



FUTURE LAND USE ATLAS AMENDMENT STAFF REPORT AMENDMENT ROUND 25-B

BCC TRANSMITTAL PUBLIC HEARING, MAY 13, 2025

A. Application Summary

I. General Data

Project Name:	Park West Commerce North (LGA 2025-010)
FLUA Summary:	AGR to CMR/AGR
Acres:	50.99 acres
Location:	Northeast corner of Atlantic Avenue and Starkey Road
Project Manager:	Dorian Bellosa, Planner 1
Applicant:	Morningstar Nursery, Inc. (Paul Okean)
Owner:	Morningstar Nursery, Inc. (Paul Okean)
Agent:	JMorton Planning & Landscape Architecture
Staff Recommendation:	Staff recommends approval with conditions based upon the conclusions contained within this report.

II. Assessment & Conclusion

The 50.99 acre subject site is located in the Agricultural Reserve Tier, on the northeast corner of Atlantic Avenue and Starkey Road. The subject site is currently utilized for agricultural. The amendment proposes to change the future land use (FLU) designation from Agricultural Reserve (AGR) to Commerce with an underlying Agricultural Reserve (CMR/AGR) in order allow up to 777,394 square feet (0.35 FAR) for light industrial use. The applicant is proposing to change the zoning from AGR to Multiple Use Planned Development (MUPD). The applicant is proposing a total of 775,546 square feet (0.35 FAR) consisting of 150,000 sf of self-service storage, 30,400 square foot fitness center, 15,000 square feet of manufacturing and processing with 6,000 square feet of taproom, and 533,957 square feet of warehouse with 40,189 square feet of accessory office through the concurrent zoning application. In addition, the applicant is providing a 13.76 acre preserve area that is almost entirely proposed to be utilized for onsite drainage as a water management tract.

The CMR FLU designation established in 2022 affords opportunities for low-trip generating light industrial and/or employment uses, balancing the overarching objectives of the Agricultural Reserve while responding to increased residential growth and the corresponding needs of support services. The proposed amendment is consistent with the Commerce FLU designation criteria established by the Board, and allows for the development of a light industrial use on a parcel fronting Atlantic Avenue in close proximity to commercial and other non-residential uses. Based upon a letter from the Traffic Division dated December 12, 2024 (Exhibit 5), and in order to comply with Future Land Use Element (FLUE) Policy 3.5-d, the County's long range traffic standards, staff is recommending a condition of approval limiting the development of the site based on a maximum number of generated trips. Therefore, staff is recommending approval with conditions.

III. Hearing History

Local Planning Agency: *Denial*, a motion to approve with conditions by Rick Stopek, seconded by Varisa Lall Dass, failed in a 3 to 5 vote (with Raphael Clemente, Rossy Matos, Brian Stenberg, Rick Stopek and Serge D'Haiti dissenting) at the April 11, 2025 public hearing. Commission discussion included comments regarding traffic concerns along Atlantic Avenue and whether the proposal is compatible with the existing agricultural uses in the area. Two members of the public spoke in opposition, both representing Irish Acres, citing that the site was inappropriate for warehouse uses and the proposed use is out of character with the area. Two members of the public spoke in support, including the real estate broker of the subject parcel and a representative of the Alliance of Delray Residential Associations, citing the previous requests on the site and how this proposal is more suitable.

Board of County Commissioners Transmittal Public Hearing:

State Review Comments:

Board of County Commissioners Adoption Public Hearing:

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B. Petition Summary

I. Site Data

Current Future Land Use

Current FLU:	Agricultural Reserve (AGR)
Existing Land Use:	Agriculture
Current Zoning:	Agricultural Reserve (AGR)
Current Dev. Potential Max:	Agricultural uses, up to 333,169 square feet (0.15 FAR)

Proposed Future Land Use Change

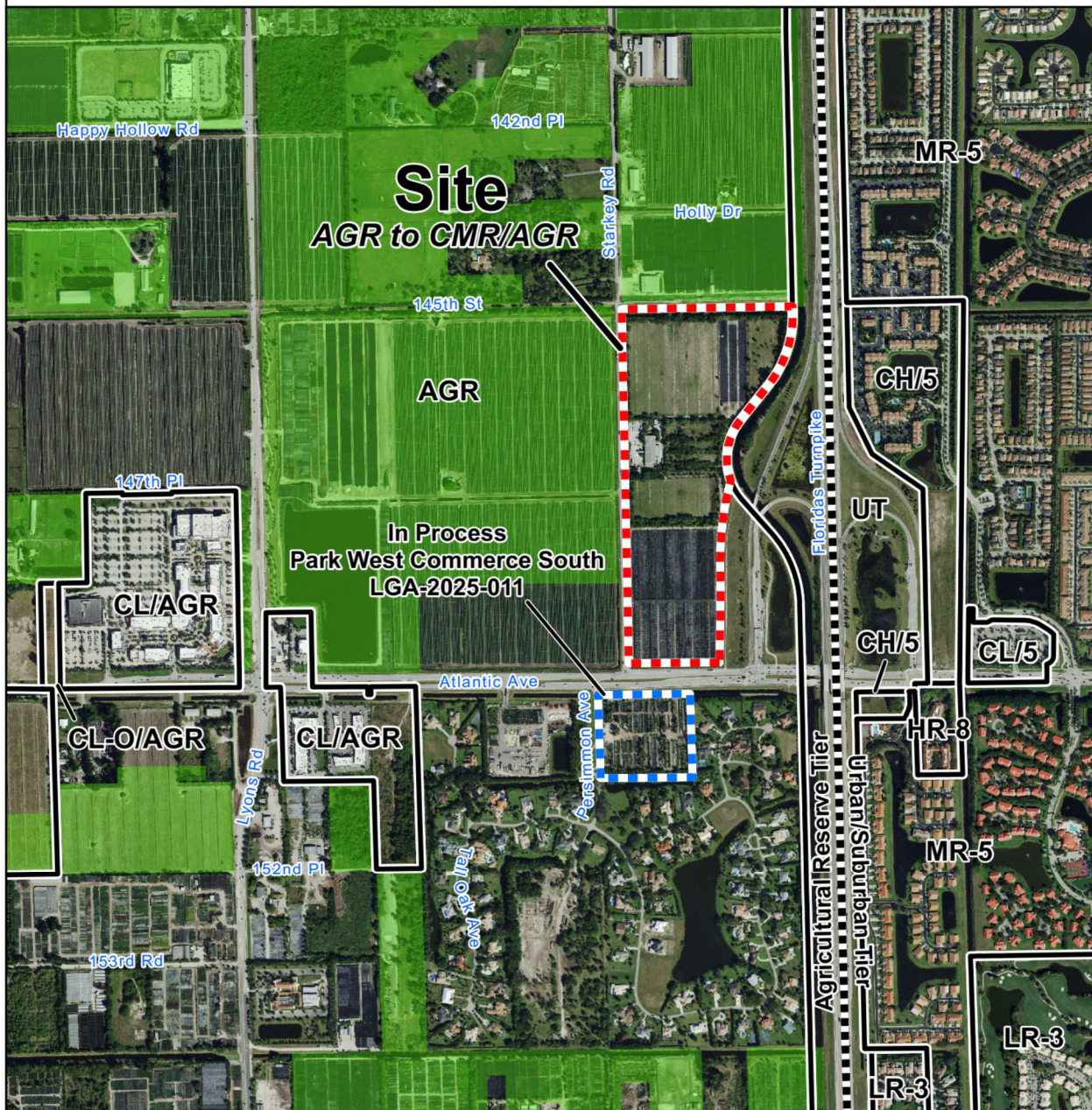
Proposed FLU:	Commerce with an underlying Agricultural Reserve (CMR/AGR)
Proposed Use:	Light Industrial
Proposed Zoning:	Multiple Use Planned Development (MUPD)
Dev. Potential Max/Conditioned:	Light Industrial uses, up to 777,394 square feet (0.35 FAR)

General Area Information for Site

Tier:	Agricultural Reserve Tier – No Change
Utility Service:	Palm Beach County Water Utilities Department
Overlay/Study:	Agricultural Reserve Master Plan
Comm. District:	Maria Sachs, District 5

Future Land Use Atlas Amendment

Park West Commerce North (LGA 2025-010)



Site Data

Size: 50.99 acres
 Existing Use: Agriculture
 Proposed Use: Light Industrial
 Current FLU: AGR
 Proposed FLU: CMR/AGR

Future Land Use Designations

AGR	Agricultural Reserve	LR-3	Low Residential, 3 units/acre
CH/5	Commercial High, underlying MR-5	MLU	Multiple Land Use
CL-O/AGR	Commercial Low-Office, underlying AGR	MR-5	Medium Residential, 5 units/acre
CL/5	Commercial Low, underlying MR-5	UT	Utilities and Transportation
CL/AGR	Commercial Low, underlying AGR		
HR-8	High Residential, 8 units/acre		

Date: 12/20/2024
 Contact: PBC Planning
 Filename: T:Planning/AMEND/25-B
 Note: Map is not official, for presentation purposes only.

 Site
 Amendments in Process
 AGR Preserves
 Tier Boundaries

350 0 350 700 Feet

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



C. Introduction

I. Intent of the Amendment

The 50.99 acre subject site is located in the Agricultural Reserve Tier, on the northeast corner of Atlantic Avenue and Starkey Road.

Background: The subject site currently has agricultural uses. The site was the subject of several amendments, as described below:

- **Morningstar MLU (LGA 2017-008).** In 2017, the site was the subject of a text and future land use atlas (FLUA) amendment. The text amendment included revisions to Agricultural Reserve Tier policies to:
 - Increase the commercial square footage cap;
 - Eliminate the requirement that commercial be located central to the Tier;
 - Add a new mixed use intersection to the Tier;
 - Allow the MLU designation within ¼ mile of the mixed use intersection;
 - Allow a density of 8 units per acre and eliminate the preserve area requirements provided that 40% of the units were developed as workforce housing; and
 - Exempt the site from the long range traffic requirements of FLUE Policy 3.5-d.

The concurrent future land use amendment requested a change from Agricultural Reserve (AGR) to Multiple Land Use with Commercial Low and High Residential, 8 units per acre (MLU, CL & HR-8). The proposed development included 360 multifamily units (7 units per acre), 115 bed Congregate Living Facility, 155,000 square feet of commercial retail and a 130 room hotel. Staff recommended denial as the “proposed amendments essentially rewrite fundamental Agricultural Reserve provisions of the Comprehensive Plan through private text amendments to accommodate the subject site.” The Planning Commission on July 14, 2017 voted 5 to 4 to recommend approval with modifications. The Board of County Commissioners postponed the amendment at the request of the applicant at the July 26, 2017 BCC Hearing. The applicant subsequently withdrew the amendment.

- **Star Key Industrial (LGA 2021-015)** in 2021, the subject site proposed to change the future land use from Agricultural Reserve (AGR) to Industrial (IND) in order to develop up to 999,506 square feet of industrial uses. The applicant withdrew the amendment prior to the scheduling of public hearings.
- **Park West (fka Tenderly Reserve) Text Initiation.** More recently in 2024, a privately proposed text amendment proposed to revise Future Land Use Element (FLUE) policies regarding the Agricultural Reserve Tier, specifically to:
 - Add a third commercial mixed use intersection in the Tier;
 - Allow additional commercial and mixed uses to be located at the intersection of the Florida’s Turnpike and Atlantic Avenue;
 - Establish the Mixed Use Center (MUC) Multiple Land Use (MLU) Option which permits projects to utilize 100% of the residential density (up to 12 units per acre) and commercial intensity calculated over the entire site with design elements and 25% workforce housing onsite;
 - Exempt the site from the commercial square footage cap;

- Require 20% of the total land area over 16 acres to be provided as onsite preserve and allow water management tracts within the preserve area; and
- Exempt the site from the long range traffic requirement within FLUE Policy 3.5-d.

The associated FLUA requested to change the future the land use from Agricultural Reserve (AGR) to Multiple Land Use with Commercial Low, Commerce and 12 units per acre (MLU, CL/CMR/12) on 61.19 acres. The proposed development included 734 multifamily units, a 150 room hotel and 200,000 square feet of commercial retail and office for this site and 100,000 square feet of self-service storage or warehouse/office uses at the southeast corner of Atlantic Avenue and Persimmon Avenue. At the April 12, 2024 public hearing, the Planning Commission recommended denial of the text initiation in an 8 to 0 vote. On November 13, 2024, the applicant withdrew the amendment.

Future Land Use Amendment. The proposed future land use amendment request is to change the designation from Agricultural Reserve (AGR) to Commerce with underlying AGR (CMR/AGR). Currently, the site can be utilized for agricultural uses up to 333,169 square feet (0.15 FAR). The applicant is proposing 777,394 square feet (0.35 FAR) of light industrial uses as allowed by the Unified Land Development Code (ULDC).

Associated Zoning Application. There is a concurrent Zoning application in process (ZV/PDD/CA-2025-00293) to rezone the subject site from Agricultural Reserve (AGR) to Multiple Use Planned Development (MUPD) with a Class A Conditional use for Self-service storage, manufacturing and processing - brewery taproom and Type 2 Variance for 100% overlap of buffers within conservation easement (along north property line). The Control Number is 1985-50131. The site plan submitted in the zoning application (Exhibit 11) proposes 775,546 square feet (0.35 FAR) of light industrial uses including 150,000 sf of self-service storage, 30,400 square foot fitness center, 15,000 square feet of manufacturing and processing with 6,000 square feet of taproom, and 533,957 square feet of warehouse with 40,189 square feet of accessory office. In addition, the applicant is providing a 13.76 acre preserve area that is almost entirely proposed to be utilized for onsite drainage as a water management tract.

II. Background/History

Agricultural Reserve Tier Background

In 1999, the County adopted the Managed Growth Tier system to recognize the County's diverse geographic regions and lifestyles by establishing tiers that have common densities/intensities and public service availability. The subject site is located within the Agricultural Reserve Tier, an area established to support very low residential density, as well as agricultural operations and equestrian uses. The Agricultural Reserve Tier consists of approximately 22,000 acres. The Agricultural Reserve Tier is located in the southern portions of the County between Florida's Turnpike and the Arthur R. Marshall National Wildlife Refuge.

The purpose of the Agricultural Reserve Tier is described in the Comprehensive Plan as Objective 1.5 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 primarily low densities and non-residential*

development limited to uses serving the needs of farmworkers and residents of the Tier. The Agricultural Reserve Tier shall be preserved primarily for agricultural use, reflecting the unique farmlands and wetlands within it.

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

A. Pre-Agricultural Reserve Master Plan

There are approximately 64 acres of industrially designated properties fronting the north and south sides of Atlantic Avenue east of State Road 7 that pre-date the Master Plan.

B. Agricultural Reserve Master Plan Industrial Recommendations

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

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

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

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

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

C. Agricultural Reserve Policies – Board Direction

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

Since 2016, there have been many requests for text and/or future land use amendments seeking an industrial type future land use designation in the Agricultural Reserve Tier, which are summarized (in Exhibit 9 and 10). In May 5, 2021, the BCC transmitted a future land use amendment request for industrial in the Tier, known as Sunflower Light Industrial (LGA 2021-016). Staff consistently recommended denial of new Industrial FLU requests as there were no policies in the Comprehensive Plan directing the appropriate uses, locations, and intensity for industrial in the AGR Tier. Under discussion of the item, the BCC directed staff to explore the concept of a new light industrial future land use designation and to return for a workshop to discuss additional industrial future land uses in the Tier. Subsequently, the Board adopted the Sunflower amendment on July 28, 2021 with additional conditions limiting the uses to light industrial.

D. County-Initiated Text Amendment for the Commerce Future Land Use

Following the Board’s direction on May 5, 2021 for staff to explore a new light industrial future land use designation, staff returned to the Board on October 26, 2021 and continuation on November 3, 2021 for a workshop regarding the Agricultural Reserve Tier. The discussion of a new industrial future land use was one of many topics discussed that day. At the workshop, the Board expressed support for the Commerce (CMR) future land use designation within the Tier that would be limited to “light industrial” uses. On February 2, 2022, the Board initiated text amendments to the Comprehensive Plan for staff to proceed with the review and analysis of the new Commerce future land use designation. Subsequently, staff returned on May 4, 2022 with proposed text amendments that included policy guidance for future industrial requests to define the appropriate site attributes for requests to CMR FLU and to add a preserve requirements. The text amendment was transmitted the Board and subsequently adopted on August 25, 2022. Since the adoption of the Commerce FLU in August 2022, there have been several Board discussions concerning the square footage potential of light industrial uses within the Agricultural Reserve. Based on Board direction, a County-initiated amendment is in process to reduce the maximum allowable floor area ratio within the Tier from 0.45 to 0.35, and includes further clarification of existing location criteria. The amendment was transmitted by the Board on May 3, 2023 in a 5 to 2 vote. Subsequently, on August 30, 2023 the Board adopted the revised policies and the 0.35 maximum FAR will apply to new applications requesting the CMR designation.

