SOUTHWEST CORNER OF THE AFOREMENTIONED CENTRAL PARK COMMERCE CENTER MUPD PLAT, THE FOLLOWING THIRTEEN (13) CALLS BEING ALONG THE BOUNDARY OF SAID PLAT; THENCE NORTH 01°31'46" EAST, A DISTANCE OF 589.82 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 125.00 FEET, AND A CENTRAL ANGLE OF 103°05'12"; THENCE NORTHEASTERLY ALONG SAID CURVE, AN ARC DISTANCE OF 224.90 FEET; THENCE NORTH 45°55'57" EAST, A DISTANCE OF 64.02 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST, SAID CURVE HAVING A RADIAL BEARING OF NORTH 44°03'19" WEST, A RADIUS OF 395.00 FEET AND A CENTRAL ANGLE OF 20°41'41"; THENCE NORTHEASTERLY ALONG SAID CURVE, AN ARC DISTANCE OF 142.67 FEET; THENCE NORTH 00°56'55" EAST, A DISTANCE OF 742.78 FEET; THENCE NORTH 88°23'35" WEST, A DISTANCE OF 198.48 FEET; THENCE NORTH 00°56'55" EAST, A DISTANCE OF 650.00 FEET; THENCE NORTH 88°23'35" WEST, A DISTANCE OF 247.05 FEET; THENCE NORTH 00°56'55" EAST, A DISTANCE OF 111.41 FEET; THENCE NORTH 00°49'13" EAST. A DISTANCE OF 930.70 FEET; THENCE SOUTH 88°27'45" EAST, A DISTANCE OF 1376.21 FEET; THENCE SOUTH 00°57'24" WEST, A DISTANCE OF 467.02 FEET; THENCE SOUTH 88°27'45" EAST, A DISTANCE OF 933.05 FEET; THENCE SOUTH 00°57'24" WEST, A DISTANCE OF 468.66 FEET TO THE POINT OF BEGINNING.

SAID LANDS CONTAINING 202.785 ACRES, MORE OR LESS.

Exhibit 1-B

Proposed Text and Map Series Amendments

A. Future Land Use Element, Glades Area Protection Overlay

REVISIONS: To revise the Glades Area Protection Overlay to expand the land area allowed with the Economic Development Center future land use designation. The revisions are shown below with added text underlined and deleted text ~~stricken through~~.

1. **REVISE Policy 1.8-c:** The area within the Overlay located east of the SFWMD L-8 Canal and ~~138.31 acres~~ 202.79 acres with Economic Development Center future land use designation west of the SFWMD L-8 Canal, shall be designated as a Limited Urban Service Area (LUSA) based on the area meeting the criteria for a LUSA designation in FLUE Objective 3.3. The boundaries of the LUSA shall be depicted in the “Service Areas Map” contained in the Comprehensive Plan Map Series.

B. Future Land Use Element, Limited Urban Service Area

REVISIONS: To revise the Limited Urban Service area provision to expand the land area allowed with the Economic Development Center future land use designation within the Glades Area Protection Overlay. The revisions are shown below with added text underlined and deleted text ~~stricken through~~.

1. **REVISE Policy 3.3-a:** The Limited Urban Service Area: The following are designated as Limited Urban Service Areas:

... text omitted for brevity

5. the area east of the SFWMD L-8 Canal and ~~138.31 acres~~ 202.79 acres with Economic Development Center future land use designation west of the SFWMD L-8 Canal within the Glades Area Protection Overlay;

... text omitted for brevity

C. Future Land Use Element, Future Land Use Regulation Table

REVISIONS: To revise note 2 in Table III.C, Future Land Use Designation by Tier to expand the land area allowed with the Economic Development Center future land use designation in the Glades Area Protection Overlay. The revisions are shown below with added text underlined and deleted text ~~stricken through~~.

1. **Revise Table III.C, Future Land Use Designation by Tier**

...table omitted for brevity...

2. Within the Glades Area Protection Overlay, ~~138.31~~ 202.79 acres of EDC future land use designation is allowed.

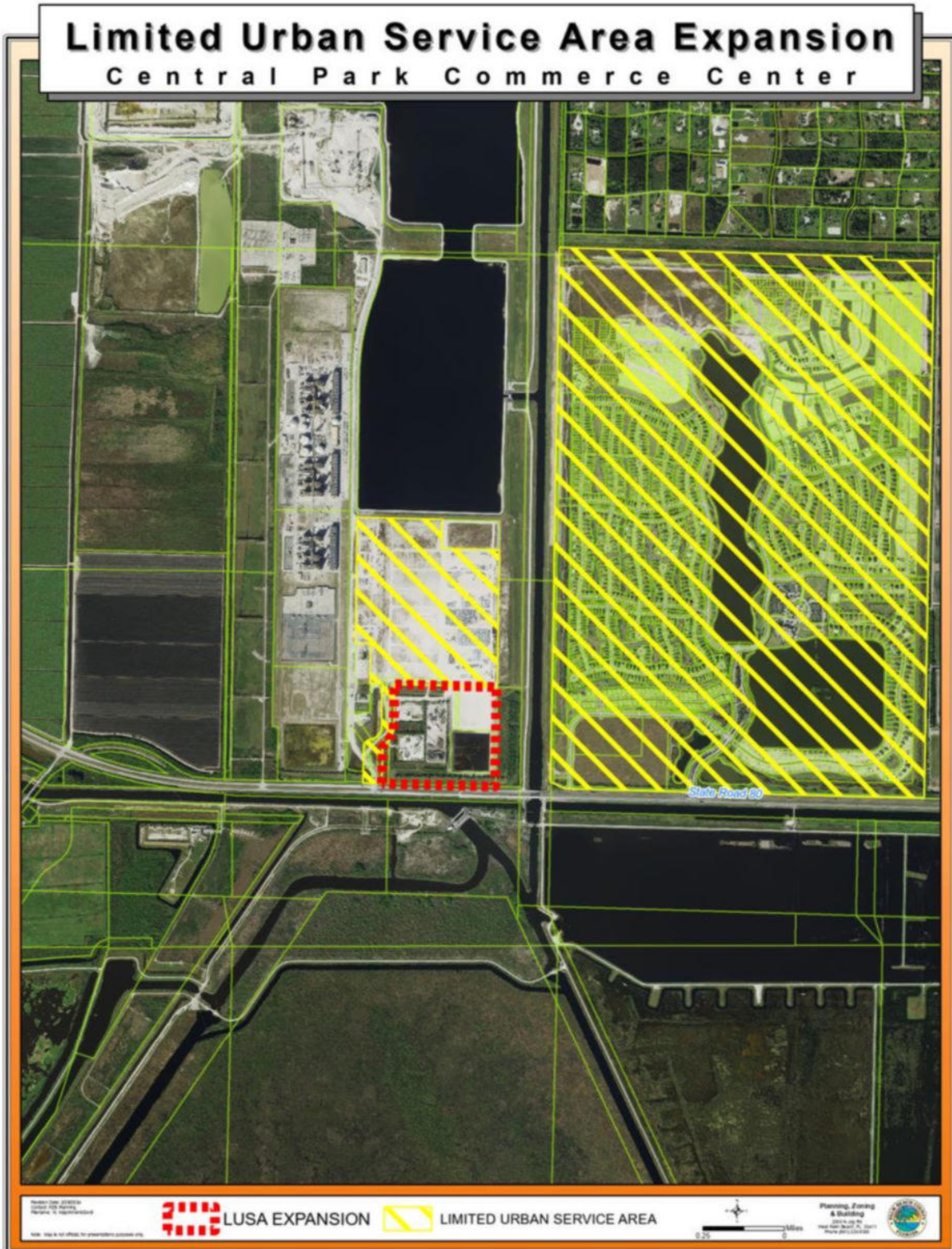
D. Map Series, Managed Growth Tier System Map LU 1.1

REVISIONS: To revise Managed Growth Tier System, Map LU 1.1 of the Map Series to depict the 64.46 acre portion of the subject site as a Limited Urban Service Area. **To be added.**



E. Map Series, Service Area Map LU 2.1

REVISIONS: To revise Service Area, Map LU 2.1 of the Map Series to depict the 64.46 acre portion of the subject site as a Limited Urban Service Area. **To be added.**



REVISIONS: To revise Service Area, Map LU 2.1 of the Map Series to depict the 64.46 acre portion of the subject site as a Limited Urban Service Area. **To be deleted.**

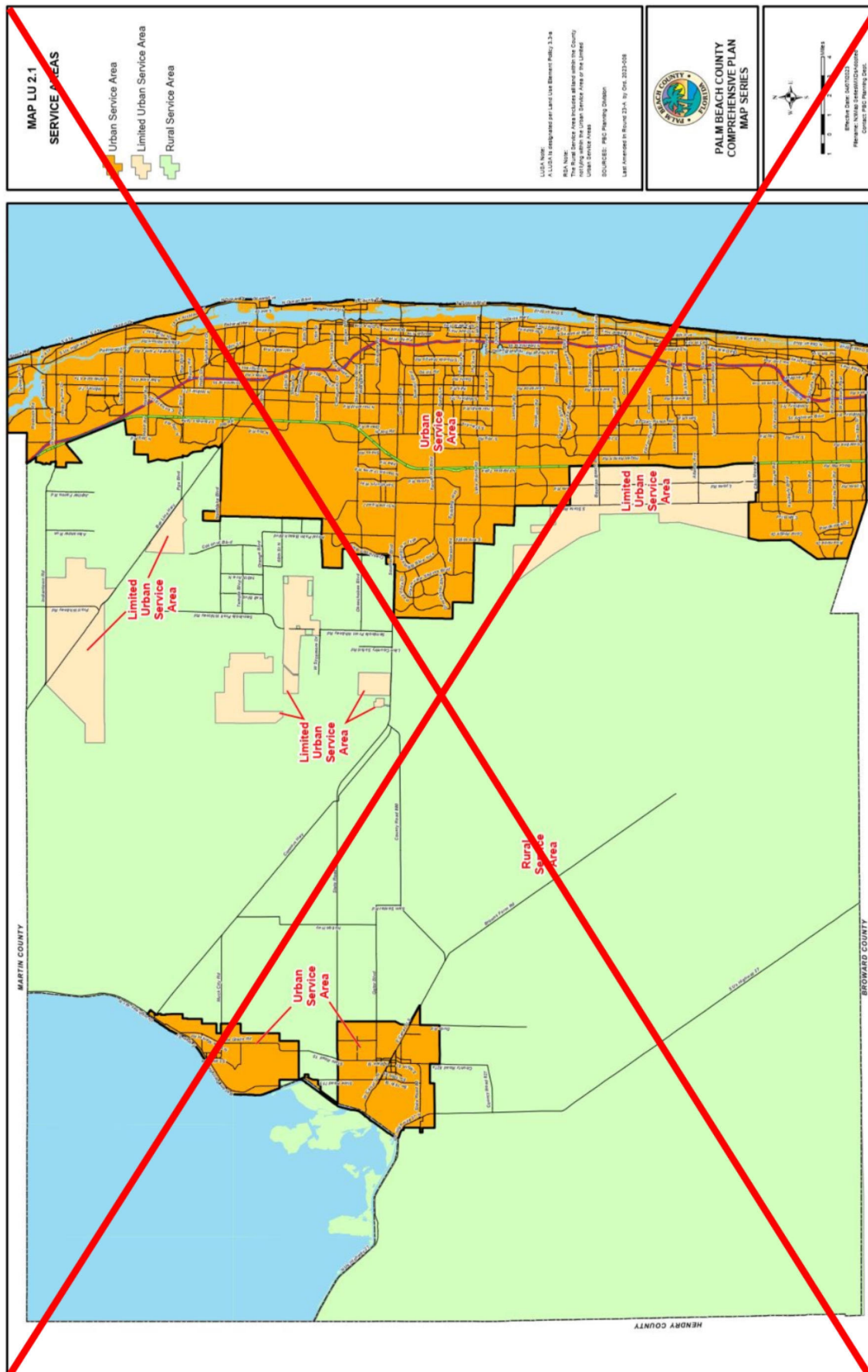


Exhibit 2

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 includes the following statements:

- The GAPO prohibits any residential density from being developed on the land and limits the potential uses thereof. Changing the land use designation to EDC will allow for uses already deemed appropriate via the prior EDC amendment to take place on the property and make reasonable use of the land.
- The request to 'fill in' this area with the consistent land use designation of EDC is also appropriate due to the location on State Road 80, a major transportation corridor suitable for the transportation of goods and benefits the community by creating additional employment opportunities.

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. Concerning justification, there are several themes presented by this amendment that are discussed individually.

Given the "infill" nature of the 64.46 acre component, and the GAPO prohibition on residential uses west of the L-8 canal, staff concurs with the applicant's assessment that the text and FLUA amendment are justified.

