



## FUTURE LAND USE ATLAS AMENDMENT STAFF REPORT AMENDMENT ROUND 22-B

### DEO TRANSMITTAL REPORT, MAY 4, 2022

#### A. Application Summary

##### I. General

<b>Project Name:</b>	<b>Atlantic Commercial &amp; Self-Storage (LGA 2022-004), Feurring II (LGA 2022-008) &amp; Seneca II (LGA 2022-009)</b>
<b>Request:</b>	Atlantic Commercial – AGR to CL/AGR with conditions on 9.89 acres Feurring II – To add conditions of approval on 4.90 acres Seneca II – To revise conditions of approval on 4.51 acres
<b>Acres:</b>	19.30 total acres
<b>Location:</b>	South side of West Atlantic Avenue, east of Lyons Road
<b>Project Manager:</b>	Stephanie Gregory, Principal Planner and Scott Cirino, Planner
<b>Applicant/Owner:</b>	PEBB Atlantic, LLC; SFD Lyons, LLC; PEBB Atlantic II, LLC & SOCRO, LLC
<b>Agent:</b>	Jeff Brophy, WGI
<b>Staff Recommendation:</b>	Staff recommends <b>approval with conditions</b> based upon the following findings and conclusions found in this report.

##### II. Assessment & Conclusion

This privately proposed future land use amendment proposes to change the future land use designation on 9.89 acres (Atlantic Commercial) and change conditions on 9.41 acres (Feurring II and Seneca II). Specifically, the amendment is a three part request that will result in the revision of previously adopted conditions of approval to reduce the maximum allowable commercial square footage on the Feurring II and Seneca II sites. This will release 13,444 sq. ft. from the Agricultural Reserve Tier commercial cap to be utilized by the subject site, Atlantic Commercial and Self-Storage, without increasing the cap. The subject site is proposing a future land use amendment on 9.89 acres from AGR to Commercial Low, with an underlying Agricultural Reserve (CL/AGR). The subject site is currently a Preserve Area (with a recorded conservation easement) for the Sussman Planned Unit Development (PUD). In the concurrent zoning application, the applicant is requesting that the site be removed as a preserve area and be replaced with another property of equal or greater size. The applicant intends to develop 9,100 sq. ft. of retail, a 3,339 sq. ft. carwash, and 99,459 sq. ft. of self-service storage with 538 bays; totaling 111,898 sq. ft. of uses on the site.

The subject site meets the commercial location requirements for the Tier, falls within the commercial cap, and the site is adjacent to the west to commercial uses. The request for commercial future land use is appropriate at this location, and is compatible with surrounding land uses. The inclusion of the staff recommended conditions of approval to limit the commercial square footage and require connectivity to the adjacent commercial will ensure that the request is consistent with Comprehensive Plan policies.

### III. Hearing History

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**Local Planning Agency: *Approval with modifications***, to modify Condition 1 to 100,00 square feet of self-storage uses, motion by Lori Vinikoor, seconded by Barbara Roth, passed in a 13 to 1 vote (with Cara Capp dissenting) at the January 14, 2022 public hearing. Under discussion, Commission members asked about the timing and inspection process for the brownfield designation, the maximum square footage of the self-storage use and the location of the new preserve areas. One member of the public spoke in opposition stating there is no need for additional commercial in the Tier. Another member of the public spoke in support stating the development is an example of good planning practices with connectivity and there is a need for these services.

*Following the Planning Commission, staff modified the condition to limit the self-storage uses to 100,000 square feet with the applicant's agreement. At the February 2, 2022 public hearing, the Board of County Commissioners postponed the transmittal hearing of this item to May 4, 2022.*

**Board of County Commissioners Transmittal Public Hearing: *Transmit***, motion by Vice Mayor Weiss, seconded by Commissioner Marino, passed in a 7 to 0 vote at the May 4, 2022 public hearing. There was minimal board discussion. One member of the public spoke in support, citing staff's support of the proposed amendment and that the site will provide interconnectivity to adjacent commercial parcels.