III. Data and Analysis Summary

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

A. Overview of the Area. West of the Florida's Turnpike, the Atlantic Avenue corridor consists of a mix of future land use designations on the north and south of the road including Agricultural Reserve (AGR) and Commercial Low (CL). Commercial uses are primarily located at the intersection of Atlantic Avenue and Lyons Road. To the south adjacent to the site there are single family homes in the Delray Lake Estates community. Currently, there is one additional amendment in process in the immediate area.

- **Park West Commerce South (LGA 2025-011).** Directly south of the subject site, at the southeast corner of Atlantic Avenue and Persimmon Avenue is an amendment in process to change 9.59 acres of land from Agricultural Reserve (AGR) to Commerce with underlying AGR (CMR/AGR) in order to develop up to 146,209 square feet of light industrial uses. This amendment is scheduled for the April 11, 2025 Planning Commission and May 13, 2025 BCC Transmittal Hearing.

B. Appropriateness of the Amendment. The Commerce FLU designation and implementing policies provide a framework guiding the extent and location of light industrial uses within the Agricultural Reserve Tier. The subject site meets the minimum requirements of the CMR FLU designation (as further discussed later in this report), and allows opportunities for low-trip generating light industrial and/or employment generating uses. The proposed amendment will allow for the development of a light industrial use on a parcel fronting Atlantic Avenue and adjacent to the Florida's Turnpike, within proximity to an established commercial node.

C. Compatibility. The subject site is located in the Agricultural Reserve Tier, on the northeast corner of Atlantic Avenue and Starkey Road. The site currently has agricultural and nursery uses. Parcels located North, West and South of the subject site have agricultural uses. The southwest corner of the site is adjacent to single family homes in the Delray Lake Estates community. In addition, there is existing commercial development at the commercial node located at the intersection of Atlantic Avenue and Lyons Road along with additional parcels with CL and CL-O FLU designations along the corridor. Directly abutting the site to the north and west are preserve parcels which currently support various agricultural uses.

The request is proposing to change the future land use from Agricultural Reserve to Commerce with underlying Agricultural Reserve. The applicant indicates the site will be utilized to support future light industrial uses. The CMR FLU and implementing policies establish specific policy requirements dictating the size, location, frontage and access, thereby guiding where these types of industrial and allowable nonresidential uses may be considered. The submitted site plan shows the light industrial uses located towards Atlantic Avenue with the required preserve located on the north side of the property adjacent to existing preserve parcels and agricultural uses. As the site meets the criteria for CMR FLU and is generally consistent with the development pattern of the corridor, staff finds that the subject request is compatible.

- D. Assessment and Recommendation.** The 50.99 acre subject site is located in the Agricultural Reserve Tier, on the northeast corner of Atlantic Avenue and Starkey Road. The subject site is currently utilized for agricultural. The amendment proposes to change the future land use (FLU) designation from Agricultural Reserve (AGR) to Commerce with an underlying Agricultural Reserve (CMR/AGR) in order to allow up to 777,394 square feet (0.35 FAR) for light industrial use. The applicant is proposing to change the zoning from AGR to Multiple Use Planned Development (MUPD). The applicant is proposing a total of 775,546 square feet (0.35 FAR) consisting of 150,000 sf of self-service storage, 30,400 square foot fitness center, 15,000 square feet of manufacturing and processing with 6,000 square feet of taproom, and 533,957 square feet of warehouse with 40,189 square feet of accessory office through the concurrent zoning application. In addition, the applicant is providing a 13.76 acre preserve area that is almost entirely proposed to be utilized for onsite drainage as a water management tract.

The CMR FLU designation established in 2022 affords opportunities for low-trip generating light industrial and/or employment uses, balancing the overarching objectives of the Agricultural Reserve while responding to increased residential growth and the corresponding needs of support services. The proposed amendment is consistent with the Commerce FLU designation criteria established by the Board, and allows for the development of a light industrial use on a parcel fronting Atlantic Avenue in close proximity to commercial and other non-residential uses. Based upon a letter from the Traffic Division dated December 12, 2025 (Exhibit 5), and in order to comply with FLUE Policy 3.5-d, the County's long range traffic standards, staff is recommending a condition of approval limiting the development of the site based on a maximum number of generated trips. Therefore, staff is recommending approval with conditions.

Exhibits	Page
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2. Consistency with Comprehensive Plan	E-6
3. Applicant's Justification/Consistency with Comprehensive Plan & Florida Statutes	E-16
4. Applicant's Public Facility Impacts Table	E-27
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Exhibit 1

Amendment No:	Park West Commerce North (LGA 2025-010)
FLUA Page No:	98
Amendment:	From Agricultural Reserve (AGR) to Commerce with underlying Agricultural Reserve (CMR/AGR) with conditions
Location:	Northeast Corner of Atlantic Avenue and Starkey Road
Size:	50.99 acres approximately
Property No:	00-42-46-17-01-000-1020, 00-42-46-17-02-000-0370, 00-42-46-17-01-000-0690

Conditions:

1. Development of the site under the CMR future land use designation shall be limited to a maximum of net 5,412 daily trips and net 833 peak hour trips
2. The proposed future land use amendment and the proposed rezoning shall be considered for adoption by the Board of County Commissioners at the same public hearing.



Legal Description

A PORTION OF TRACTS 69, 70, 71, 72, 89, 90, 91, 102, 103, 104, 121, 122 AND 123 IN BLOCK 17, "PALM BEACH FARMS COMPANY PLAT NUMBER 1", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2 AT PAGES 26 THROUGH 28 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, INCLUDING PORTIONS OF "WEST HOMEWOOD TERRACE", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 14 AT PAGE 66 OF SAID PUBLIC RECORDS, ALL LYING IN SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 17; THENCE SOUTH 89°18'03" WEST, ALONG THE SOUTH LINE OF SAID SECTION 17, A DISTANCE OF 1784.90 FEET; THENCE NORTH 00°41'57" WEST, A DISTANCE OF 173.54 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°18'03" WEST, ALONG THE NORTH RIGHT OF WAY LINE OF ATLANTIC AVENUE, AS DESCRIBED IN OFFICIAL RECORDS BOOK 20041 AT PAGE 1878 OF SAID PUBLIC RECORDS, A DISTANCE OF 669.07 FEET; THENCE NORTH 01°07'28" WEST, ALONG A LINE 30.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID TRACTS 121, 104, 89 AND 72, ALSO BEING THE EAST RIGHT-OF-WAY LINE OF STARKEY ROAD, ACCORDING TO OFFICIAL RECORDS BOOK 4325 AT PAGE 1671 OF SAID PUBLIC RECORDS, A DISTANCE OF 2613.98 FEET; THENCE NORTH 89°00'39" EAST, ALONG A LINE 36.96 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 72, A DISTANCE OF 311.08 FEET; THENCE SOUTH 01°07'55" EAST, ALONG THE EAST LINE OF SAID TRACT 72, A DISTANCE OF 1.32 FEET; THENCE NORTH 89°00'39" EAST, ALONG A LINE 38.28 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACTS 69, 70 AND 71, A DISTANCE OF 947.13 FEET (THE LAST THREE DESCRIBED COURSES BEING COINCIDENT WITH THE SOUTH LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-33 CANAL, ACCORDING TO CHANCERY CASE 407, AS RECORDED IN OFFICIAL RECORDS BOOK 6495 AT PAGE 761 OF SAID PUBLIC RECORDS); THENCE SOUTH 01°23'56" EAST, A DISTANCE OF 47.66 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 826.47 FEET AND A CENTRAL ANGLE OF 40°00'00", A DISTANCE OF 576.99 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 38°36'04" WEST, A DISTANCE OF 325.92 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 462.00 FEET AND A CENTRAL ANGLE OF 58°45'38", A DISTANCE OF 473.81 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE TO THE LEFT, AT WHICH THE RADIUS POINT BEARS SOUTH 75°19'36" EAST (THE LAST THREE DESCRIBED COURSES BEING COINCIDENT WITH THE WEST LINE OF THE LAKE WORTH DRAINAGE DISTRICT E-2 CANAL, AS RECORDED IN OFFICIAL RECORDS BOOK 319 AT PAGE 275 OF SAID PUBLIC RECORDS); THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 2394.00 FEET AND A CENTRAL ANGLE OF 16°04'28", A DISTANCE OF 671.64 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 01°24'04" EAST, A DISTANCE OF 131.48 FEET; THENCE SOUTH 00°53'23" WEST, A DISTANCE OF 543.76 FEET TO THE POINT OF BEGINNING (THE LAST THREE DESCRIBED COURSES BEING COINCIDENT WITH THE WEST LINE OF FLORIDA'S TURNPIKE, AS RECORDED IN OFFICIAL RECORDS BOOK 20041 AT PAGE 1878 OF SAID PUBLIC RECORDS).

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA, AND CONTAIN 50.99 ACRES, MORE OR LESS.

FORMERLY KNOWN AS:

PARCEL A:

A PORTION OF TRACTS 69 THRU 72; 89 THRU 92; AND 101 THRU 104, IN SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH FARMS COMPANY PLAT NO. 1, A SUBDIVISION IN PALM BEACH COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 2, PAGE 26; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT CANAL L-33 AND A POINT 15.00 FEET EAST OF THE WEST LINE OF SAID TRACT 72; THENCE N 89°30'37" E ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 1,255.32 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE FLORIDA STATE TURNPIKE, AS DESCRIBED IN MINUTES OF CIRCUIT COURT BOOK 67, PAGE 482; THENCE S 00°58'24" E ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 27.86 FEET TO A POINT OF CURVE; THENCE SOUTHWESTERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE, ALONG THE ARC OF A CIRCULAR CURVE TO THE RIGHT, HAVING A RADIUS OF 826.47 FEET, A CENTRAL ANGLE OF 40°00'00", AN ARC DISTANCE OF 576.98 FEET TO A POINT OF TANGENCY; THENCE S 39°01'36" WEST ALONG SAID WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 325.92 FEET TO A POINT OF CURVE; THENCE SOUTHERLY AND SOUTHEASTERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE, ALONG THE ARC OF A CIRCULAR CURVE TO THE LEFT, HAVING A RADIUS OF 462.00 FEET, A CENTRAL ANGLE OF 80°00'00", AN ARC DISTANCE OF 645.07 FEET TO A POINT OF TANGENCY; THENCE S 40°58'24" E ALONG SAID WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 203.11 FEET; THENCE S 89°22'15" W A DISTANCE OF 992.39 FEET TO A POINT 15.00 FEET EAST OF THE WEST LINE OF SAID TRACT 104; THENCE N 00°37'45" W ALONG A LINE 15.00 FEET EAST OF THE WEST LINES OF SAID TRACTS 104, 89 AND 72, A DISTANCE OF 1,562.97 FEET TO THE POINT OF BEGINNING.

PARCEL B:

A PORTION OF TRACTS 101 THROUGH 104, AND 121 THROUGH 124, IN SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH FARMS COMPANY PLAT NO. 1, A SUBDIVISION IN PALM BEACH COUNTY, FLORIDA; ACCORDING TO THE PLAT THEREOF, RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, IN AND FOR PALM BEACH COUNTY, FLORIDA IN PLAT BOOK 2, PAGE 26; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT 121; THENCE N 89°42'00" E ALONG THE SOUTH LINE OF SAID TRACT 121, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUE N 89°42'00" EAST ALONG THE SOUTH LINE OF SAID TRACTS 121 THROUGH 124, A DISTANCE OF 1271.82 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF FLORIDA STATE TURNPIKE, AS DESCRIBED IN MINUTES OF CIRCUIT COURT BOOK 67, PAGE 482; THENCE N 00°58'24" W ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 559.30 FEET TO A POINT OF CURVE; THENCE NORTHWESTERLY, ALONG THE ARC OF A CIRCULAR CURVE TO THE LEFT, HAVING A RADIUS OF 826.47 FEET, A CENTRAL ANGLE OF 40°00'00", AN ARC DISTANCE OF 576.98 FEET TO A POINT OF TANGENCY; THENCE N

40°58'24" W A DISTANCE OF 122.81 FEET; THENCE S 89°22'15" W A DISTANCE OF 992.39 FEET TO A POINT, 15.00 FEET EAST OF THE WEST LINE OF SAID TRACT 104; THENCE S 00°37'45" E ALONG A LINE 15.00 FEET EAST OF THE WEST LINE OF SAID TRACTS 104 AND 121, A DISTANCE OF 1175.66 FEET TO THE POINT OF BEGINNING.

LESS PARCEL DESCRIBED AS: BEGINNING AT A POINT 21.15 FEET WEST OF THE SOUTHEAST CORNER OF TRACT 124 AS DIMINISHED BY EXISTING RIGHT OF WAY; GO WESTERLY ALONG THE SOUTH LINE OF SAID TRACT FOR A DISTANCE OF 200 FEET; THENCE NORTHERLY AT A 90° ANGLE FOR A DISTANCE OF 559.30 FEET; THENCE GO EASTERLY AT A 90° ANGLE TO THE WEST BOUNDARY LINE OF THE FLORIDA STATE TURNPIKE RIGHT OF WAY; THENCE GO IN A SOUTHERLY DIRECTION ALONG THE WEST BOUNDARY LINE OF THE FLORIDA STATE TURNPIKE RIGHT OF WAY TO THE POINT OF BEGINNING; SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THAT PORTION CONVEYED TO PALM BEACH COUNTY RECORDED IN O.R. BOOK 4325, PAGE 1671, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT:

A PARCEL OF LAND PARTIALLY SHOWN ON SHEETS 2, 11, 12, 18 AND 19 OF THE RIGHT-OF-WAY MAP FOR S.R 806, SECTION NO. 93030-2510 BEING A PORTION OF TRACTS 91, 101, 102, 121, 122, 123 AND 124, PALM BEACH FARMS CO. PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 26, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TOGETHER WITH A PORTION OF LOTS 1 THROUGH 61, INCLUSIVE, OF WEST HOMEWOOD TERRACE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 14, PAGE 66, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, IN SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 17; THENCE SOUTH 89°18'06" WEST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 17 A DISTANCE OF 1180.99 FEET TO THE EXTENDED WESTERLY RIGHT OF WAY LINE OF LAKE WORTH DRAINAGE DISTRICT E-2 CANAL WEST; THENCE NORTH 01°24'01" WEST ALONG SAID EXTENDED WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°18'06" WEST ALONG THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 806 (ATLANTIC AVE.) AND THE SOUTH LINE OF TRACT 123 AND 124 OF SAID PALM BEACH FARMS CO. PLAT NO. 1, A DISTANCE OF 607.52 FEET; THENCE DEPARTING SAID NORTH RIGHT-OF-WAY LINE, NORTH 00°53'26" EAST A DISTANCE OF 687.35 FEET; THENCE NORTH 01°24'01" WEST A DISTANCE OF 131.48 FEET TO A POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2394.00 FEET AND A CENTRAL ANGLE OF 16°04'29" (CHORD=NORTH 06°38'13" EAST, 669.45 FEET); THENCE NORTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 671.62 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT E-2 CANAL WEST, SAID POINT BEING ON A CURVE TO THE LEFT HAVING A RADIUS OF 462.00 FEET AND A CENTRAL ANGLE OF 21°14'25" (CHORD =SOUTH 30°46'49" EAST, 170.29 FEET); THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 171.27 FEET TO A POINT OF TANGENCY; THENCE CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE, SOUTH 41°24'02" EAST A DISTANCE OF 325.91 FEET TO A POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 826.47 FEET AND A CENTRAL ANGLE OF 40°00'00" (CHORD=SOUTH

21°24'01" EAST, 565.34 FEET); THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 576.98 FEET TO A POINT OF TANGENCY; THENCE CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE, SOUTH 01°24'01" EAST A DISTANCE OF 559.30 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH ALL RIGHTS OF INGRESS, EGRESS, LIGHT, AIR, AND VIEW BETWEEN THE GRANTOR'S REMAINING PROPERTY AND ANY FACILITY CONSTRUCTED ON THE ABOVE DESCRIBED PROPERTY.