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

Direction 6. Economic Diversity and Prosperity. *Promote the growth of industries that have relatively high wages and that can diversify the economic base.*

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

Staff Analysis: The County's Managed Growth Tier System is the primary vehicle by which the County Directions are realized. The Tier System identifies distinct geographic areas, which together offer lifestyle choices for all residents, and allow for sustainable communities. The associated Comprehensive Plan policies and land development regulations to implement each Tier also reflect the County Directions. The proposed amendment supports the above directions.

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

Staff Analysis: The proposed amendments are intended to bring a larger land area under the regulations of an existing MUPD, squaring off the current approval and eliminating the potential for other uses or designations to be requested for the 64.46 acre piece. The proposed amendment would not constitute piecemeal development.

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

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

Staff Analysis: The Comprehensive Plan's Introduction and Administration Element defines residual parcel as "a property under the same or related ownership that has been left out of a development area, resulting in a parcel which has limited development options and connections to surrounding properties." This amendment is intended to incorporate additional acreage under the regulations of an existing MUPD, squaring off the current approval. There are no other parcels under the same or related ownership adjacent to the 64.46 acre component, other than the 128 acre component already designated EDC, thus the proposed amendment would not result in the creation of any residual parcels.

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

Staff Analysis: The proposed amendment is intended to expand the land area available for development of an employment center, which is consistent with the intent of this policy to provide opportunities for the retention and expansion of industrial and employment based economic activities. The designation of industrial lands is also generally consistent with County policies regarding industrial land use, to further promote the preservation and utilization of industrial lands in support of expansion of the County's economic diversity and employment base. However, the appropriateness of this location relative to other potential sites stems from the specific size, location, and other characteristics of this site

B. Consistency with Glades Tier Requirements

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

1. FLUE OBJECTIVE 1.6 Glades Tier

General: *The Glades Tier is generally located west of the Conservation Areas and Twenty Mile Bend, and includes the Glades Communities. This area is designated primarily for specialized agricultural operations. Communities within the Glades Tier are engaged in their own efforts with regard to planning and development. This effort is mainly in the form of economic development programming. The geographical distance and the nature of the issues faced by the Glades communities differ from the challenges faced by the coastal communities to manage growth. These factors warrant a separate initiative to further develop the Glades Tier, in conjunction with the Glades municipalities, business community and area residents.*

Objective: *Palm Beach County shall work with the communities in the western areas to preserve and enhance the unique characteristics of the Glades and protect the economically viable agricultural base in this area. The Glades Tier shall include all lands west of the Water Conservation Areas, Twenty Mile Bend, and the J.W. Corbett Wildlife*

Management Area. The area outside the Urban Service area predominantly supports large-scale agricultural operations, which shall be afforded rural levels of service.

Staff Analysis: Although the proposed amendment is located in the Glades Tier, the policies addressing strategies for that tier are focused on the Glades communities at Lake Okeechobee and the agricultural production area. More pertinent policies to this amendment are found in the GAPO policies and the ICE policies related to Glades revitalization, discussed below.

C. Consistency with Limited Urban Service Area (LUSA) Policies

1. FLUE Objective 3.3 Limited Urban Service Areas (LUSAs) -- Palm Beach County shall allow for a mix of urban and rural levels of service in the Limited Urban Service Area. Designation of an area as a LUSA shall be based upon consideration of the following factors:

- *The need for the proposed facilities;*
- *The ability of the proposed facilities to meet policy goals coupled with a demonstration of significant relative advantages of the area of the proposed LUSA over possible sites within the Urban Service Area; and*
- *The extent to which the designation would allow for significant public benefits, such as major economic development or environmental benefits.*

Staff Analysis: The proposed amendment includes an expansion of the existing LUSA designation on the 138.31 acre component, to incorporate the 64.46 acre component within the LUSA. The LUSA designation of the 138.31 acre site in 2016 was based on a determination that the location and proposed uses met the criteria for a LUSA. The size, the inland location and elevation of the site, the location on SR 80, the proximity to the Glades communities, and proximity to the FPL West County Energy Center and transmission were identified as significant advantages of this site.

The currently proposed amendment is a component of the same location, and the same uses approved for the 138.31 acre portion are proposed to be applied across the entire 202.79 acre site. The LUSA designation allows for the provision of water and wastewater service. The infrastructure required to provide these services to the amendment site is already in place, which would enable the cost-effective provision of these services, and make use of the existing infrastructure. According to a letter from the PBC Water Utilities Department dated November 2, 2023 (see Exhibit 6), an 18" water main is located in Southern Blvd. adjacent to the property and an 18" sanitary sewer force main is located 400' to the east, and additional capacity assessments will be done during the site planning process.

2. FLUE Policy 3.3-a: The Limited Urban Service Area: The following are designated as Limited Urban Service Areas:

1. *the area described as the United Technology - Pratt and Whitney Overlay;*
2. *the area defined as the General Aviation Facility/ North County Airport;*
3. *the Agricultural Reserve; and*
4. *areas within the Exurban Tier where the Legislature has granted a special district the authority to provide urban levels of service for potable water and/or sewer following the installation of centralized water and/or sewer systems; installation of a force main to serve a single project shall not constitute justification for a LUSA designation;*

5. *the area east of the SFWMD L-8 Canal and 138.31 acres with Economic Development Center future land use designation west of the SFWMD L-8 Canal within the Glades Area Protection Overlay;*
6. *an Agricultural Enclave pursuant to Policy 2.2.5-d; and*
7. *the Western Communities Residential Overlay.*

The LUSA shall be depicted on the Service Areas Map in the Map Series upon designation through a Plan amendment. The official boundaries of each LUSA shall be depicted on the Service Areas Map in the Map Series. Within a designated Agricultural Enclave, the ULDC provisions governing the Agricultural Enclave and the Urban/Suburban Tier shall apply consistent with Policies 2.2.5-d, 2.2.5-e, 2.2.5-f and 2.2.5-g, and the site specific Agricultural Enclave amendment as adopted by the BCC.

Staff Analysis: This policy establishes the list of LUSAs designated pursuant to Objective 3.3. The proposed amendment would revise this policy and Managed Growth Tier System Map, LU 1.1, and Service Area Map, LU 2.1, and Note 2 of Table III.C, to reflect the full 202.79 acres designated as EDC west of the L-8 canal, if approved.

D. Consistency with other Comprehensive Plan Elements

1. Intergovernmental Coordination Element Goal 2 Glades Revitalization

*It is the **GOAL** of Palm Beach County to revitalize the Glades area through cooperative efforts with the Glades Communities, residents and organizations in a manner consistent with the goals, objectives and policies of the Palm Beach County Comprehensive Plan.*

OBJECTIVE 2.1 Glades Enhancement and Economic Diversification

Palm Beach County shall use existing mechanisms or develop new strategies to assist Glades communities, residents and organizations to promote economic diversification, cultural preservation, greenways planning, local redevelopment, area beautification and coordinated land use planning.

Staff Analysis: This Goal and Objective of the ICE Element encourage economic development that can revitalize the Glades communities. The proposed amendment would expand an area for economic development and employment located in the Glades Tier. While not proximate to the Glades communities, the amendment site is a 20-25 minute drive from Belle Glade, and could provide significant employment opportunities for Glades area residents once developed, in support of this Goal and Objective.

E. Compatibility

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

Surrounding Land Uses: The 64.46 acre portion of the subject site for which the EDC FLU and LUSA designation are proposed is adjacent to existing EDC FLU and LUSA designation to the west and north. The site abuts SR 80, a four lane divided highway, to the South, and to the east the site is adjacent to a wildlife corridor and the L-8 canal.

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

Staff Analysis: No potential adverse impacts were identified regarding expansion of the EDC FLU to the area adjacent to the wildlife corridor. The proposed amendment is compatible with the surrounding uses. A concurrent zoning application is being reviewed and is proposed to be required to be heard concurrently with the amendment wherein any additional issues related to compatibility would be addressed.

F. 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 subject site is located within the Glades Area Protection Overlay. Additional analysis is provided below.

2. OBJECTIVE 1.8 Glades Area Protection Overlay

General: *The Purpose of the Overlay is to protect the Everglades Agricultural Area (EAA) from encroachment by urban and other uses that will be detrimental to the viability and continuity of agricultural activities, existing and future conservation areas, and Everglades restoration programs and projects. The Overlay complements existing provisions in the Comprehensive Plan prohibiting the expansion of urban and suburban activities into the agricultural production areas in the Glades Tier.*

Objective: *The Purpose of the Glades Area Protection Overlay (GAPO) shall be to protect the Agricultural Production Area in the Glades also known as the Everglades Agricultural Area (EAA) from encroachment by urban and other uses that will be detrimental to the viability and continuity of agricultural activities, existing and future conservation areas, and Everglades restoration programs and projects. This overlay complements existing provisions in the Comprehensive Plan by creating a barrier to the expansion of urban and suburban activities into the Agricultural Production areas in the Glades Tier, beyond the western limits of this overlay, while providing the opportunity to recognize existing uses and new uses within the overlay.*

FLUE Policy 1.8-a: *The Glades Area Protection Overlay, generally described, as the area north of State Road 80 (SR-80), approximately 2.25 miles west of Seminole Pratt Whitney Road directly south of the Deer Run rural subdivision, to approximately 2.0 miles west of the SFWMD L-8 Canal, encompassing the western portions of sections 8 and 17, all of sections 20, 28, 29 and 32, and the northern portion of section 33, Township 43, Range 40, with an approximate total acreage of 3,063.66 acres, is depicted on the Special Planning Areas Map in the Map Series. The boundaries of the Glades Area Protection*

Overlay shall not be modified or expanded to incorporate areas other than the ones described in this policy.

Staff Analysis: The proposed amendment does not include any revision to the boundaries of the GAPO.

3. **FLUE Policy 1.8-b:** *The County shall limit permitted uses within the Glades Area Protection Overlay to those uses that are compatible with the purpose of this overlay. No residential uses shall be allowed west of the L-8 Canal.*

- a. *West of the L-8 Canal:*

Future Land Use Designation: Rural Residential 10 (RR-10) and Economic Development Center (EDC).

Specific Uses: Existing uses; Mining, excavation and other related uses consistent with the Overlay, and for Everglades restoration and water management purposes; Conservation, including wildlife corridors; Florida Power and Light (FPL) Power Plant and related cooling areas; and Employment Center.

- b. *East of the L-8 Canal:*

Future Land Use Designation: Low Residential 2 (LR-2) and related complementary uses as approved by the Board of County Commissioners.

Staff Analysis: The EDC land use designation is already an approved future land use designation for the area of the GAPO west of the L-8 canal, but is limited in size; the proposed amendment expands the amount of acreage that can be designated EDC in that area. The expanded area of 64.46 acres is currently designated RR-10 but cannot be developed residentially as residential uses are prohibited west of the L-8 canal.

4. **FLUE Policy 1.8-c:** *The area within the Overlay located east of the SFWMD L-8 Canal and 138.31 acres with Economic Development Center future land use designation west of the SFWMD L- 8 Canal, shall be designated as a Limited Urban Service Area (LUSA) based on the area meeting the criteria for a LUSA designation in FLUE Objective 3.3. The boundaries of the LUSA shall be depicted in the “Service Areas Map” contained in the Comprehensive Plan Map Series.*

Staff Analysis: The amendment proposes the designation of the 64.46 acre component of the site as a LUSA, pursuant to the criteria in Objective 3.3. The proposed amendment also includes the revision of this policy to reference the entire 202.79 acre site, should the LUSA be approved.

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

Staff Analysis: The subject site is not located within boundaries of any adopted Community and Neighborhood Plans or Planning Area Special Studies.

G. Public Facilities and Services Impacts

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. The following departments and agencies provided comments regarding the amendment and impacts on public facilities:

- **Traffic Division:** The proposed amendment meets Policy 3.5-d of the Palm Beach County Comprehensive Plan Future Land Use Element at the proposed potential intensities and trips, which are the same as for the approved development potential. The proposed amendment does not increase the development potential, but extends the adopted condition of approval which limits the project to this development potential or equivalent trips to apply over the entire 202.79 acre subject site.
- **Land Development:** The site has legal positive outfall; with regard to access, the site plans for the 202.79 acre site will need to be reviewed for new access points. If separate access points are proposed on SR 7, FDOT conceptual approval letters will be required.
- **Fire Rescue:** This property is primarily served by Palm Beach County Fire Rescue Station #20, located at 1000 Greenview Shores Blvd. The subject property is approximately 7.25 miles from the station. The estimated response time to the subject property is 17 minutes. In fiscal year 2023, the average response time for this station zone is 7:20. Property owners need to be aware of the extended response time of 17 minutes to this property, which is much greater than our standard of 7 minutes and 30 seconds.
- **Archaeological and Historical Resources:** The County Historic Preservation Officer and Archeologist has indicated that the site has a high probability for containing previously undocumented resources. This is based on:
 - Fossilized vertebrate remains found in a quarry hole north of the subject property;
 - Landforms consistent with preferred prehistoric habitation; and
 - Proximity to multiple prehistoric sites.As a result, per Article 9, of the ULDC, a Certificate To Dig will be required.
- **Water Utilities Department:** The Water Utilities Department has indicated to the applicant that an 18” water main is located in Southern Boulevard adjacent to the property and an 18” sanitary sewer force main is located 400’ to the east. Additional capacity assessments will be done during the site planning process.
- **Environmental Resources Management Department:** There is a potential that the soil and groundwater qualities have been impacted by the prior use(s). There are six regulated, privately owned preserves located within a three-mile radius of the project area. There are Environmentally Sensitive Lands in relative close

proximity to the project (e.g., the Arthur R. Marshall Loxahatchee Wildlife Refuge approximately one-half mile to the South). The project area is located within the Everglades Agricultural Area. The project area is located within the J.W. Corbett to Loxahatchee National Wildlife Refuge Connector. The project area is located adjacent to the L-8 Canal and the C-51 Canal.