#### **State Review Comments:**

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

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## B. Petition Summary

### I. Site Data

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#### Current Future Land Use

<b>Current FLU:</b>	Atlantic Com. – Agricultural Reserve (AGR) Feurring II – Commercial Low with an underlying AGR (CL/AGR) Seneca II – Commercial Low with an underlying AGR (CL/AGR)
<b>Existing Land Use:</b>	Atlantic Com. – AGR Preserve Area Feurring II – Commercial Seneca II – Commercial
<b>Current Zoning:</b>	Atlantic Com. – AGR Planned Unit Development (AGR-PUD) Feurring II – Multiple Use Planned Development (MUPD) Seneca II – Multiple Use Planned Development (MUPD)
<b>Current Dev. Potential Max:</b>	Atlantic Com. – AGR Preserve Area uses Feurring II – 42,776 sq. ft. of commercial uses (.20 FAR) Seneca II – 38,538 sq. ft. of commercial uses ( <i>per adopted Ordinance</i> )

#### Proposed Future Land Use Change

<b>Proposed FLU:</b>	Atlantic Com. – Commercial Low (CL) Feurring II – CL/AGR ( <i>add conditions of approval only</i> ) Seneca II – CL/AGR ( <i>revise conditions of approval only</i> )
<b>Proposed Use:</b>	Atlantic Com. – Retail, car wash and self-storage Feurring II – Commercial ( <i>No Change</i> ) Seneca II – Commercial ( <i>No Change</i> )
<b>Proposed Zoning:</b>	Atlantic Com. – Multiple Use Planned Development (MUPD) Feurring II – Multiple Use Planned Development (MUPD) - <i>No Change</i> Seneca II – Multiple Use Planned Development (MUPD) - <i>No Change</i>
<b>Dev. Potential Max/Conditioned:</b>	Atlantic Com. – 13,357 sq. ft. of commercial uses and 193,864 sq. ft. of self-storage ( <i>per condition</i> ) Feurring II – 36,170 sq. ft. of commercial uses ( <i>per condition</i> ) Seneca II – 31,700 sq. ft. of commercial uses ( <i>per condition</i> )

