

ORDINANCE NO. 2016 - 049

1
2
3 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF
4 PALM BEACH COUNTY, FLORIDA AMENDING THE 1989
5 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS
6 AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) FOR
7 THE SITE SPECIFIC AMENDMENT **STOP AND SHOP (LGA 2016-023)**,
8 MODIFYING PAGE 101 OF THE FLUA FOR APPROXIMATELY 5.11
9 ACRES OF LAND, GENERALLY LOCATED ON THE SOUTHWEST
10 CORNER OF SR-7/441 AND ATLANTIC AVENUE, BY CHANGING THE
11 FUTURE LAND USE DESIGNATION FROM AGRICULTURAL RESERVE
12 (AGR) TO COMMERCIAL LOW (CL) WITH CONDITIONS; AND AMENDING
13 ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN
14 CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR
15 INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING
16 FOR AN EFFECTIVE DATE.
17

18 **WHEREAS**, on August 31, 1989, the Palm Beach County Board of County
19 Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

20 **WHEREAS**, the Palm Beach County Board of County Commissioners amends the
21 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

22 **WHEREAS**, Section 163.3184(2)(a), Florida Statutes, provides that comprehensive
23 plan amendments shall follow the expedited state review process except as set forth in
24 Section 163.3184(2)(b) and (c), Florida Statutes; and

25 **WHEREAS**, the Palm Beach County Board of County Commissioners have initiated
26 amendments to several elements of the Comprehensive Plan in order to promote the health,
27 safety and welfare of the public of Palm Beach County; and

28 **WHEREAS**, the proposed amendments meet the requirements of Section
29 163.3184(3)(a), Florida Statutes, to be processed through the expedited state review
30 process, and are being processed through the expedited state review process; and

31 **WHEREAS**, the Palm Beach County Local Planning Agency conducted its public
32 hearing on May 13 and June 10, 2016 to review the proposed amendments to the Palm
33 Beach County Comprehensive Plan and made recommendations regarding the proposed
34 amendments to the Palm Beach County Board of County Commissioners pursuant to
35 Chapter 163, Part II, Florida Statutes; and

36 **WHEREAS**, the Palm Beach County Board of County Commissioners, as the
37 governing body of Palm Beach County, conducted a public hearing pursuant to Chapter
38 163, Part II, Florida Statutes, on August 22, 2016 to review the recommendations of the
39 Local Planning Agency, whereupon the Board of County Commissioners authorized
40 transmittal of proposed amendments to the state land planning agency and review agencies
41 pursuant to Chapter 163, Part II, Florida Statutes; and

1 **WHEREAS**, Palm Beach County received a letter from the state land planning
2 agency dated September 23, 2016 stating that the agency had identified no comments
3 related to important state resources and facilities within the Agency's authorized scope of
4 review that will be adversely impacted by the amendment contained in this ordinance if
5 adopted; and

6 **WHEREAS**, on October 26, 2016 the Palm Beach County Board of County
7 Commissioners held a public hearing to consider adoption of the amendments; and

8 **WHEREAS**, the Palm Beach County Board of County Commissioners has
9 determined that the amendments comply with the requirements of the Community Planning
10 Act.

11 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
12 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

13 **Part I. Amendments to the 1989 Comprehensive Plan**

14 Amendments to the 1989 Comprehensive Plan are hereby adopted and attached to
15 this Ordinance is Exhibit 1:

16 **A. Future Land Use Atlas page 101** is amended as follows:

17 **Application: Stop and Shop (LGA 2016-023)**

18 **Amendment:** From Agricultural Reserve (AGR) to Commercial Low with an underlying
19 Agricultural Reserve (CL/AGR),

20 **Location:** Southwest corner of SR7/441 and Atlantic Boulevard,

21 **Size:** 5.11 acres approximately,

22 **Conditions:** See Exhibit 1;

23 **Part II. Repeal of Laws in Conflict**

24 All local laws and ordinances applying to the unincorporated area of Palm Beach
25 County in conflict with any provision of this ordinance are hereby repealed to the extent of
26 such conflict.

27 **Part III. Severability**

28 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for
29 any reason held by the Court to be unconstitutional, inoperative or void, such holding shall
30 not affect the remainder of this Ordinance.

31 **Part IV. Inclusion in the 1989 Comprehensive Plan**

32 The provision of this Ordinance shall become and be made a part of the 1989 Palm
33 Beach County Comprehensive Plan. The Sections of the Ordinance may be renumbered or
34 re-lettered to accomplish such, and the word "ordinance" may be changed to "section,"
35 "article," or any other appropriate word.

1 **Part V. Effective Date**

2 The effective date of this plan amendment, if the amendment is not timely
3 challenged, shall be 31 days after the state land planning agency notifies the County that
4 the plan amendment package is complete. If timely challenged, this amendment shall
5 become effective on the date the state land planning agency or the Administration
6 Commission enters a final order determining this adopted amendment to be in compliance.
7 No development orders, development permits, or land uses dependent on this amendment
8 may be issued or commence before it has become effective. If a final order of
9 noncompliance is issued by the Administration Commission, this amendment may
10 nevertheless be made effective by adoption of a resolution affirming its effective status, a
11 copy of which resolution shall be sent to the state land planning agency.

12 **APPROVED AND ADOPTED** by the Board of County Commissioners of Palm

13 Beach County, on the 26th day of October, 2016.

14 ATTEST:

15 SHARON R. BOCK, CLERK
16 & COMPTROLLER

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

17 By 
18 Deputy Clerk

By 
Mary Lou Berger, Mayor

19 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

20 By 
21 County Attorney

22 Filed with the Department of State on the 31st day of October, 2016.

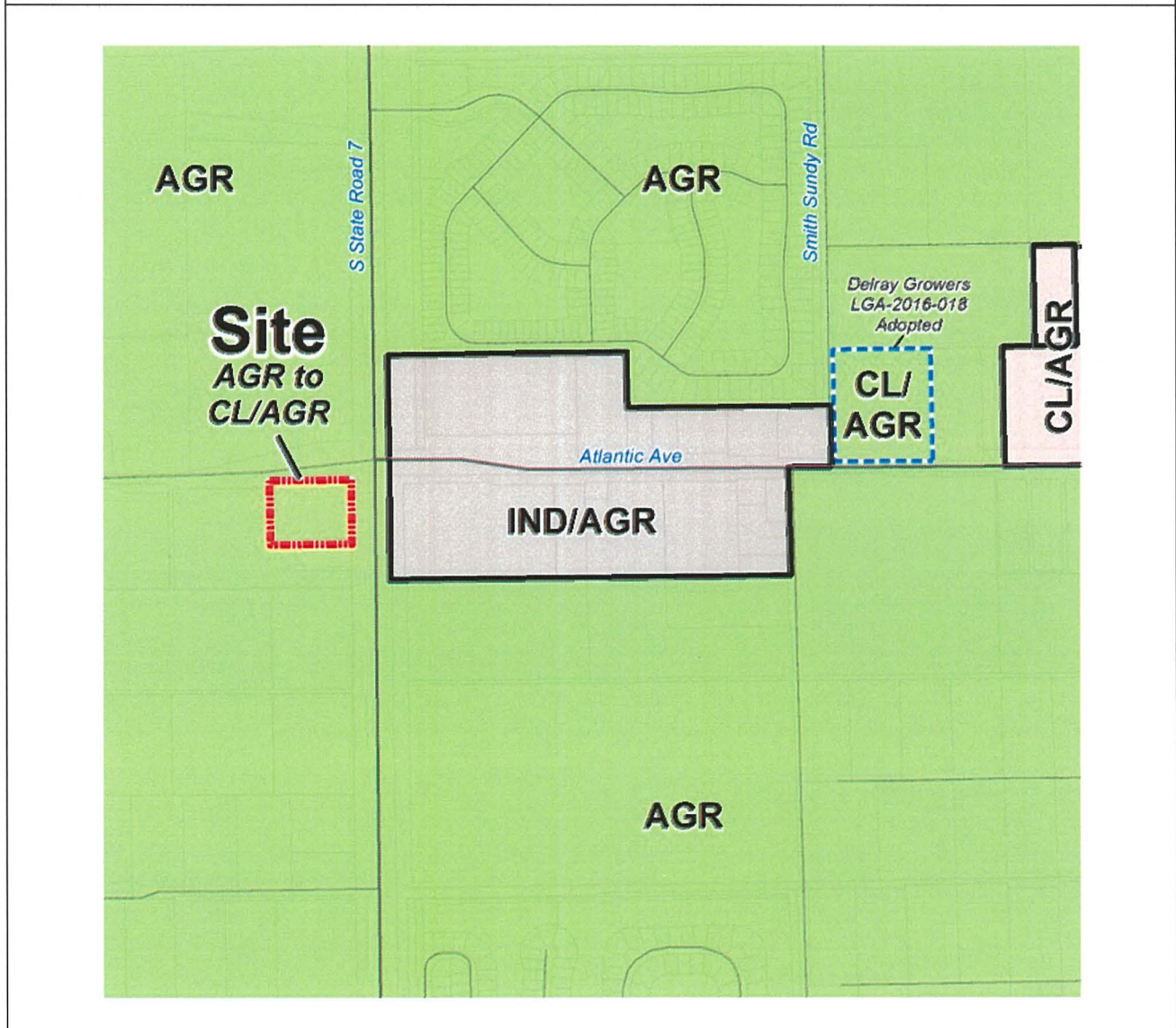
EXHIBIT 1

A. Future Land Use Atlas page 101 is amended as follows:

Amendment No:	Stop and Shop (LGA 2016-023)
Amendment:	From Agricultural Reserve (AGR) to Commercial Low with an underlying Agricultural Reserve (CL/AGR)
Location:	Southwest corner of SR7/441 and Atlantic Boulevard
Size:	5.11 acres approximately
Property No:	00-42-43-27-05-067-0013

Conditions:

1. Development on the site under the Commercial Low future land use designation is limited to a maximum of 40,000 square feet of commercial uses, or other uses which do not exceed the equivalent traffic generating trips.