II. Public and Municipal Review

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

- A. Intergovernmental Coordination:** Notification of this amendment was sent to the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC) for review on March 22, 2024. To date, no comments have been received.
- B. Other Notice:** Public notice by letter was mailed to the owners of properties within 500 feet of the perimeter of the site on March 22, 2024. In addition, interested parties, and municipalities in proximity, were notified by mail on March 22, 2024, including the Arden, Fox Trail and Deer Run Homeowner Associations, Indian Trail Improvement District, and the Village of Wellington.

Any correspondence is added to Exhibit 10 and as it is received during the course of the amendment process.

Exhibit 3

Applicant's Justification/Consistency with Comprehensive Plan

Introduction

On behalf of the property owner, PBA Holdings, Inc., Urban Design Studio (UDS) has prepared and hereby respectfully submits this application for a **Privately Initiated Comprehensive Plan Text Amendment and Land Use Map Amendment** to allow for the expansion of the Economic Development Center (EDC) land use currently applicable to the Central Park Commerce Center Multiple Use Planned Development (MUPD). The text request is to amend Policy 1.8-c. and Objective 3.3 contained in the Future Land Use Element of the Palm Beach County Comprehensive Plan as well as Note 2 in Table III.C, and Maps LU 1.1 and LU 2.1 of the Map Series. These text amendments would be applicable only to the land area west of the L-8 Canal, east and south of the existing land area with current EDC land use possessing a land use designation of RR-10 which will now equate to 202.79 acres in total. The applicant is coordinating with the South Florida Water Management District (SFWMD) to potentially purchase their 10-acre parcel located to the northeast of the existing MUPD, south of the reservoir, however, for the purposes of this request, only the land area under the property owner's control is included. That equates to 64.46 acres in total. Both the traffic report and the Environmental Assessment did include a review of the additional land area, but remain valid as they did assess the addition of the 64.46 acres.

As such, the Large-Scale Land Use Plan Amendment being requested in Round 24-B for the 64.46 acres is to change the land use designation from RR-10 to EDC, consistent with the MUPD, with a concurrent zoning application to rezone the land from Specialized Agriculture (SA), which equates to Agricultural Production (AP), to MUPD and incorporate it into the Central Park Commerce Center MUPD. No changes to the boundary of the Glades Area Protection Overlay (GAPO) are being proposed as part of this request.

The property control numbers and ownership information for the 64.46 acres are as follows;

PCN	Owner Information
00-40-43-32-00-000-1030 (Portion)	PBA Holdings, Inc.
00-40-43-32-00-000-1050	PBA Holdings, Inc.
00-40-43-32-01-012-0030	PBA Holdings, Inc.

Please note that the property appraiser is in the process of creating new property control numbers for the plat recently recorded for the approved MUPD. Additional detail is provided in the information associated with the current MUPD approvals. It is understood that additional revisions as they are processed by the property appraiser will be reflected on the rezoning application and addressed with the Planning Division as the applications move through the process.

In addition to the 64.46-acre land area subject to the land use change, as the text and map amendments also include the acreage associated with the currently approved MUPD, the following property control numbers are also included in this request:

PCN	Owner Information
00-40-43-29-01-001-0000	PBA Holdings, Inc.
00-40-43-29-01-002-0000	PBA Holdings, Inc.
00-40-43-29-01-015-0000	PBA Holdings, Inc.
00-40-43-29-01-023-0000	PBA Holdings, Inc.

Please note that pcn 00-40-43-29-01-001-0000 represents the private right of way Tract A on the recorded plat of Central Park Commerce Center MUPD as recorded in Plat Book 135, Page 101, as well as 00-40-43-29-01-015-0000, the open space tracts, and 00-40-43-29-01-023-0000, water management tract 1, are all technically owned by the Central Park Commerce Center Master Association, Inc. However, the ownership entities indicated in the table above are consistent with what is currently shown on the property appraiser’s website – until they update information presumably in April.

Text Amendment Request

Specifically, the text amendments being requested are outlined below:

A request to amend the Future Land Use Element Policy 1.8-c, Policy 3.3-a.5, and Service Area Map L.U. to reflect the expansion of the LUSA on the land area associated with this request as follows:

Policy 1.8-c: Policy 1.8-c: The area within the Overlay located east of the SFWMD L-8 Canal and ~~138.31 acres~~ a land area not to exceed 202.79 acres with Economic Development Center future land use designation west of the SFWMD L-8 Canal, shall be designated as a Limited Urban Service Area (LUSA) based on the area meeting the criteria for a LUSA designation in FLUE Objective 3.3. The boundaries of the LUSA shall be depicted in the “Service Areas Map” contained in the Comprehensive Plan Map Series.

Policy 3.3-a: The Limited Urban Service Area: The following are designated as Limited Urban Service Areas:

- 5. the area east of the SFWMD L-8 Canal and ~~138.31 acres~~ a land area not to exceed 202.79 acres with Economic Development Center future land use designation west of the SFWMD L-8 Canal within the Glades Area Protection Overlay;

Table III.C: 2. Within the Glades Area Protection Overlay, ~~138.34~~ up to 202.79 acres of EDC future land use designation is allowed.

Map Series Managed Growth Tier System Map, LU 1.1, and Service Area Map, LU 2.1: incorporate the subject site within the LUSA;

The text amendment was presented to the Planning Commission on October 13, 2023 with a recommendation for the BCC to initiate and to the BCC on November 1, 2023 and initiated unanimously to move forward in the process.

Land Use Amendment Request

As previously stated, the request is to redesignate a minimum of 64.46 acres from RR-10 to EDC and concurrently process a rezoning application to incorporate that into the existing MUPD with a rezoning on that acreage from SA to MUPD. Direction from Planning Staff is that should the applicant be able to negotiate a purchase of additional land area from the South Florida Water Management District, revised materials would need to be resubmitted in advance of the Planning Commission meeting with adequate time for staff to review.

Based on a meeting on August 25, 2023, with Planning and Zoning representatives, including the Planning Director, Kevin Fischer, Zoning Director Lisa Amara, Stephanie Gregory, Maria Bello, and Jerome Ottey it was directed that the appropriate process to allow for the additional land area to be monitored under the traffic condition currently associated with the approved MUPD land use ordinance, is to amend that Ordinance with the land use change on the applicant's land to be incorporated into one Ordinance for the entire property. At that time the approach was to include the additional 10 acres for the SFWMD parcel in the amendment, but the request has been revised to no longer include it and another amendment would need to be processed in the future should that land transfer be arranged.

History

The land area is located on the north side of Southern Boulevard, west of the L-8 and east of the Florida Power & Light facilities. The Central Park Commerce Center MUPD has been the subject of two Large Scale Land Use Plan Amendments, LGA-2016-005 and LGA-2018-027, approved on April 27, 2016 and July 23, 2013, respectively via Ordinances 2016-026 and 2018-012.

Ordinance 2016-026 changed the land use on approximately 138.31 acres from RR-10 to EDC and also included a text amendment to allow the EDC designation in the Glades Area Protection Overlay (GAPO), and an identical request to revise the policies associated with the incorporation of that land within a LUSA.

There were three conditions of approval associated with Ordinance 2016-026.

1. Development of the site under the Economic Development Center future land use designation is limited to a maximum of 491,749 square feet of light industrial uses and 2,786,577 square feet of warehouse uses, or other uses which do not exceed the equivalent traffic generating trips.
2. If development of a minimum of 200,000 square feet of uses which make use of the unique attributes of the site, such as adjacency to Florida Power & Light West County Energy Facility, uninterrupted and redundant power source, the site elevation, and/or fiber

optic availability, does not commence prior to June 30, 2019, then County staff shall bring back to the Board of County Commissioners for consideration of initiation of an amendment to change the designation to an appropriate future land use designation.

3. Residential uses (except security or caretakers' quarters) are prohibited.

It is not anticipated that conditions 1 and 3 associated with the initial land use amendment for the existing MUPD will need to be amended. This is due in part that no additional intensity above that included in Condition No 1 is being requested. The new uses/square footage that will ultimately be proposed for the expanded MUPD will stay within the limits of that condition. Of note, Condition 2 has been deemed complete based on the plats being recorded for the MUPD, as well as extensive infrastructure improvements having been commenced and which are continuing.

Ordinance 2018-12 granted an extension to the aforementioned Condition 2 June 30, 2019 compliance date to June 30, 2022. Again, that condition was deemed to be met as referenced above and confirmed by a March 16, 2022 letter from Ramsay Bulkeley, Planning, Zoning & Building Director and is being requested to be deleted. No revisions were made to Conditions 1 or 3 with Ordinance 2018-12. The current conditions with the proposed deletion of the aforementioned condition are as follows:

1. Development of the site under the Economic Development Center future land use designation is limited to a maximum of 491,749 square feet of light industrial uses and 2,786,577 square feet of warehouse uses, or other uses which do not exceed the equivalent traffic generating trips.

~~2. If development of a minimum of 200,000 square feet of uses which make use of the unique attributes of the site, such as adjacency to Florida Power & Light West County Energy Facility, uninterrupted and redundant power source, the site elevation, and/or fiber optic availability, does not commence prior to June 30, 2022, then County staff shall bring back to the Board of County Commissioners for consideration of initiation of an amendment to change the designation to an appropriate future land use designation.~~

~~3. Residential uses (except security or caretakers' quarters) are prohibited.~~

Current MUPD Approvals

Two plats have been recorded to date that now allow for building permits to be issued for the existing MUPD approval. The PBA Hydro Storage Water Conservation and Energy Center Plat was recorded on February 21, 2023 in Plat Book 135/109. The Central Park Commerce Center MUPD plat was recorded the same date in Plat Book 135/101. Subsequent to the plat recordation a deed transfer was recorded in ORB 34162/1619 which included the land area associated with the approved warehouse to allow for that portion of the development to move forward.

As previously mentioned, the property appraiser is in the process of creating the new property control numbers for the platted area and the website currently shows the following:

00-40-43-29-01-001-0000 is currently shown as still under the ownership of PBA Holdings, Inc. However, the plat dedicated this land to the Central Park Commerce Center Master Association, Inc. As it was dedicated via plat, there is no vesting deed associated with the current ownership of the Association property.

00-40-43-29-01-002-0000 is also currently shown as under the ownership of PBA Holdings, Inc. However, a portion of the land area was sold after the plat was recorded to WPB Logistics Owner, LLC. Consents for both those entities are included with this request as the application is amending the prior ordinance which included that land area. It is anticipated the ownership transfer will be reflected on the property appraiser's website by April of 2024 per discussions with staff. Again, if a control number is established during the application(s) review process, the information will be provided to both the Planning and Zoning Divisions to incorporate into those applications.

Master Plan, Final Site Plans and Regulating Plans, as well as final Subdivision Plans consistent with the recorded plat, were approved by the County under Control Number 2015-85. The Master Plan vests the project for 206,000 s.f. of Data Center and 1,814,000 s.f. of Warehouse, consistent with the land use condition (Exhibit 15). The approved final site plan currently depicts 206,000 s.f. of Data Information Processing and 1,200,000 s.f. of Warehouse with, with accessory office in compliance with the limitations of the Unified Land Development Code.

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Surrounding Uses

Adjacent Lands	Use	Future Land Use	Zoning
North	Vacant – Approved for 206,000 s.f. of Data Center inclusive of 6,000 of accessory office and 1,200,000 s.f. of Warehouse inclusive of 25,000 of accessory office. Platted as Central Park Commerce Center MUPD PB 135/101	Economic Development Center	Multiple Use Planned Development
South	South Florida Water Management District	Rural Residential 10	Agricultural Residential
East	Vacant	Rural Residential 10	Specialize Agriculture
West	Vacant – Approved for 206,000 s.f. of Data Center inclusive of 6,000 of accessory office and 1,200,000 s.f. of Warehouse inclusive of 25,000 of accessory office. Platted as Central Park Commerce Center MUPD PB 135/101	Economic Development Center	Multiple Use Planned Development

North: PCN 00-40-4332-00-000-1070 of which a portion is under the ownership of WPB Logistics Owner, LLC via the deed recorded in ORB 34162/1619 (the warehouse) and a portion which is under the ownership of PBA Holdings, Inc. (shown as future development on the MUPD plans). The internal right of way on the plan within this outdated PCN is owned by the Central Park Commerce Center Master Association, Inc. As mentioned earlier, while the plat for the MUPD has been recorded, the new parcel lines and the ownership entities are not yet showing up on the property appraisers' website. The land area has a land use designation of EDC and a zoning district of MUPD.