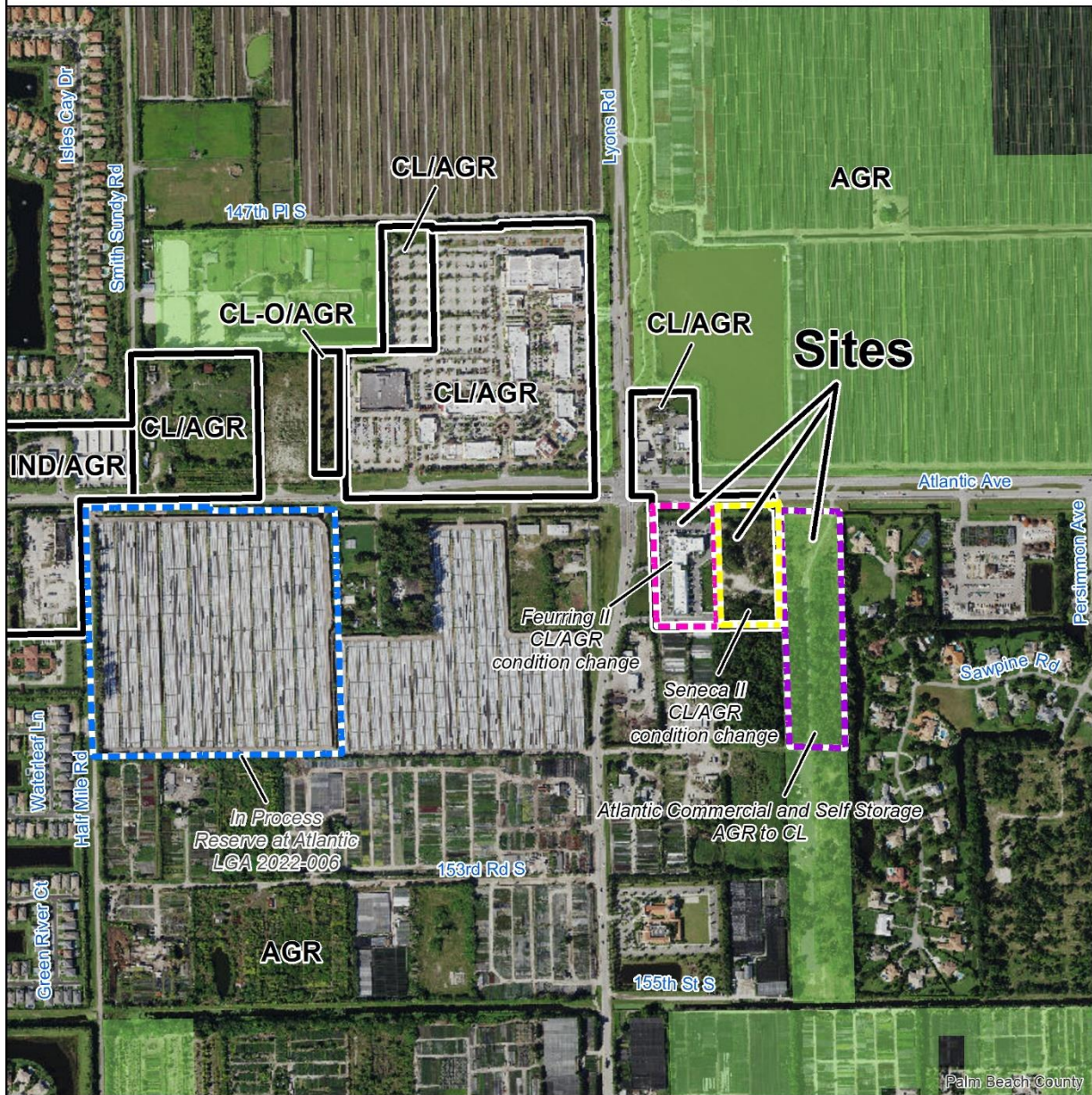
#### General Area Information for Site

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



# Future Land Use Atlas Amendment

## Atlantic Commercial & Self Storage (LGA 2022-004)



### Site Data

Size: 19.3 acres  
(Atlantic Commercial 9.89 ac, Seneca 4.51 ac, Feurring 4.90 ac)

Existing Use: Vacant

Proposed Use: Retail & Self Storage

Current FLU: AGR

Proposed FLU: CL

### Future Land Use Designations

AGR Agricultural Reserve

CL/AGR Commercial low, underlying AGR

IND/AGR Industrial, underlying AGR

Date: 12/21/2021  
Contact: PBC Planning  
Filename: 22-A2/Site/22-004  
Note: Map is not official, for presentation purposes only.

Atlantic Commercial and Self Storage  
Seneca II  
Feurring II  
Reserve at Atlantic  
AGR Preserve

200 0 200 400 Feet



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



## C. Introduction & Review

### I. Intent of the Amendment

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This is a privately proposed amendment on land area subject to prior future land use amendments within the Agricultural Reserve Tier and located at the southeast corner of West Atlantic Avenue and Lyons Road.

**Background.** The amendment land area has been the subject of amendments between 2014 and 2021 as summarized below.

- **Atlantic Commercial & Self-Storage (LGA 2022-004).** This site is currently a preserve area for the Sussman PUD (AGR-PUD). The preserve area is subject to a recorded conservation easement (ORB 29063, PG 88) which allows for limited uses on the property such as crop production, pasture, equestrian activities, wholesale or retail nursery or fallow land. This site has not been the subject of a previous land use amendment.
- **Feurring II (LGA 2022-008).** In 2014, the 4.90 acre site was the subject of a text amendment in Round 14-1 where the applicant proposed to allow an alternative to the Traditional Marketplace Development (TMD) form of development for smaller commercial sites within the Agricultural Reserve. During discussion for the initiation of the text amendment in late 2013, the BCC denied the initiation request and discussed reviewing the Agricultural Reserve policies in a more comprehensive approach. The BCC directed staff to come back for a workshop regarding the Agricultural Reserve Master Plan and current issues within the area. After a series of workshops and round tables, at the July 30, 2015 meeting, the BCC directed staff to process text and privately initiated amendments in the Agricultural Reserve Tier for sites seeking smaller scale, neighborhood oriented commercial uses on a case-by-case basis. In 2016, following the adoption of a text amendment allowing additional commercial in the Tier, the Board adopted a privately initiated amendment (Feurring Commercial, LGA 2016-024) through Ordinance 2016-035 for the site from Agricultural Reserve to Commercial Low with an underlying Agricultural Reserve (CL/AGR). This allows for a maximum potential on the site for up to 42,776 square feet of commercial uses. The site is currently developed with 35,169 square feet of retail and restaurant uses.
- **Seneca II (LGA 2022-009).** In 2017, the Board adopted a privately initiated amendment (Seneca Commercial, LGA 2017-001) through Ordinance 2017-006 on the 4.51 acre site from Agricultural Reserve to Commercial Low with an underlying Agricultural Reserve (CL/AGR) with a condition limiting the site to the development of 38,538 square feet of commercial retail and/or office uses. In 2020, the property owner acquired the 0.31 acres to the east to add this parcel to the previously approved Seneca Multiple Planned Unit Development (MUPD) for additional surface parking and landscaping. In 2021, the Board adopted an amendment for Plaza Delray AGR (LGA 2021-006) through Ordinance 2021-010 from Agricultural Reserve to Commercial Low with an underlying Agricultural Reserve (CL/AGR). The ordinance prohibited any intensity or square footage on the 0.31 acres. Collectively, these two sites are approved under one unified site plan as Plaza Delray MUPD with 30,440 square feet of retail and restaurant uses.