Legal Description:

The North 420.00 feet of the West 477.80 feet of Tract 1, Block 67 of THE PALM BEACH FARMS COMPANY PLAT NO. 3, as recorded in Plat Book 2, Page 45 to 54 inclusive, Palm Beach County Records.

TOGETHER WITH:

A portion of Tract 1, Block 67 of THE PALM BEACH FARMS COMPANY PLAT NO. 3, according to the plat thereof, as recorded in Plat Book 2, Page 45 of the Public Records of Palm Beach County, Florida, lying in Section 24, Township 46 South, Range 41 East, Palm Beach County, Florida, being more particularly described as follows :

Commence at a found Palm Beach County Brass Cap marking the Northwest corner of Section 19, Township 46 South, Range 42 East; thence South 88°44'06" West along the North line of said Section 24, a distance of 6.77 feet to a point on the Baseline of Survey for State Road 7 (U.S. 441) as shown on the Florida Department of Transportation Right of Way Map for Section 93210-2515; thence South 00°18'44" East along said Baseline of survey, a distance of 2.58 feet; thence South 00°39'54" East continuing along said Baseline of Survey, a distance of 57.24 feet; thence South 89°20'06" West at right angles to the last described course a distance of 235.08 feet to a point on the Westerly Existing Right of Way line for said State Road 7 (U.S. 441): as shown on the Florida Department of Transportation Right of Way Map for Section 93210-2515 and the POINT OF BEGINNING; thence South 00°34'56" East along said Westerly Existing Right of Way line, a distance of 420.01 feet; thence South 89°06'45" West, a distance 51.42 feet; thence North 00°47'54" West, a distance of 420.01 feet; thence North 89°06'45" East along the North line of said Tract 1, a distance of 53.00 feet to the POINT OF BEGINNING.

Containing 2.0680± hectares (5.1103± acres), more or less.



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

November 1, 2016

Honorable Sharon R. Bock
Clerk and Comptroller
Palm Beach County
301 North Olive Avenue
West Palm Beach, Florida 33401

Attention: Julie Burns, Administrative Specialist I

Dear Ms. Bock:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Palm Beach County Ordinance No. 2016-049, which was filed in this office on October 31, 2016.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb



FUTURE LAND USE ATLAS AMENDMENT STAFF REPORT AMENDMENT ROUND 16-D

FINAL REPORT, OCTOBER 26, 2016

I. General Data

Project Name:	Stop and Shop (LGA 2016-023)
Request:	AGR to CL/AGR
Acres:	5.11 acres
Location:	Southwest corner of SR7/441 and Atlantic Blvd
Project Manager:	Melissa Michael, Planner I
Applicant:	Blumenfeld Development Group, LTD.
Owner:	BDG Asset Management, Inc.
Agent:	Wantman Group, Inc.
Staff Recommendation:	Staff recommends denial based upon the findings and conclusions contained within this report.

II. Site Data

Current Future Land Use

Current FLU:	Agricultural Reserve (AGR)
Existing Land Use:	Vacant
Current Zoning:	Agricultural Reserve (AGR)
Current Dev. Potential Max:	Commercial uses, up to 7,980 s.f. and 6 fuel pumps

Proposed Future Land Use Change

Proposed FLU:	Commercial Low with an underlying Agricultural Reserve (CL/AGR)
Proposed Use:	Gas Station and Convenience Store
Proposed Zoning:	Multiple Planned Unit Development (MUPD)
Dev. Potential Max/Conditioned:	Commercial, up to 40,000 s.f. max. by voluntary condition (0.18 FAR)

General Area Information for Site

Tier/Tier Change:	Agricultural Reserve Tier - No change
Utility Service:	Palm Beach County Water Utilities Department
Overlay/Study:	None
Comm. District:	Commissioner Mary Lou Berger, District 5

III. Hearing History

Local Planning Agency: *Denial*, motion by Neil Merin, seconded by Thomas Dennis, passed in a 8-2 vote (with Lori Vinikoor and Harvey Arnold dissenting) at the June 10th public hearing. The Commission focused on whether additional intensity on the site is appropriate given its location west of State Road 7. There was no public comment.

Board of County Commissioners Transmittal Public Hearing: *Transmit*, a substitute motion by Comm. Abrams, seconded by Comm. Vana passed in a vote of 5-2 (with Comm. Burdick and Comm. McKinlay dissenting) at the August 22nd public hearing. The initial motion was to deny by Comm. Burdick, seconded by Comm. McKinley. The Board expressed support for the SR7 demarcation line, but that each site needed to be addressed on a case by case basis. The Board discussed the subject site's unique characteristics (long established commercial approval and surrounding non-residential land uses), that the site would not be utilized for agriculture with or without the land use change, the lack of gas sales in the area, and that the amendment would result in a more efficient use of the property that was supported by the Delray Alliance. The discussion also included comments regarding the need for agricultural preservation and that the amendment was not necessary for commercial uses to be built on the site. There was no public comment. A letter dated August 20th that was distributed to the Board by the Delray Alliance has been added to Exhibit 9.

State Review Comments: The State Land Planning Agency issued a letter dated September 23, 2016 stating the Agency *"identified no comment related to important state resources and facilities within the Department's authorized scope of review that would be adversely impacted by the amendment if adopted."* The Treasure Coast Regional Planning Council issued comments expressing concern that the amendment would reduce the potential for agricultural related uses in the Agricultural Reserve and increase commercial uses, even though the site was very small, and that the *"overall trend in the reduction of agricultural uses in the Agricultural Reserve is of concern, because the conversions result in the loss of a regional resource that may never be recovered."* There were no other state agency comments received regarding this amendment.

Board of County Commissioners Adoption Public Hearing: *Adopt with conditions*, motion by Comm. Taylor, seconded by Comm. Vana passed in a 4-2 vote (with Comm. Burdick and Comm. McKinlay dissenting, and Comm. Valeche absent) at the October 26th public hearing. The Board discussion included comments regarding the need to preserve agriculture, but that site has not been, and would not be in the future, used for agriculture due to the existing commercial approval. Four members of public spoke in opposition. Ord. 2016-049

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Future Land Use Atlas Amendment

Stop and Shop (LGA 2016-023)



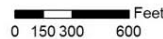
Site Data

Size: 5.11 acres
 Existing Use: Vacant
 Proposed Use: Convenience Store with Gas Sales
 Current FLU: Agricultural Reserve (AGR)
 Proposed FLU: Commercial Low with underlying AGR (CL/AGR)

Future Land Use Designations

AGR Agricultural Reserve
 CL/AGR Commercial Low, underlying AGR
 IND/AGR Industrial, underlying AGR

Date: 2/11/2016
 Contact: Planning
 Filename: Planning\AMEND\16-C\SiteSpecific\16-23
 Note: Map is not official, for presentation purposes only.



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



IV. Background/History

The 5.11 acre subject site is located at the southwest corner of Atlantic Avenue and State Road 7 (SR7) within the Agricultural Reserve Tier. The applicant is requesting a change from the current Agricultural Reserve (AGR) future land use designation to Commercial Low with an underlying AGR (CL/AGR) with a condition limiting development to 40,000 square feet of commercial low uses. The site is currently vacant. The original uses on the site, a 4,312 square foot convenience store with 4 pumps and a 1,008 square foot pool hall and office (totaling 5,320 square feet), were demolished in 1999 due to the expansion of SR7. In 1998, this site along with most properties in the Agricultural Reserve Tier were assigned an AGR Zoning via Resolution 1998-0851. The most recent zoning approval for the subject site, R-2009-2085, allows a 5,000 square foot convenience store with 6 fuel pumps, a 2,012 square foot office, and a 968 square foot car wash (totaling 7,980 square feet, control no. 1999-00029).

This site is one of the commercial sites in the Agricultural Reserve Tier that pre-dated the Tier and were 'accommodated' by Future Land Use Element pre-existing uses Policy 1.5-b (renumbered to 1.5-i in Round 16-B). Under the policy, the site could develop with the approved uses up to a 50% increase. This increase was applied as part of the 2009 zoning approval. The site was not listed by name in the policy, but was subject to the provisions since the relocation of the use was authorized by the Policy through the development approval process. The County adopted revisions to the pre-existing uses policy in Amendment Round 16-A to expand the language and to provide greater specificity allowing the pre-existing commercial and institutional properties to continue and expand as conforming uses. The amendment identified all of the pre-existing sites by name, identified their approvals as conforming uses, and allowed the sites to expand with new uses that were consistent with CL future land use. The pre-existing commercial policy allows the subject site up to 7,980 square feet of commercial uses consistent with the Commercial Low FLU and 6 fuel pumps. A related amendment in the same round revised the Future Land Use Atlas (FLUA) for all of the pre-existing commercial sites that were located east of SR7 from AGR future land use to CL/AGR. The subject site and another west of SR7 (4 Points Market) were not subject to the FLUA amendment due to their locations west of SR7.

V. Intent of the Amendment

The intent of the amendment is to change the future land use designation for the subject site from Agricultural Reserve (AGR) to Commercial Low with an underlying Agricultural Reserve (CL/AGR). Currently the Comprehensive Plan limits CL future land use in the Tier to a maximum of 0.20 FAR for up to 44,518 s.f. on the 5.11 acre subject site; however, the applicant has proposed a voluntary condition of approval to limit the development to a maximum of 40,000 s.f. of commercial uses (approximately 0.18 FAR) in order to be consistent with FLUE Policy 3.5-d. The applicant also submitted a zoning application (PDD/R-2016-424, control 1999-029) requesting Multiple Use Planned Development (MUPD) zoning with up to 31,119 s.f. for commercial uses including a convenience store with gas sales (16 fueling positions), car wash, and retail.