South: PCN's 00-40-43-32-00-000-5010 & 7030 are under the ownership of the South Florida Water Management District. The land area has a land use designation of RR-10 and a zoning district of AP under today's zoning code.

East: PCN 00-40-43-32-00-000-1060 is under the ownership of South Florida Water Management District. This land area, as is the subject property, is currently included in the site plan approval for PBA Hydro-Storage Water Conservation & Energy Center, Exhibit 76/Control Number 1989-00052, and has a land use designation of RR-10 and a zoning district of AP. It is approximately 400 feet in width and is conditioned in that approval as a wildlife corridor.

West: PCN 00-40-43-32-00-000-1030 (a portion of) is under the ownership of the Central Park of Commerce Master Association, Inc. per the recordation of the aforementioned

plat. It has a land use designation of EDC and is zoning MUPD consistent with the overall planned development area.

Existing Uses on the 64.46 Acres Subject to the Land Use Change:

This parcel is currently included in the overall Palm Beach Aggregates Excavation approval (Control No. 89-52) and supports uses ancillary to the mining use. These have valid site plans on file with the Zoning Division and include the following:

- Concrete Batch Plant: Exhibit 70
- Secondary Containment Site: Exhibit 70
- Asphalt Batch Plant: Exhibit 65

These uses are being requested to allow to continue as 'non-conforming' uses pursuant to the current approved plans with the application of the EDC land use on the property. Discussion have taken place with the Zoning Division and it is anticipated condition(s) may be created during the zoning review process to accommodate this approach.

In addition to these uses, there has been a temporary drainage facility constructed in the eastern portion of the site as reflected in the PBA Hydro Storage Water Conservation & Energy Center Plat recorded in PB 135/109.

Proposed Entitlement Process

The Board of County Commissioners approved the initiation of the Text amendment on October 13, 2023, allowing Phase 2 of that process to begin and the submittal of the land use plan amendment. Negotiations with the SFWMD will be finalized during this next phase of the review process, and will need to be finalized prior to the application being presented to the Planning Commission at a public hearing. This would require a resubmittal of revised documents and has been discussed via email with staff. As part of the zoning entitlement process for the expanded MUPD Master Plan, should the SFWMD land area be incorporated into the development, it is anticipated that a concurrent Development Order Amendment to the Development Order for the Palm Beach Aggregates (Control No. 1989-52) will be required to be processed with the MUPD DOA request to remove the land area from that approval and amend any conditions as necessary. This is how the process was handled in 2016 with the initial creation of the MUPD.

Consistency with the Comprehensive Plan

G.1 - Justification

Per Policy 2.1-f of the FLUE of the PBC Plan, before approval of a future land use amendment, the applicant shall provide an adequate justification for the proposed future land use. The applicant is requesting to expand the LUSA and amend the current FLUA designation from RR-10 to EDC. The proposed Text and FLUA amendment meet the required standard as follows:

1) *The proposed use is suitable and appropriate for the subject site;*

Response: The proposal to expand the LUSA and the EDC land use designation to the subject property is suitable and appropriate. The same changes were previously deemed appropriate via the approvals granted in association with the Central Park Commerce Center MUPD, which bounds the property on the north and west. The existence of the L-8 Canal to the east also continues to serve as a buffer and separation between the already approved light industrial and warehouse uses within the existing EDC MUPD approval. The request to 'fill in' this area with the consistent land use designation of EDC is also appropriate due to the location on State Road 80, a major transportation corridor suitable for the transportation of goods and benefits the community by creating additional employment opportunities. Again, there is no expansion of the GAPO associated with this request.

2) *There is a basis for the proposed amendment 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 noted, the adjacent 138 acres previously requested and received the same LUSA expansion and land use change, and has an approved master plan, site plan and subdivision plan, and has been platted. The subject land area was not included at that time and now could be considered an 'infill' parcel due to the boundary created by the EDC land to the north and west, and the L-8 Canal and Southern Blvd. to the east and south. This is a change on adjacent properties that warrants the requests.

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

Response: With the buildout approaching for the Arden PUD to the east, the character of this area of the County has changed over time. Arden is approved for 2,334 dwelling units, a 970-student elementary school, 50,000 s.f. of retail, 50,000 s.f. of general government and a 20 ac. Park. This has changed the character of the area and also created a need for additional employment opportunities. Additionally, while the zoning application will be requesting to allow the currently existing heavier industrial uses associated with the mining operation to continue until the phase of development that would replace these uses commences, the LUSA expansion and land use change will allow for those uses to go away over time and be replaced with light industrial or other EDC uses.

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

Response: While not new information, the change in circumstance associated with the physical development not only on the Arden PUD, but also with the City of Westlake and the increase in population associated with their new residential development should be considered in support of these requests. The requests will allow for additional employment generating development to provide for increase employment opportunities for the residents of the western communities.

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

Response: While the RR-10 designation on this land area may have been appropriate in the past, the GAPO prohibits any residential density from being developed on the land and limits the potential uses thereof. Redesignating the land to EDC will allow for uses already deemed appropriate via the prior EDC amendment to take place on the property and make reasonable use of the land.

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

Response: This is not applicable. GAPO, which limits the residential density development on the RR-10 land in the overlay, was not adopted until 2004, so the RR-10 was appropriate when assigned.

G.2 – Residential Density Increases

Per Future Land Use Element Policy 2.4-b, provide a written analysis of the following:

1) *Demonstrate a need for the amendment.*

2) *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.

Response: The applicant is not requesting any residential density and is prohibited from doing so per Policy 1.8.b.

G.3 – Compatibility

Provide written data and analysis to demonstrate compatibility with the surrounding and adjacent land uses.

Response: Compatibility is defined in the County’s Unified Land Development code as: “Land uses that are congruous, similar and in harmony with one another because they do not create or foster undesirable health, safety or aesthetic effects arising from direct association of dissimilar, contradictory, incongruous, or discordant activities, including the impacts of intensity of use, traffic, hours of operation, aesthetics, noise, vibration, smoke, hazardous odors, radiation, function and other land use conditions.” Based on this definition and accepted growth management ideals, the proposed amendment to allow for the expansion of the LUSA and the change to EDC land use on the property is compatible with the surrounding uses and adjacent lands. There are existing non-residential uses adjacent to the parcel and to the south of Southern Boulevard and the property is separated from the residential development to the east by the L-8 Canal and a significant berm created during the construction of the L-8 Flow Equalization Basin now owned by SFWMD. To the west of the site is the Florida Power & Light West County Energy Center, a 3,800 MW Natural Gas Power Plant. The development plan resulting from approval of the proposed Plan amendments and FLUA amendment will not create or foster undesirable effects.

G.4 – Comprehensive Plan

Optional: *The applicant has the option of including written data and analysis to demonstrate consistency with specific objectives and policies in the Comprehensive Plan, and Special Plans or Overlays identified in the Future Land Use Element (see the Special Planning Areas Map, LU 3.1).*

Response: Please see below consistency to the Overlay and Plan in regard to the request for the LUSA expansion and the change to the land use designation from RR-10 to EDC.

OBJECTIVE 1.8 Glades Area Protection Overlay

General: The Purpose of the Overlay is to protect the Everglades Agricultural Area (EAA) from encroachment by urban and other uses that will be detrimental to the viability and continuity of agricultural activities, existing and future conservation areas, and Everglades restoration programs and projects. The Overlay complements existing provisions in the Comprehensive Plan prohibiting the expansion of urban and suburban activities into the agricultural production areas in the Glades Tier.

Response: This request is consistent with this Objective as the proposed EDC land use designation for the property does not threaten the EAA to the west. The GAPO includes not only the subject property, but also the FP&L West Energy Center Power Plant to the west. The west boundary of the GAPO will remain intact with the proposed change and no additional development potential is extended to the west as a result of this amendment. The subject land area is not suitable for agricultural development as it has not been utilized in the recent past for agricultural production (nor is the land use on the property AP – Agricultural Production). The proposal also does not propose the expansion of urban and suburban activities into the Glades Tier. Of note; however, is that services have been extended to the immediate vicinity of the property. Finally, the introduction of the EDC land use into the GAPO has previously been deemed consistent with the overall based on the approvals associated with the adjacent Central Park Commerce Center MUPD, which is proposed to be expanded to include this land area.

Objective: The Purpose of the Glades Area Protection Overlay (GAPO) shall be to protect the Agricultural Production Area in the Glades also known as the Everglades Agricultural Area (EAA) from encroachment by urban and other uses that will be detrimental to the viability and continuity of agricultural activities, existing and future conservation areas, and Everglades restoration programs and projects. This overlay complements existing provisions in the Comprehensive Plan by creating a barrier to the expansion of urban and suburban activities into the Agricultural Production areas in the Glades Tier, beyond the western limits of this overlay, while providing the opportunity to recognize existing uses and new uses within the overlay.

Response: Again, the proposal is consistent with this Objective. The proposal does not negate the barrier created by the Plan to prevent the expansion of urban and suburban

activities into the Agricultural Production areas to the west of the FPL West County Energy Center. It also is consistent with the objective to provide opportunity to recognize existing uses and the expansion of new uses within the overlay.

Policy 1.8-a: The Glades Area Protection Overlay, generally described, as the area north of State Road 80 (SR-80), approximately 2.25 miles west of Seminole Pratt Whitney Road directly south of the Deer Run rural subdivision, to approximately 2.0 miles west of the SFWMD L-8 Canal, encompassing the western portions of sections 8 and 17, all of sections 20, 28, 29 and 32, and the northern portion of section 33, Township 43, Range 40, with an approximate total acreage of 3,063.66 acres, is depicted on the Special Planning Areas Map in the Map Series. The boundaries of the Glades Area Protection Overlay shall not be modified or expanded to incorporate areas other than the ones described in this policy.

Response: The request is consistent with this policy as it does not propose to change the boundary of the GAPO.

Policy 1.8-b: The County shall limit permitted uses within the Glades Area Protection Overlay to those uses that are compatible with the purpose of this overlay. No residential uses shall be allowed west of the L-8 Canal.

Response: The request is consistent with this policy as the uses proposed have already been deemed compatible with the overlay via the prior EDC amendment approval and subsequent approval of the master plan and site plan for the existing EDC/MUPD. No residential is proposed as part of this request, which is also consistent with the policy.

Policy 1.8-c: The area within the Overlay located east of the SFWMD L-8 Canal and 138.31 acres with Economic Development Center future land use designation west of the SFWMD L-8 Canal, shall be designated as a Limited Urban Service Area (LUSA) based on the area meeting the criteria for a LUSA designation in FLUE Objective 3.3. The boundaries of the LUSA shall be depicted in the "Service Areas Map" contained in the Comprehensive Plan Map Series.

Response: With the changes as proposed to this text, the subsequent land use plan amendment will be consistent with this portion of the policy. The applicant has not identified any provision in the Plan that would prohibit the proposed changes to this text.

OBJECTIVE 3.3 Limited Urban Service Areas (LUSAs)

Palm Beach County shall allow for a mix of urban and rural levels of service in the Limited Urban Service Area. Designation of an area as a LUSA shall be based upon consideration of the following factors:

- The need for the proposed facilities;

Response: Utilities already exist in the vicinity of the subject land area, specifically to the existing EDC/MUPD which is located to the west and north of the area subject to the future land use plan amendment. With additional residential growth in the area, there is an increased need for employment centers and light industrial uses.

- The ability of the proposed facilities to meet policy goals coupled with a demonstration of significant relative advantages of the area of the proposed LUSA over possible sites within the Urban Service Area; and

Response: The applicant believes that the location of this property, on Southern Boulevard, a major east/west State Road, provides unique advantages and opportunities for the expansion of the previously approved employment generating uses. There are relatively few parcels of significant size to attract warehousing and light industrial uses within the Urban Suburban Tier, especially on this State Road. The proposal meets various policy goals as outlined in this consistency assessment as previously determined when the LUSA and land use was amendment for the MUPD. Additionally, the inland location, elevation of the developed portions of the site, proximity to the FPL West County Energy Center and transmission, as well as other unique attributes of the site demonstrate significant advantages of this site.

- The extent to which the designation would allow for significant public benefits, such as major economic development or environmental benefits.

Response: As mentioned above, the size and location of the property on a major east/west State Road has already been determine to provide for the potential to create a major economic impact for not only central Palm Beach County, but also the tri-city Glades area. The creation of jobs located to take advantage of this location near of mass transit and new residential development will provide for additional job opportunities for the residents of Palm Beach County.