**Proposed Amendment.** The amendment is a three part request that will result in the revision of previously adopted conditions of approval to reduce the maximum allowable commercial square footage on the Feurring II and Seneca II sites. This will release 13,444 sq. ft. from the Agricultural Reserve Tier commercial cap to be utilized by the Atlantic Commercial and Self-Storage site without increasing the cap. Self-storage uses are not included in the cap (see Policy 1.5-n for additional information).

- **Atlantic Commercial & Self-Storage (LGA 2022-004).** The applicant is requesting a land use amendment from Agricultural Reserve (AGR) to Commercial Low with an underlying AGR (CL/AGR) in order to develop up to 13,357 square feet of commercial uses and 99,459 square feet of self-storage.
- **Feurring II (LGA 2022-008).** The applicant is requesting a land use amendment to add a condition of approval to limit the maximum commercial square footage allowed on the site. The proposed condition is to limit development of the site to 36,170 square feet of commercial uses. This releases 6,606 square feet back to the commercial cap.
- **Seneca II (LGA 2022-009).** The applicant is requesting revisions to Ordinance 2017-006 to reduce the allowable commercial square footage on the site from 38,538 to 31,700 square feet; thus releasing 6,838 square feet back to the commercial cap.

**Zoning Application.** The two related zoning applications are summarized as follows:

- **Atlantic AGR Commercial and Self-Storage.** The zoning application (PDD/CAW 2021-1361) proposes to change the zoning designation from Agricultural Reserve Planned Unit Development (AGR-PUD) to Multiple Use Planned Development (MUPD) in order to develop 9,100 square feet of retail, a 3,339 square foot carwash, and 99,459 square feet of self-service storage with 538 bays totaling 111,898 square feet of uses.
- **Sussman AGR PUD.** The zoning application (PDD/DOA-2021-01373) with Control Number 2000-032 proposes a development order amendment to remove the 9.89 acres of Preserve Area #9 (Atlantic Commercial and Self-Storage LGA 2022-004). The zoning application also includes a DOA to add 9.97 acres of Preserve Area for the Paradise Properties and Veejay Group, LLC sites and rezoning from Agricultural Reserve (AGR) to Agricultural Reserve Planned Unit Development (AGR-PUD).

## **II. Data and Analysis Summary**

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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.

The data and analysis below is for the requested future land use change from AGR to CL for the Atlantic Commercial and Self-Storage 9.89-acre site, herein referred to as the subject site.

**Overview of the Area.** The subject site is located in the southern portion of the Agricultural Reserve Tier, on the south side of Atlantic, east of Lyons Road. This portion of Atlantic Avenue is generally the southern 'mixed use center' identified in the Agricultural Reserve Master Plan. There are currently commercial nodes on the northeast, northwest, and southeast corners of Atlantic Avenue and Lyons Road.

**AGR Commercial Cap and Self-Storage History.** Since the adoption of the amendments to implement the Agricultural Reserve Master Plan in 2001, the Comprehensive Plan has limited the amount of commercial retail, service, and office uses in the Tier and was intended to ensure that commercial does not exceed local demand and thereby serve as a draw from outside of the Tier.

In 2016, the Board adopted text amendments to increase the commercial cap from 750,000 to 980,000 square feet in order to accommodate additional neighborhood serving services. Over the following 18 months, the Board approved several privately proposed future land use amendments which fit within the commercial cap. In 2017, the BCC adopted a privately proposed text and site specific amendment, known as Three Amigos (LGA 2017-018), to increase the cap by an additional 35,000 square feet in order to accommodate the expansion of another 'pre-existing' commercial site. By 2019, the current cap of 1,015,000 square feet had been reached with approvals within the Tier.

Subsequently, in 2020 the Board adopted revisions to the commercial policies in the Tier to exempt self-storage from the commercial cap, to allow commercially designated sites at major intersections to achieve a higher floor area ratio for self-storage, and a site specific amendment to eliminate 28,000 square feet of approved commercial square footage (by Ord 2020-014) from West Boynton Center (LGA 2020-006) thereby making that square footage available in the Tier. Most of this released square footage was quickly absorbed by Atlantic Avenue Medical (LGA 2021-008) which was adopted in December 2021 with a condition limiting the site to a maximum of 17,860 square feet of commercial uses; leaving 10,140 square feet available in the cap.