AND

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 17; THENCE SOUTH 89°18'06" WEST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 17 A DISTANCE OF 1180.99 FEET TO THE EXTENDED WESTERLY RIGHT OF WAY LINE OF LAKE WORTH DRAINAGE DISTRICT CANAL E-2; THENCE NORTH 01°24'01" WEST ALONG SAID EXTENDED WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 30.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 806 (ATLANTIC AVE.) AND THE SOUTH LINE OF TRACT 123 AND 124 OF PALM BEACH FARMS CO. PLAT NO. 1; THENCE SOUTH 89°18'06" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE OF STATE ROAD 806 (ATLANTIC AVE.) AND THE SOUTH LINE OF TRACT 123 AND 124, A DISTANCE OF 607.52 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°18'06" WEST ALONG THE SAID NORTH RIGHT-OF-WAY LINE AND THE SOUTH LINE OF SAID TRACT 121, 122 AND 123 A DISTANCE OF 664.30 FEET TO THE EAST LINE OF THE WEST 30 FEET OF SAID TRACT 121, PURSUANT TO RIGHT-OF-WAY DEED FILED IN OFFICIAL RECORDS BOOK 4325, PAGE 1671 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AS SHOWN ON THE SAID RIGHT-OF-WAY MAP FOR S.R 806, SECTION NO. 93030-2510; THENCE NORTH 01°01'39" WEST ALONG SAID EAST LINE A DISTANCE OF 143.54; THENCE DEPARTING SAID EAST LINE NORTH 89°18'06" EAST A DISTANCE OF 669.10 FEET; THENCE SOUTH 00°53'26" WEST A DISTANCE OF 143.60 FEET TO THE POINT OF BEGINNING.

Exhibit 2

Consistency with Comprehensive Plan

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

A. Consistency with the Comprehensive Plan - General

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

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

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

- “This Property is the ideal location for a light industrial use as it is located at an important transportation node and a major intersection. The proposed industrial project will provide for needed industrial development along a corridor that has developed in a piecemeal pattern which includes institutional, commercial, agricultural, and other industrial development.”
- “All of these changes, and the recent direction from the Board of County Commissioners regarding additional light industrial uses in the Agricultural Reserve signify that additional land and opportunities for light industrial projects are needed and appropriate for properties fronting on State Road 7, Atlantic Avenue and Boynton Beach Boulevard.”
- “Based upon Comprehensive Plan directives, industrial FLU designations and uses should occur at appropriate locations with intensities to satisfy the need for industrial space, provide opportunities for the retention and expansion of industrial and employment based economic activities, and promote economic development.”

Staff Analysis: This policy is the umbrella policy over the entire FLUA amendment analysis and many of the items are addressed elsewhere in this report as identified above. With regards to justification, there are several themes presented by this amendment that are discussed individually.

The subject site has a current development potential of a maximum 333,169 square feet (0.15 FAR) of non-residential uses allowed in the AGR FLU designation. The applicant proposes to change the land use designation to CMR/AGR in order to develop up to 777,394 square feet (0.35 FAR) of light industrial uses.

With regard to the justification, the applicant states that the requested FLU amendment is appropriate as residential and commercial development in the Agricultural Reserve Tier has created a need for light industrial uses to support them, located near the residents and businesses they will serve. Approved Industrial FLUs are primarily located along Atlantic Avenue and limited locations west of State Road 7. The site's location in proximity to non-residential uses with access to Atlantic Avenue allows for the potential of appropriately located light industrial uses which could serve the residents of the Tier.

The established CMR FLU designation and implementing policies provide a framework for the future of light industrial uses within the Agricultural Reserve Tier. The subject site meets the minimum requirements of the CMR FLU designation (as further discussed later in this report), and is located on the northeast corner of Atlantic Avenue and the Florida Turnpike, adjacent to agricultural uses to the north and east, residential uses to the south and in proximity to other non-residential uses along the corridor. Given the information provided, the applicant has provided sufficient justification.

2. **County Directions - FLUE Policy 2.1-g:** *The County shall use the County Directions in the Introduction of the Future Land Use Element to guide decisions to update the Future Land Use Atlas, provide for a distribution of future land uses in the unincorporated area that will accommodate the future population of Palm Beach County, and provide an adequate amount of conveniently located facilities and services while maintaining the diversity of lifestyles in the County.*

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

Direction 2. Growth Management. *Provide for sustainable communities and lifestyle choices by: (a) directing the location, type, intensity, timing and phasing, and form of development that respects the characteristics of a particular geographical area; (b) requiring the transfer of development rights as the method for most density increases; (c) ensuring smart growth, by protecting natural resources, preventing urban sprawl, providing for the efficient use of land, balancing land uses; and, (d) providing for facilities and services in a cost efficient timely manner.*

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

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

Staff Analysis: The County's Managed Growth Tier System is the primary vehicle by which the County Directions are realized. As previously mentioned, the Tier System identifies distinct geographic areas, which together offer lifestyle choices for all residents, and allow for sustainable communities. The intent of the Agricultural Reserve Tier is to preserve and enhance agricultural activity, environmental and water resources, and open space. The adopted Agricultural Reserve provisions implement that objective by limiting development to low densities and requiring clustering, requiring preserve areas, and limiting the location and amount of non-residential development to serve the existing and future residents of the Tier. These provisions primarily promote the "Agricultural and Equestrian Industries" Direction, while balancing this direction with "Livable Communities," "Growth Management," "Land Use Compatibility," and other County directions.

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

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

Staff Analysis: There are no other parcels under the same or related ownership adjacent to the subject site that are not included in the proposed amendment whereby residual parcels would be created. Therefore, the proposed amendment would not constitute piecemeal development.

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

Staff Analysis: The Comprehensive Plan's Introduction and Administration Element defines residual parcels as "a property under the same or related ownership that has been left out of a development area, resulting in a parcel which has limited development options

and connections to surrounding properties.” There are no additional parcels under the same or related ownership that are not included in this amendment. Therefore, the amendment is consistent with this policy.

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

1. **Industrial.** *The Industrial (IND) future land use designation allows the full range of industrial activities ranging from light to heavy industry.*
2. **Economic Development Center.** *The Economic Development Center (EDC) future land use designation is intended to accommodate employment opportunities, research parks, and Employment Centers (as defined by the Introduction and Administration Element). Properties with an EDC designation are intended to be developed as planned developments in order to promote internal circulation and buffering from surrounding land uses. Industrial uses allowed shall be limited to those that demonstrate Light Industrial characteristics.*
3. **Commerce.** *The Commerce (CMR) future land use designation is intended to accommodate light industrial uses to provide an option for low-trip generating non-residential and/or employment generating uses on arterial roadways. Industrial uses allowed shall be limited to those that demonstrate Light Industrial characteristics.*

Staff Analysis: Prior to the adoption of the Commerce future land use designation in 2022, the Comprehensive Plan recognized only two Industrial land use designations – Industrial (IND) and Economic Development Center (EDC). With the addition of the CMR FLU, the Comprehensive Plan now provides a land use designation that allows opportunities for light industrial and limited non-residential uses to locate, subject to criteria.

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

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

Heavy Industrial. *Heavy industrial development’s typical operation may cause or result in the dissemination of dust, smoke, fumes, odor, noise, vibration, light, or other potentially objectionable effects beyond the boundaries of the lot on which the use is conducted. These effects will be minimized through the application of performance standards established in the Unified Land Development Code. Heavy industrial uses include those that engage in the processing, manufacturing, or storage of flammable, hazardous, or*

explosive materials or products, or processes which potentially involve hazardous or commonly recognized offensive conditions. Examples of heavy industrial uses include, but are not limited to, salvage and junkyards, storage of regulated substances, asphalt and concrete mixing and product manufacturing, heavy manufacturing, construction and demolition recycling, and equestrian waste management.

Staff Analysis: The Comprehensive Plan establishes that there are two overall classifications of Industrial uses as provided in Policy 2.2.4-d: Light Industrial and Heavy Industrial. However, only the Industrial future land use designation, which allows the full range of industrial uses, was previously allowed within the Agricultural Reserve Tier. Through the adopted CMR text amendment, this policy now includes specific examples of each Industrial category, further refining what is Light Industrial versus Heavy Industrial. As the CMR FLU is limited to specific nonresidential uses or industrial uses categorized as Light Industrial defined by FLUE Policy 2.2.4-d, and further implemented in the ULDC in Article 4 for the Light Industrial (IL) zoning district or for the MUPD zoning with a CMR designation, the proposed site-specific amendment for a light industrial use is consistent with this policy.

B. Consistency with Agricultural Tier Policies

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

OBJECTIVE 1.5 the Agricultural Reserve Tier

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

Staff Analysis: The primary objective of the Agricultural Reserve Tier is the preservation of agricultural and environmental lands, while allowing for development in a planned manner that is consistent with the Master Plan and associated policies within the Comprehensive Plan that direct the locations and amounts of allowable development. The Tier is located within a Limited Urban Service Area, (LUSA) and the development allowed within the Tier as part of one of the planned development options or on non-residentially designated sites is consistent with the objective of the Agricultural Reserve Tier. The CMR FLU and implementing policies adopted by the Board further refine the various types of allowable industrial uses, and guide the location and extent of future industrial uses within the Agricultural Reserve Tier. The site is located along an urban principal arterial roadway and in close proximity to existing nonresidential uses, consistent with the development pattern of the corridor. In addition, the applicant is proposing to locate the preserve requirement onsite that consists primarily of a water management tract (drainage) which is consistent with allowable uses for CMR preserves.

- Industrial in the Ag Reserve Tier – FLUE Policy 1.5-v:** *The County shall foster employment opportunities in the Agricultural Reserve Tier by allowing light industrial uses*

at appropriate locations adjacent to specified roadways to provide a balance of land uses for current and new residents of the Tier. All new future land use amendments requesting industrial type uses in the Agricultural Reserve Tier shall meet the following requirements:

- 1. Limited to the Commerce (CMR) future land use designation;*
- 2. Located with frontage and access on State Road 7 (north of Rio Grande Avenue), Atlantic Avenue, Boynton Beach Boulevard or have access to these roadways through an existing commercial or industrial site. Sites located west of State Road 7 along the Boynton Beach Boulevard (100th Street South) and Atlantic Avenue corridors must share a common border with a property with commercial or industrial future land use;*
- 3. Be accompanied by a concurrent zoning application and conceptual site plan in order to demonstrate that the proposal meets the design, scale, and character requirements of the Tier;*
- 4. Have a minimum of 3 acres and a maximum of 50 acres (with the exception of lands dedicated to rights of way); and*
- 5. Preserve shall be required for Commerce sites utilizing Light Industrial, Multiple Use Planned Development, or Planned Industrial Park Development zoning pursuant to FLUE Policy 1.5.1-q, subject to the following exceptions:*
 - a. The preserve area requirements shall be based upon the acreage over 16 acres, shall be a minimum of 40% of the total land area over 16 acres, and allow water management tracts in preserve areas contiguous to the development area that provide enhanced environmental features and improved water quality as demonstrated through the future land use amendment process.*

Staff Analysis: FLUE Policy 1.5.-v establishes requirements for new industrial future land use requests within the Agricultural Reserve Tier. New applications requesting a FLU amendment to develop industrial uses shall be limited to the Commerce FLU designation only and satisfy the minimum requirements of this policy. The site located with frontage on and has proposed access from Atlantic Avenue. The amendment is accompanied by a concurrent zoning application (ZV/PDD/CA-2025-00293) and site plan as shown in Exhibit 11. The site is a total of 50.99 acres, however when considering the exception of lands dedicated to rights of way, the site is below the 50 acre maximum threshold to apply for the CMR future land use. The site includes a 0.60 acre Right-of-Way dedication for Starkey Road and 0.69 acres for a Lake Worth Drainage District dedication, for a total of 1.29 acres. Thereby resulting in a net site acreage of 49.70. For the preservation requirement, all Commerce future land uses are required to provide a preservation area that equates to forty percent of the site's acreage over 16 acres, minus right of way dedications. As the site is 50.99 acres, the minimum preserve parcel based on information provided shall be approximately 13.48 acres (50.99 acres – 1.29 acres of ROW = 49.70 acres; 49.70 acres – 16 acres = 33.70 acres; 33.70 acres X 40% = 13.48 acres). The site plan submitted in the zoning application indicates 1.29 acres of ROW dedications and a 13.76 acre preserve parcel located on the north area of the site, contiguous to the development area, and adjacent to a preserve area with active agricultural uses. The preserve parcel is proposed to be primarily utilized for drainage as a water management tract. The applicant has provided an environmental statement (see Exhibit 12) to demonstrate the preserve's environmentally enhanced features. Therefore, the amendment meets the minimum requirements of this policy.

C. Compatibility

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

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

North: To the north of the subject site are preserve parcels with an AGR future land use designation. Within the vicinity of the Property are multiple agricultural uses such as equestrian and nurseries. Immediately north of the subject site is a 19-acre wholesale nursery. These parcels have an AGR land use designation.

East: To the east of the site is a Lake Worth Drainage District canal with an Agricultural Reserve (AGR) FLU designation and is within the Agricultural Reserve (AGR) zoning district. East of the Florida Turnpike is the Urban/Suburban Tier with future land use designations including commercial and medium and high residential.

South: To the south of the site are 96 single family homes at a density of 0.74 units per acre, known as Delray Lakes Estates, with an Agricultural Reserve (AGR) FLU and a Residential Estate (RE) zoning district. Located directly south of the site across Atlantic Avenue is an active FLUA amendment named Park West Commerce South (LGA 2025-011) it is a 9.59 acre site located in the Agricultural Reserve Tier. The proposed future land use amendment request is to change the designation from Agricultural Reserve (AGR) to Commerce with underlying AGR (CMR/AGR). The applicant is proposing up to 146,209 square feet (0.35 FAR) of light industrial uses as allowed within the Unified Land Development Code.

West: West of the subject site across Starkey Road is a large property (approximately 130 acres) also designated as preserve area for Valencia Cove. This property is currently utilized for farming row crops. Recently, there was a Zoning Application Z-2023-00850 known as One Mile Property, where the application requested rezoning from the Agricultural Reserve Planned Unit Development (AGR-PUD) zoning district to the Agricultural Reserve (AGR) zoning district, removing the preserve area on 22.07 acres at the northwest corner of Starkey Road and Atlantic Avenue.

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

Applicant’s Comments: The applicant indicates that the proposed amendment is compatible with surrounding uses based on the following:

- “The Property is located at a major transportation node (Atlantic Avenue & Florida Turnpike). Atlantic Avenue is currently developed with a mix of industrial, commercial, residential and agricultural uses. The proposed industrial use will provide for additional services along this important east-west corridor of the Agricultural Reserve and Palm

Beach County. On this basis, the proposed development concept at this location is determined to be compatible.”

- “The proposed use is consistent with the existing development pattern and adjacent uses that have occurred along the Atlantic Avenue corridor.”

Staff Analysis: The subject site is located in the Agricultural Reserve Tier, on the northeast corner of Atlantic Avenue and Starkey Road. The site currently has agricultural and nursery uses. Parcels located North, West and South of the subject site have agricultural uses. The southwest corner of the site is adjacent to single family homes in the Delray Lake Estates community. In addition, there is existing commercial development at the commercial node located at the intersection of Atlantic Avenue and Lyons Road along with additional parcels with CL and CL-O future land use designations along the corridor. Directly abutting the site to the north and west are preserve parcels which currently support various agricultural uses.

The request is proposing to change the future land use from Agricultural Reserve to Commerce with underlying Agricultural Reserve. The applicant indicates the site will be utilized to support future light industrial uses. The CMR FLU and implementing policies establish specific policy requirements dictating the size, location, frontage and access, thereby guiding where these types of industrial and allowable nonresidential uses may be considered. The submitted site plan shows the light industrial uses located towards Atlantic Avenue with the required preserve located on the north side of the property adjacent to existing preserve parcels and agricultural uses. As the site meets the criteria for CMR FLU and is generally consistent with the development pattern of the corridor, staff finds that the subject request is compatible.

D. Consistency with County Overlays, Plans, and Studies

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

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

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

Staff Analysis: The subject site is not located within a Neighborhood Plan recognized by FLUE Policy 4.1-c of the Comprehensive Plan. However, it is located within the Agricultural Reserve which is the subject of the Agricultural Reserve Master Plan for which policies have been adopted in the Comprehensive Plan in 2001 in order to implement the Master Plan recommendations. Since 2001 there have been numerous amendments to the Agriculture Reserve Tier policies.

E. Public Facilities and Services Impacts

The proposed amendment will change the future land use designation from Agricultural Reserve to Commerce with an underlying Agricultural Reserve (CMR/AGR). The maximum intensity is based on the proposed change to allow up to 777,394 square feet (0.35 FAR) for light industrial use. 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.), Traffic (Engineering), Historic Resources (PBC Archeologist), Parks and Recreation, Health (PBC Dept. of Health), Community Services (Health & Human Services) and the School District.

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

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

Staff Analysis: The Traffic Division reviewed this amendment at a proposed 777,394 square feet of Light Industrial. According to the County’s Traffic Engineering Department (see letter dated December 12, 2024 in Exhibit 5, the amendment would result in an increase of 3,974 net daily trips and 1,754 (702/1,052) AM and 847(338/509) PM peak hour trips.