VI. Data and Analysis Summary

This section of the report examines the consistency of the amendment with the County's Comprehensive Plan, Tier Requirements, applicable Neighborhood or Special Area Plans, and the impacts on public facilities and services.

A. Consistency with the Comprehensive Plan - General

1. **Justification: FLUE Policy 2.1-f:** *Before approval of a future land use amendment, the applicant shall provide an **adequate justification** for the proposed future land use and for residential density increases **demonstrate that the current land use is inappropriate**. In addition, the County shall review and make a determination that the proposed future land use is compatible with existing and planned development in the immediate vicinity and shall evaluate its impacts on:*

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

The applicant includes a Justification Statement (Exhibit 2) addressing the appropriateness of the proposed changes. The relevant applicant's points are summarized as follows:

- “The new FLU and zoning designations will allow for the Property to be designed and constructed to current standards, as opposed to those in 2009, that will better serve the needs of the farmworker community and increased residential demand for local neighborhood uses that are not met at existing TMD's. The commercial approval that the Property currently holds is for an antiquated gas station convenience store and number of pumps. Under today's business models for modern gas stations, there is a need to go above and beyond the allowable square footage and number of pumps as proposed by staff.”
- “The site is zoned AGR with AGR FLU. Development options under AGR zoning would be limited due to its size and need for environmental site clean-up, caused by the previous gas station located on the property. In addition, the 5.11 acre site is surrounded by existing development, including the Cornerstone Propane site adjacent to the south, and the US Postal Office immediately to the south and west. Therefore this property could not be included as part of a larger agricultural production site, making the AGR FLU and Zoning located directly at this intersection more suitable for neighborhood serving commercial uses than agricultural uses.”

- “Development of the 5.11 acre Property as a neighborhood commercial use, under the Commercial zoning designation, would be consistent with good planning principles and honors the site’s existing commercial approval.”

Staff Analysis: This policy is the umbrella policy over the entire FLUA amendment analysis and many of the items are addressed elsewhere in this report as identified above. With regards to justification, the applicant states that under the current FLU the property cannot be developed to modern standards which will properly serve the farmworker community and local residential demand. Staff does not agree with this statement. Although the most recent zoning approval was made in 2009 the square footage limitations on the subject site were assigned by the Board in 2016 intentionally to limit the expansion of commercial west of SR7 in the Tier.

The justification discusses development potential being limited by uses surrounding the property as well as the AGR zoning and FLU. With regards to the characteristics of the surrounding sites, the site is located at the intersection of Atlantic Avenue and SR7 which has predominately non-residential uses and/or zoning as discussed in the compatibility section of this report. The applicant is correct that being bound by commercial on two sides and Atlantic Avenue and SR7 on the other two sides does limit the site as being used for a larger agricultural site. However, this does not justify a land use amendment since the site has been allowed commercial uses by the pre-existing commercial policy.

With regards to consistency with good planning principles and the site’s existing approval, the applicant states that the site’s unique configuration, specifically being on the corner of two intersecting arterial roads and surrounded by existing commercial uses, contribute to making this site appropriate for not only the accommodation of the existing approval, but for new and additional commercial uses. The pre-existing commercial policy and the adopted 16-B revision recognize this site as appropriate for commercial uses. However, the Board determined that the square footage from latest zoning approval, which is 2,660 square feet more than the pre-existing commercial use, was appropriate for a pre-existing site located west of SR7. Staff does not support the concept of allowing new commercial future land use designations on the west side of SR7. The current BCC direction and the Comprehensive Plan’s existing policies is to only allow pre-existing commercial sites west of SR-7. Including Four Points Market and Stop & Shop only as a pre-existing use under the AGR future land use designation, without assigning a commercial FLU designation due to their locations on the west side of SR7. Therefore, the proposed amendment is not consistent with BCC policy and cannot be adequately 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 2. Growth Management. *Provide for sustainable communities and lifestyle choices by: (a) directing the location, type, intensity, timing and phasing, and form of development that respects the characteristics of a particular geographical area; (b) requiring the transfer of development rights as the method for most density increases; (c) ensuring smart growth, by protecting natural resources, preventing urban sprawl,*

providing for the efficient use of land, balancing land uses; and, (d) providing for facilities and services in a cost efficient timely manner.

Staff Analysis: The Ag Reserve pre-existing commercial policy allows the subject site to develop according to its pre-existing use without the need for the proposed amendment. The proposed amendment would allow a more efficient use of land that already has the ability to develop with commercial uses by allowing additional intensity. Therefore, this amendment is consistent with this Direction.

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: As there are no other parcels under the same or related ownership that are excluded from the application, the proposed amendment would not constitute piecemeal development. Therefore, the proposed amendment is not inconsistent with this Policy.

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 a 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.” As there are no other parcels under the same or related ownership that are excluded from the application, the proposed amendment would not result in the creation of any residual parcels. Therefore, the proposed amendment is not inconsistent with this Policy.

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

Staff Analysis: This amendment is located at an intersection and has approved commercial uses. The proposed amendment would not result in or encourage strip commercial development.

B. Consistency with Agricultural Tier Requirements

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

development within 5 geographically specific Tiers...”

Commercial

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

Staff Analysis: The subject site can be developed at a scale and character that is consistent with and internal to the Tier. Therefore, commercial uses on the subject site is consistent with this policy.

2. **FLUE Policy 1.5-i: Pre-Existing Commercial Sites.** Within the Agricultural Reserve Tier there are existing and/or approved commercial sites which are benign to the purposes of the Tier and/or which provide essential services for farm workers and residents of the Tier. The commercial sites below are conforming uses under the Agricultural Reserve (AGR) future land use designation (FLU) and the Tier.

2. **Stop and Shop**, 5.13 acres located at the southwest corner of Atlantic Avenue and SR7 is allowed for up to 7,980 square feet of commercial uses consistent with the Commercial Low FLU and 6 fuel pumps, under the AGR Zoning with AGR FLU.

Staff Analysis: This is the pre-existing uses policy that has existed in the Comprehensive Plan since 1995 to accommodate commercial uses which predated the Ag Reserve Tier. The policy was revised in Round 16-A listing each site by name. With regards to the subject site, the policy allows the subject site up to 7,980 square feet of commercial uses consistent with the Commercial Low future land use and 6 fuel pumps, under the existing AGR Zoning with AGR FLU. This policy does not prohibit the site from requesting a future land use change to Commercial Low; therefore, this amendment is not inconsistent with this policy.

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

Staff Analysis: The proposed amendment is consistent with this policy as the subject site is identified in Policy 1.5-i.

4. **FLUE Policy 1.5-m:** The County shall ensure a sustainable development pattern is achieved in the Agricultural Reserve by allowing commercial uses while ensuring that the supply of commercial square footage does not exceed the demand of the farm workers and residents of the Tier. The County may approve a maximum of 980,000 square feet of commercial uses (retail, service and office) within the Tier.

Staff Analysis: The proposed FLUA amendment would be consistent with the revised policy. There is approximately 909,442 square feet of commercial uses approved or transmitted within the Tier. The additional allowable square footage from this amendment would be within the range of remaining square feet.

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

Staff Analysis: The proposed amendment has a concurrent zoning application and is therefore consistent with the policy.

C. Compatibility

Compatibility is defined as a condition in which land uses can co-exist in relative proximity to each other in a stable fashion over time such that no use is negatively impacted directly or indirectly by the other use. The applicant lists the surrounding uses and future land use designations in Exhibit 3 and provides a compatibility analysis. The applicant indicates that the surrounding uses in the area and the pre-existing use on the subject site make the proposed future land use compatible with the development in the immediate area.

Surrounding Land Uses: Immediately abutting the site are the following:

North: To the north, across Atlantic Avenue, is Preserve 1 of the Ascot PUD which is currently being utilized for row crops. The site has a future land use designation of AGR. Adjacent to the AGR-PUD to the west is Palm Beach Downs. The 84.7 acre horse racing track has a future land use designation of AGR.

East: To the east, across State Road 7, is a 14.15 acre site currently being utilized for row crops with a future land use designation of Industrial/AGR.

West: To the west is a U.S. Post Office. The 11.44 acre site has a future land use designation of AGR.

South: To the south is Cornerstone Propane. The 1.4 acre propane storage facility has a future land use designation of AGR.

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 maintained to protect residential areas from adverse impacts of adjacent land uses. Non-residential future land uses shall be permitted only when compatible with residential areas, and when the use furthers the Goals, Objectives, and Policies of the Plan.”*

Staff Analysis: The subject site is an area with a mixture of future land uses including Industrial and Agricultural Reserve, and the immediately abutting existing land uses to the west is a post office and to the south is a propane storage facility. The subject site has the ability to be developed with commercial uses, and the amendment is proposed to increase the amount of square footage. There are no compatibility issues with the adjacent and surrounding properties.

D. Consistency with County Overlays, Plans, and Studies

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

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

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

Staff Analysis: The property is not located within a neighborhood plan. It is located within the Agricultural Reserve Tier which was the subject of the Ag Reserve Master Plan for which policies have already been adopted in the Comprehensive Plan in order to implement the Master Plan recommendations.

E. Public Facilities and Services Impacts

The proposed amendment would change the development potential of the site from 7,980 square feet of commercial uses to 40,000 square feet of commercial uses. Public facilities impacts are detailed in the table in Exhibit 4.