Policy 3.3-a: The Limited Urban Service Area: The following are designated as Limited Urban Service Areas:

1. the area described as the United Technology - Pratt and Whitney Overlay;
2. the area defined as the General Aviation Facility/ North County Airport;
3. the Agricultural Reserve; and
4. areas within the Exurban Tier where the Legislature has granted a special district the authority to provide urban levels of service for potable water and/or sewer following the installation of centralized water and/or sewer systems; installation of a force main to serve a single project shall not constitute justification for a LUSA designation;

5. the area east of the SFWMD L-8 Canal and 138.31 acres with Economic Development Center future land use designation west of the SFWMD L-8 Canal within the Glades Area Protection Overlay;
6. an Agricultural Enclave pursuant to Policy 2.2.5-d;
7. the Western Communities Residential Overlay; and
8. the Trotting Center Overlay

Response: With the changes as proposed to this text, the subsequent land use plan amendment will be consistent with this portion of the policy (item 5 above). The applicant has not identified any provision in the Plan that would prohibit the proposed changes to this text.

In addition, the request to add this property to the LUSA of Palm Beach County is consistent with the placement of the designation on both the United Technology and General Aviation Facility areas. Both of these areas are envisioned to provide for job creation/employment opportunities for the residents of the County, as will the subject parcel. Amending the text associated with item 5 above is permitted to be requested and, in part, reflects the installation of utilities already in existence in the vicinity of the subject parcel. The designation would also fill in the 'hole in the donut' in this area north of Southern Blvd. with the LUSA already in place to the west and north with the existing MUPD land use, and would remove the existing RR-10 designation on the property that could be considered incompatible with the adjacent uses.

Policy 3.3-b: The Palm Beach County Water Utilities Department shall provide potable water, reclaimed water and wastewater services to any area designated by the BCC as a LUSA except those areas where the BCC has entered or enters into a written agreement that provides utility service area rights within a LUSA to another public or privately owned potable water, reclaimed water and wastewater utility, or in areas where the Palm Beach County Water Utilities Department is specifically excluded from providing utility service by Florida law.

Response: The Palm Beach County Water Utilities would be the provider in this case and utilities have already been extended to the area and a Standard Developers Agreement was put in place for the MUPD.

C. County Directions

- **FLUE Goal 1 Strategic Planning**

It is the GOAL of Palm Beach County 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: The requests are not inconsistent with the goal of creating livable communities as there is adequate separation from existing residential to the east of the

L-8 Canal and the request creates additional employment opportunities in this area of the County.

- **FLUE Objective 1.1 Managed Growth Tier System Policy 1.1-a**

The County shall develop and implement strategies for each unique community and/or geographic area based upon common characteristics, including physical development patterns and service provision, and shall map the location of each Tier on the Managed Growth Tier Map located in the Comprehensive Plan Map Series.

Response: No Tier change is proposed as part of this request. The expansion of the LUSA and the previously granted EDC land use designation to this area not inconsistent with the Managed Growth Tier System.

- **FLUE Goal 2 Land Planning:**

It is the GOAL of Palm Beach County 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, environmental and economic needs of the current and projected residents and visitor populations. This shall be accomplished in a manner that protects and improves the quality of the natural and manmade environment, respects and maintains a diversity of lifestyle choices, and provides for the timely, cost-effective provision of public facilities and services.

Response: The requests are consistent with this goal as it provides for an acceptable distribution of land uses, provides for employment opportunities for current and future residents and respects the natural and manmade environment.

- **FLUE Objective 2.1 Balanced Growth**

Policy 2.1-f: The following will detail the impact of the proposed FLUA amendment on the items listed:

1. The natural environment, including topography, soils and other natural resources;

Response: The land area is currently being utilized for non-residential purposes and is not in active agricultural production. As such the request is consistent with this policy.

2. The availability of facilities and services;

Response: Below is more detailed information on each of those facilities and services:

- *Traffic:* Future FLUA Amendment application attachments will feature a Comprehensive Plan Amendment Transportation Analysis and corresponding Traffic Approval from the County's Traffic Division.
- *Mass Transit:* There are currently mass transit routes running along Southern Boulevard adjacent to the Subject Property. The nearest Palm Tran Bus Route to this property runs along Southern Boulevard with stops as far west as Belle Glade. The closest stop is located at the corner of Southern Boulevard and Seminole Pratt Whitney Road east of the Subject Property on the north side of Southern Boulevard. However, the plat and approved site plan for the Central Park Commerce Center MUPD provides for a 10 x 30 Palm Tran Easement.
- *Potable Water and Wastewater:* Future FLUA Amendment application attachments will include a PBC Water Utilities Department letter wherein it will state the availability of water and wastewater capacity for the proposed development via the existing

- watermain and force main within Southern Boulevard adjacent to the property.
- *Drainage:* Future FLUA Amendment application attachments will include a Drainage Statement prepared by a civil engineer which identifies the location of legal positive outfall.
- *Fire Rescue:* Future FLUA Amendment application attachments will include a Fire Rescue letter which confirms the nearest PBC Fire Rescue station and approximate response time for service to the Subject Property. The nearest station is expected to be Station 20, approximately 4.5 miles east.
- *School:* No residential density is permitted so it is not anticipated that school capacity will need to be addressed during the Future FLUA Amendment application review.
- *Parks and Recreation:* Future FLUA Amendment application attachments will include an analysis of the impacts on regional and district parks and recreation facilities.

3 The adjacent and surrounding development;

Response: The proposed amendment and resulting increase in EDC land area is compatible with the existing uses on surrounding properties and consistent with the future land use designations along this portion of the Southern Boulevard corridor. Please refer to Section G.3 - Compatibility and Surrounding Uses above.

4. The future land use balance;

Response: The proposed Plan amendments and associated FLUA amendment to allow the expansion of the LUSA and the EDC land use to this property will improve the balance of future land use designations for properties in this area of the County, specifically along this portion of the Southern Boulevard corridor. The location and size of the property make it well suited for a for light industrial and other EDC uses due to its separation from residential uses and the proximity to the approved EDC MUPD. The proposed amendments and ultimate EDC FLU designation will result in a more balance future land use pattern for this area of the County which will allow land owners to better provide for the needs of current residents and future generations with additional employment opportunities and additional economic development.

5. The prevention of urban sprawl as defined by 163.3164(51), F.S.;

Response: The proposed amendments and resulting expansion of the EDC MUPD will prevent urban sprawl as it will allow for the development of an underutilized property located within an area already provided with urban services. Further, the existence of the FPL power plant located to the west of the Subject Property creates a significant physical boundary to prevent the extension of urban uses into the EAA. The proposed amendments and development plan will not result in the further extension of infrastructure west and will represent the development of a property within an area surrounded by comparable levels of development.

6. Community Plans and/or Planning Area Special Studies recognized by the Board of County Commissioners; and

Response: The Subject Property is not governed by a community plan and is not located within a special planning area, although it is already located within the GAPO, consistent with the adjacent EDC designated lands.

7. Municipalities in accordance with Intergovernmental Coordination Element Objective 1.1.

Response: The Subject Property is surrounded by lands located within unincorporated Palm Beach County. The applicant and their consultants will coordinate with any necessary municipal representatives as well as the County's Fire Department, Water Utilities District, Historical Resources Section, and other municipal agencies as necessary. Further, the applicant recognizes the application will be reviewed by the Treasure Coast Regional Planning Council (TCRPC) as well as the Intergovernmental Plan Amendment Review Committee (IPARC).

- **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.

Response: As described above, the proposed amendments and associated level of development to be permitted will be appropriate for the Subject Property as it will allow for a distribution of uses in this area of the county and provide for additional employment opportunities, while the separation distance from residential land uses will have no impact on the lifestyles of residential development in the area.

- **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 the 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.

Response: The proposed amendments serve to reduce the potential for piecemeal development in this area of the County and will allow for land bounded by prior approvals to be consolidated into an overall development. Necessary utility infrastructure has already been routed along Southern Boulevard and is accessible to the Subject Property. The planned development and necessary amendments to facilitate such development will not serve to create residual parcels, but will conversely work to bring a larger land area under the regulations of an existing MUPD.

- **FLUE Policy 2.1-k:** 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.

Response: As described above, this request does not include any amendment to the GAPO overlay and the Subject Property is already under that overlay. The inclusion of the Subject Property in the LUSA boundary is logical as the site borders the current EDC MUPD.

- **FLUE Policy 2.2.1-a:** Coastal High Hazard Area – The County shall coordinate with coastal municipalities to control population densities in coastal high-hazard areas, in accordance with Coastal Management Objective 2.3. The County shall not increase the density in unincorporated areas located within the coastal high-hazard areas.

Response: The Subject Property is not located within a coastal high-hazard area.

G. – Florida Statutes

Optional: *The applicant has the option of including written data and analysis to demonstrate consistency with Chapter 163.3177, F.S.*

Please consider the following responses demonstrating consistency with Chapter 163.3177, F.S.

- **F.S., Section 163.3177.6(a)8:** Future land use map amendments shall be based upon the following analysis:

a. An analysis of the availability of facilities and services.

Response: Supporting data and analysis demonstrating the availability of facilities and services will be presented in FLUA Application Attachments H (Traffic Study), I (Water and Wastewater Service Letter), J (Drainage Statement), and K (Fire Rescue Letter).

b. An analysis of the suitability of the plan amendment for its proposed use considering the character of the undeveloped land, soils, topography, natural resources, and historic resources on site.

Response: Supporting data and analysis demonstrating the proposed use is suitable based on the character of the Subject Property will be presented in FLUA Application Attachments F (Built Features Inventory & Map), J (Drainage Statement), L (Natural Features Inventory & Map), M (Wellfield Zone Statement & Map), N (Historic Resource Evaluation Letter), and O (School Capacity Availability Determination Letter).

c. An analysis of the minimum amount of land needed to achieve the goals and requirements of this section.

Response: The Subject Property 64.46 acres is contiguous to the approximately 138 acres Central Park Commerce Center EDC MUPD. The combination of the property will allow for a size suitable for an economic development center and appropriate uses.

- **F.S., Section 163.3177.6(a)9:** The future land use element and any amendment to the future land use element shall discourage the proliferation of urban sprawl.

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

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

Response: The proposed Plan amendments and FLUA change will allow for additional non-residential light industrial development in an area already deemed appropriate for such uses with enough significant development to not create a low-intensity development or a single use.

(II) Promotes, allows, or designates significant amounts of urban development to

occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.

Response: The Subject Property is located in the central western sector of the County near the western limits of the County's urbanized eastern area. Utility infrastructure has been established in this area at sufficient scale to serve the proposed development. Additionally, the lack of industrial employment generating land area of this size within the existing Urban Service Area supports this request.

(III) Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.

Response: The Subject Property is not isolated and this amendment will not alter the development pattern of the surrounding area. There is EDC development to the north and west with Southern Boulevard creating a natural barrier with Stormwater Treatment Areas to the south. Further to the west and northwest also exists the FPL West County Energy Center and the mining approvals for the Palm Beach Aggregates. The development of the Subject Property will result in filling a gap in the existing development pattern of primarily non-residential uses along this section of Southern Boulevard.

(IV) Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.

Response: The requested text and map amendments and proposed FLUA change do not fail to adequately protect and conserve natural resources as no natural resources currently exist on the Subject Property. The resulting development will have no negative impacts on environmentally sensitive areas or other significant natural systems and evidence in this regard will be included in the land use amendment application.

(V) Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.

Response: The subject property is not located in the agricultural area of the EAA or the Agricultural Reserve, areas of the County targeted to preserve agriculture and is not in agricultural production. Further it is separated from the agricultural area of the EAA by existing approved uses and development approvals, including the West County Energy Center. The intent of the creation of GAPO is to protect the agricultural lands to the west, the Everglades Agricultural Area (EAA), from encroachment of urban/suburban forms of development. The proposed amendments further this goal and will have no impact on the agricultural activities of surrounding properties.

(VI) Fails to maximize use of existing public facilities and services.

Response: The requested amendments and proposed development plan are justified in part by the existence of utility infrastructure that has been routed along the Southern Boulevard right-of-way extending to the Subject Property. The development of the Subject Property will utilize water and wastewater facilities existing within Southern Boulevard and will provide drainage in a form compatible with surrounding systems and the area's larger drainage network.

(VII) Fails to maximize use of future public facilities and services.

Response: Various letters of determination will be provided as attachments to this FLUA amendment application to verify the availability and capacity of existing public facilities and services in relation to the demand expected to be generated by the proposed level of development.

(VIII) Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.

Response: Public facilities and services are currently available to the Subject Property and the requested amendments would not increase the cost in time, money, or energy for providing and maintaining these facilities and services. It is not anticipated that the previously required turn lane lengths on Southern Boulevard into the property will need to be amended based on the addition of this land area to the MUPD.

(IX) Fails to provide a clear separation between rural and urban uses.

Response: The Subject Property is located on the western periphery of the urbanized area of the County. The requested amendments propose to include the Subject Property in the boundaries of existing LUSA previously approved for the Central Park Commerce Center MUPD and to fill in the existing gap of development between that development and the boundary of Southern Boulevard. The L-8 canal will continue to serve as a clear separation between the existing residential development to the east.

(X) Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.