The Traffic letter concludes “Based on the review, the Traffic Division has determined that the traffic impacts of the proposed amendment **meet** Policy 3.5-d of the Future Land Use Element of the Palm Beach County Comprehensive Plan at the **proposed potential** densities shown above based on the condition that the proposal shall be limited to the proposed development potential or equivalent trips. Moreover, the segment below, on which the development has a significant impact, is projected to **fail Test 2 regulations**. Which then states a condition “a. Atlantic Avenue from Florida’s Turnpike to Hagen Ranch Road as 4LD facility.” To address this failure, the Developer must submit a concurrent Zoning application, agree to make proportionate share payments for the necessary improvements and enter into a proportionate share agreement with the County.

The Traffic Study dated December 5, 2024 was prepared by Simmons and White, Bryan Kelley, P.E. Traffic studies and other additional supplementary materials for site-specific

amendments are available to the public on the PBC Planning web page, <https://discover.pbcgov.org/pzb/planning/Pages/Active-Amendments.aspx>.

II. Public and Municipal Review

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

- A. Intergovernmental Coordination:** Notification of this amendment was sent to the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC) for review on March 20, 2025.
- B. Other Notice:** Public notice by letter was mailed to the owners of properties within 500 feet of the site on March 20, 2025. On the same date, several interested parties were also notified by mail including the Alliance of Delray Residential Association, Coalition of Boynton West Residential Associations, Delray Lake Estates Homeowners Association, Waterways at Delray Homeowners Association, Valencia Cove Homeowners Association, Valencia Bay Homeowners Association, Valencia Sound Homeowners Association, Mizner Country Club Master Associations, Four Seasons at Delray Beach HOA, Saturnia Isles Homeowners Association, Stone Creek Ranch HOA, and other amendments related to the Agricultural Reserve Tier, were provided to the Agricultural Reserve email list of interested parties via email on March 7, 2025.

Exhibit 3

Applicant's Justification/Consistency with Comprehensive Plan

Introduction

On behalf of the Applicant, JMorton Planning & Landscape Architecture is requesting a Comprehensive Plan Future Land Use Atlas amendment for a 50.995 gross acre (49.71 net acre) property located at the northwest corner of the intersection of Atlantic Avenue and the Florida Turnpike ("Property").

I. PROPOSED FLUA MAP AMENDMENT

The Applicant is proposing to amend the Future Land Use designation from Agricultural Reserve (AGR) to Commerce, with an underlying Agricultural Reserve (CMR/AGR).

Description of Site Vicinity

The Property is located on the northwest corner of Atlantic Avenue and the Florida Turnpike. The Property has a Future Land Use designation of Agricultural Reserve. Within the vicinity of the Property are multiple agricultural uses including row crops and a nursery. To the east of the Property and the Florida Turnpike is the Urban/Suburban Tier. To the west of the Property is agriculture land that is partially encumbered as a preserve parcel. Further to the West along the Atlantic Avenue corridor are several commercial and industrial uses including a self storage facility, Plaza Delray, Delray MarketPlace, Legent of Delray Medical, West Atlantic Business Plaza, and Mountain Business Plaza. Other significant projects along the Atlantic Avenue corridor include the multi-family residential project known as Reserve at Atlantic.

Land uses directly abutting the Property include the following:

Adjacent Property	Land Use Designation	Zoning Designation	Existing Use	Control Number
North	Agricultural Reserve (AGR)	AGR-Planned Unit Development (Preserve) & Agricultural Reserve (AGR)	AGR Planned Unit Development – Preserve Parcel - Agriculture Uses	2004-369 & 2005-323
South	Agricultural Reserve (AGR) (Proposed Commerce) & Agricultural Reserve (AGR)	Agricultural Reserve (AGR) (Proposed MUPD) & Residential Estate (RE)	Nursery (Proposed warehouse with accessory office) & single family residential (Delray Lakes Estates)	1997-120 & 1979-031
East	Agricultural Reserve (AGR), Utilities & Transportation (U/T), & Commercial Low, with an underlying 5 units per acre (CL/5)	Agricultural Reserve (AGR) & Planned Unit Development (PUD)	Atlantic Avenue Turnpike Interchange Corridor, Atlantic Commons PUD (55,000 SF of government office, 395 multi-family units & 455 Zero Lot Line Units – 5.14 du/acre)	2004-525
West	Agricultural Reserve (AGR)	AGR-Planned Unit Development (Preserve) & Agricultural Reserve (AGR)	Agriculture Uses & AGR Planned Unit Development – Preserve Parcel - Agriculture Uses	2004-369, 2012-147, & 2023-016

History

The Agricultural Reserve Master Plan was originally developed and adopted to preserve and enhance agricultural activity and environmental and water resources in the Ag Reserve. Since the adoption of the Ag Reserve Master Plan, numerous residential developments have been built and the number of residents living within the boundaries of the Ag Reserve has significantly increased. The needs of those residents as well as good planning practices, have spurred additional changes in the Ag Reserve. These changes included increasing the commercial square footage cap to allow for additional smaller commercial projects, allowing 5-acre standalone preserve parcels, allowing smaller commercial projects to develop without the need to provide preserve acreage, approval of small industrial properties on the west side of State Road 7, allowing the development of self-storage facilities by exempting those uses from the commercial square footage cap, allowing Congregate Living Facilities within the Agricultural Reserve, the creation of the Commerce Future Land Use designation for light industrial uses, and the creation of a new Essential Housing Residential Future Land Use category for multi-family 60/40 development. Most recently comprehensive plan map amendments have been approved to allow for the development of a commerce development, multi-family residential development, and continuing care facility for 3 properties located on the north and south sides of Boynton Beach Boulevard, immediately west of the Florida Turnpike.

The Applicant is providing a 13.48 acre preserve area which is 40% of the net site area minus the 16 acre minimum size requirement. See calculations below:

Total Site Area	51 acres
<u>LWDD and ROW Dedication</u>	<u>-1.29 acres</u>
Net Site Area	49.71 acres
<u>Minimum acres</u>	<u>- 16 acres</u>
Acreage Utilized for Calculation	33.71 acres
40% Required Preserve Area	13.48 acres

G.1 Justification

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

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

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

An Industrial future land use corridor currently exists along Atlantic Avenue between State Road 7 and Half Mile Road/Smith Sundry Road. Much of that property within the industrial corridor has received approvals for industrial uses. There are a couple properties that are developed with non-industrial uses such as the Lady Queen of Peace Church on the south side of Atlantic and the tree nursery on the north side of Atlantic Avenue. The Board of County Commissioners has previously stated that there is a shortfall of industrially viable property within Palm Beach County. According to a report prepared by Marcus & Millchap, "Palm Beach County is among the tightest industrial markets in the country. A bevy of demographic trends come together to support the local industrial market. First, the county boasts the fastest rate of population growth among the South Florida markets, which is supporting household growth that nearly triples the national average. Many of these households are formed by retirees moving from colder climates or acquiring a winter retreat. Retirees also have a

disproportionate level of discretionary income, which encourages spending and ultimately demand for industrial space. The local workforce also continues to grow, including the construction sector, which is building homes in the market to keep pace with household growth. Construction companies use a significant amount of industrial space and play a key role in generating the low vacancy Palm Beach County enjoys. New development of industrial space will accelerate this year, though sufficient pent-up demand will keep vacancy trending lower.”

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

As previously discussed, the Atlantic Avenue corridor has changed significantly over that last 20 years. A Traditional MarketPlace (Delray MarketPlace) was approved and developed at the northwest corner of Atlantic Avenue and Lyons Road. Additional commercial projects were approved at the southeast corner of Atlantic Avenue and Lyons Road, medical and professional offices were approved on the north side of Atlantic Avenue west of the Delray MarketPlace. and most recent, a multi-family residential development was approved at the southeast corner of Atlantic Avenue and Smith Sundry Road/Half Mile Road. All of these changes have been made to address the shifting demographics and the continued influx of residents into the Agricultural Reserve.

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

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

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

Response *As previously mentioned, significant changes to the original Ag Reserve Master Plan have been approved within the Agricultural Reserve Tier. Changes approved at the Boynton Beach Boulevard and Turnpike interchange which include a Commerce MUPD with a mix of light industrial and recreational uses, a congregate living facility (continuing care residential campus), and multi-family residential development further indicate that the arterial roadway interchanges with the Florida Turnpike within the Agricultural Reserve are important and appropriate for higher intensity development. Finally, residential development continues to grow within the Tier along the Lyons Road corridor north and south of Atlantic Avenue. This rapid rate of growth has created a need for additional services within the Agricultural Reserve Tier.*

While the Boynton Beach Boulevard corridor has been the subject of several recent future land use amendment and rezoning applications, the Atlantic Avenue and Florida Turnpike node has remained unchanged to date. With planned improvements to the road infrastructure in the area,

the proposed Commerce project will bring additional services to the residents of the Agricultural Tier without negatively impacting traffic. The residential developments within the vicinity of Atlantic Avenue do not travel to Boynton Beach Boulevard for services and vice versa. In order to meet the current and future demand for various services by those residents within the Atlantic Avenue corridor, it is anticipated that new development similar to that approved at the Boynton Beach Boulevard and Turnpike will be developed within the next several years as the need continues to increase.

Previously, the Board of County Commissioners has approved the adoption of multiple Future Land Use Amendments for light industrial uses along the State Road 7 corridor including: Homrich Nursery, LAS Farms, Sunflower Industrial, Connolly Commerce, EJKJ Industrial, BBX Park, Bedner Oaks Commerce, and Bedner-Lee Industrial. All of these changes, and the recent direction from the Board of County Commissioners regarding additional light industrial uses in the Agricultural Reserve signify that additional land and opportunities for light industrial projects are needed and appropriate for properties fronting on State Road 7, Atlantic Avenue and Boynton Beach Boulevard.

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

Response: *The characteristics of the area have changed significantly since the 1989 Comprehensive Plan was adopted. The Agricultural Reserve Master Plan originally intended that more intense uses and development would occur at nodes within the Tier. The Master Plan further intended for lower density residential to develop outside of the higher intensity core eventually transitioning to the Agricultural Preserve parcels. This development pattern has not occurred, rather development is disconnected as residential and non-residential development leapfrog with preserve parcels throughout the entire Agricultural Reserve.*

As discussed above, the characteristics of the Atlantic Avenue corridor have changed. A Traditional MarketPlace (Delray MarketPlace) was approved and developed at the northwest corner of Atlantic Avenue and Lyons Road. Additional smaller commercial uses were approved at the southeast corner of this intersection and radiating to the west of the Delray MarketPlace along the north side of Atlantic Avenue to accommodate the increasing number of families with children moving into the Agricultural Reserve. The County has recognized the pre-existing industrial corridor on Atlantic Avenue between Smith Sundry Road/Half Mile Road and State Road 7 with approval of multiple rezoning applications and site plan approvals. Most recently, a multi-family residential project was approved to accommodate the growing need for workforce and more attainable housing for the residents of Palm Beach County and those working within the Agricultural Reserve. All of these changes have been made to address the increasing demands of the residents who continue to move into the Agricultural Reserve.

The residential, industrial, and commercial development that has been constructed within the central part of the Tier along Boynton Beach Boulevard, Atlantic Avenue, and Lyons Road has forced several agricultural operations to relocate. The Alderman Farms Packing Plant relocated from the northeast corner of Boynton Beach Boulevard and Lyons Road to the west side of State Road 7 after approval of the CobbleStone Commons retail plaza. The Thomas Packing Plant, located at the northeast corner of Clint Moore Road and State Road 7, closed and relocated out of the area after approval of the comprehensive plan amendment removing that property from the Agricultural Reserve Tier and designating it as Commercial Low, with an underlying 2 units per acre (CL/2). Mazzone Farms was sold last year for the development of a continuing care facility on the south side of Boynton Beach Boulevard west of the Turnpike. Most recently, Whitworth Farms was sold to GL Homes and is now being developed with another single family community.

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

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

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

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

d. Inappropriateness of the adopted FLU designation.

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

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

Response: *N/A*

G.2 Residential Density Increases

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

G.3 Compatibility

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

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

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

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

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

G.4 Comprehensive Plan

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

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

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

Response: Approval of this proposed FLU amendment will allow for the development of a light industrial project. Industrial designations are typically employment generators and encourage

economic development opportunities. Residential development in the Agricultural Reserve has been growing substantially without the service and job opportunities needed to protect livable communities and contribute to an overall balanced growth trend. Residents of the Agricultural Reserve continue to travel outside of the Tier for necessary services such as employment, shopping, medical needs, restaurants, etc. The proposed FLU amendment will bring additional job opportunities to the Agricultural Reserve Tier catering to the residents of the Tier thus enhancing the quality of life for those that have chosen to live within the western Delray Beach area.

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

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

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

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

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

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

of residents and visitors; and, the need to provide cost effective services based on the existing or future land uses.”

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

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

- **FLUE Policy 1.5-v: “Industrial.** The County shall foster employment opportunities in the Agricultural Reserve Tier by allowing light industrial uses at appropriate locations adjacent to specified roadways to provide a balance of land uses for current and new residents of the Tier. All new future land use amendments requesting industrial type uses in the Agricultural Reserve Tier shall meet the following requirements:
 1. Limited to the Commerce (CMR) future land use designation;
 2. Located with frontage and access on State Road 7 (north of Rio Grande Avenue), Atlantic Avenue, Boynton Beach Boulevard or have access to these roadways through an existing commercial or industrial site. Sites located west of State Road 7 along the Boynton Beach Boulevard (100th Street South) and Atlantic Avenue corridors must share a common border with a property with commercial or industrial future land use;
 3. Be accompanied by a concurrent zoning application and conceptual site plan in order to demonstrate that the proposal meets the design, scale, and character requirements of the Tier;
 4. Have a minimum of 3 acres and a maximum of 50 acres (with the exception of lands dedicated to rights of way); and
 5. Preserve shall be required for Commerce sites utilizing Light Industrial, Multiple Use Planned Development, or Planned Industrial Park Development zoning pursuant to FLUE Policy 1.5.1-q and subject to the following exceptions:
 - a. The preserve area requirements shall be based upon the acreage over 16 acres, shall be a minimum of 40% of the total land area over 16 acres, and allow water management tracts in preserve areas contiguous to the development area that provide enhanced environmental features and improved water quality as demonstrated through the future land use amendment process”

Response: *The proposed FLU amendment to Commerce will meet the requirements of the above referenced policy. The Property’s location at Atlantic Avenue and the Florida Turnpike make it an ideal property for light industrial uses. The proposed project would follow the original intent of the consultants for the Agriculture Master Plan as well as be similar to the project already approved and under construction at the intersection of Boynton Beach Boulevard and the Turnpike. The Property’s net acreage is under the 50 acre maximum threshold per policy (49.71 net acres after public right-of-way and LWDD right-of-way dedications/easements). Additionally, the Property will include the required preserve area on-site.*

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

Response: The proposed FLU amendment to Commerce will allow for the development of employment generating uses. The Property's location at a major transportation node is appropriate for a Commerce designation.

G.5 Florida Statutes

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

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

- Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single use development or uses.
 - **Response:** The applicant is requesting to change the FLU of the Property from AGR to CMR/AGR which will provide additional services along the Atlantic Avenue corridor of the Agricultural Reserve Tier. The Agricultural Reserve is an existing area of low intensity/density and single-use development, however, the proposed amendment will provide uses which will allow for job employment opportunities and provide additional services within the Atlantic Avenue corridor of the Agricultural Reserve Tier similar to what was approved for the intersection of Boynton Beach Boulevard and the Florida Turnpike.
- Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.
 - **Response:** The Property is located in the Agricultural Reserve Tier which is a Limited Urban Service Area (LUSA) and within the Atlantic Avenue corridor which is not rural in nature and urban services such as police, fire rescue and water/wastewater/drainage utilities exist in the immediate area.
- Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.
 - **Response:** The development is not isolated in nature as development surrounds the Property along the Atlantic Avenue corridor. Specifically, commercial uses have been approved and developed at the intersection of Atlantic Avenue and Lyons Road just to the west of the Property. The existing industrial corridor west of Smith Sundry/Half Mile Road is quickly being developed. The proposed development would be considered infill development at a major intersection and transportation node between the intense commercial projects and the Urban/Suburban Tier boundary line along a rapidly changing roadway corridor.
- Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.
 - **Response:** This amendment does not fail to protect and conserve natural resources as the proposed development will have no negative impact on any other significant natural system. The Property does not support any environmentally sensitive areas. No listed species were located on the property and it is located outside of any wellfield protection zone. As required by the ULDC, any native plant material will be addressed during the zoning approval process.

- Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.
 - **Response:** *The Property is located within the Agricultural Reserve Tier. Although it is currently utilized as a nursery, the Property is not designated as a preserve parcel. The Property's location on a major right-of-way, bordered by development to the east is not an optimal location for agricultural uses. The overall development pattern for this corridor has been determined by the recent County approvals and existing uses (commercial, industrial, and residential).*
- Fails to maximize use of existing public facilities and services.
 - **Response:** *Reports and letters are provided with this application to show the availability of roadway capacity, water/sewer service, drainage outfall and fire response. In comparison to other uses that are allowed, it is anticipated that the proposed industrial development will not negatively impact public facilities and services.*
- Fails to maximize use of future public facilities and services.
 - **Response:** *Reports and letters are provided with this application to show the availability of roadway capacity, water/sewer service, drainage outfall and fire response. In comparison to other uses that are allowed, it is anticipated that the proposed industrial development will not negatively impact public facilities and services.*
- Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.
 - **Response:** *Public services and facilities are already available in the immediate vicinity. The proposed amendment will provide for infill development and fit in with the existing land use pattern.*
- Fails to provide a clear separation between rural and urban uses.
 - **Response:** *The Property is located within the Agricultural Reserve Tier which is a Limited Urban Service Area (LUSA). The Property is not adjacent to the Rural Tier therefore, the proposal discourages the proliferation of Urban Sprawl by locating goods, services and employment in close proximity to where people live.*
- Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.
 - **Response:** *This amendment will allow for infill development as development exists both east and west of the Property. The proposed project will serve the current and future needs of the surrounding communities.*
- Fails to encourage a functional mix of uses.
 - **Response:** *Approval of this proposed amendment will allow the development of an industrial use within an area of the County that has historically only been developed with low intensity/density residential development. This industrial project will contribute to a functional mix of uses within the Atlantic Avenue corridor which has been relatively homogeneous in the past.*
- Results in poor accessibility among linked or related land uses.
 - **Response:** *The proposed development will be designed with pedestrian connections as required through the site plan approval process.*
- Results in the loss of significant amounts of functional open space.
 - **Response:** *This amendment does not result in a loss of any functional open space as the subject property is currently not utilized as functional open space.*

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

- Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.

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

Conclusion

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

II. ULDC CHANGES

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

Exhibit 4

Applicant's Public Facilities Table

A. Traffic Information	
See Exhibit 5	
B. Mass Transit Information	
Nearest Palm Tran Route (s)	Route 81 – DLB Crosstown via Atlantic Avenue
Nearest Palm Tran Stop	Stop No. 6409 – Oriole Plaza, located on the east side of Hagen Ranch Road approximately 0.1 miles north of Atlantic Avenue
Nearest Tri Rail Connection	Via Route 81 – Delray Tri-Rail Station (345 S. Congress Avenue, Delray Beach)
C. Portable Water & Wastewater Information	
Potable Water & Wastewater Providers	Palm Beach County Water Utilities Department Service capacity is available for the proposed development.
Nearest Water & Wastewater Facility, type/size	The nearest point of connection is a 42" potable water main, a 16" sanitary sewer force main and a 20" reclaimed water main located within Atlantic Avenue adjacent to the properties.
D. Drainage Information	
The site is located within the boundaries of the Lake Worth Drainage District and South Florida Water Management District C-15 Drainage Basin. Legal positive outfall is available via discharge to the Lake Worth Drainage District L-33 Canal along the north side of the subject parcel.	
E. Fire Rescue	
Nearest Station	Palm Beach County Fire-Rescue Station # 49, located at 12555 Lyons Road
Distance to Site	4.75 miles
Response Time	Average response time 7:50
Effect on Resp. Time	The proposed amendment will increase the response time to 12 minutes for Station # 42.
F. Environmental	
Significant habitats or species	There are no significant habitats or species on the Property. The property is currently used as a nursery.
Flood Zone*	The Property is located in Zone X, which is not a flood zone.
Wellfield Zone*	The Property is not located within a Wellfield Protect Zone.

G. Historic Resources
There are no significant historic resources present on the Property.

Exhibit 5

Traffic Division Letter



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

**Palm Beach County
Board of County
Commissioners**

Maria G. Marino, Mayor

Sara Baxter, Vice Mayor

Gregg K. Weiss

Joel Flores

Marci Woodward

Maria Sachs

Bobby Powell, Jr.

County Administrator

Verdenia C. Baker

"An Equal Opportunity
Affirmative Action Employer"



December 12, 2024

Bryan Kelley, P.E.
2581 Metrocentre Boulevard West, Suite 3
West Palm Beach, Florida 33407

**RE: Park West Commerce North
FLUA Amendment Policy 3.5-d Review
Round 2024-25-B**

Dear Mr. Kelley:

Palm Beach County Traffic Division has reviewed the Land Use Plan Amendment Application Traffic Statement for the proposed Future Land Use Amendment for the above-referenced project, revised on December 5, 2024, 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:	NE corner of Atlantic Avenue and Starkey Road	
PCN:	00-42-46-17-01-000-0690 (others on file)	
Acres:	50.99 acres	
	Current FLU	Proposed FLU
FLU:	Agriculture Reserve (AGR)	Commerce (CMR)/Agricultural Reserve (AGR)
Zoning:	Agricultural Residential (AGR)	Multiple Use Planned Development (MUPD)
Density/ Intensity:	0.15 FAR	0.35 FAR
Maximum Potential:	Nursery (Garden Center) = 5 acres Nursery (Wholesale) = 45.99 acres	Light Industrial = 777,394 SF OR Flex Space – IND FLU = 777,394 SF OR Landscape Services = 50.99 acres
Proposed Potential:	None	Light Industrial = 777,394 SF OR Flex Space – IND FLU = 765,000 SF OR Landscape Services = 25 acres
Net Daily Trips:	4,767 (maximum – current) 3,974 (proposed – current)	
Net PH Trips:	1,754 (702/1,052) AM, 847 (338/509) PM (maximum) 1,053 (674/379) AM, 833 (333/500) PM (proposed)	
* Maximum indicates typical FAR and maximum trip generator. Proposed indicates		



Bryan Kelley, P.E.
December 12, 2024
Page 2

the specific uses and intensities/densities anticipated in the zoning application.

Based on the review, the Traffic Division has determined that the traffic impacts of the proposed amendment **meet** Policy 3.5-d of the Future Land Use Element of the Palm Beach County Comprehensive Plan at the **proposed potential** densities shown above based on the condition that the proposal shall be limited to the proposed development potential or equivalent trips.

Moreover, the segment below, on which the development has a significant impact, is projected to fail Test 2 regulations.

- a. *Atlantic Avenue from Florida's Turnpike to Hagen Ranch Road as a 4LD facility.*

To address this failure, the Developer must submit a concurrent Zoning application, agree to make proportionate share payments for the necessary improvements and enter into a proportionate share agreement with the County.

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

Sincerely,

A handwritten signature in blue ink, appearing to be "DS", is written over a horizontal line.

Dominique Simeus, P.E.
Professional Engineer
Traffic Division

DS:jb

cc:

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

File: General - TPS – Unincorporated - Traffic Study Review
N:\TRAFFIC\Development Review\Comp Plan\25-B\Park West Commerce North.docx

Exhibit 6

Water & Wastewater Provider LOS Letter



**Water Utilities Department
Engineering**

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



**Palm Beach County
Board of County
Commissioners**

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

County Administrator

Verdenia C. Baker

*"An Equal Opportunity
Affirmative Action Employer"*



printed on sustainable
and recycled paper

August 23, 2024

Morton
3910 RCA Boulevard
Palm Beach Gardens, FL 33410

RE: Park West (North)

PCN 00-42-46-17-01-000-0690, 00-42-46-17-01-000-1020, 00-42-46-17-02-000-0370
Service Availability Letter

Dear Ms. Velasco,

This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area. Based on a review of current PBCWUD infrastructure and existing customers within the general vicinity of the referenced property, PBCWUD currently has the capacity to provide the level of service required for the land use amendment from Agricultural Reserve (AGR) to Commerce (CMR) on approximately 50.99 acres.

The nearest point of connection is a 42" potable water main, a 16" sanitary sewer force main and a 20" reclaimed water main located within Atlantic Avenue adjacent to the subject properties.

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

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

Sincerely,

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

Jackie Michels, P.E.
Project Manager

Exhibit 7

Disclosure of Ownership Interests

PALM BEACH COUNTY - ZONING DIVISION

FORM # 9

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

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

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

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

1. Affiant is the ☐ individual or ☒ President [position -
e.g., president, partner, trustee] of Morningstar Nursery, Inc. [name
and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an
ownership interest in real property legally described on the attached Exhibit "A" (the
"Property"). The Property is the subject of an application for Comprehensive Plan
amendment or Development Order approval with Palm Beach County.
2. Affiant's address is: 505 South Flagler
Suite 1100
West Palm Beach, FL 33401
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of
every person or entity having a five percent or greater interest in the Property.
Disclosure does not apply to an individual's or entity's interest in any entity registered
with the Federal Securities Exchange Commission or registered pursuant to
Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County
policy, and will be relied upon by Palm Beach County in its review of application for
Comprehensive Plan amendment or Development Order approval affecting the
Property. Affiant further acknowledges that he or she is authorized to execute this
Disclosure of Ownership Interests on behalf of any and all individuals or entities holding
a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to
reflect any changes to ownership interests in the Property that may occur before the
date of final public hearing on the application for Comprehensive Plan amendment or
Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the
penalties provided by the laws of the State of Florida for falsely swearing to statements
under oath.

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

FURTHER AFFIANT SAYETH NAUGHT.

Paul Okean
 Paul Okean, Affiant
 (Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 3rd day of October, 2024 by _____ (name of person acknowledging). He/she is personally known to me or has produced _____ (type of identification) as identification and did/did not take an oath (circle correct response).

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

Lauren L. McClellan
 (Signature)

My Commission Expires on: 2/28/25

NOTARY'S SEAL OR STAMP



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

EXHIBIT "A"

PROPERTY

See following sheets.

A PORTION OF TRACTS 69, 70, 71, 72, 89, 90, 91, 102, 103, 104, 121, 122 AND 123 IN BLOCK 17, "PALM BEACH FARMS COMPANY PLAT NUMBER 1", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2 AT PAGES 26 THROUGH 28 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, INCLUDING PORTIONS OF "WEST HOMEWOOD TERRACE", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 14 AT PAGE 66 OF SAID PUBLIC RECORDS, ALL LYING IN SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 17; THENCE SOUTH 89°18'03" WEST, ALONG THE SOUTH LINE OF SAID SECTION 17, A DISTANCE OF 1784.90 FEET; THENCE NORTH 00°41'57" WEST, A DISTANCE OF 173.54 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°18'03" WEST, ALONG THE NORTH RIGHT OF WAY LINE OF ATLANTIC AVENUE, AS DESCRIBED IN OFFICIAL RECORDS BOOK 20041 AT PAGE 1878 OF SAID PUBLIC RECORDS, A DISTANCE OF 669.07 FEET; THENCE NORTH 01°07'28" WEST, ALONG A LINE 30.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID TRACTS 121, 104, 89 AND 72, ALSO BEING THE EAST RIGHT-OF-WAY LINE OF STARKEY ROAD, ACCORDING TO OFFICIAL RECORDS BOOK 4325 AT PAGE 1671 OF SAID PUBLIC RECORDS, A DISTANCE OF 2613.98 FEET; THENCE NORTH 89°00'39" EAST, ALONG A LINE 36.96 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 72, A DISTANCE OF 311.08 FEET; THENCE SOUTH 01°07'55" EAST, ALONG THE EAST LINE OF SAID TRACT 72, A DISTANCE OF 1.32 FEET; THENCE NORTH 89°00'39" EAST, ALONG A LINE 38.28 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACTS 69, 70 AND 71, A DISTANCE OF 947.13 FEET (THE LAST THREE DESCRIBED COURSES BEING COINCIDENT WITH THE SOUTH LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-33 CANAL, ACCORDING TO CHANCERY CASE 407, AS RECORDED IN OFFICIAL RECORDS BOOK 6495 AT PAGE 761 OF SAID PUBLIC RECORDS); THENCE SOUTH 01°23'56" EAST, A DISTANCE OF 47.66 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 826.47 FEET AND A CENTRAL ANGLE OF 40°00'00", A DISTANCE OF 576.99 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 38°36'04" WEST, A DISTANCE OF 325.92 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 462.00 FEET AND A CENTRAL ANGLE OF 58°45'38", A DISTANCE OF 473.81 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE TO THE LEFT, AT WHICH THE RADIUS POINT BEARS SOUTH 75°19'36" EAST (THE LAST THREE DESCRIBED COURSES BEING COINCIDENT WITH THE WEST LINE OF THE LAKE WORTH DRAINAGE DISTRICT E-2 CANAL, AS RECORDED IN OFFICIAL RECORDS BOOK 319 AT PAGE 275 OF SAID PUBLIC RECORDS); THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 2394.00 FEET AND A CENTRAL ANGLE OF 16°04'28", A DISTANCE OF 671.64 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 01°24'04" EAST, A DISTANCE OF 131.48 FEET; THENCE SOUTH 00°53'23" WEST, A DISTANCE OF 543.76 FEET TO THE POINT OF BEGINNING (THE LAST THREE DESCRIBED COURSES BEING COINCIDENT WITH THE WEST LINE OF FLORIDA'S TURNPIKE, AS RECORDED IN OFFICIAL RECORDS BOOK 20041 AT PAGE 1878 OF SAID PUBLIC RECORDS).

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA, AND CONTAIN 50.999 ACRES, MORE OR LESS.

FORMERLY KNOWN AS:

PARCEL A:

A PORTION OF TRACTS 69 THRU 72; 89 THRU 92; AND 101 THRU 104, IN SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH FARMS COMPANY PLAT NO. 1, A SUBDIVISION IN PALM BEACH COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 2, PAGE 26; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT CANAL L-33 AND A POINT 15.00 FEET EAST OF THE WEST LINE OF SAID TRACT 72; THENCE N 89°30'37" E ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 1,255.32 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE FLORIDA STATE TURNPIKE, AS DESCRIBED IN MINUTES OF CIRCUIT COURT BOOK 67, PAGE 482; THENCE S 00°58'24" E ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 27.86 FEET TO A POINT OF CURVE; THENCE SOUTHWESTERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE, ALONG THE ARC OF A CIRCULAR CURVE TO THE RIGHT, HAVING A RADIUS OF 826.47 FEET, A CENTRAL ANGLE OF 40°00'00", AN ARC DISTANCE OF 576.98 FEET TO A POINT OF TANGENCY; THENCE S 39°01'36" WEST ALONG SAID WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 325.92 FEET TO A POINT OF CURVE; THENCE SOUTHERLY AND SOUTHEASTERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE, ALONG THE ARC OF A CIRCULAR CURVE TO THE LEFT, HAVING A RADIUS OF 462.00 FEET, A CENTRAL ANGLE OF 80°00'00", AN ARC DISTANCE OF 645.07 FEET TO A POINT OF TANGENCY; THENCE S 40°58'24" E ALONG SAID WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 203.11 FEET; THENCE S 89°22'15" W A DISTANCE OF 992.39 FEET TO A POINT 15.00 FEET EAST OF THE WEST LINE OF SAID TRACT 104; THENCE N 00°37'45" W ALONG A LINE 15.00 FEET EAST OF THE WEST LINES OF SAID TRACTS 104, 89 AND 72, A DISTANCE OF 1,562.97 FEET TO THE POINT OF BEGINNING.

PARCEL B:

A PORTION OF TRACTS 101 THROUGH 104, AND 121 THROUGH 124, IN SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH FARMS COMPANY PLAT NO. 1, A SUBDIVISION IN PALM BEACH COUNTY, FLORIDA; ACCORDING TO THE PLAT THEREOF, RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, IN AND FOR PALM BEACH COUNTY, FLORIDA IN PLAT BOOK 2, PAGE 26; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT 121; THENCE N 89°42'00" E ALONG THE SOUTH LINE OF SAID TRACT 121, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUE N 89°42'00" EAST ALONG THE SOUTH LINE OF SAID TRACTS 121 THROUGH 124, A DISTANCE OF 1271.82 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF FLORIDA STATE TURNPIKE, AS DESCRIBED IN MINUTES OF CIRCUIT COURT BOOK 67, PAGE 482; THENCE N 00°58'24" W ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 559.30 FEET TO A POINT OF CURVE; THENCE NORTHWESTERLY, ALONG THE ARC OF A CIRCULAR CURVE TO THE LEFT, HAVING A RADIUS OF 826.47 FEET, A CENTRAL ANGLE OF 40°00'00", AN ARC DISTANCE OF 576.98 FEET TO A POINT OF TANGENCY; THENCE N 40°58'24" W A DISTANCE OF 122.81 FEET; THENCE S 89°22'15" W A DISTANCE OF 992.39 FEET TO A POINT, 15.00 FEET EAST OF THE WEST LINE OF SAID TRACT 104; THENCE S 00°37'45" E ALONG A LINE 15.00 FEET EAST OF THE WEST LINE OF SAID TRACTS 104 AND 121, A DISTANCE OF 1175.66 FEET TO THE POINT OF BEGINNING.