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

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

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

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

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

Staff Analysis: The Traffic Division reviewed this amendment at a maximum of 40,000 square feet of general commercial uses. According to the County's Traffic Engineering Department (see letter dated November 23, 2015 in Exhibit 5) the amendment would result in an increase of 1,904 net daily trips and 18 (12/6) AM and 164 (79/84) PM net peak hour trips based on a voluntary restriction of 40,000 square feet of general commercial uses.

The Traffic letter concludes *"Based on the review, the Traffic Division has determined the proposed amendment meets Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan at the proposed FLU designation at the voluntary restricted intensity."* Therefore, if the BCC adopts this amendment the following condition would be required in order to be compliant with this Policy: Development on the site under the Commercial Low future land use designation is limited to a maximum of 40,000 square feet of commercial retail uses, or other uses which do not exceed the equivalent traffic generating trips.

The Traffic Study (see Exhibit 5) was prepared by Simmons & White, Inc. Traffic studies and other additional supplementary materials for site-specific amendments are available to the public on the PBC Planning web page at:
<http://www.pbcgov.com/pzb/planning/activeamend/>

E. **Florida Statutes (FS) Consistency**

Consistency with Urban Sprawl Rule: Section 163.3177(6)(a)9.a., F.S., establishes a series of primary indicators to assess whether a plan amendment does not discourage the proliferation of urban sprawl. The statute states that the evaluation of the presence of these indicators shall consist of an analysis of the plan amendment within the context of features and characteristics unique to each locality. The analysis in Exhibit 8 indicates that the proposed amendment does not encourage the proliferation of urban sprawl.

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

VII. 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 February 5, 2016. To date, no comments have been received.
- B. Other Notice:** Public notice by letter was mailed to the owners of properties within 500' of the perimeter of the site on March 16, 2016 and May 20, 2016. In addition, on March 15, 2016 and May 20, 2016 several interested parties were notified by mail including the Alliance of Delray, the Coalition of Boynton West Residential Association (COBWRA), and The Four Seasons at Delray Beach Homeowners Association. Notification of this amendment was also provided to the interested parties via email on April 1, 2016. To date, no correspondence has been received. Letters received are added to the Exhibits during the course of the amendment process.
- C. Informational Meeting:** The Planning Division hosted a meeting with area residents and interested parties to relay information regarding the amendment and development approval process on March 29, 2016. A representative of the Four Seasons at Delray Beach Homeowners Association attended as well as a representative of the Knight Group. No comments related to the amendment were provided.

VIII. Conclusions and Recommendation

The subject site is identified in the Comprehensive Plan as a pre-existing commercial site and is allowed to develop with commercial uses up to 7,980 square feet of commercial uses and 6 fuel pumps under the existing AGR Zoning with AGR FLU. The proposed amendment would allow the site to be developed with the full range of commercial uses and up to 0.18 FAR (or 40,000 square feet by condition of approval) of commercial uses under the proposed Commercial Low future land use designation.

This site and 4 Points Market were the only two pre-existing commercial sites that were not revised to Commercial Low future land use in Round 16-A. This reflected the implementation of Board direction during the Ag Reserve Roundtable and Workshops to limit the assignment of the Commercial Low future land use to sites located east of State Road 7. As demonstrated by this report, the proposed future land use amendment is inconsistent with the current BCC policy of not assigning commercial future land use designations west of SR7.

Therefore, staff recommends **denial** of the proposed future land use amendment.

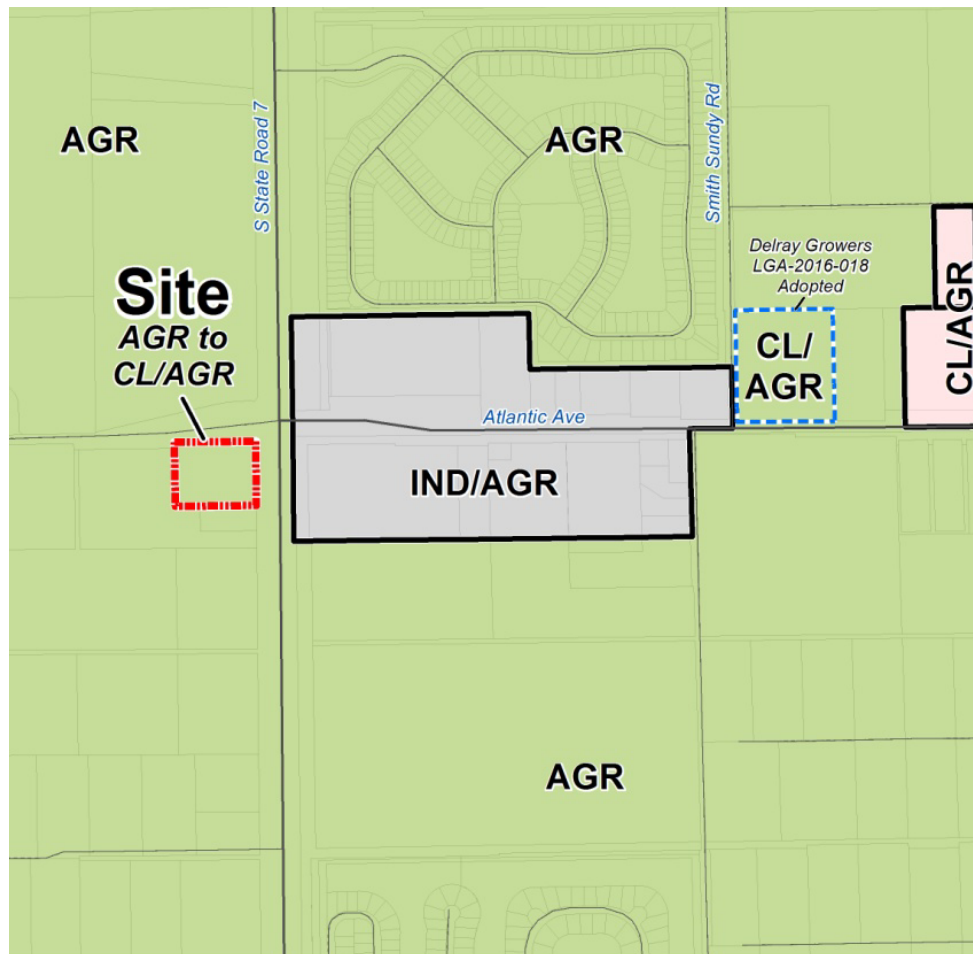
Exhibits	Page
1. Future Land Use Map & Legal Description	E-1
2. Applicant's Justification/Consistency with Comprehensive Plan and Florida Statutes	E-3
3. Applicant's Public Facility Impacts Table	E-14
4. Applicant's Traffic Study (<i>available to the LPA/BCC upon request</i>)	E-16
5. Palm Beach County Traffic Division Letter	E-17
6. Water & Wastewater Provider LOS Letter	E-18
7. Applicant's Disclosure of Ownership Interests	E-19
8. Urban Sprawl Analysis	E-23
9. Correspondence	E-25

Exhibit 1

Amendment No:	Stop and Shop (LGA 2016-023)
FLUA Page No:	101
Amendment:	From Agricultural Reserve (AGR) to Commercial Low with an underlying Agricultural Reserve (CL/AGR)
Location:	Southwest corner of SR7/441 and Atlantic Blvd
Size:	5.11 acres approximately
Property No:	00-42-43-27-05-067-0013

Conditions:

1. Development on the site under the Commercial Low future land use designation is limited to a maximum of 40,000 square feet of commercial uses, or other uses which do not exceed the equivalent traffic generating trips.



Legal Description

The North 420.00 feet of the West 477.80 feet of Tract 1, Block 67 of THE PALM BEACH FARMS COMPANY PLAT NO. 3, as recorded in Plat Book 2, Page 45 to 54 inclusive, Palm Beach County Records.

TOGETHER WITH:

A portion of Tract 1, Block 67 of THE PALM BEACH FARMS COMPANY PLAT NO. 3, according to the plat thereof, as recorded in Plat Book 2, Page 45 of the Public Records of Palm Beach County, Florida, lying in Section 24, Township 46 South, Range 41 East, Palm Beach County, Florida, being more particularly described as follows :

Commence at a found Palm Beach County Brass Cap marking the Northwest corner of Section 19, Township 46 South, Range 42 East; thence South 88°44'06" West along the North line of said Section 24, a distance of 6.77 feet to a point on the Baseline of Survey for State Road 7 (U.S. 441) as shown on the Florida Department of Transportation Right of Way Map for Section 93210-2515; thence South 00°18'44" East along said Baseline of survey, a distance of 2.58 feet; thence South 00°39'54" East continuing along said Baseline of Survey, a distance of 57.24 feet; thence South 89°20'06" West at right angles to the last described course a distance of 235.08 feet to a point on the Westerly Existing Right of Way line for said State Road 7 (U.S. 441): as shown on the Florida Department of Transportation Right of Way Map for Section 93210-2515 and the POINT OF BEGINNING; thence South 00°34'56" East along said Westerly Existing Right of Way line, a distance of 420.01 feet; thence South 89°06'45" West, a distance 51.42 feet; thence North 00°47'54" West, a distance of 420.01 feet; thence North 89°06'45" East along the North line of said Tract 1, a distance of 53.00 feet to the POINT OF BEGINNING.

Containing 2.0680± hectares (5.1103± acres), more or less.

Exhibit 2

Applicant's Justification and Consistency with Comprehensive Plan

State Road 7 / U.S. 441 & Atlantic Avenue

I. INTRODUCTION

On behalf of the Applicant, Wantman Group, Inc. is respectfully requesting a Large Scale Future Land Use Atlas (FLUA) amendment in order to amend the Future Land Use (FLU) designation of an approximately 5.11 acre site, known as "Stop and Shop" (herein referred to as the "subject property"). The subject property is currently vacant, identified by a FLU designation of AGR (Agricultural Reserve) and a Zoning District of AGR (Agricultural Reserve). The site's property address is 15001 South State Road 7 (southwest corner of SR 7 / U.S. 441 and Atlantic Avenue), and has a Property Control Number (PCN) of: 00-42-43-27-05-067-0013.