Response: The requested text and map amendments and resulting development plan do not discourage or inhibit the redevelopment of existing communities. In a sense, the proposed development could be viewed as infill development as it proposes to develop a current vacant property with a development pattern similar to and compatible with surrounding approved development to the west and north sides.

(XI) Fails to encourage a functional mix of uses.

Response: The Subject Property is currently designated with an RR-10 FLU designation which, however, does not allow for residential development. The provision for additional employment opportunities furthers the creations of a functional mix of uses within this western section of the County.

(XII) Results in poor accessibility among linked or related land uses.

Response: The resulting development will be provided with a similar level of access as to what has been approved for the existing EDC MUPD. The final determination on any additional access point onto Southern Boulevard will be addressed during the rezoning/development order amendment process to bring the land area into the approved MUPD.

(XIII) Results in the loss of significant amounts of functional open space.

Response: The Subject Property is not currently utilized as functional open space and so no loss will occur with the approval of the proposed FLUA change.

- b. The future land use element or plan amendment shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves four or more of the following:
 - 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: The proposed amendment seeks to develop a property that was cleared of natural resources many decades ago, is located outside of a wellfield protection zone, and has existing uses considered heavier in nature that would be permitted in the EDC land use designation. As such, development of the Subject Property would not have an adverse impact on natural resources or ecosystems and the applicant will abide by County ULDC provisions with respect to addressing existing plant materials through the zoning approval process.

- Promotes the efficient and cost-effective provision or extension of public infrastructure and services.

Response: The proposed development of the Subject Property facilitated by the amendment requests will maximize the use of existing public facilities and services available to the site along the Southern Boulevard corridor. The Subject Property is located along an area of existing development and would not require the extension of public facilities further west. The Applicant will cooperate with the County through the zoning application process to provide any required right-of-way dedications for Southern Boulevard.

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

Response: The proposed amendment will introduce additional employment opportunities in an area of the County experiencing a high and growing demand from both current and future residents. The Subject Property is of sufficient size, location, and conditions to allow for the development of a cohesive EDC planned development.

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

Response: The proposed amendments will allow for the compatible development of a property within an area that allows for non-residential uses. The development of the Subject Property will not perpetuate a sprawling development pattern but rather will work to provide for a more efficient use of the land based on the proximity to the approved EDC MUPD.

CONCLUSION

The information presented within this justification narrative and the supporting materials included with this application serve to support the request for a Comprehensive Plan Text and Map Amendment to allow for the development of the Subject Property with a land use designation consistent and compatible with the adjacent EDC land use planned development. The expansion of this development pattern to the south will serve create a consolidated planned development along this portion of the Southern Boulevard corridor providing for enhances employment opportunities for the existing and future residents in this area of Palm Beach County.

On behalf of the applicant, UDS, respectfully requests approval of these requests for a Comprehensive Plan Text and Map Amendment and to amend the FLUA designation on the subject property. The Project Managers at UDS are Joni Brinkman, JBrinkman@udsflorida.com, and Robert Dinsmore, RDinsmore@udsflorida.com, who can be reached via email or by phone at 561-366-1100.

Exhibit 4
Applicant's Public Facilities Table

A. Traffic Information	
See Traffic Letter in Exhibit 5	
B. Mass Transit Information	
Nearest Palm Tran Route (s)	Route 40
Nearest Palm Tran Stop	Bus stop #3245 (Seminole Pratt) is located on the north side of Southern Blvd., approximately 3 miles east of the subject site.
Nearest Tri Rail Connection	Wellington Green Mall provides connections to Route 43 or 62 to WPB or Lake Worth Tri-Trail Rai facilities, respectively.
C. Potable Water & Wastewater Information	
Potable Water & Wastewater Providers	A letter dated November 2, 2023 from Jackie Michels of the Palm Beach County Water Utilities Dept. included herein as Attachment I, Per the letter, an 18" water main is located in Southern Blvd. adjacent to the property and an 18" sanitary sewer force main is located 400' to the east. Additional capacity assessments will be done during the site planning process.
Nearest Water & Wastewater Facility, type/size	A letter dated November 2, 2023 from Jackie Michels of the Palm Beach County Water Utilities Dept. included herein as Attachment I indicates the nearest 18" water main and sanitary sewer force main are approximately 400 feet east of the property within Southern Blvd.
D. Drainage Information	
Per Attachment J provided and prepared by WGI:	
<ol style="list-style-type: none"> 1. Pursuant to the report, the site is located within the South Florida Water Management District and the report is signed and sealed by James W. Richie on November 7, 2023. 2. The site is located within the SFWMD S-5A Basin located west of the L-8 canal. 3. Per the current SFWMD permit ERP 50-00281-S, the PBA property is designed to retain the 100-year 3-day storm but legal positive outfall is permitted to the SFWMD L-12 Canal south of Southern Blvd. 4. The site will meet or exceed standard established as identified in the Stormwater Management Sub-Element in the Comprehensive Plan as outlined in Attachment J 	

E. Fire Rescue	
Nearest Station	Station 20 services this property and is located at 1000 Greenview Shores Blvd. in Wellington.
Distance to Site	It is 7.8 miles from the site.
Response Time	The average response time is 7.24 minutes.
Effect on Resp. Time	Per Attachment K, the average response time is 7.24 minutes, but Fire Rescue pointed out that the extended response time is 18 minutes to this property.
F. Environmental	
Significant habitats or species	Pursuant to Attachment L, the Environmental Assessment prepared by EW Consults, Inc., no native upland or wetlands were found on site. While the site could potentially attract burrowing owls, least terns, or gopher tortoises, no signs of them were located on site and the level of past disturbance of the site makes the potential unlikely.
Flood Zone*	The site is located in flood zone AO.
Wellfield Zone*	The property is not within or adjacent to a wellfield zone. See attachment M.
G. Historic Resources	
<p>Per Attachment N included herein, Christian Davenport of the Planning Division identified historic or architecturally significant resources within 500 feet, those being the West Palm Beach Canal which is located on the south side of Southern Blvd. and listed on the NRHP as 'eligible for inclusion. However, it was noted that any potential adverse impacts would be considered minimal. The L-8 is included in the Florida Master Site File but not listed as eligible for inclusion in the NRHP.</p> <p>The letter also indicates that vertebrate remains were found north of the site in a quarry hole in 2006/07 and the potential additional for undocumented sites on the property based on the general area have resulted in a requirement for a Certificate To Dig being required.</p>	

Exhibit 5 Traffic Division Policy 3.5-d Letter



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

■

**Palm Beach County
Board of County
Commissioners**

Gregg K. Weiss, Mayor
Maria Sachs, Vice Mayor
Maria G. Marino
Michael A. Barnett
Marci Woodward
Sara Baxter
Mack Bernard

County Administrator
Verdenia C. Baker

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November 7, 2023

Andrea M. Troutman, P.E.
Pinder Troutman Consulting, Inc.
601 Heritage Drive, Suite 493
Jupiter, FL 33458

**RE: Central Park Commerce Center
FLUA Amendment Policy 3.5-d Review
Round 2023-24-B**

Dear Ms. Troutman:

Palm Beach County Traffic Division has reviewed the Land Use Plan Amendment Application Transportation Analysis for the proposed Future Land Use Amendment for the above-referenced project, dated September 19, 2023, pursuant to Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan. The project is summarized as follows:

Location:	North side of State Road 80, less than 0.25 mile west of the L-8 Canal	
PCN:	00-40-43-32-00-000-1030 (<i>others on file</i>)	
Acres:	74.46 acres	
	Current FLU	Proposed FLU
FLU:	Rural Residential 1 Dwelling Unit per 10 Acres (RR-10)	Economic Development Center (EDC)
Zoning:	Specialized Agricultural (SA) (corresponds to Agricultural Production (AP))	Multiple Use Planned Development (MUPD)
Density/Intensity:	No density permitted	0.85 FAR
Approved FLU:	None	Warehouse = 2,786,577 SF Light Industrial = 491,749 SF (<i>adjacent approved EDC</i>)
Maximum Potential:	None	Light Industrial = 2,756,955 SF Warehouse = 2,786,577 SF Light Industrial = 491,749 SF
Proposed Potential:	None	Warehouse = 2,786,577 SF Light Industrial = 491,749 SF (<i>no additional intensity beyond current approval</i>)
Net Daily Trips:	6,011 (approved) 12,083 (maximum – approved) 0 (proposed – approved)	
Net PH	689 (584/105) AM, 682 (139/543) PM (approved)	



Andrea M. Troutman, P.E.
November 7, 2023
Page 2

Trips:	1,836 (1,616/220) AM, 1,613 (226/1,387) PM (maximum) 689 (584/105) AM, 682 (139/543) PM (proposed)
<i>* Maximum indicates typical FAR and maximum trip generator. Proposed indicates the specific uses and intensities/densities anticipated in the zoning application.</i>	

Based on the review, the Traffic Division has concluded that the proposed amendment **meets** Policy 3.5-d of the Palm Beach County Comprehensive Plan's Future Land Use Element at the **proposed potential density** shown above. Therefore, this amendment requires a condition of approval to limit the project to the **proposed** development potential or equivalent trips.

Please note that neither the long-range analysis nor the Test 2 analysis is necessary since the proposed intensities and trips for the sites are the same as those for the approved development potential.

Please do not hesitate to reach out with any questions or concerns at 561-684-4030 or DSimeus@pbc.gov.

Sincerely,

Dominique Simeus, P.E.
Professional Engineer
Traffic Division

DS:jb

cc:

- Quazi Bari, P.E., PTOE - Manager - Growth Management, Traffic Division
- Bryan Davis - Principal Planner, Planning Division
- Stephanie Gregory - Principal Planner, Planning Division
- Khurshid Mohyuddin - Principal Planner, Planning Division
- Maria Belle - 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\24-B\Central Park Commerce Center.docx

**Exhibit 6
Fire Rescue Department Letter**



Fire Rescue
Chief Patrick J. Kennedy
405 Pike Road
West Palm Beach, FL 33411
(561) 616-7000
www.pbcgov.com



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

County Administrator
Verdenia C. Baker

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Official Electronic Letterhead

October 17, 2023

Urban Design Studio
Attention: Joni Brinkman
610 Clematis Street
Suite CU02
West Palm Beach, FL 33401

Re: Central Park Commerce Center

Dear Joni Brinkman:

Per your request for response time information to the subject property located on the north side of State Road 80 approximately 3 miles west of Seminole Pratt Whitney Road. This property is served currently by Palm Beach County Fire-Rescue station #20, which is located at 1000 Greenview Shores Blvd. The maximum distance traveled to subject property is approximately 7.75 miles from the station. The estimated response time to the subject property is 18 minutes. For fiscal year 2022, the average response time (call received to on scene) for this stations zone is 7:24.

Property owners need to be aware of the extended response time of 18 minutes to this property, which is much greater than our standard of 7 minutes and 30 seconds.

If you have any further questions, please feel free to contact me at 561-616-6909.

Sincerely,

A handwritten signature in cursive script that reads "Cheryl Allan".

Cheryl Allan, Planner II
Palm Beach County Fire-Rescue

Exhibit 7

Water & Wastewater Provider LOS Letter



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



**Palm Beach County
Board of County
Commissioners**

Gregg H. Weiss, Mayor
Maria Sachs, Vice Mayor
Maria G. Marino
Michael A. Barnett
Marcy Woodward
Sara Baxter
Mack Bernard

County Administrator

Verdenia C. Baker

November 2, 2023

Urban Design Kilday Studios
610 Clematis Street Suite CU02
West Palm Beach, FL 33401

RE: Central Park Commerce Center
PCN 00-40-43-29-00-000-5010 & 00-40-43-32-00-000-1050
Service Availability Letter

Dear Joni,

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 existing Rural Residential designation and possibly for the proposed EDC designation. PBCWUD would need additional information regarding water use, fire flow and wastewater use prior to confirming capacity.

The nearest point of connection is an 18" potable water main located within Southern Blvd. adjacent to the subject property and an 18" sanitary sewer force main approximately 400' east of the subject property within Southern Blvd.

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

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

Sincerely,

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

Jackie Michels, P.E.,
Project Manager

"An Equal Opportunity
Affirmative Action Employer"



Exhibit 8

Disclosure of Ownership Interests

PALM BEACH COUNTY - ZONING DIVISION

FORM # 9

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

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

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Enrique Tomeu, 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 President _____ [position - e.g., president, partner, trustee] of PBA Holdings, Inc. [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: 20125 State Road 80
Loxahatchee, FL 33470

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.



Enrique A. Tomeu, 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 17 day of October, 2023 by Enrique A. Tomeu (name of person acknowledging). He/she is personally known to me or has produced _____ (type of identification) as identification and ~~did~~ take an oath (circle correct response).