LESS PARCEL DESCRIBED AS: BEGINNING AT A POINT 21.15 FEET WEST OF THE SOUTHEAST CORNER OF TRACT 124 AS DIMINISHED BY EXISTING RIGHT OF WAY; GO WESTERLY ALONG THE SOUTH LINE OF SAID TRACT FOR A DISTANCE OF 200 FEET; THENCE NORTHERLY AT A 90° ANGLE FOR A DISTANCE OF 559.30 FEET; THENCE GO EASTERLY AT A 90° ANGLE TO THE WEST BOUNDARY LINE OF THE FLORIDA STATE TURNPIKE RIGHT OF WAY; THENCE GO IN A SOUTHERLY DIRECTION ALONG THE WEST BOUNDARY LINE OF THE FLORIDA STATE TURNPIKE RIGHT OF WAY TO THE POINT OF BEGINNING; SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THAT PORTION CONVEYED TO PALM BEACH COUNTY RECORDED IN O.R. BOOK 4325, PAGE 1671, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT:

A PARCEL OF LAND PARTIALLY SHOWN ON SHEETS 2, 11, 12, 18 AND 19 OF THE RIGHT-OF-WAY MAP FOR S.R 806, SECTION NO. 93030-2510 BEING A PORTION OF TRACTS 91, 101, 102, 121, 122, 123 AND 124, PALM BEACH FARMS CO. PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 26, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, TOGETHER WITH A PORTION OF LOTS 1 THROUGH 61, INCLUSIVE, OF WEST HOMEWOOD TERRACE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 14, PAGE 66, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, IN SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 17; THENCE SOUTH 89°18'06" WEST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 17 A DISTANCE OF 1180.99 FEET TO THE EXTENDED WESTERLY RIGHT OF WAY LINE OF LAKE WORTH DRAINAGE DISTRICT E-2 CANAL WEST; THENCE NORTH 01°24'01" WEST ALONG SAID EXTENDED WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89°18'06" WEST ALONG THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 806 (ATLANTIC AVE.) AND THE SOUTH LINE OF TRACT 123 AND 124 OF SAID PALM BEACH FARMS CO. PLAT NO. 1, A DISTANCE OF 607.52 FEET; THENCE DEPARTING SAID NORTH RIGHT-OF-WAY LINE, NORTH 00°53'26" EAST A DISTANCE OF 687.35 FEET; THENCE NORTH 01°24'01" WEST A DISTANCE OF 131.48 FEET TO A POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2394.00 FEET AND A CENTRAL ANGLE OF 16°04'29" (CHORD=NORTH 06°38'13" EAST, 669.45 FEET); THENCE NORTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 671.62 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT E-2 CANAL WEST, SAID POINT BEING ON A CURVE TO THE LEFT HAVING A RADIUS OF 462.00 FEET AND A CENTRAL ANGLE OF 21°14'25" (CHORD =SOUTH 30°46'49" EAST, 170.29 FEET); THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 171.27 FEET TO A POINT OF TANGENCY; THENCE CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE, SOUTH 41°24'02" EAST A DISTANCE OF 325.91 FEET TO A POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 826.47 FEET AND A CENTRAL ANGLE OF 40°00'00" (CHORD=SOUTH 21°24'01" EAST, 565.34 FEET); THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 576.98 FEET TO A POINT OF TANGENCY; THENCE CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE, SOUTH 01°24'01" EAST A DISTANCE OF 559.30 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH ALL RIGHTS OF INGRESS, EGRESS, LIGHT, AIR, AND VIEW BETWEEN THE GRANTOR'S REMAINING PROPERTY AND ANY FACILITY CONSTRUCTED ON THE ABOVE DESCRIBED PROPERTY.

AND

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 17; THENCE SOUTH 89°18'06" WEST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 17 A DISTANCE OF 1180.99 FEET TO THE EXTENDED WESTERLY RIGHT OF WAY LINE OF LAKE WORTH DRAINAGE DISTRICT CANAL E-2; THENCE NORTH 01°24'01" WEST ALONG SAID EXTENDED WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 30.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 806 (ATLANTIC AVE.) AND THE SOUTH LINE OF TRACT 123 AND 124 OF PALM BEACH FARMS CO. PLAT NO. 1; THENCE SOUTH 89°18'06" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE OF STATE ROAD 806 (ATLANTIC AVE.) AND THE SOUTH LINE OF TRACT 123 AND 124, A DISTANCE OF 607.52 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°18'06" WEST ALONG THE SAID NORTH RIGHT-OF-WAY LINE AND THE SOUTH LINE OF SAID TRACT 121, 122 AND 123 A DISTANCE OF 664.30 FEET TO THE EAST LINE OF THE WEST 30 FEET OF SAID TRACT 121, PURSUANT TO RIGHT-OF-WAY DEED FILED IN OFFICIAL RECORDS BOOK 4325, PAGE 1671 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AS SHOWN ON THE SAID RIGHT-OF-WAY MAP FOR S.R 806, SECTION NO. 93030-2510; THENCE NORTH 01°01'39" WEST ALONG SAID EAST LINE

**A DISTANCE OF 143.54; THENCE DEPARTING SAID EAST LINE NORTH 89°18'06" EAST A
DISTANCE OF 669.10 FEET; THENCE SOUTH 00°53'26" WEST A DISTANCE OF 143.60 FEET TO THE
POINT OF BEGINNING.**

EXHIBIT "B"**DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY**

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

Name	Address
Paul Z. Okean	505 South Flagler, Suite 1100, West Palm Beach, FL 33401
Blane M. Okean	505 South Flagler, Suite 1100, West Palm Beach, FL 33401
Alexandra P. Okean	505 South Flagler, Suite 1100, West Palm Beach, FL 33401

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. The site is within a Limited Urban Service area where urban services are provided.	No
Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.	This amendment does not discourage or inhibit infill development or the redevelopment of existing neighborhoods and communities.	No
Fails to encourage functional mix of uses.	This amendment will introduce additional light Industrial uses in an area with primarily Agricultural Reserve FLUs.	No
Results in poor accessibility among linked or related land uses.	The proposed amendment would not result in poor accessibility among related land uses.	No
Results in the loss of significant amounts of functional open space.	The proposed amendment on this site will not result in the loss of significant amounts of functional open space. The site is currently a nursery.	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 to adequately protect adjacent agricultural areas and activities, including silviculture, and including active agricultural and silvicultural activities as well as passive agricultural activities and dormant, unique and prime farmlands and soils.	The proposed amendment may result in compatibility concerns with adjacent agriculture. However with adequate buffering through the zoning process, significant adverse impact could be addressed. Therefore the proposed amendment does not fail to adequately protect adjacent agricultural areas.	No

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.	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 lines are currently available along Atlantic Avenue adjacent to the subject site.	No
Fails to maximize use of future public facilities and services.	The AGR LUSA allows for a mix of urban and rural levels of service. The subject site would maximize the use of future public facilities available in the area and are going to connect to water and sewer service.	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, allows for urban levels of service to 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

Industrial and Commerce Amendment History

Since the adoption of the Master Plan implementing policies in 2001 and the Commerce future land use in 2022, the County has processed several privately proposed future land use amendments for industrial type future land use designations, including the subject request, as summarized below:

Requests for Industrial or Economic Development Center Future Land Use

- **Homrich Commercial (LGA 2016-019).** In 2016, the BCC adopted an amendment to the Future Land Use Atlas on a 13.44 acre site with Agricultural Reserve (AGR) future land use to Commercial Low with an underlying Industrial (CL/IND). The site is located north of Boynton Beach Boulevard, west of State Road 7 (US HWY. 441). A voluntary condition of approval limited development of the site to a maximum of 29,400 square feet of commercial and 197,100 square feet of light industrial uses. Staff recommendation for denial was based in part on a lack of a comprehensive analysis and policy direction considering appropriate locations, uses, extent, and intensity established for new industrial uses in the Tier. At the January 15, 2016 public hearing, the Planning Commission recommended approval of the FLUA in a 7 to 5 vote.
- **West Atlantic Industrial (LGA 2017-017).** In 2017, the BCC denied an amendment to the Future Land Use Atlas on a 2.51 acres parcel from AGR future land use to IND/AGR. The site is located on the south side of Atlantic Avenue, approximately 1,100 feet west of Lyons Road in order to develop up to 47,000 square feet of industrial use. Staff recommended denial due to lack of policy direction for new industrial requests in the Tier and since the establishment of industrial uses mid-block on a small, isolated parcel would not be compatible with surrounding agricultural uses. At the June 16, 2017 public hearing, the Planning Commission recommended denial in a 10 to 1 vote. The amendment was denied by the BCC at the July 26, 2017 Transmittal Hearing.
- **Boynton Technology Park Text (2020).** This privately proposed text amendment for initiation was requesting to allow the Economic Development Center (EDC) future land use in the Tier as a multiple use commercial, industrial and residential Planned Industrial Park Development (PIPD), increase the commercial cap and to allow for 3 units per acre with no preserve requirement and including a workforce housing requirement. The 140 acre site is located on the north and south sides of Boynton Beach Boulevard, adjacent to the Florida's Turnpike. Which also proposed a FLU Amendment to change the Ag Reserve (AGR) future land use designation to Economic Development Center with an underlying 3 units per acre (EDC/3). The 140 acre site is located on the north and south sides of Boynton Beach Boulevard, west of the Florida Turnpike. The site is proposed to include 185,000 square feet of commercial, a 140 room hotel commercial, industrial, and residential pods with the 420 units clustered. At the June 12, 2020 public hearing, the Planning Commission recommended denial of initiation in an 11 to 2 vote. The text initiation was withdrawn by the applicant prior to the June 29, 2020 BCC Transmittal Hearing.
- **Boynton Parc Plaza Text (2021):** This privately proposed text amendment for initiation was requesting to allow the Multiple Land Use future land use designation with Industrial and High Residential, 8 units per acre (MLU, IND/8) in the Tier; provide exemption from preserve requirements; add policy language for a Workplace, Employment & Economic

Development in the Tier; and, add a requirement for workforce housing. The associated FLUA requested to change the future land use from Agricultural Reserve (AGR) to Multiple Land Use with underlying Industrial and High Residential, 8 units per acre (MLU, IND/8). The 47.21-acre site is located on the north side of Boynton Beach Boulevard, west of Florida's Turnpike. At the April 9, 2021 public hearing, the Planning Commission recommended denial of initiation in a 13 to 0 vote. The application was withdrawn by the applicant prior to the May 5, 2021 BCC Transmittal Hearing.

- **Star Key Industrial (LGA 2021-015).** This privately proposed future land use amendment was withdrawn by the applicant on September 30, 2021 prior to scheduling of a Planning Commission hearing. The applicant proposed to change the future land use designation for 50.99 acres of land to change from the AGR future land use designation to IND/AGR in order to develop industrial uses, with a maximum potential of 999,506 square feet (0.45 FAR). The site is located on the north side of Atlantic Avenue, between Starkey Road and the Florida's Turnpike.
- **Sunflower Light Industrial (LGA 2021-016).** The application proposed a future land use amendment for 8.19 acres of land from the AGR future land use designation to IND/AGR in order to develop industrial uses, with a maximum potential of 0.45 floor area ratio (160,540 square feet). The site is located on the west side of State Road 7, approximately a quarter mile south of Atlantic Avenue. At the April 23, 2021 public hearing, the Planning Commission recommended denial in a 6 to 6 vote. The Board adopted the amendment on July 28, 2021 with conditions of approval limiting the site to:
 - Uses shall exclude heavy industrial uses which engage in the basic processing, manufacturing, or storage of flammable, hazardous, or explosive materials or products, or processes which potentially involve hazardous or commonly recognized offensive conditions as described in Future Land Use Element Policy 2.2.4-d of the Palm Beach County Comprehensive Plan; and
 - Uses identified as Commercial in Article 4 of the Unified Land Development Code are prohibited on the site, with the exception of Landscape Service, Self-Service Storage, and accessory uses.
- **Las Farms (LGA 2022-001).** On February 2, 2022, the BCC adopted a future land use amendment request for 6.95 acres of land from the AGR future land use designation to IND/AGR in order to develop industrial uses, with a maximum potential of 136,234 square feet (0.45 FAR). The site is located on the west side of State Road 7, approximately one half mile north of Boynton Beach Boulevard. The amendment was adopted with the same conditions of approval as the Sunflower Light Industrial amendment. At the October 1, 2021 public hearing, the Planning Commission recommended approval in a 9 to 4 vote. At the November 3, 2021 BCC Transmittal public meeting, the board transmitted the amendment. At the February 2, 2023 BCC public hearing, the Board adopted the amendment in a 7 to 0 vote.
- **West Atlantic Industrial Fina (LGA 2022-018).** The application proposed a future land use amendment for 10.11 acres of land from the AGR future land use designation to IND/AGR in order to develop industrial uses, with a maximum potential of 198,176 square feet (0.45 FAR). The site is located on the north side of Atlantic Avenue, approximately one half mile west of State Road 7. The amendment proposed the same conditions of approval as the Sunflower Light Industrial and Las Farms amendments. At the April 8, 2022 public hearing, the Planning Commission recommended denial in an 8 to 1 vote. On May 4, 2022, the BCC denied transmittal of the amendment.

Requests for Commerce Future Land Use (see Exhibit 10 for map)

- **Boynton Land Commerce (LGA 2023-001).** The application proposed a future land use amendment on 15 acres of land from AGR to CMR/AGR in order to develop light industrial uses, with a maximum potential of 294,030 square feet (0.45 floor area ratio). The site is located on the west side of State Road 7, approximately 1.25 miles south of Hypoluxo Road. The Planning Commission recommended denial in a 10 to 0 vote at the October 14, 2022 Planning Commission Hearing. At the November 28, 2022 BCC Transmittal public hearing, the Board denied transmittal of the amendment in a 4 to 3 vote.
- **Morin/Connolly Commerce (LGA 2023-002).** The application proposed a future land use amendment on 3.41 acres of land from AGR to CMR/AGR in order to develop light industrial uses, with a maximum potential of 66,843 square feet (0.45 floor area ratio). The site is located on the west side of State Road 7, approximately 0.20 miles north of Boynton Beach Boulevard. The Planning Commission recommended approval with modifications (limiting site to 30,000 square feet) with a vote of 9 to 0 at the October 14, 2022 public hearing. At the November 28, 2022 BCC Transmittal public hearing, the Board transmitted the amendment in a 7 to 0 vote. At the March 23, 2023 BCC zoning public hearing, the Board adopted the amendment in a 6 to 1 vote.
- **BC Commerce Center (LGA 2023-003).** The application proposed a future land use amendment on 42.71 acres of land from AGR to CMR/AGR in order to develop light industrial uses, with a maximum potential of 925,410 square feet (0.45 floor area ratio). The site is located on the north side of Boynton Beach Boulevard, between Acme Dairy Road and the Florida's Turnpike. The Planning Commission recommended approval with modifications (limiting site to 0.35 floor area ratio) with a vote of 9 to 0 at the January 13, 2023 public hearing. The BCC transmitted this amendment on February 1, 2023 with a condition limiting the site to 719,764 square feet (0.35 floor area ratio). At the August 24, 2023 BCC Zoning public hearing, the Board adopted the amendment in a 7 to 0 vote.
- **EJKJ Industrial (LGA 2023-004).** The application proposed a future land use amendment on 7.93 acres of land from AGR to CMR/AGR in order to develop light industrial uses, with a maximum potential of 155,444 square feet (0.45 floor area ratio). The site is located on the west side of State Road 7, approximately 0.15 miles south of Atlantic Avenue. The Planning Commission recommended approval with modifications with a vote of 8 to 2 at the October 14, 2022 Planning Commission Hearing. At the November 28, 2022 BCC Transmittal public hearing, the Board transmitted the amendment in a 7 to 0 vote. At the August 24, 2023 BCC Zoning public hearing, the Board adopted the amendment in a 6 to 1 vote.
- **SR 7 Business Plaza (LGA 2023-006).** The application proposed a future land use amendment on 40 acres of land from AGR to CMR/AGR in order to develop light industrial uses, with a maximum potential of 784,080 square feet (0.45 floor area ratio). The site is located on the north side of Happy Hollow Road, fronting State Road 7, approximately 0.3 miles west of Smith Sundry Road. The Planning Commission recommended approval with conditions with a vote of 7 to 3 at the November 4, 2022 Planning Commission Hearing. At the November 28, 2022 BCC Transmittal public hearing, the Board transmitted the amendment in a 6 to 1 vote. At the May 25, 2023 BCC Zoning public hearing, the Board adopted the amendment in a 6 to 1 vote with a condition limiting the site to 700,000 square feet of warehouse and 63,000 square feet of general office.