Due to a recent Comprehensive Plan amendment initiated by the County, the Stop and Shop (subject property) is now a permitted use under Policy 1.5-i. The amendment limits the Stop and Shop to 7,980 square feet of commercial uses consistent with the Commercial Low FLU and 6 fuels pump under the AGR Zoning with AGR FLU. The Comprehensive Plan does not address FLU and zoning designations for the entire site in a FLUA amendment process.

II. PROPOSED FLUA AMENDMENT

Request

The Applicant desires to amend the Agricultural Reserve FLU designation to Commercial Low (CL) in order to develop the parcel under the CL land use and MUPD zoning.

Compatibility and Surrounding Uses

The subject property is located at the intersection of State Road 7 / U.S. 441 and Atlantic Avenue, which are two major roads experiencing increased development in the area. The surrounding uses vary, and are all compatible with the proposed commercial use. While located in the Agricultural Reserve, the site is surrounded by non-agricultural type uses, as well as being bordered by two major arterial roadways. The following is a summary of the uses surrounding the subject property.

	EXISTING USE	FLU	ZONING
North	Vacant	AGR	AGR-PUD
South	Propane Storage	AGR	AGR
East	Vacant	IND/AGR	AGR
West	Government	AGR	AGR

North: The property to the immediate north of the subject property is vacant with a FLU designation of AGR and a Zoning designation of AGR-PUD (Planned Unit Development) (R-2011-0005; R-2004-2037). Just west of this parcel is the Palm

Beach Downs, another PUD with an AGR FLU designation. Palm Beach Downs consists of a racetrack and one (1) dwelling unit per acre (R-1997-0655; R-1985-0710; R-19851279; R-1985-0316).

- South:** To the south of the subject property is Cornerstone Propane, a propane storage site. This site has a FLU designation of AGR and Zoning designation of AGR (Petition # 1999-00040).
- East:** To the immediate east of the subject property, across State Road 7, is vacant land assigned a FLU designation of IND/AGR and a Zoning designation of AGR (R-1998-0851).
- West:** The property to the immediate west of the subject property is the U.S. Post Office with a FLU designation of AGR and Zoning designation of AGR (Petition # 1993-00044; 1996-00100). Amerigrow Recycling center is also located just west of the subject property and currently has a zoning application pending approval (DRO-2015-01937). The request is to allow for the approval of additional square footage to the site (ZR-1993-0003; ZR-1994-002; ZR-2000-0001; ZR-1994-0007; ZR-2015-0012; ZR-2012-0040).

The summary of surrounding uses presented above demonstrates that the proposed commercial development of the property is compatible with current and future surrounding uses. The FLUA amendment is necessary in order to change the existing agricultural land use designation, which is no longer appropriate for several reasons:

1. The subject property previously consisted of a gas station and accessory uses. The expansion of State Road 7 / U.S. 441 removed the gas station from the property.
2. Both the County's Comprehensive Plan and Unified Land Development Code (ULDC) currently permit the development of a gas station and other associated uses on site; however, the development approval is limited to the square footage of what was previously built on the property. Although, the County identifies the property suitable for commercial uses, the limited square footage is inappropriate for the reasonable development of commercial on a +/- 5.11 acre site. The County recently identified several existing commercial properties within the Ag Reserve that had an AGR land use and initiated land use changes to modify their designation to CL. These parcels, scattered throughout the Ag Reserve, range in size and location. Some of these sites that were converted to a commercial designation are too small to develop appropriately and are not located in desirable commercial locations with access to major roads and intersections. The Stop and Shop parcel was not included in those changes because of its location on the west side of State Road 7 / U.S. 441, an area typically discouraged from commercial development. Meanwhile, the size of the parcel, coupled with the surrounding non agriculture uses, and location at a major intersection makes it much more conducive to commercial development than others afforded the same ability elsewhere in the Ag Reserve.
3. The property is surrounded by non-agriculture uses, including propane gas sales and government uses, and is located at the intersection of two major arterial roadways.
4. Remediation of the site is required due to contamination from the previous gas station. This contamination makes it infeasible for the site to accommodate agricultural or farming uses, thus, making commercial development the most reasonable use for this site.
5. The commercial nature of the proposed development on the site is compatible and consistent with the character of the surrounding area by fulfilling a neighborhood

commercial void demanded by the farmworker community and residents within the area. It follows the approvals already afforded to the property through the Comprehensive Plan and the ULDC, while allowing it to develop at a reasonable commercial size.

Justification

This proposed FLUA amendment further supplements the Board of County Commissioners (BCC) direction to make pre-existing non-residential sites conforming as a result of the 2014 year-long workshop process relating to regulations for the Agricultural Reserve (AGR).

The property's vested uses and square footages were no longer viable. In order to remedy this situation and make these sites "whole," an amendment change to Policy 1.5-b, now Policy 1.5-i, expanded language to provide greater specificity in how these properties can continue and grow as conforming uses.

Policy 1.5-i currently allows the subject property's approved site plan to continue as a conforming use; therefore, acknowledging that the property has vested rights. However, due to the existing FLU designation of AGR, development potential on the subject property is still constrained, and thus, not allowing the site to be considered "whole." Policy 1.5-i allows the site to apply for a Commercial Low FLU and Commercial zoning up to 5.13 acres through the FLUA amendment process.

Currently, development options on the subject property under AGR zoning and AGR FLU are limited due to its size and need for environmental site clean-up caused by the previous gas station, consisting of a 4,312 square foot convenience store with 4 pumps and a 1,008 square foot pool hall and office. The previous gas station was demolished in 1999 due to the expansion of SR7. The most recent approval via R-2009-2085 allows a 5,000 square foot convenience store with 6 gas pumps, a 2,012 square foot office, and a 968 square foot car wash (totaling 7,980 square feet) (Control 1999-00029).

A FLUA amendment will allow the subject property to be considered "whole" by fulfilling development potential and creating transitions and compatibility with surrounding uses. The 5.11 acre site is surrounded by existing development, including the Cornerstone Propane site adjacent to the south, and the U.S. Postal Office, immediately to the west. Therefore, this property could not be included as part of a larger agricultural production site, making CL FLU and Zoning designations more suitable for the site to offer neighborhood serving commercial uses rather than agricultural uses.

Development of the 5.11 acre property as a neighborhood commercial use, under the Commercial zoning designation of MUPD, would be consistent with good planning principles and honors the site's existing commercial approval. In addition, this designation would allow for the subject property to be designed and constructed to current standards, as opposed to those in 2009, that will better serve the needs of the farmworker community and increased residential demand for local neighborhood uses that are not met at existing TMD's. The commercial approval that the Property currently holds is for an antiquated gas station convenience store and number of pumps. Under today's business models for modern gas stations, there is a need to go above and beyond the allowable square footage and number of pumps as proposed by staff.

In addition, two pre-existing commercial parcels on the west side of State Road 7 were made to be conforming and allowed the ability to expand potential uses that are consistent with the Commercial Low (CL) designation.

Compliance with Comprehensive Plan FLUE Policy 2.1-F

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

The subject property is the ideal location to construct a gas station and additional limited commercial intensity due to the compatibility of the surrounding uses. The site previously was developed as such, but was demolished due to the expansion of State Road 7 / U.S. 441. This amendment will allow for the redevelopment of the site as it was previously; however, it will be able to do so under modern development needs rather than antiquated standards. The previous gas station and commercial development was at a time when the area had very few residents, and State Road 7 / U.S. 441 was not a major arterial road. The changing development patterns and increase in residential development require this site to be allowed to develop at a higher square footage and pump count than what was originally built on the site. The area is in need of a convenient neighborhood commercial use that will serve current and future residents, surrounding employees, the farmworker community, and those traveling through the area. The FLUA amendment allows the site to have a new FLU designation that is more appropriate given the surrounding uses, parcel size, and the need for environmental clean-up if kept as an agricultural use.

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

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

The Board of County Commissioners (BCC) gave direction to make a Text amendment that would address zoning interpretations regarding Policy 1.5-b, now Policy 1.5-i, where pre-existing sites were only allowed to continue with specific vested uses and with a limited square footage expansion. The Text amendment involved adding those sites with vested uses, such as Stop & Shop, Dells Suburban Market, West Boynton Center, Delray Growers, and PF at West Boynton. This proposed FLUA amendment supplements the Board of County Commissioners (BCC) direction to make pre-existing non-residential sites conforming as a result of a 2014 year-long workshop process relating to regulations for the Agricultural Reserve (AGR).

As a result of sustained growth along the State Road 7 corridor and alterations to the development pattern of a previously predominant agricultural area, it is necessary to amend the existing FLU of the property in order to provide an evolution to the property's uses. The continuing growth of the immediate area has necessitated in the alterations to the Future Land Uses from former low density, agricultural uses to more realistic and compatible land uses that support appropriate end users. The area has experienced the development of a TMD as well as current and future PUD's.

The inappropriateness of the AGR is further demonstrated by FLUA amendments by surrounding properties. For example to the east is a TMD, known as Delray Marketplace, and an existing PUD, Four Seasons, is located to the north of the subject property. In addition, vacant sites within the vicinity of the subject property are slated for future PUD developments.

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

Since the original commercial approval on the subject property, Atlantic Avenue and State Road 7 / U.S. 441 have been expanded to major arterial roads. In addition, the State Road 7 corridor has transformed into a mixed commercial and residential arterial. To the north of the property are three PUD sites, two of which have been developed, Palm Beach Downs and Four Seasons. Other commercial and PUD sites surround the subject property. Likewise, residential planned communities have proliferated throughout the State Road 7 corridor with PDDs.