**Appropriateness of the Amendment for Commercial.** The subject site is located adjacent to an existing commercial node. The proposed amendment is within the 1,015,000 square feet commercial cap available for development due to the release of square footage with companion amendments, Feurring II and Seneca II. These sites will release 13,444 square feet of commercial to be utilized by the subject site. The subject site will be limited to 13,357 square feet of commercial uses and 193,864 square feet of self-storage based on the maximum potential as described in the traffic letter (see Exhibit 5).

This location is suitable for the expansion of commercial uses along this corridor as it meets the commercial location requirements for the Tier. The intent of the commercial location policies in the Tier is to cluster non-residential development along Atlantic Avenue and Boynton Beach Boulevard. In addition, the proposed condition of approval by staff requires vehicular connectivity to the existing commercial plaza to the west. Therefore, the proposed future land use amendment for a commercial designation in the Agricultural Reserve Tier is appropriate.

**Compatibility.** The proposed amendment is compatible with the surrounding land uses and the character of the commercial intersection. The site directly abuts the commercial uses to the east and residential to the west and the site would be limited by condition to 13,357 sq. ft. of commercial uses. Self-storage uses are typically considered low-trip generating, low intensity uses that are compatible with surrounding residential properties.

**Assessment and Recommendation.** This privately proposed future land use amendment proposes to change the future land use designation on 9.89 acres (Atlantic Commercial) and change conditions on 9.41 acres (Feurring II and Seneca II). Specifically, the amendment is a three part request that will result in the revision of previously adopted conditions of approval to reduce the maximum allowable commercial square footage on the Feurring II and Seneca II sites. This will release 13,444 sq. ft. from the Agricultural Reserve Tier commercial cap to be utilized by the subject site, Atlantic Commercial and Self-Storage, without increasing the cap. The subject



site is proposing a future land use amendment on 9.89 acres from AGR to Commercial Low, with an underlying Agricultural Reserve (CL/AGR). The subject site is currently a Preserve Area (with a recorded conservation easement) for the Sussman Planned Unit Development (PUD). In the concurrent zoning application, the applicant is requesting that the site be removed as a preserve area and be replaced with another property of equal or greater size. The applicant intends to develop 9,100 sq. ft. of retail, a 3,339 sq. ft. carwash, and 99,459 sq. ft. of self-service storage with 538 bays; totaling 111,898 sq. ft. of uses on the site.

The subject site meets the commercial location requirements for the Tier, falls within the commercial cap, and the site is adjacent to the west to commercial uses. The request for commercial future land use is appropriate at this location, and is compatible with surrounding land uses. The inclusion of the staff recommended conditions of approval to limit the commercial square footage and require connectivity to the adjacent commercial will ensure that the request is consistent with Comprehensive Plan policies.

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

<b>Exhibits</b>	<b>Page</b>
1. Future Land Use Maps & Legal Descriptions	E-1
2. Consistency with Comprehensive Plan	E-7
3. Applicant's Justification/Consistency with Comprehensive Plan and Florida Statutes	E-16
4. Applicant's Public Facility Impacts Table	E-31
5. Palm Beach County Traffic Division Letter	E-33
6. Water & Wastewater Provider LOS Letter	E-35
7. Applicant's Disclosure of Ownership Interests	E-36
8. Urban Sprawl Analysis	E-56
9. Commercial Approvals in the Ag Reserve Tier	E-58
10. Correspondence	E-59