- **LTG Sports Turf (LGA 2023-007).** The application proposed a future land use amendment on 40 acres of land from AGR to CMR/AGR in order to develop light industrial uses, with a maximum potential of 98,280 square feet (0.45 floor area ratio). The site is located on the north side of 100th Street S (Boynton Beach Boulevard), approximately 0.13 miles west of State Road 7. The Planning Commission recommended approval with modifications consisted of an additional condition of approval to limit uses allowed under the proposed Commerce future land use designation to 30,000 square feet, with a vote of 9 to 1 at the October 14, 2022 Planning Commission Hearing. At the November 28, 2022 BCC Transmittal public hearing, the Board transmitted the amendment in a 7 to 0 vote. At the March 23, 2023 BCC zoning public hearing, the Board adopted the amendment in a 6 to 1 vote.
- **Bedner's Market (LGA 2024-003) and Text.** This privately proposed future land amendment requested to change the future land use designation from Agricultural Reserve (AGR) to Commerce with an underlying Agricultural Reserve (CMR/AGR) in order to develop light industrial uses with up to 213,444 square feet (0.35 FAR) of warehouse office uses on two sites located west of State Road 7 on the north and south sides of Lee Road. This amendment also requested a text amendment to revise the Comprehensive Plan to define Agriculture Marketplace and allow the use within the preserve area of an AGR-MUPD for Agriculture Marketplaces approved prior to May 31, 2013. The planning commission recommended denial with a vote of 7 to 4 vote at the October 13, 2023. At the August 22, 2024 BCC public hearing, the Board adopted the amendment in a 5 to 1 vote.
- **Olympus MUPD f.k.a Gold Coast Logistics (LGA 2024-04) and Text.** In 2023, the applicant submitted a privately proposed text amendment requesting to revise a Future Land Use Element policy 1.5-v to allow sites north of La Reina Road (instead of Rio Grande Avenue) on State Road 7 in the Agricultural Reserve Tier to be eligible for the Commerce future land use designation. The text amendment was initiated by the Board of County Commissioners on May 3, 2023. Subsequently, the property owner submitted a FLUA amendment request for a change from AGR to CMR/AGR in order to develop light industrial uses, with a maximum potential of 96,507 square feet (0.35 FAR). The Planning Commission recommended denial of the FLUA and text amendment with a vote of 12 to 0 at the September 8, 2023 hearing. The applicant ultimately withdrew the request at the November 1, 2023 BCC Transmittal Hearing.

Exhibit 10 Agricultural Reserve Commerce FLUA Amendments Map

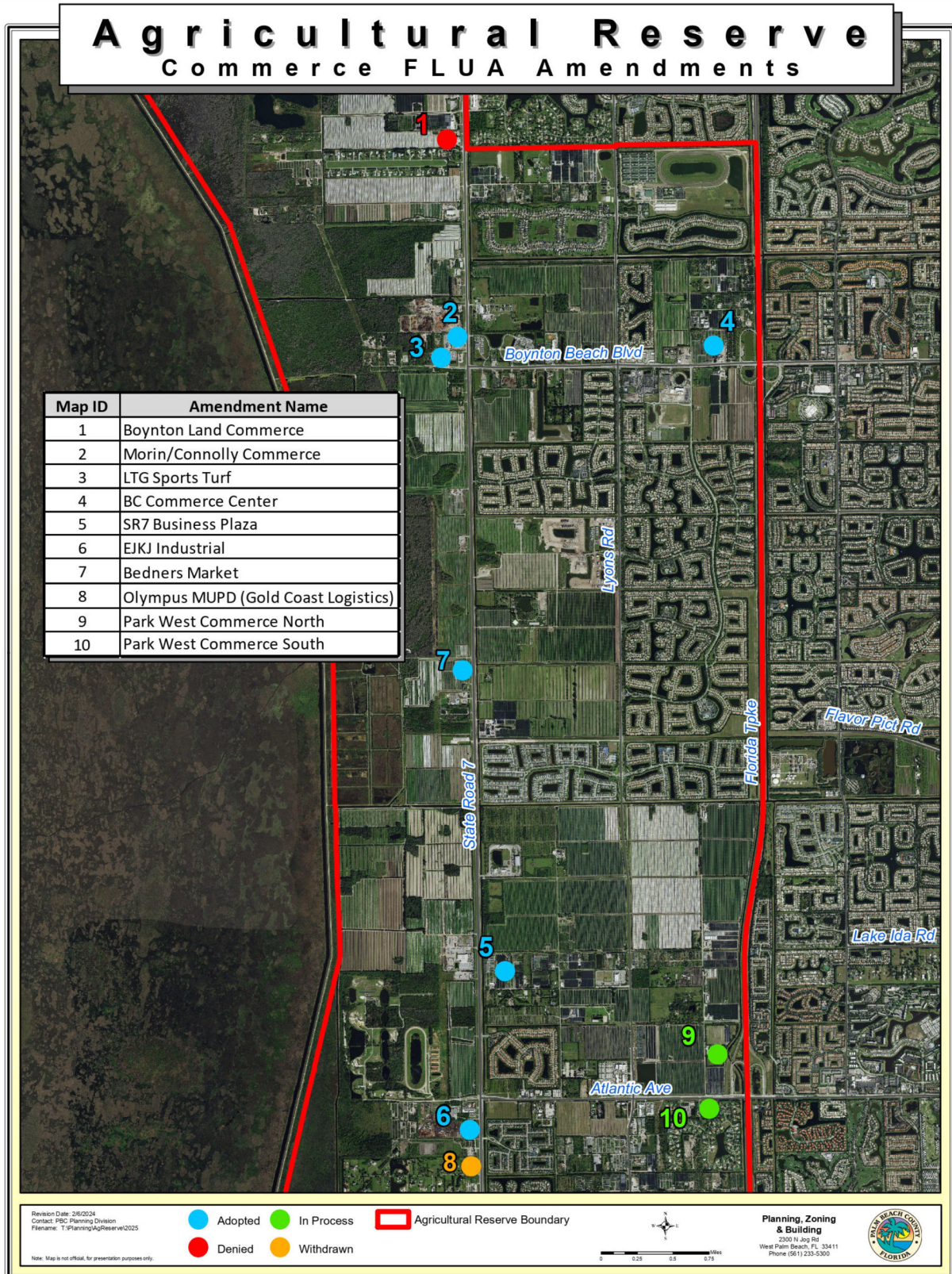


Exhibit 11

Zoning Application Site Plan (2/19/25)

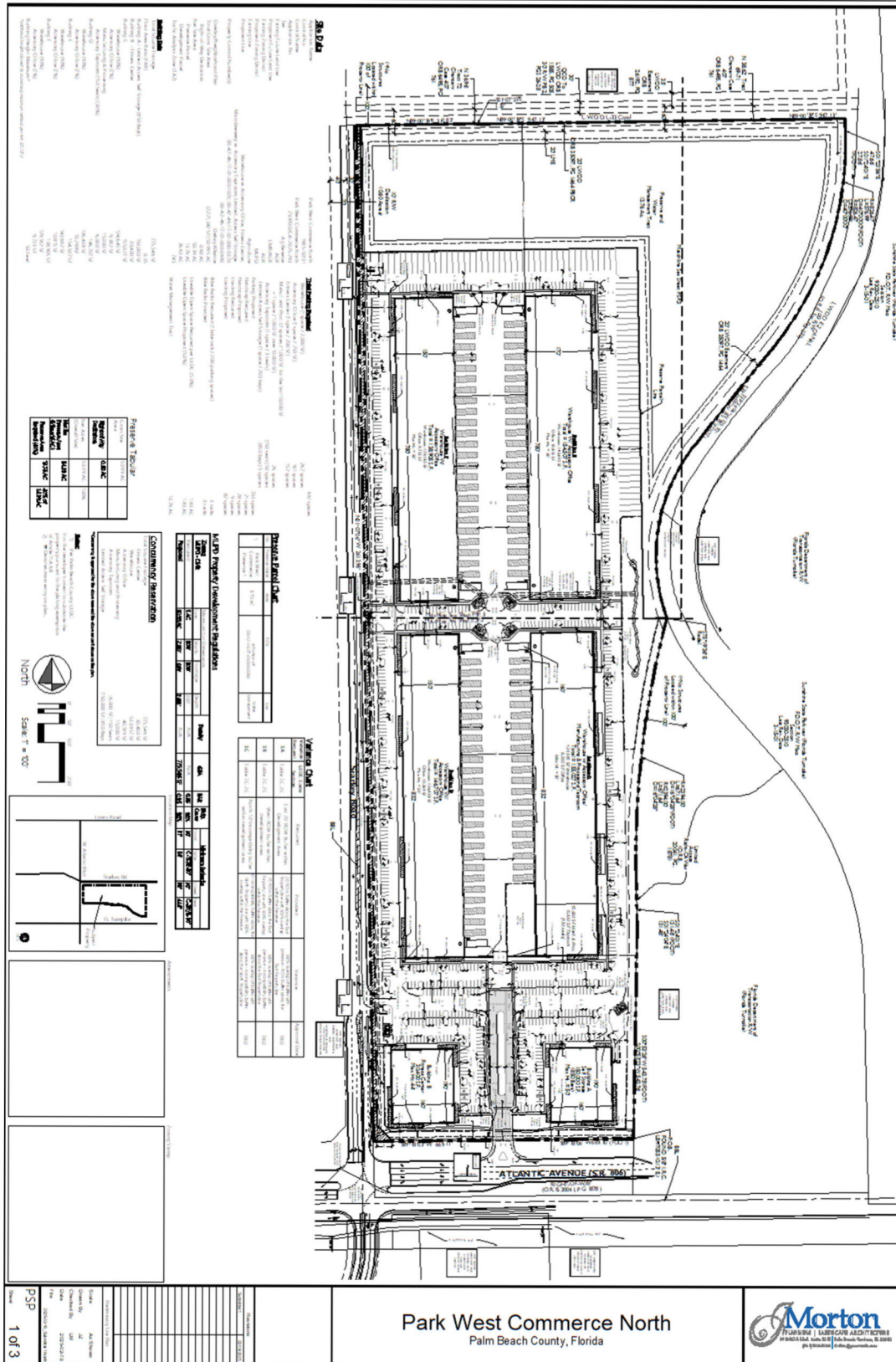


Exhibit 12

Preserve Environmental Statement

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



March 20, 2025

Subject: **Park West Commerce North; Control No. 1985-50131**
 NE Corner of Atlantic Avenue & Starkey Road
 Palm Beach County, FL

To Whom it May Concern:

The subject project site contains approximately 50.39 acres located at the NE corner of Atlantic Avenue and Starkey Road, in unincorporated Palm Beach County. The proposed project includes several warehouse and commerce buildings and associated infrastructure including parking, utilities, landscaping and a 13.76-acre Preserve/Water Management Tract that will improve water quality and enhance natural habitat.

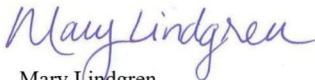
The applicant proposes to incorporate wetland and littoral areas within the Preserve Tract. The wetland and littoral areas will include both forested and herbaceous habitats and will be contoured and graded to appropriate elevations based on surrounding water table and control elevations to support these wetland habitats.

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

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

Sincerely,

EW Consultants, Inc.



Mary Lindgren
Environmental Project Manager

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

Exhibit 13

Correspondence

Correspondence Provided at the April 11, 2025 PLC Hearing



Hartsell | Ozery PA
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April 10, 2025

Planning Commission
Palm Beach County, Florida
2300 N Jog Road
West Palm Beach, FL 33411-2741

Submitted Via Email:

SGregor1@pbc.gov; PZB-PlanPOC@PBC.gov; JGagnon@pbc.gov;

Re: April 11, 2025, Planning Commission; Public Comments Agenda Item III. A.3, A.4

Dear Planning Commissioners:

On behalf of our Client, 1000 Friends of Florida, a Florida non-profit corporation ("**1000 Friends**"), please kindly accept these comments to the Planning Commission and include them in the public record for the upcoming April 11, 2025, meeting regarding the following Agenda Items: III.A.3 Park West Commerce North ("**Park West North**") and III.A.4 Park West Commerce South ("**Park West South**") Text initiation. 1000 Friends respectfully requests that the Planning Commission recommend a **denial** of these proposed amendments to the County Commissioners.

1000 Friends is a statewide 501(c)(3) smart growth advocacy nonprofit organization with a substantial number of members that live and work in Palm Beach County ("**County**"). Its members advocate for preservation of agricultural resources that are a much-needed buffer for the environmental vitality of the Ag Reserve and preservation of the rural character of the residential communities without encroachment of high-density uses, such as industrial. 1000 Friends has been actively following and participating in County-wide planning for decades and engaged in planning the Agricultural Reserve ("**Ag Reserve**") since its inception. 1000 Friends has consistently provided planning expertise and local knowledge to the Commission on many occasions regarding the Ag Reserve, and will continue to do so.

All members of 1000 Friends residing within the County are afforded the protections of the County Comprehensive Plan and will be directly affected by any amendments passed altering the Agricultural Reserve Tier.

The Agricultural Reserve Tier Must Remain Preserved

The purpose of the Agricultural Reserve is to preserve unique farmland and wetlands in order to **enhance** agricultural activity, environmental and water resources, and open space **within the Tier**, by **limiting** uses to agriculture, conservation, **low density** residential development, and non-residential uses which serve the needs of **farmworkers and residents** of the Agricultural Reserve Tier. *See* Objective 1.5.

The Ag Reserve provides great benefits to Palm Beach County by (1) buffering detrimental impacts from development on water quality, (2) improving flood control, (3) engaging in highly beneficial carbon sequestration that reduces air pollution and mitigates climate change, (4) providing wildlife habitat for native flora and fauna, as well as threatened and endangered species, and a safe haven for transient and migratory wildlife and (5) providing equestrian recreational opportunities for the residents of the Urban Suburban Tier who otherwise could not maintain appropriate facilities in those densely populated areas.

Most importantly, the Ag Reserve is situated just east of the Arthur R. Marshall Loxahatchee National Wildlife Refuge (“**Loxahatchee Refuge**”), which supports more than 100 jobs, provides the County with nearly \$2 million in sales tax revenue, and spans 145,189 acres of the northern Everglades and cypress swamp. The ecological and economic benefits of the Refuge are well understood by the County Planning Staff.

It is undisputed that Palm Beach County will experience an increase in population and demand for development. However, smart and sustainable land development practices, such as those already enshrined in the Comprehensive Plan, will ensure that growth does not mean the upheaval of the Ag Reserve Tier.

It must be understood that while the small land-use changes may seem minor to resolve immediate issues, these changes can result in a cumulative impact that will shape the future landscape of Florida. Remaining steadfast in growth management guided by these principles is of the utmost importance in protecting the original intent of Ag Reserve. The Planning Commission must “Stick with the Plan” as currently delineated in the Comprehensive Plan for the Ag Reserve Tier and refrain from yielding to requests for increased intensities.

III. A. 3, A. 4 Privately Proposed Text Amendment

The proposed amendments are a combined **923,755** square feet of space being proposed for light industrial uses right on Atlantic Avenue just west of Florida’s Turnpike. The applicant is requesting an amendment to change the fundamental Future Land Use Element (FLUE) policies protecting the Ag Reserve to change the underlying Agricultural Reserve (CMR/AGR) zoning to Multiple Use Planned Development (MUPD).

The approval, sought by the Applicant, violates Florida law and fails to provide for the compatibility of adjacent land uses. Fla. Sta. §163.3177(6)(a)3 (2024). The site currently supports agricultural operations and is directly adjacent to, and within the proximity of, additional

agricultural uses, like Irish Acres on Starkey Road. The intrusion of an industrial land use would introduce an intensity that is out of balance and character with the surrounding area, west of the Turnpike. A preserve area for **water drainage** does not negate the impact of the design, scale and inconsistent characteristics of this application with the surrounding agricultural uses. Light Industrial is simply not compatible with residential or agricultural. The proposed amendments would breach the barrier that the Florida Turnpike has provided to prevent commercial and other various intense uses from eviscerating the Ag Reserve.