As such, the continuing evolution of the State Road 7 corridor as an established mixed use arterial has further made the existing land use inappropriate for the subject property.

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

A recent Text amendment to Policy 1.5-b, now Policy 1.5-i, was guided by the Board of County Commissioners (BCC) to include those sites with vested uses, such as Stop & Shop, Dells Suburban Market, West Boynton Center, Delray Growers, and PF at West Boynton. This proposed FLUA amendment supplements the Board of County Commissioners (BCC) direction to make pre-existing non-residential sites conforming as a result of a 2014 year-long workshop process relating to regulations for the Agricultural Reserve (AGR).

Maintaining the current FLU of AGR on the property is detrimental to the subject site and prevents similar development from occurring that is permitted throughout the local area. The FLUA amendment will enable the Applicant to enjoy property rights commonly enjoyed by neighboring property owners and to provide a well-planned, high demand neighborhood commercial amenity to future residents and workers of Palm Beach County.

d. Inappropriateness of the adopted FLU designation.

The adopted FLU designation of the subject property is inappropriate given the nature of the corridor and surrounding uses, which does not support well-planned, compatible, and transitional uses such as a the proposed Stop and Shop. As aforementioned, the subject property's prior approval under the current FLU designation is antiquated and does not provide the best use for the subject site. This, coupled with the fact that State Road 7 has emerged as a mixed use residential and commercial corridor within the County, demonstrate that the existing FLU designation of the site is no longer appropriate. In addition, the existing FLU designation of the site is incompatible with the existing commercial approval.

Florida Statute, Chapter 163.3177 is the principle state statute governing the comprehensive plans and plan amendments for all of the Counties within the State of Florida. In 2011, Chapter 163, F.S. was substantially revised and Rule 9J-5 was repealed and removed from the Florida Administrative Code (House Bill 7207). Today, Chapter 163.3177(1)(f) states, “*all mandatory and optional elements of the comprehensive plan and plan amendments shall be based upon relevant and appropriate data and an analysis by the local government, that may include but not be limited to, surveys, studies, community goals and vision, and other data available on that particular subject at the time of adoption of the plan or plan amendment at issue.*”

The data and analysis presented in the subject application and justification statement support the request for amendment of the Future Land Use Atlas and demonstrate consistency with the Florida Statutes.

163.3177 – 6.a. Requires that a local government’s future land use plan element be based on a number of factors, including population projections, the character of undeveloped land, availability of public services and other planning objectives.

The proposed amendment is consistent with the character of the surrounding and future uses of the area along State Road 7 and Atlantic Avenue. Public services are available. It is demonstrated in this justification statement and subject application that the proposed change to the Future Land Use Atlas is a more appropriate and suitable land designation for the subject site. The changes that have occurred in the area since the adoption of the 1989 Comprehensive Plan also support the proposed amendment. The uses will be neighborhood serving commercial and shall seek to serve the needs of the surrounding community.

Future Land Use Element

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

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

Response: Approval of this proposed FLUA amendment will allow for the development of neighborhood serving commercial uses for the residents of the Agricultural Reserve Tier. Allowing neighborhood serving commercial uses within the Agricultural Reserve Tier will ensure that this area of Palm Beach County has the needed services to serve the residents thus promoting and enhancing the quality of life for current and future residents of the area. It will also allow for the residents within the Ag Reserve to have neighborhood serving uses that can be found in a relatively close proximity. The alternative is to have the residents drive longer distances outside the Ag Reserve to find required neighborhood services adding additional traffic on the roadway network.

Because the site is surrounded by the existing developed Cornerstone Propane property and the US Postal Office, it limits the amount of commercial development to this 5.11 acre site, preventing further commercial encroachment down State Road 7 / U.S. 441 or Atlantic Avenue.

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

Response: Allowing smaller commercial uses within the Agricultural Reserve Tier will encourage and provide for the appropriate distribution of land uses that promotes the quality of life for the residents in the area. A neighborhood serving commercial use will reduce the amount of traffic heading eastward to access commercial uses not provided at the regional commercial center (Delray Marketplace TMD) on Atlantic Avenue.

The Property has significantly limited development options as an infill parcel located at a major intersection. As previously mentioned, the 5.11 acre property is too small to accommodate another agriculture use or to be developed into a residential use.

Atlantic Avenue is a major east-west corridor with access to I-95, the Turnpike, and U.S. 441. Infrastructure is already in place along this corridor to accommodate the existing residential, commercial center, and place of worship that are already developed within the vicinity of the Property.

- **Community Planning and Design** – “...to develop and implement strategies that will enhance the quality of life within its neighborhoods and communities by ensuring that these areas are well-planned, visually pleasing, safe, and devoid of substandard housing and blight.”

Response: Approval of the proposed FLUA amendment will allow for the development of neighborhood serving commercial uses for the residents of the Agricultural Reserve Tier. The very definition of a well planned community is one that is compact and self-contained with a mix of uses.

The development of a community serving commercial use would be a compatible use for the Property as other commercial uses surround the property. Additionally, neighborhood commercial uses would provide needed services to those living and working within the immediate community that are not being provided in the existing Delray Marketplace located east of the intersection of State Road 7 / U.S. 441 and Atlantic Avenue.

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

- **Objective 1.5 The Agricultural Reserve Tier** – “Palm Beach County shall preserve the unique farmland and wetlands in order to preserve and enhance agricultural activity, environmental and water resources, and open space within the Agricultural Reserve Tier. This shall be accomplished by limiting uses to agriculture and conservation with residential development restricted to low densities and non-

residential development limited to uses serving the needs of farmworkers and residents of the Tier.”

Response: Approval of this proposed FLUA amendment will allow for the development of an appropriate neighborhood serving commercial use for the residents of the Agricultural Reserve Tier. Allowing neighborhood serving commercial uses within the Agricultural Reserve Tier will ensure that this area of Palm Beach County has the needed services to serve the residents thus promoting and enhancing the quality of life for current and future residents of the area. This amendment also encourages that agricultural uses be placed in appropriate locations within the Agricultural Reserve.

- **Objective 2.1 Balanced Growth** – “Palm Beach County shall designate on the Future Land Use Atlas sufficient land area in each land use designation to manage and direct future development to appropriate locations to achieve balanced growth. This shall be done to plan for population growth and its need for services, employment opportunities, and recreation and open space, while providing for the continuation of agriculture and the protection of the environment and natural resources through the long-range planning horizon.”

Response: Allowing smaller commercial uses within the Agricultural Reserve Tier will encourage and provide for the appropriate distribution of land uses that promotes the quality of life for the residents in the area. The Agricultural Reserve Tier has steadily been growing with an increasing amount of residential developments. These residents and the existing agricultural workers need places to fuel and gather basic goods without having to travel a significant distance.

Development of the 5.11 acre Property is inevitable due to its small size and inability to efficiently accommodate the current agricultural designation. The growing amount of residential development along the State Road 7 / U.S. 441 and Atlantic Avenue corridors will continue to generate increased demand for commercial services. This FLUA amendment change is proposed in order to address balanced growth in the area. The existing regional TMD eastward down Atlantic Avenue generally serves the region and does not provide the needed neighborhood commercial services that will keep residents in the immediate area to obtain these services.

It is important to note that the property owner still wishes to develop a portion of this site with a gas station with convenience store, and that the closest gas station to the south is at Glades Road and State Road 7 (approx. 6 miles), and to the north it is at Boynton Beach Blvd and State Road 7 (approx. 5 miles).

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

Response: The proposed Commercial Low designation in the Agricultural Reserve Tier ensures that services are provided in the most cost-effective manner. The land

development pattern that has been established within the immediate vicinity of the intersection of State Road 7 / U.S. 441 and Atlantic Avenue and along the Atlantic Avenue corridor is generally non-agricultural. A low commercial use will provide needed services to the residents in the immediate vicinity and not require them to travel long distances to obtain such services.

- **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.”

Response: The subject site is located within a Limited Urban Service Area (LUSA) where the proposed Commercial Low designation will meet the above factors and policy goals. The need for the proposed facility in this area will assist in meeting the public demand for neighborhood commercial uses.

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

- **Policy 1.5-i:** “Within the Agricultural Reserve Tier there are existing and/or approved commercial sites which are benign to the purposes of the Tier and/or which provide essential services for farm workers and residents of the Tier, The commercial sites below are conforming uses under the Agricultural Reserve (AGR) future land use designation (FLU) and the Tier.
 1. **4 Points Market**, 2.56 acres located at the northwest corner of Boynton Beach Boulevard at SR7 is allowed up to 5,000 square feet of commercial uses consistent with Commercial Low FLU and 9 fuel pumps, under the AGR Zoning with AGR FLU.
 2. **Stop and Shop**, 5.13 acres located at the southwest corner of Atlantic Avenue and SR 7 is allowed for up to 7,980 square feet of commercial uses consistent with the Commercial Low FLU and 6 fuel pumps, under the AGR Zoning with AGR FLU. The site may apply for Commercial Low FLU and Commercial Zoning up to 5.13 acres through the FLUA amendment process.
 3. **3 Amigos Convenience Store**, 0.34 acres located on the south side of Boynton Beach Boulevard, east of SR7, is allowed up to 4,437 square feet of uses consistent with Commercial Low FLU under the AGR Zoning with AGR FLU. The site may apply for Commercial Low FLU and Commercial Zoning up to 4.49 acres through the FLUA amendment process.
 4. **Fina Gas Station Hey 4 U Trucking**, 1.50 acres located at the northeast corner of Atlantic Avenue and Lyons Road is allowed up to 4,437 square feet

of uses consistent with Commercial Low FLU under the AGR Zoning with AGR FLU. The site may apply for Commercial Zoning with Commercial Low FLU up to 1.50 acres through the FLUA amendment process.