Mauren Funez
(Name - type, stamp or print clearly)


(Signature)

My Commission Expires on: Nov. 14, 2026

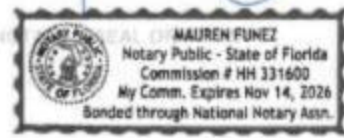


EXHIBIT "A"**PROPERTY****ROFO PARCEL**

A PORTION OF THE LANDS DESCRIBED IN OFFICIAL RECORD BOOK 7842, PAGE 1757 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LOCATED WITHIN SECTION 32, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF TRACT OS-5, CENTRAL PARK COMMERCE CENTER MUPD, AS RECORDED IN PLAT BOOK (P.B.) 135, PAGE 101 OF THE PALM BEACH COUNTY RECORDS (P.B.C.R.); THENCE SOUTH 88°23'35" EAST FOR 919.41 FEET ALONG THE SOUTHERLY LINE OF TRACT B OF SAID CENTRAL PARK COMMERCE CENTER MUPD PLAT; THENCE DEPARTING FROM SAID SOUTHERLY LINE OF TRACT B SOUTH 00°57'24" WEST FOR 1615.97 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF STATE ROUTE 80, AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 93120-2515; THENCE NORTH 88°28'42" WEST FOR 1097.23 FEET ALONG THE SAID NORTH RIGHT-OF-WAY LINE OF STATE ROUTE 80, THE FOLLOWING THREE (3) COURSES BEING ALONG THE EASTERLY LINES OF SAID CENTRAL PARK COMMERCE CENTER MUPD PLAT; THENCE DEPARTING SAID NORTH RIGHT-OF-WAY LINE OF STATE ROUTE 80 NORTH 01°31'46" EAST FOR 599.86 FEET TO THE POINT OF BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 585.00 FEET AND FROM SAID POINT A RADIAL LINE BEARS NORTH 40°36'01" WEST; THENCE NORTHERLY ALONG SAID CURVE FOR 323.00 FEET THROUGH A CENTRAL ANGLE OF 31°38'07"; THENCE NORTH 00°56'55" EAST FOR 747.16 FEET TO THE POINT OF BEGINNING;

TOGETHER WITH;

D1 & D2 PARCELS (OVERALL)

A PORTION OF THE LANDS DESCRIBED IN ORB 7842, PAGE 1757, LOCATED WITHIN SECTION 32, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF TRACT B, CENTRAL PARK COMMERCE CENTER MUPD, AS RECORDED IN P.B. 135, PAGE 101 P.B.C.R.; THENCE SOUTH 00°57'24" WEST FOR 1614.87 FEET, ALONG THE WEST LINE OF TRACT NO. VF-100-007, AS RECORDED IN OFFICIAL RECORD BOOK 21362, PAGE 1081 P.B.C.R. TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF STATE ROUTE 80, BEING 203.00 FEET WIDE, AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP SECTION 93120-2515; THENCE NORTH 88°28'42" WEST FOR 741.88, ALONG SAID NORTH RIGHT-OF-WAY LINE; THENCE DEPARTING SAID RIGHT-OF-WAY LINE OF STATE ROUTE 80 NORTH 00°57'24" EAST FOR 1615.97 FEET TO A POINT IN THE SOUTHERLY LINE OF SAID TRACT B; THENCE SOUTH 88°23'35" EAST FOR 741.89 FEET ALONG SAID LINE, TO THE POINT OF BEGINNING. SAID TOTAL LANDS CONTAINING 64.462 ACRES, MORE OR LESS.

Central Park Commerce Center MUPD - PBA Holdings, Inc.

Legal Description

Off of the plat of Central Park Commerce Center MUPD as recorded in the Official Records of Palm Beach County in Plat Book 135, Pages 101 – 108

Less Tracts A, WM-1, OS-1 through OS-5

And Less:

PROPERTY DESCRIPTION

THE SUBJECT PARCELS ARE LYING WITHIN SECTIONS 29 AND SECTION 32, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, AND ARE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1 - FEE SIMPLE PARCEL:

BEING A PORTION OF TRACT B, CENTRAL PARK COMMERCE CENTER MUPD, AS RECORDED IN PLAT BOOK (P.B.) 135, PAGE 101 OF THE PALM BEACH COUNTY RECORDS (P.B.C.R.) AND LYING WITHIN SECTIONS 29 AND 32, TOWNSHIP 43 SOUTH, RANGE 40 EAST AND MORE PARTICULARLY DESCRIBED FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID TRACT B; THENCE SOUTH 88°27'45" EAST, 374.20 FEET TO THE POINT OF BEGINNING OF THE SUBJECT TRACT BEING 2449.13 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID SECTION 29;

THENCE SOUTH 88°27'45" EAST, 1002.01 FEET ALONG THE NORTH LINE OF SAID TRACT B TO A POINT; THENCE SOUTH 00°57'24" WEST, 467.02 FEET ALONG AN EAST LINE OF SAID TRACT B TO A POINT; THENCE SOUTH 88°27'45" EAST, 8.79 FEET TO A POINT; THENCE SOUTH 00°56'55" WEST, 2115.50 FEET BEING 3457.80 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID SECTION 32 TO THE NORTH RIGHT-OF-WAY LINE OF DATA WAY AS RECORDED IN P.B. 135, PAGE 101 P.B.C.R. BEING THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT; THENCE ALONG SAID CURVE FOR 7.89 FEET, HAVING A RADIUS OF 25.00 FEET, A DELTA OF 18°04'33", AND A CHORD OF SOUTH 82°34'08" WEST, 7.85 FEET TO A POINT OF TANGENCY; THENCE NORTH 88°23'35" WEST, 932.27 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID DATA WAY TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT; THENCE ALONG SAID CURVE FOR 24.22 FEET, HAVING A RADIUS OF 25.00 FEET, A DELTA OF 55°30'35", AND A CHORD OF NORTH 60°38'17" WEST, 23.28 FEET TO A POINT OF REVERSE CURVATURE; THENCE ALONG SAID REVERSE CURVE FOR 56.89 FEET, HAVING A RADIUS OF 58.00 FEET, A DELTA OF 56°12'04", AND A CHORD OF NORTH 60°59'02" WEST, 54.64 FEET TO A POINT; THENCE NORTH 00°56'55" EAST, 1648.27 FEET, OVER AND ACROSS SAID TRACT B, BEING 2449.13 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID

SECTION 32; THENCE NORTH 00°49'13" EAST, 898.28 FEET BEING 2449.13 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID SECTION 29 TO THE POINT OF BEGINNING.

TOGETHER WITH

PARCEL 2 - EASEMENT PARCEL:

NON-EXCLUSIVE ACCESS AND CONSTRUCTION EASEMENT PURSUANT TO ACCESS AND CONSTRUCTION EASEMENT RECORDED IN OFFICIAL RECORD BOOK 34158, PAGE 980 OF THE PALM BEACH COUNTY RECORDS (P.B.C.R.), OVER AND ACROSS THE PROPERTY MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING A PORTION OF CENTRAL PARK COMMERCE CENTER MUPD, AS RECORDED IN PLAT BOOK (P.B.) 135, PAGE 101 P.B.C.R., A PORTION OF PBA HYDRO STORAGE WATER CONSERVATION & ENERGY CENTER, AS RECORDED IN P.B. 135, PAGE 109 P.B.C.R., AND LYING WITHIN SECTION 32, TOWNSHIP 43 SOUTH, RANGE 40 EAST AND MORE PARTICULARLY DESCRIBED FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF TRACT RW-1 OF SAID PBA HYDRO STORAGE WATER CONSERVATION & ENERGY CENTER AND LYING ON THE EXISTING NORTH RIGHT-OF-WAY LINE OF STATE ROAD 80, SECTION 93120-2515 TO A POINT; THENCE NORTH 00°56'55" EAST, 1148.49 FEET ALONG THE WEST LINE OF SAID PBA HYDRO STORAGE WATER CONSERVATION & ENERGY CENTER BEING A LINE THAT IS 1945.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID SECTION 32; THENCE SOUTH 88°23'35" EAST, 377.06 FEET TO A POINT; THENCE NORTH 00°56'55" EAST, 470.00 TO THE SOUTHWEST CORNER OF TRACT B OF SAID CENTRAL PARK COMMERCE CENTER MUPD; THENCE SOUTH 88°23'35" EAST, 126.45 FEET ALONG THE SOUTH LINE OF SAID TRACT B; THENCE NORTH 00°56'55" EAST, 30.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT BEING THE SOUTH RIGHT-OF-WAY LINE OF DATA WAY AS RECORDED IN P.B. 135, PAGE 101 P.B.C.R.; THENCE ALONG SAID CURVE FOR 238.40 FEET, HAVING A RADIUS OF 58.00 FEET, A DELTA OF 235°30'35", AND A CHORD OF NORTH 29°21'43" EAST, 102.65 FEET TO THE BEGINNING OF A REVERSE CURVE; THENCE ALONG SAID REVERSE CURVE FOR 24.22 FEET, HAVING A RADIUS OF 25.00 FEET, A DELTA OF 55°30'35", AND A CHORD OF SOUTH 60°38'17" EAST, 23.28 FEET TO A POINT OF TANGENCY; THENCE SOUTH 88°23'35" EAST, 932.27 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID DATA WAY TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT; THENCE ALONG SAID CURVE FOR 24.22 FEET, HAVING A RADIUS OF 25.00 FEET, A DELTA OF 55°30'35", AND A CHORD OF NORTH 63°51'07" EAST, 23.28 FEET TO THE BEGINNING OF A REVERSE CURVE; THENCE ALONG SAID REVERSE CURVE FOR 238.40 FEET, HAVING A RADIUS OF 58.00 FEET, A DELTA OF 235°30'35", AND A CHORD OF SOUTH 26°08'53" EAST, 102.65 FEET TO A POINT OF NON-TANGENCY; THENCE SOUTH 00°56'55" WEST, 30.00 FEET TO THE SOUTH LINE OF SAID TRACT B; THENCE NORTH 88°23'35" WEST, 797.06 FEET ALONG THE SOUTH LINE OF SAID TRACT B TO THE NORTHEAST CORNER OF TRACT 05-5 OF SAID CENTRAL PARK COMMERCE CENTER MUPD; THENCE SOUTH 00°56'55" WEST, 747.16 FEET ALONG AN EAST LINE OF SAID CENTRAL PARK COMMERCE CENTER MUPD TO THE BEGINNING OF A NON-TANGENT CURVE WITH A RADIAL BEARING OF NORTH 72°14'09" WEST, 585.00'; THENCE ALONG A SOUTHWESTERLY DIRECTION AN ARC LENGTH OF 323.00 FEET WITH A CENTRAL ANGLE OF 31°38'07" TO THE POINT OF A NON-TANGENT POINT; THENCE SOUTH 01°31'46" WEST, 599.86

FEET TO THE NORTH RIGHT-OF-WAY LINE OF SAID STATE ROAD 80; THENCE NORTH 88°28'42" WEST, 597.48 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID STATE ROAD 80 TO THE POINT OF BEGINNING.

TOGETHER WITH

PARCEL 3 - DRAINAGE EASEMENT PARCEL:

NON-EXCLUSIVE DRAINAGE EASEMENT PURSUANT TO DECLARATION AND CONFIRMATION OF DRAINAGE EASEMENTS RECORDED IN OFFICIAL RECORD BOOK 34158, PAGE 991 OF THE PALM BEACH COUNTY RECORDS (P.B.C.R.), OVER AND ACROSS THE PROPERTY MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING A PORTION OF CENTRAL PARK COMMERCE CENTER MUPD, AS RECORDED IN PLAT BOOK (P.B.) 138, PAGE 101 P.B.C.R., ALL OF PBA HYDRO STORAGE WATER CONSERVATION & ENERGY CENTER, AS RECORDED IN P.B. 135, PAGE 109 P.B.C.R., AND LYING WITHIN SECTION 32, TOWNSHIP 43 SOUTH, RANGE 40 EAST AND MORE PARTICULARLY DESCRIBED FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF TRACT RW-1 OF SAID PBA HYDRO STORAGE WATER CONSERVATION & ENERGY CENTER AND LYING ON THE EXISTING NORTH RIGHT-OF-WAY LINE OF STATE ROAD 80, SECTION 93120-2515 TO A POINT; THENCE NORTH 00°56'55" EAST, 1148.49 FEET ALONG THE WEST LINE OF SAID PBA HYDRO STORAGE WATER CONSERVATION & ENERGY CENTER BEING A LINE THAT IS 1945.00 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID SECTION 32; THENCE SOUTH 88°23'35" EAST, 377.06 FEET TO A POINT; THENCE NORTH 00°56'55" EAST, 470.00 TO THE SOUTHWEST CORNER OF TRACT B OF SAID CENTRAL PARK COMMERCE CENTER MUPD; THENCE SOUTH 88°23'35" EAST, 292.64 FEET ALONG THE SOUTH LINE OF SAID TRACT B; THENCE NORTH 00°56'55" EAST, 110.01 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF DATA WAY AS RECORDED IN P.B. 135, PAGE 101 P.B.C.R.; THENCE SOUTH 88°23'35" EAST, 835.41 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID DATA WAY TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT; THENCE ALONG SAID CURVE FOR 24.22 FEET, HAVING A RADIUS OF 25.00 FEET, A DELTA OF 55°30'35", AND A CHORD OF NORTH 63°51'07" EAST, 23.28 FEET TO THE BEGINNING OF A REVERSE CURVE; THENCE ALONG SAID REVERSE CURVE FOR 160.41 FEET, HAVING A RADIUS OF 58.00 FEET, A DELTA OF 158°27'43", AND A CHORD OF SOUTH 64°40'19" EAST, 113.96 FEET TO A POINT OF NON-TANGENCY; THENCE SOUTH 88°23'35" EAST, 190.69 FEET BEING 75.00 NORTH OF AND PARALLEL TO THE SOUTH LINE OF SAID TRACT B; THENCE SOUTH 01°36'25" WEST, 786.61 FEET ALONG THE PERIMETER OF TRACT L-3 OF SAID PBA HYDRO STORAGE WATER CONSERVATION & ENERGY CENTER; THENCE SOUTH 88°28'42" EAST, 508.52 FEET CONTINUING ALONG SAID TRACT L-3 TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT; THENCE ALONG SAID CURVE FOR 78.05 FEET, WITH A DELTA OF 89°26'06", HAVING A RADIUS OF 50.00 FEET TO A POINT OF TANGENCY; THENCE SOUTH 00°57'24" WEST, 593.43 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT; THENCE ALONG SAID CURVE FOR 79.03 FEET, WITH A DELTA OF 90°33'54", HAVING A RADIUS OF 50.00 FEET TO A POINT OF TANGENCY; THENCE NORTH 88°28'42" WEST, 561.83 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT; THENCE ALONG SAID CURVE FOR 78.05 FEET, WITH A DELTA OF 89°26'06", HAVING A RADIUS OF 50.00 FEET TO THE POINT OF TANGENCY; THENCE NORTH