The proposed amendments do not provide how they will preserve and enhance agricultural activities, environmental and water resources, and open spaces within the Ag. Reserve. No additional commercial or light industrial uses should be allowed within the Ag. Reserve. The continued segmentation and conversion of agricultural lands into high density residential communities, high intensity industrial and commercial complexes defies the purpose of the Ag Reserve by converting it into a suburban ambiance to the detriment of the rural character that the Comprehensive Plan is meant to protect. Simply stated, *the death of the Ag Reserve by a thousand cuts must cease*. To allow for the continued increase of density and intensity beyond the original intention of the Comprehensive Plan would nullify the very spirit of the Ag Reserve and would mutate the environmentally sensitive and rural lands into an urbanized area indistinguishable from the rest of Palm Beach County.

The Planning Commission should **deny** the Park West North and the Park West Commerce South amendments as they do not adhere to the Objective 1.5 of the Comprehensive Plan: to preserve and enhance agricultural activity and our natural resources. If there was an activity or business that would enhance the Ag Reserve, it would have already been granted by its underlying agricultural zoning designation rather than seeking a comprehensive plan amendment from the Palm Beach County Board of County Commissioners.

The Ag Reserve Tier has achieved the preservation of acreage that would otherwise have been overdeveloped, with the recreational and environmental benefits forever lost. There is no expiration of the Ag Reserve once it is “built out.” There is still a need to maintain the integrity of the Tier to ensure that all that has been preserved is not degraded by increased densities and intensities of uses inappropriate for this unique agricultural area endowed with recreational, environmental and water resources, and open spaces to act as a rural “safe haven” and environmental buffer from the urban and suburban tiers.

Developers should not look to the Ag Reserve for exemptions from the fundamental preserve, density, and intensity requirements unique to this Tier. “Balanced growth” does not mandate that the guiding policies and objectives of the Comprehensive Plan be displaced; rather, smarter and more sustainable development must be achieved in conformity with the regulations already set forth to protect the Ag Reserve Tier.

*1000 Friends of Florida respectfully requests that the Planning Commission issue a recommendation to the County Commissioners to **deny** the Park West North application as well as the Park West South applications and deny any proposal of light industrial parks, especially until we see the impacts of a significant and already approved project.*

Thank you for your time and consideration of these comments.

Respectfully,

/s/ Jordan Snyder
Jordan K. Snyder, Esq.
Hartsell Ozery, P.A.
Fla. Bar. No. 1020263



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April 10, 2025

Planning Commission

Palm Beach County, Florida
2300 N Jog Road
West Palm Beach, FL 33411-2741

Submitted Via Email:

SGregor1@pbc.gov; PZB-PlanPOC@PBC.gov; JGagnon@pbcgov.org;

Re: April 11, 2025, Planning Commission; Public Comments Agenda Item III. A.3, A.4

Dear Planning Commissioners:

On behalf of our client, Irish Acres of Florida LLC ("**Irish Acres**"), please kindly accept these comments to the Planning Commission and include them in the public record for the upcoming April 11, 2025, meeting regarding the following Agenda Items: III. A.3 Park West Commerce North ("**Park West North**") and III. A.4 Park West Commerce South ("**Park West South**") Text initiations.

Irish Acres respectfully requests that the Planning Commission recommend a **denial** for both Park West North and Park West South amendments to the Palm Beach County Board of County Commissioners as the amendments will have dramatic increases in intensity within the area, which would cause negative impacts on traffic and fire-rescue response times. Additionally, the Applicant has not provided how these proposed amendments will enhance agricultural activities within the Agricultural Reserve.

Irish Acres is located at 14375 Starkey Road, unincorporated Delray Beach, Florida within Palm Beach County's Agricultural Reserve ("**Ag Reserve**"). Irish Acres is a 60-Acre premier horse boarding farm and stables located adjacent to the proposed Park West North development site. Irish Acres is depicted on Page 4 of the County Planning Staff Report as the property immediately north of 145th Street and west of Starkey Road. Irish Acres has invested a considerable amount of resources in creating a state of the art horse boarding and riding facility, which includes newly refurbished barns, trails, pasture, stalls, grass track, dressage area, jumps, and event spaces. The extensive trail system for Irish Acres includes onsite, as well as, off property riding, including along Starkey Road, where the above reference project seeks to be developed. Irish Acres is a

family owned and operated enterprise with investment backed expectations based upon the protections found within the County's Comprehensive Plan and ULDC, including to "preserve" the rural lifestyle, its business, and the safety of its riders. The proposed changes to the County's Comprehensive Plan or ULDC will significantly and adversely affect Irish Acres, increasing intensities on proposed parcels.



Irish Acres www.irishacresfl.com

The Agricultural Reserve Tier Must Remain Preserved

Palm Beach County, supported by its residents, has carved out a unique tier unlike any other in South Florida, in creating the Ag Reserve, which has development regulations set in place in order to preserve agricultural lands, environmental and water resources, and open space for the immediate benefit of the County and for future generations to come, 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." Objective 1.5 FLUE.

However, time and time again this Commission has been presented with requests from developers and landowners to grant exceptions and alterations to these specific regulations without consideration of the environmental consequences of expanding density and intensity beyond those anticipated in the creation of this Tier. Such proposals, like the one before the Commission seeks fundamental departures from the long-standing principles set out in the Comprehensive Plan for the preservation of the Ag Reserve. The law is clear that a comprehensive plan is to act as "a constitution for all future development," *Machado v. Musgrove*, 519 So.2d 629, 631 (Fla. 3d DCA 1987), and is to be enforced by citizens and not the State. *Pinecrest Lakes, Inc. v. Shidel*, 795 So. 2d 191, 199 (Fla. 4th DCA 2001).

The County and this Commission have the sacred duty and responsibility to safeguard the Ag Reserve, and the benefits inured to the County residents as a whole, rather than any obligation that this Commission may feel to fulfill the requests of any one individual landowner or developer

that seeks to modify the founding principles for their own commercial gain. Despite the “justifications” of applicants, sustainable growth within the Ag Reserve ***does not necessitate modifying*** the Comprehensive Plan to accommodate additional densities and intensities wholly inappropriate for this subject property. The founding principles of the Ag Reserve, and the associated bond paid for by the residents of the County to secure the preservation lands, require an ***unwavering dedication to the purpose and intent of this unique Tier***.

The Ag Reserve provides great benefits to Palm Beach County by (1) buffering detrimental impacts from development on water quality, (2) improving flood control, (3) engaging in highly beneficial carbon sequestration that reduces air pollution and mitigates climate change, (4) providing wildlife habitat for native flora and fauna, as well as threatened and endangered species, and a safe haven for transient and migratory wildlife and (5) providing equestrian recreational opportunities for the residents of the Urban Suburban Tier who otherwise could not maintain appropriate facilities in those densely populated areas.

Most importantly, the Ag Reserve is situated just east of the Arthur R. Marshall Loxahatchee National Wildlife Refuge (“**Loxahatchee Refuge**”), which supports more than 100 jobs, provides the County with nearly \$2 million in sales tax revenue, and spans 145,189 acres of the northern Everglades and cypress swamp. The ecological and economic benefits of the Refuge are well understood by the County Planning Staff, as well as resident of the County.

This Commission in the past has taken these concerns to heart and recommended denial of applications that would undermine the purpose of preserving the Ag Reserve, by amending them right out of the Comprehensive Plan. We urge you to remain steadfast on these principles and deny the application discussed in greater detail herein.

III. A. 3 Privately Proposed Text Amendment

The property at issue is located on Starkey Road and Atlantic Avenue just west of Florida’s Turnpike on approximately 60-Acres. The applicant is requesting an amendment to change the fundamental Future Land Use Element (FLUE) policies protecting the Ag Reserve to change the underlying Agricultural Reserve (CMR/AGR) zoning to Multiple Use Planned Development (MUPD) in order to allow up to 777,394 square feet (0.35 FAR) for **light industrial use**. Applicant is proposing to build 150,000 square feet of self-storage, a 30,400 square feet fitness center, 15,000 square feet of manufacturing and processing with a 6,000 square feet taproom, and 522,957 square feet of warehouse space with 40,189 square feet of accessory office.

Staff provides that the CMR FLU designation would “afford[] opportunities for low-trip generating light industrial and/or employment uses, balancing the overarching objectives of the [Ag Reserve] while responding to increased residential growth and the corresponding needs of support services.” *Future Land Use Atlas Amendment Staff Report Amendment Round 25-B* (Staff Report), pg. 10. Staff goes on to recommend that this amendment be approved under the condition to limit the development of the site based on a maximum number of generated trips. *Id.* However, even the Applicant has provided that the site is “located at a major transportation node (Atlantic

& Florida Turnpike). Atlantic Avenue is currently developed with a mix of industrial, commercial, residential and agricultural uses.” Staff Report at E-12. This will have a drastic impact on the local area as well as an overload to the Ag Reserve, its rural characteristics, and way of life, agricultural uses, and roadways.

Further, the approval, sought by the Applicant, violates Florida law and fails to provide for the compatibility of adjacent land uses. Fla. Sta. §163.3177(6)(a)3 (2024). The site currently supports agricultural operations and is directly adjacent to, and within the proximity of, additional agricultural uses, like Irish Acres on Starkey Road. The intrusion of an industrial land use would introduce an intensity that is out of balance and character with the surrounding area, west of the Turnpike. A preserve area for water drainage does not negate the impact of the design, scale and inconsistent characteristics of this application with the surrounding agricultural uses. Light Industrial is simply not compatible with residential nor agricultural. This proposed amendment would breach the barrier that the Florida Turnpike has provided, to prevent commercial and other various intense uses from eviscerating the Ag Reserve.

Staff provides that “[t]he site is located along an urban principal arterial roadway and in close proximity to existing nonresidential uses . . .” in order to conclude that the proposed amendment would be consistent with the Agricultural Reserve Tier, Objective 1.5, however this is an over simplified statement of what is already occurring within the area for the following reasons:

First, recently the Palm Beach County Board of County Commissioners recently approved the construction of a new 40-acre industrial park on Happy Hollow Road, the BBX Logistics Park at Delray, less than three (3) miles from Park West North. This proposed site has an initial phase of constructing a 200,000 square foot building (with two additional buildings to follow) as well as a 50,000 square foot office space. This project was approved in an area completely surrounded by agricultural uses. The BBX Logistics Park should provide more than enough light industrial uses to serve the Ag Reserve, if not at least be a litmus test upon complete completion. Furthermore, Staff should assess i) what the likelihood increase in traffic from employees, customers, and vendors of the BBX Logistics Park At Delray would impose on Atlantic Avenue by the Turnpike; and ii) with the approval of such a large light industrial area, whether this proposed amendment is necessary at this point and thus in the best interest of the Ag. Reserve.

Second, the current traffic impact at the intersection of Atlantic Avenue and the Florida Turnpike is normally congested, and with the introduction of the BBX Logistics Park, this new proposed amendment would increase traffic exponentially. Staff assessed the traffic as it currently stands, however by the time this proposed amendment would come to fruition, the construction BBX Logistics Park along with other proposed amendments will be finalized and the traffic will be drastically further increased. Additionally, the unique nature of the Ag Reserve; including its rural character with a majority of rural roads, use of slow-moving tractors, farm equipment, and equestrian activities, requires a deviation from the traditional traffic study methods. The proposed amendment would drastically increase the intensity of use in the area, ultimately generating additional traffic on the surrounding roadways, and causing them to fail to operate at their adopted and required level of service.

Furthermore, Staff's only recommended condition related to the Long-Range Traffic – Policy 3.5-d to limit the amount of net daily trips, but again this is oversimplified. The Applicant's proposed 15,000 square feet of manufacturing and processing, as well as 533,957 square feet of warehouse, fails to provide an assessment or impact analysis of semi-trucks and/or large trailers upon the net daily trips and traffic; the Staff Report does not provide any elaboration on this question, nor provide as a condition, any limitation on large commercial vehicles.

As it stands, any vehicle that wants to go east from Starkey Road must make a U-turn on Atlantic Avenue. Attached hereto as **Exhibit "A"** is a Google Map image of the U-Turn from Starkey Road to the Turnpike. Operating under the assumption that numerous commercial vehicles, including tractor trailers, will perform this maneuver on frequent basis, resulting in a large adverse traffic impact and implicating safety concerns. Staff's failure to take this into account results in the absence of any condition requiring a traffic light and intersection to be placed on Atlantic Avenue to alleviate these additional traffic and safety concerns.

While never discussed by Staff, there was a December 3, 2024 letter from Cheryl Allan, Planner II, Palm Beach County Fire-Rescue to the Applicant, which provides that this proposed amendment would increase Fire-Rescue response times. *See* 2024 Future Land Use Atlas Amendment Application. Fire-Rescue provided that the current response time to the site is approximately 7 minutes 30 seconds. If this proposed amendment is approved, the new response time would be **eleven (11) minutes**, a significant increase for an area that **currently** receives an estimated 216 calls annually. This is worrisome to our Client, who operates in agricultural areas where such activities, including equestrian activities, carry an inherent risk. This increase in response time for a significant injury could be the difference of life and death. As Staff provided, the site is on a principal arterial roadway; one which will be heavily congested due to the traffic imposed by the existing developments, BBX Logistics Park at Delray, and Florida Turnpike traffic. It would inevitably lead to the conclusion that Fire-Rescue response will be more than estimated. Other infirmities aside, the Application should be denied for this reason alone.

Under FLUE Policy 2.1-g, the County shall use directions in the Future Land Use Element to guide decisions to update the Future Land Use Atlas and provide for distributions of future land uses in the unincorporated area. Direction 15 provides that the Application must support and enhance agriculture and equestrian-based industries. The intent of the Ag. Reserve Tier is to preserve and enhance agricultural activity, environmental and water resources, and open space. Staff provides that since this site is on a corridor with established commercial nodes, this amendment would provide for low-trip generating light industrial and/or employment generating uses for residential growth and their needs. Applicant did not, however, provide by competent and substantial evidence that its proposed warehouse, manufacturing and processing, gym, taproom, etc. will support and enhance agriculture and equestrian-based activities. In fact, it will only hinder equestrian activities by introducing loud noises, congestion on Starkey Road, introduction of large tractor trailers, and a loss of agricultural critical mass¹ necessary to properly maintain agriculture and equestrian-based activities, let alone enhance them.

1. Critical Mass of agricultural support service is necessary to sustain agricultural use. A reduction in agricultural lands and demand in agricultural support services will drive those who support industries out the area to areas where demand is higher.

The mandate of the Ag. Reserve Tier as provided in Comprehensive Plan Objective 1.5 provides:

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 agricultural and conservation with residential development restricted to low densities and non-residential development limited to **uses serving the needs of the farmworkers and residents of the Tier. The Agricultural Reserve tier shall be preserved primarily for agricultural use, reflecting the unique farmlands and wetlands within it. (emphasis added)**

The Planning Commission must deny the Park West North as well as the Park West South amendments as they have not provided by any competent and substantial evidence that the proposals will preserve and enhance agricultural activity and our natural resources. Simply put, if there was an activity or business that would enhance an agricultural purpose, it would be permitted by its underlying agricultural land use designation. Furthermore, the Planning Commission should require the applicant to provide some evidence as to how the proposed amendments will enhance agricultural purposes within the Ag Reserve.

The danger of this highest and best use mindset that the Applicant seeks to impose the County will place the needs of one landowner and/or developer above that of the general public, who will benefit from open space. Time and time again, the Commission has been advised that *vacant land is not land waiting to be developed*; there are copious recreational and ecological benefits discussed herein that can be lost were a property to be exempted from the mandatory principles of the Ag Reserve, in contradiction with the very constitution governing the Tier, the County's Comprehensive Plan.

The Ag Reserve Tier has achieved preservation of acreage that would otherwise have been overdeveloped, rendering the recreational, and environmental benefits forever lost. There is no expiration of the Ag Reserve once it is "built out." There is still a need to maintain the integrity of the Tier, to ensure that all that has been preserved is not degraded by constant and steady increased densities and intensities of uses, inappropriate for this unique agricultural area, endowed with recreational, environmental and water resources, and open spaces to act as a rural "safe haven" and environmental buffer from the urban and suburban tiers.

It is in this light, that Irish Acres and the County must also reject this alternative "work around" by adjusting the Tiers and depriving the Ag Reserve of critical mass necessary to functionally and safely operate and maintain an agricultural industry.

Developers should not look to the Ag Reserve for exemptions from the fundamental preserve, density, and intensity requirements unique to this Tier. "Balanced growth" does not mandate that the guiding policies and objectives of the Comprehensive Plan be displaced; rather, smarter, and more sustainable, development must be achieved in conformity with the regulations already set forth to protect the Ag Reserve Tier.

*Irish Acres respectfully requests that the Planning Commission issue a recommendation to the County Commissioners to **deny** the Park West North application as well as the Park West Commerce South (LGA 2025-011) application and deny with any proposals of light industrial parks, especially until we see the impacts of a significant and already approved project.*

Thank you for your time and consideration of these comments.

Respectfully,

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