5. **Dells Suburban Market**, 1.69 acres on the north side of Atlantic Avenue, east of Lyons Road, is allowed up to 1,800 square feet of uses consistent with Commercial Low FLU utilizing AGR Zoning with AGR FLU. The site may apply for Commercial Low FLU and Commercial Zoning up to 1.69 acres through the FLUA amendment process.
6. **West Boynton Center**, 2.50 acres located at the northeast corner of Boynton Beach Boulevard and Acme Dairy Road, is allowed up to 16,118 square feet of commercial uses consistent with Commercial Low FLU under the AGR Zoning with AGR FLU. The site may apply for Commercial Low FLU and Commercial Zoning up to 6.85 acres through the FLUA amendment process.
7. **Delray Growers**, 0.69 acres located at the northeast corner of Atlantic Avenue and Smith Sundry, is allowed to apply for Commercial Low FLU and Commercial Zoning up to 11.25 acres through the FLUA amendment process.
8. **PF at West Boynton**, 4.57 acres located on the south side of Boynton Beach Boulevard, east of SR7, is allowed to apply for Commercial Low FLU and Commercial Zoning up to 4.5 acres through the FLUA amendment process.

Response: The proposed Commercial Low designation provides essential services for farmworkers and residents of the Tier. The proposed amendment allows the site to be designed and constructed to current standards that will better serve the needs of the farmworker community and increased residential demand for local neighborhood uses that are not met at existing TMD's. In addition, the subject property's size and location are much better suited to neighborhood serving commercial development than others already vested as CL in the AG Reserve. This is due in large part to the limited size of the property, its location at the intersection of two main arterial roads, and its inability to expand further due to existing surrounding development.

IV. ULDC CHANGES

No ULDC changes are needed in response to these proposed Comprehensive Text amendments or Future Land Use Atlas amendment.

V. CONCLUSION

On the basis of this assessment, it is considered that this proposal to amend the Future Land Use Atlas as indicated is appropriate. The proposal is consistent with the policies of the Palm Beach County Comprehensive Plan and would comply with the regulations of the Commercial Low designation. Allowing the site to develop as a commercial use under the Commercial Low FLU designation will further design options in order to develop the property in a cohesive and effective manner while respecting the community character of the original approval.

The commercial approval that the property currently holds is for an antiquated gas station convenience store and number of pumps. This FLU change gives the site the opportunity to

compete with today's business models for modern gas stations by creating a product that will meet and exceed current and future demands. In addition, the request is consistent with the two pre-existing parcels on the west side of State Road 7 that were made to be conforming and offered the ability to expand potential uses consistent with the Commercial Low (CL) designation.

Exhibit 3
Applicant's Public Facility Impacts Table

VIII. Public Facilities Information

A. Traffic Information			
	Current FLU	Maximum	Conditioned or Concurrent
Max Trip Generation	2152 trips per day	5.11 acres X 0.20 FAR = 44,518 s.f. = 2,092 TPD	40,000 s.f. = 1,914 TPD
Trip Increase Max.	Reduction of 60 trips per day		
Trip Inc. Conditioned or Concurrent	Reduction of 238 trips per day		
Significantly impacted roadway segments that fail Long Range	None	None	None
Significantly impacted roadway segments for Test 2	Atlantic Avenue – State Road 7 to Lyons Road	Atlantic Avenue – State Road 7 to Lyons Road	Atlantic Avenue – State Road 7 to Lyons Road
Traffic Consultant	Simmons & White, Inc. – Kyle Duncan, Vice President		
B. Mass Transit Information			
Nearest Palm Tran Route (s)	Palm Tran Route #81 traverses Atlantic Avenue from Hagen Ranch Road to Palm Tran South County Facility (+/- 2.62 miles)		
Nearest Palm Tran Stop	Hagen Ranch Road Library – East side of Hagen Ranch Road, north of Atlantic Avenue. (+/- 2.67 miles)		
Nearest Tri Rail Connection	Palm Tran South County Facility		
C. Portable Water & Wastewater Information			
<p>The Potable Water & Wastewater Level of Service (LOS) comment letter states that Palm Beach County Water Utilities Department (PBCWUD) is the potable water and wastewater provider and is able to provide the level of service as required. For more information please see Application Attachment I. This letter should state the provider/s of potable water and wastewater is/are able to maintain their current level of service standard established by the potable water provider, while accommodating the increase of density/intensity of the proposed amendment.</p>			
Potable Water & Wastewater Providers	The Palm Beach County Water Utilities Department (PBCWUD) is the potable water and wastewater provider. PBCWUD is able to provide the level of service as required. Application Attachment I .		

Nearest Water & Wastewater Facility, type/size	The nearest water main is located in SR 7 right-of-way, adjacent to the property. The nearest sewer force main is located in Atlantic Avenue right-of-way, adjacent to the property. Application Attachment I.
D. Drainage Information	
The site is located within the boundaries of the Lake Worth Drainage District (LWDD) and South Florida Water Management District C-15 Drainage Basin. Please refer to the Drainage Statement as Application Attachment J for further information.	
E. Fire Rescue	
Nearest Station	Station: #54
Distance to Site	4 miles
Response Time	The estimated response time is 10 minutes and 30 seconds. Application Attachment K.
Effect on Resp. Time	There will be an extended response time to this property. Please refer to Attachment K for Fire Rescue Letter.
F. Environmental	
Significant habitats or species	No significant habitat occurs on the assessed parcel. No state or federal listed plant or animal species were located within the assessment area. Please refer to Attachment L for more information.
Flood Zone*	Zone: X500
Wellfield Zone*	Not located within a Wellfield Zone. Application Attachment M.
G. Historic Resources	
Staff review of the County's historic/architecturally significant structures, properties designated for inclusion in the National Register of Historic Places, and archaeological sites has identified no historically significant resources. Comment Letter as Application Attachment N.	

Exhibit 4 Traffic Study

Traffic studies and other additional supplementary materials for site-specific amendments are available to the public on the PBC Planning web page at:

<http://www.pbcgov.com/pzb/planning/activeamend/>

Exhibit 5 Palm Beach County Traffic Division Letter



**Department of Engineering
and Public Works**

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

**Palm Beach County
Board of County
Commissioners**

Mary Lou Berger, Mayor
Hal R. Valeche, Vice Mayor

Paulette Burdick
Shelley Vana
Steven L. Abrams
Melissa McKinlay
Priscilla A. Taylor

County Administrator

Verdenia C. Baker

"An Equal Opportunity
Affirmative Action Employer"

March 25, 2016

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

**RE: Round 2016-C
SW Corner of Atlantic Avenue and State Road 7
Policy 3.5-d Review**

Dear Bryan:

Palm Beach County Traffic Division has reviewed the Traffic Statement for the proposed Future Land Use Amendment for the above referenced project, revised December 2, 2015, 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:	SW Corner of Atlantic Ave & SR 7
PCN:	00-42-43-27-05-067-0013
Size:	5.11 acres
Existing FLU:	Agriculture Reserve (AGR)
Exist. Zoning:	Agriculture Reserve (AGR)
Exist. Use:	Vacant
Exist. Potential:	2012 SF General Office, 12 Fueling Positions, 5,000 SF Convenience Store and 1 Carwash Lane
Proposed FLU:	Commercial Low (CL)
Prop. Zoning:	Commercial General (CG)
Max Potential:	44,518 SF General Commercial
Prop Dev Potential:	40,000 SF General Commercial
Prop. Daily Trips:	1,914
Prop. PH Trips:	19 (12 / 7) AM and 166 (80 / 86) PM
Net Daily Trips:	-237
Net PH Trips:	-156 (-78 / -78) AM and 1 (-3 / 4) PM

Based on the review, the Traffic Division has determined the proposed amendment meets Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan at the proposed FLU designation at the voluntary restricted intensity.

Please contact the Traffic Division at (561) 684-4030 with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Quan Yuan".

Quan Yuan, P.E.
Professional Engineer – Traffic Division

QY:saf

ec: Addressee
Quazi Bari, P.E. – Professional Engineer, Traffic Division
Dominique Simeus, E.I. – Project Coordinator II, Traffic Division
Lisa Amara – Senior Planner, Planning Division
Steve Bohovsky – Technical Assistant III, Traffic Division

File: General – TPS Gen.
f:\traffic\development review\comp plan\16-c\sw corner of atlantic ave & sr 7-r.docx

Exhibit 6
Water & Wastewater Provider LOS Letter



**Water Utilities Department
Engineering**

P. O. Box 16097
West Palm Beach, FL 33416-6097
(561) 493-6000
Fax: (561) 493-6085
www.pbcwater.com

**Palm Beach County
Board of County
Commissioners**

Shelley Vana, Mayor
Mary Lou Berger, Vice Mayor
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Paulette Burdick
Steven L. Abrams
Melissa McKinlay
Priscilla A. Taylor

County Administrator

Verdenia C. Baker

*"An Equal Opportunity
Affirmative Action Employer"*

October 29, 2015

WGI
400 Columbia Drive
Suite 110
West Palm Beach, FL 33409
Attn: Ms. Courtney O'Neill

RE: Property on SW corner of Atlantic Avenue and SR7
FLUA Submittal
Utility Confirmation Letter
Your Request Dated 10/28/2015

Dear Ms. O'Neill,

This is to confirm that Palm Beach County Water Utilities Department (PBCWUD) is the potable water and wastewater provider for the referenced property. PBCWUD is able to provide the level of service as required.

The nearest water main is located in SR 7 right-of-way, adjacent to the property. The nearest sewer force main is located in Atlantic Ave right-of-way, adjacent to the property.

If you have any questions please call me at (561)493-6122.