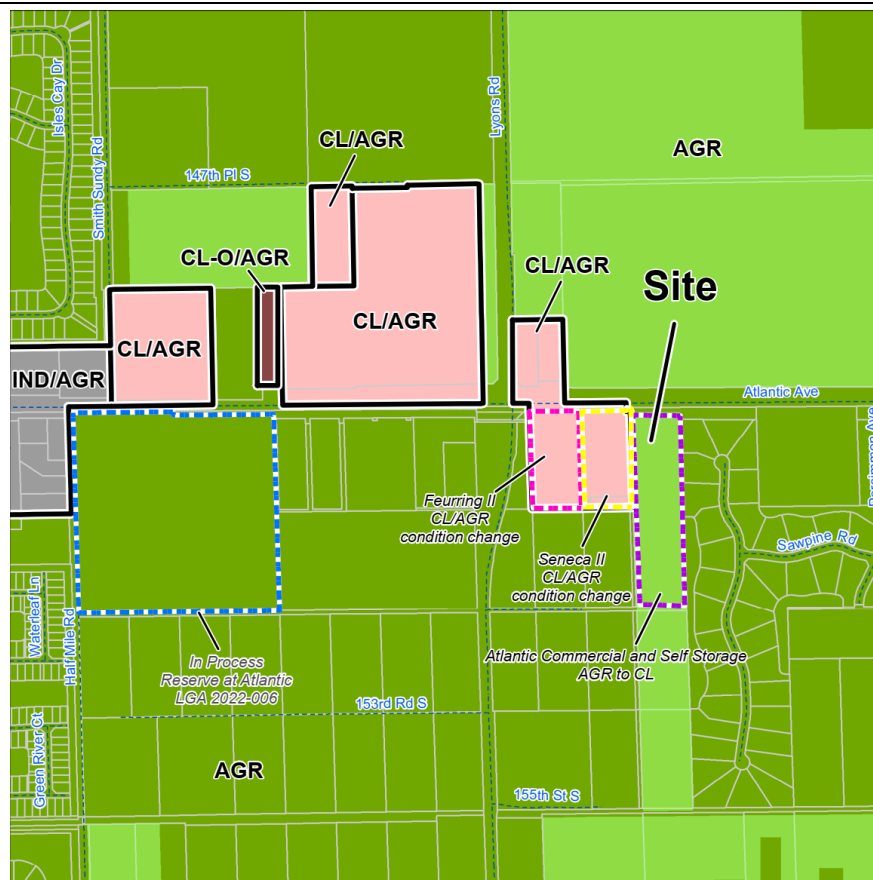


## Exhibit 1 – A

<b>Amendment No:</b>	<b>Atlantic Commercial &amp; Self-Storage (LGA 2022-004)</b>
<b>FLUA Page No:</b>	102
<b>Amendment:</b>	Agricultural Reserve (AGR) to Commercial Low with an underlying Agricultural Reserve (CL/AGR) with conditions
<b>Location:</b>	Southside of Atlantic Avenue, approximately 770 feet east of Lyons Road
<b>Size:</b>	9.89 acres
<b>Property No:</b>	00-42-46-20-01-000-0130

**Conditions:** Development of the site under the Commercial Low future land use designation is limited to:

1. A maximum of 13,357 square feet of commercial uses (other than self-storage) and a maximum of 100,000 square feet of self-storage uses.
2. Vehicular cross access shall be provided to the west of the site.
3. The adoption of the future land use amendment and zoning application shall be held on the same date.



## Legal Description

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TRACT 13, LESS THE NORTH 52.49 FEET FOR THE RIGHT-OF-WAY OF THE LAKE WORTH DRAINAGE DISTRICT L-34 CANAL, AND TRACT 20, IN SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST, OF THE PALM BEACH FARMS CO. PLAT NO. 1, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 26, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