00°57'24" EAST, 593.43 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT; THENCE ALONG SAID CURVE FOR 79.03 FEET, WITH A DELTA OF 90°33'54", HAVING A RADIUS OF 50.00 FEET TO A POINT OF TANGENCY LINE; THENCE SOUTH 88°28'42" EAST, 3.31 FEET TO A POINT; THENCE NORTH 01°36'25" EAST, 736.68 FEET TO A POINT; THENCE NORTH 88°23'35" WEST, 1050.05 FEET TRAVELING WEST THROUGH SAID DATA WAY TO A POINT; THENCE SOUTH 00°56'55" WEST, 25.00 FEET TO THE SOUTH LINE OF SAID TRACT B; THENCE SOUTH 88°23'35" EAST, 55.84 FEET ALONG SAID TRACT B TO THE NORTHEAST CORNER OF TRACT OS-5 OF SAID CENTRAL PARK COMMERCE CENTER MUPD; THENCE SOUTH 00°56'55" WEST, 747.16 FEET ALONG AN EAST LINE OF SAID CENTRAL PARK COMMERCE CENTER MUPD TO THE BEGINNING OF A NON-TANGENT CURVE WITH A RADIAL BEARING OF NORTH 72°14'09" WEST, 585.00'; THENCE ALONG A SOUTHWESTERLY DIRECTION AN ARC LENGTH OF 323.00 FEET WITH A CENTRAL ANGLE OF 31°38'07" TO THE POINT OF A NON-TANGENT POINT; THENCE SOUTH 01°31'46" WEST, 599.86 FEET TO THE NORTH RIGHT-OF-WAY LINE OF SAID STATE ROAD 80; THENCE NORTH 88°28'42" WEST, 597.48 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID STATE ROAD 80 TO THE POINT OF BEGINNING.

TOGETHER WITH

PARCEL 4 - "EASEMENT PARCEL - DE" AND "EASEMENT PARCEL - TCE AND PME" BOTH SEPARATELY DESCRIBED:

DRAINAGE EASEMENT AND 15' TEMPORARY CONSTRUCTION AND PERMANENT MAINTENANCE EASEMENT AS RECORDED IN O.R.B. 29736, PAGE 1971, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 4 - "EASEMENT PARCEL - DE":

A PARCEL OF LAND LYING ON A PORTION OF THE LANDS, RECORDED IN OFFICIAL RECORD BOOK 21805, AT PAGE 634 AND THE LANDS RECORDED IN OFFICIAL RECORDS BOOK 2222, AT PAGE 1696, BOTH OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID LANDS LYING AND SITUATE IN SECTION 32, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 32; THENCE NORTH 00°56'55" EAST, 1891.06 FEET ALONG THE WEST LINE OF SAID SECTION 32 TO THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 80, SECTION 93120-2515; THENCE ALONG A NON-TANGENT CURVE TO THE LEFT 154.27 FEET WITH A RADIUS OF 7466.44 FEET, BEING A DELTA OF 01°11'02" TO A POINT OF TANGENCY; THENCE SOUTH 88°28'42" EAST, 754.01 FEET TO THE POINT OF BEGINNING;

THENCE ALONG THE PERIMETER OF SAID DRAINAGE EASEMENT THE FOLLOWING CALLS:

NORTH 49°51'13" WEST, 85.35 FEET TO A POINT;

NORTH 11°13'45" WEST, 248.63 FEET TO A POINT;

NORTH 57°06'59" WEST, 42.10 FEET TO A POINT;
NORTH 05°43'25" WEST, 32.94 FEET TO A POINT;
NORTH 88°28'42" WEST, 665.10 FEET TO A POINT;
NORTH 00°56'55" EAST, 120.01 FEET TO A POINT;
SOUTH 88°28'42" EAST, 718.16 FEET TO A POINT;
SOUTH 11°13'45" EAST, 146.52 FEET TO A POINT;
SOUTH 57°06'59" EAST, 50.17 FEET TO A POINT;
SOUTH 02°44'58" EAST, 223.61 FEET TO A POINT;
SOUTH 49°51'13" EAST, 37.39 FEET TO A POINT;
SOUTH 88°28'42" EAST, 1025.13 FEET TO A POINT;
SOUTH 00°56'55" WEST, 55.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID STATE ROAD 80; NORTH 88°28'42" WEST, 1036.84 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID STATE ROAD 80 TO THE POINT OF BEGINNING.

AND

PARCEL 4 - "EASEMENT PARCEL - TCE AND PME":

A PARCEL OF LAND LYING ON A PORTION OF THE LANDS, RECORDED IN OFFICIAL RECORD BOOK 21805, AT PAGE 634 AND THE LANDS RECORDED IN OFFICIAL RECORDS BOOK 2222, AT PAGE 1696, BOTH OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID LANDS LYING AND SITUATE IN SECTION 32, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 32; THENCE NORTH 00°56'55" EAST, 1891.06 FEET ALONG THE WEST LINE OF SAID SECTION 32 TO THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 80, SECTION 93120-2515; THENCE ALONG A NON-TANGENT CURVE TO THE LEFT 154.27 FEET WITH A RADIUS OF 7466.44 FEET, BEING A DELTA OF 01°11'02" TO A POINT OF TANGENCY; THENCE SOUTH 88°28'42" EAST, 1790.87 FEET TO A POINT; THENCE NORTH 00°56'55" EAST, 55.00 FEET TO THE POINT OF BEGINNING;

THENCE ALONG THE PERIMETER OF SAID 15 FOOT WIDE TEMPORARY CONSTRUCTION AND PERMANENT MAINTENANCE EASEMENT THE FOLLOWING CALLS:

NORTH 88°28'42" WEST, 1025.13 FEET TO A POINT;
NORTH 49°51'13" WEST, 24.03 FEET TO A POINT;
SOUTH 88°28'42" EAST, 1043.75 FEET TO A POINT;

SOUTH 00°56'55" WEST, 15.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH

PARCEL 5 - EASEMENT PARCEL:

50' DRAINAGE EASEMENT AS RECORDED IN O.R.B. 29800, PAGE 630, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A FIFTY FOOT WIDE STRIP OF LAND LYING ON A PORTION OF THE LANDS RECORDED IN OFFICIAL RECORD BOOK 7842, AT PAGE 1757, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID LANDS LYING AND SITUATE IN SECTION 32, TOWNSHIP 43 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 32; THENCE NORTH 00°56'55" EAST, 1891.06 FEET ALONG THE WEST LINE OF SAID SECTION 32 TO THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 80, SECTION 93120-2515 AND THE POINT OF BEGINNING;

THENCE ALONG THE PERIMETER OF SAID 50 FOOT DRAINAGE EASEMENT THE FOLLOWING CALLS:

NORTH 00°56'55" WEST, 433.79 FEET CONTINUING ALONG THE WEST LINE OF SAID SECTION 32 TO A POINT;

SOUTH 88°28'42" EAST, 85.00 FEET TO A POINT;

SOUTH 00°56'55" WEST, 50.00 FEET TO A POINT;

NORTH 88°28'42" WEST, 35.00 FEET TO A POINT;

SOUTH 00°56'55" WEST, 384.65 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT;

THENCE ALONG SAID CURVE TO THE RIGHT 50.02 FEET WITH A RADIUS OF 7466.44 FEET, BEING A DELTA OF 00°23'02" TO THE POINT OF BEGINNING.

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
W.T. Phillips, Sr. 2005 Irrevocable	22501 State Road 52
Family Trust u/t/a/ Dated April 28, 2005	Land O'Lakes, FL 34639

Bank of America, NA, Michael S. Klein and	PO Box 842056
Peter Grossman as Co-TTEES Sam W. Klein	Dallas, TX 75284-2056
UTA Dated 1/24/2007 As Amended	

Enrique A. Tomeu	6815 S. Flagler Dr.
	West Palm Beach, FL 33430

Michael S. Klein	PO Box 317, Sonoma, CA 95476
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Exhibit 9 Urban Sprawl Analysis

Primary Indicators that an amendment does not discourage urban sprawl	Staff Assessment	Sprawl Indicated?
Criteria Related to Land Use Patterns		
Promotes, allows or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.	This amendment will allow for additional non-residential development in an area already deemed appropriate for such use, and is anticipated to include a mix of warehouse and light industrial uses.	No
Promotes, allows or designates urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban developments.	This amendment is not isolated will not alter the development pattern of the surrounding area. The proposed amendment will result in filling a gap in the existing development pattern of primarily non-residential uses along this section of Southern Boulevard.	No
Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.	This amendment does not discourage or inhibit infill development or the redevelopment of existing neighborhoods and communities.	No
Fails to encourage functional mix of uses.	The proposed amendment promotes a functional mix of uses within this western section of the County, balancing residential uses approved in the area.	No
Results in poor accessibility among linked or related land uses.	The purpose of this amendment is to incorporate the 64.46 acre portion into the approved MUPD; new or adjusted access to and between the components of the MUPD will be determined during the development order amendment for the MUPD.	No
Results in the loss of significant amounts of functional open space.	The proposed amendment site is not currently utilized as functional open space and so no loss will occur with the approval of the proposed FLUA change. The MUPD form requires a minimum of 5% open space in the design.	No
Criteria related to sites located outside or at the edge of the Urban Service Area		
Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development	The site is proposed to be a Limited Urban Service Area (LUSA) which allows for a mix of urban and rural levels of service, and therefore, does not promote, allow, or designate a significant amount of urban development to occur in rural areas at substantial distances from existing urban areas. In addition, infrastructure exists to serve the project, and this site is centrally located to provide needed employment opportunities for both the Glades area and for the central western communities.	No

Primary Indicators that an amendment does not discourage urban sprawl	Staff Assessment	Sprawl Indicated?
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.	No natural resources have been identified on the site, nor have any negative impacts on environmentally sensitive areas or other significant natural systems been identified due to the proposed amendment.	No
Fails adequately to protect adjacent agricultural areas and activities, including silviculture, and including active agricultural and silvicultural activities as well as passive agricultural activities and dormant, unique and prime farmlands and soils.	The proposed amendment site is not located adjacent to agricultural production areas. It is separated from the agricultural area of the EAA by existing approved uses and development approvals, including the West County Energy Center.	No
Fails to provide a clear separation between rural and urban uses.	The proposed amendment site is to be included in the boundaries of the Central Park Commerce Center MUPD and to fill in the existing gap of development between that development and Southern Boulevard to the south and the L-8 canal to the east. The more intense West County Energy Center is located west of the MUPD.	No
Criteria Related to Public Facilities		
Fails to maximize use of existing public facilities and services.	Utility infrastructure extends along the Southern Boulevard to the amendment site, and will be used by the proposed development.	No
Fails to maximize use of future public facilities and services.	The amendment site would maximize the use of future public facilities available in the area.	No
Allows for land use patterns or timing which disproportionately increase the cost in time, money and energy, of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.	Public facilities and services are currently available to the amendment site and the requested amendments would not increase the cost in time, money, or energy for providing and maintaining these facilities and services. There are no adverse impacts to public facilities and services as indicated by service providers through department review. Palm Beach County Fire Rescue did indicate that the project should expect extended response times.	No
Overall Assessment: As demonstrated above, the proposed amendment does not meet any of the indicators of urban sprawl, and would not contribute to urban sprawl in the county.		

Exhibit 10
Correspondence