Sincerely,

A handwritten signature in blue ink that reads "Adam Galicki".

Adam Galicki
Manager of Technical Services

AG/mb

Exhibit 7

Disclosure of Ownership Interests

PALM BEACH COUNTY - ZONING DIVISION

FORM # 09

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

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

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

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

- Affiant is the [] individual or [] Vice President [position - e.g., president, partner, trustee] of The General Manager, BBC Asset Management, LLC [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
- Affiant's address is: 350 Robbins Lane
Syosset, NY 11791
- 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.
- 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.
- 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.
- 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.

Brid Blumenthal
Brid Blumenthal, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 29th day of Sept., 2015, by Brid Blumenthal, [X] who is personally known to me or [] who has produced _____ as identification and who did take an oath.

Laurie McCaffrey
Notary Public

Laurie McCaffrey
(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: _____

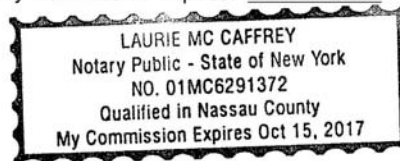


EXHIBIT "A"
PROPERTY

The North 420.00 feet of the West 477.80 feet of Tract 1, Block 67 of THE PALM BEACH FARMS COMPANY PLAT NO. 3, as recorded in Plat Book 2, Page 45 to 54 inclusive, Palm Beach County Records.

TOGETHER WITH:

A portion of Tract 1, Block 67 of THE PALM BEACH FARMS COMPANY PLAT NO. 3, according to the plat thereof, as recorded in Plat Book 2, Page 45 of the Public Records of Palm Beach County, Florida, lying in Section 24, Township 46 South, Range 41 East, Palm Beach County, Florida, being more particularly described as follows :

Commence at a found Palm Beach County Brass Cap marking the Northwest corner of Section 19, Township 46 South, Range 42 East; thence South 88°44'06" West along the North line of said Section 24, a distance of 6.77 feet to a point on the Baseline of Survey for State Road 7 (U.S. 441) as shown on the Florida Department of Transportation Right of Way Map for Section 93210-2515; thence South 00°18'44" East along said Baseline of survey, a distance of 2.58 feet; thence South 00°39'54" East continuing along said Baseline of Survey, a distance of 57.24 feet; thence South 89°20'06" West at right angles to the last described course a distance of 235.08 feet to a point on the Westerly Existing Right of Way line for said State Road 7 (U.S. 441): as shown on the Florida Department of Transportation Right of Way Map for Section 93210-2515 and the POINT OF BEGINNING; thence South 00°34'56" East along said Westerly Existing Right of Way line, a distance of 420.01 feet; thence South 89°06'45" West, a distance 51.42 feet; thence North 00°47'54" West, a distance of 420.01 feet; thence North 89°06'45" East along the North line of said Tract 1, a distance of 53.00 feet to the POINT OF BEGINNING.

Containing 2.0680± hectares (5.1103± acres), more or less.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

Name	Address	
Edward Blumenfeld	300 Robbins Lane Syosset, NY 11791	7.200%
Susan Blumenfeld	300 Robbins Lane Syosset, NY 11791	7.200%
Brad Blumenfeld	300 Robbins Lane Syosset, NY 11791	18.000%
David Blumenfeld	300 Robbins Lane Syosset, NY 11791	18.000%
Boxwood Realty Group	300 Robbins Lane Syosset, NY 11791	10.800%
Dogwood Realty Group	300 Robbins Lane Syosset, NY 11791	10.800%
Jonathan E. Cohen	23 Farmstead Lane Brookville Brookville, NY 11545	8.00%
Brookville Consulting Corp	902 Clint Moore Rd. Boca Raton, FL 33487	15.00%

Exhibit 8 Urban Sprawl Analysis

Primary Indicators that an amendment does not discourage urban sprawl	Staff Assessment	Sprawl Indicated?
Criteria Related to Land Use Patterns		
Promotes, allows or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.	This amendment does not promote, allow or designate a substantial area of the County to develop as low-intensity, low-density, or single-use development or uses.	No
Promotes, allows or designates urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban developments.	This amendment does not designate urban development emanating from existing urban development.	No
Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.	This amendment does not discourage or inhibit infill development or the redevelopment of existing neighborhoods and communities.	No
Fails to encourage functional mix of uses.	This amendment will introduce additional commercial uses that are neighborhood serving.	No
Results in poor accessibility among linked or related land uses.	The proposed amendment does not result in poor accessibility among related land uses.	No
Results in the loss of significant amounts of functional open space.	The proposed amendment on this site will not result in the loss of significant amounts of functional open space.	No
Criteria related to sites located outside or at the edge of the Urban Service Area		
Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development	The site is located within in the Agricultural Reserve, a Limited Urban Service Area (LUSA) which allows for a mix of urban and rural levels of service, and therefore, does not promote, allow, or designate a significant amount of urban development to occur in rural areas at substantial distances from existing urban areas.	No
Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems	The property does not contain any environmentally sensitive areas. The site is not within a Wellfield Protection Area.	No
Fails 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.	Although the site has an AGR FLU, the site is not currently in active agricultural production and this amendment will not impact adjacent agricultural areas.	No

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

Exhibit 9 Correspondence

MEMBER COMMUNITIES
Abbey Village
Addison Reserve
Addison Trace
Aspen Ridge
Boca Delray
Bonaire Village
Bridgeview
Bristol Pointe
Camelot Village
Casabella
Cloister Del Mar
Coco Wood Lakes
Country Lake
Crosswinds of Delray
Deauville Village
Delaire Country Club
Delray Harbor Club
Delray Lakes Estates
Delray Villas Plat 1
Delray Villas Plat 4/5
Delray West Townhouses
Emerald Pointe
Evergreen 1
Floral Lakes
Four Seasons
Gleneagles Country Club
Grand Orchid Estates
Greensward Village I
Hamilton House
Hamlet Country Club
High Point of Delray East 1
High Point of Delray East 2
High Point of Delray West 1
High Point of Delray West 2
High Point of Delray West 4
Huntington Lakes Sec 2
Huntington Lakes Sec 3
Huntington Lakes Sec 4
Huntington Lakes Sec 5
Hunters Run Country
Huntington Pointe
Huntington Towers
International Club
Kings Point
Lakes of Delray
Las Verdes
Legacy at Sherwood Forest
Lexington Club
Mizner Country Club
Monterey Lakes
Newport Cove
Oliveleaf
Palm Beach Bath & Tennis
Palm Greens
Pelican Harbor
Pines of Delray
Pine Ridge
Pinewood Cove
Polo Trace Country Club
Rainberry Bay
Rio POCO
Saturnia Isles
Shadywoods
Spanish Wells
Stone Creek Ranch
The Bridges
Tierra Del Rey
Tierra Verde
Tropic Bay
Tropic Isle
Valencia Falls
Valencia Palms
Villa Borghese
Village at Swinton Square
Vizcaya
Waterways
Whisper Walk
Woodlake

Alliance of Delray Residential Associations, Inc.

10290 West Atlantic Avenue #480504
Delray Beach, FL 33448
Phone: 561.495.9670 Fax: 561.495.0888
www.allianceofdelray.com



August 20, 2016

Board of County Commissioners
Att: Mayor Mary Lou Berger
301 North Olive Avenue Suite 1201
West Palm Beach, Fl. 33401

Re: BCC TRANSMITTAL PUBLIC HEARING, AUGUST 22, 2016
Stop and Shop (LGA 2016-023) Application

Dear Mayor Berger:

This letter is written in support of the Stop and Shop (LGA 2016-023) application which proposes a future land use change to Commercial Low with an underlying Agricultural Reserve (CL/AGR) with condition of 0.16 FAR.

The Alliance has met with the applicant's agent and reviewed the request along with a preliminary site plan for the project. The agent has indicated that the applicant will work with the Alliance on details to make the gas station/convenience store/neighborhood commercial elements, located on the State Road 7/441 evacuation route corridor, useful, safe, and aesthetically pleasing for the western communities and visitors to the Agricultural Reserve.

It is understood that this project is located WEST of State Road 7/441, however, the site previously contained a gas station and commercial activities. Residents have been waiting for more than 15 years for this corner to be improved, and since the previous site plan approval, there have been some changes in development rules for the Agricultural Reserve so the 0.16 FAR is not an unreasonable request.

At this time the Alliance does not support any further land use changes to commercial west of State Road 7/441 other than what was delineated during the last two years of Roundtable Discussions. This site was included in those discussions, the FAR requested is commensurate with what other sites have received, and the additional commercial square footage will be contained within the original footprint of this property.

Thank you for your consideration and for all the challenging decisions that you make to serve and protect the residents of and visitors to Palm Beach County.

Sincerely,

Lori Vinikoor

Dr. Lori Vinikoor, Executive Vice President

Bob Schulbaum

Robert Schulbaum, President

Cc: Vice-Mayor Valeche, Commissioners Abrams, Burdick, McKinlay, Taylor, Vana; Planning Dir. Aghemo; Zoning Dir. MacGillis; PZB Dir. Rutter; Cty. Admin. Baker, Assist. Cty. Admin. Outlaw

OFFICERS AND DIRECTORS OF THE ALLIANCE:

Robert Schulbaum, *President*
Lori Vinikoor, *Executive Vice President*
Norma Arnold, *Vice President* Stanley Goodman, *Vice President*
Evelyn Spielholz, *Secretary* Deborah Borenstein, *Treasurer*
Directors: Arnold Katz Carol Klausner Harold Kleiner Phyllis Levine Marianne Weisman Susan Zuckerman
Assistant to the President: Rhoda Greifer *Tech Squad:* Allen Hamlin Ken Markowitz
Legal Counsel: Joshua Gerstin