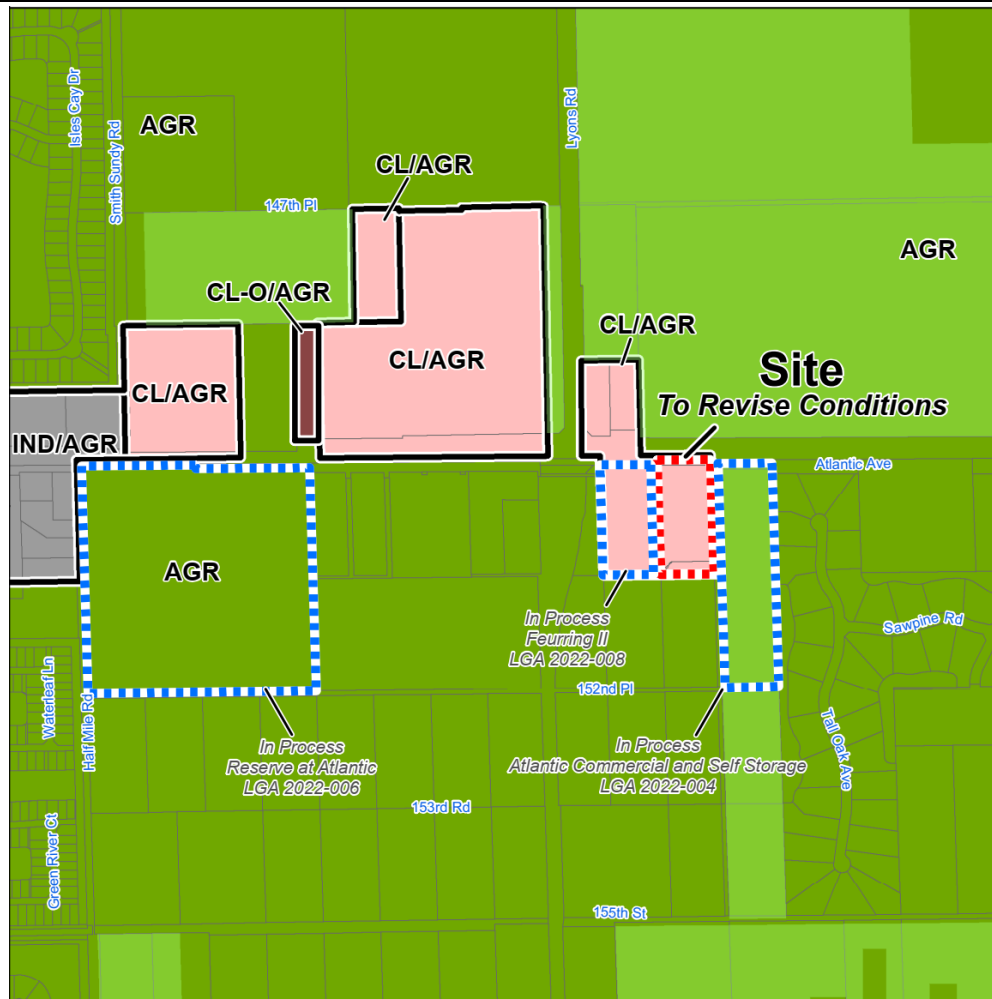
CONTAINING 430,813 SQUARE FEET/9.8901 ACRES, MORE OR LESS

## Exhibit 1 - B

<b>Amendment No:</b>	<b>Seneca II (LGA 2022-009)</b>
<b>FLUA Page No:</b>	102
<b>Future Land Use:</b>	Commercial Low with an underlying Agricultural Reserve (CL/AGR)
<b>Amendment:</b>	To revise conditions of approval adopted by Ord. 2017-006 as shown below.
<b>Location:</b>	South side of Atlantic Avenue, approximately 450 feet east of Lyons Road
<b>Size:</b>	4.51 acres
<b>Property No:</b>	00-42-46-20-19-001-0000

**Conditions:** Development of the site is subject to the conditions of approval adopted by Ord. 2017-006 shown below with the deleted text struck out and added text underlined.

Development of commercial retail and/or office uses on the site are limited to a maximum of ~~38,538~~ 31,700 square feet total.



## Legal Description

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The land referenced to herein below is situated in the County of Palm Beach, State of Florida, and is described as follows:

That portion of Tract 14, THE PALM BEACH FARMS COMPANY 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, lying within the West 990 feet of the Northwest quarter (NW 1/4) of Section 20, Township 46 South, Range 42 East.

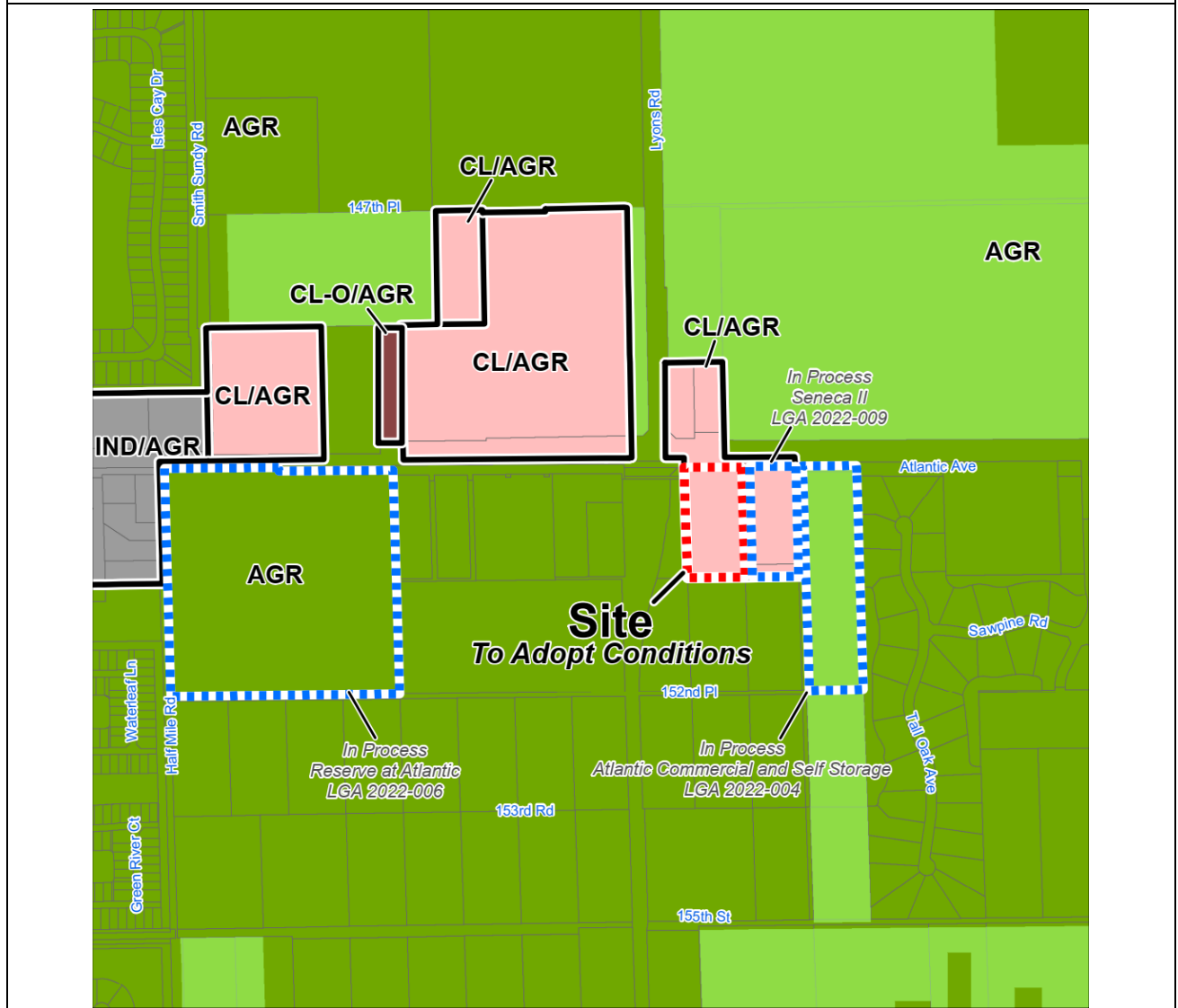
Also being described as Tract 14, less the East 23.40 feet thereof, THE PALM BEACH FARMS COMPANY PLAT NO. 1, according to the Plat thereof as recorded in Plat Book 2, Page 26, of the Public Records of Palm Beach County, Florida.

Said lands situate in the Palm Beach County, Florida and containing 196,394 square feet (4.509 acres) more or less.

## Exhibit 1 - C

<b>Amendment No:</b>	<b>Feurring II (LGA 2022-008)</b>
<b>FLUA Page No:</b>	102
<b>Future Land Use:</b>	Commercial Low with an underlying Agricultural Reserve (CL/AGR)
<b>Amendment:</b>	To adopt conditions of approval
<b>Location:</b>	Southeast corner of Atlantic Avenue and Lyons Road
<b>Size:</b>	4.90 acres
<b>Property No:</b>	00-42-46-20-01-000-0150

**Conditions:** Development of commercial retail and/or office uses on the site are limited to a maximum of 36,170 square feet total.



## Legal Description

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TRACT 15, LESS THE NORTH 52.29 FEET THEREOF, OF THE PALM BEACH FARMS COMPANY PLAT NO. 1, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 2, PAGES 26 TO 28, INCLUSIVE, LYING WITH IN SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH THE APPURTENANT EASEMENT RIGHTS SET FORTH IN THAT CERTAIN RECIPROCAL EASEMENT AGREEMENT RECORDED MARCH 14, 2017 IN OFFICIAL RECORDS BOOK 28946, PAGE 962, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN THE PALM BEACH COUNTY, FLORIDA AND CONTAINING 213,434 SQUARE FEET (4.90 ACRES) MORE OR LESS.



## Exhibit 2

### Consistency with Comprehensive Plan

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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, and 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.;*
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 prepared a Justification Statement (Exhibit 3), summarized as follows:

- The site is “no longer viable for agricultural nor residential uses due to its location at a major intersection of Atlantic Avenue and Lyons Road”.
- “With the approval of the Delray Marketplace TMD at the northwest corner of Lyons Road and Atlantic Avenue, and subsequent requests for FLU amendments of properties in the immediate area, have created a new development pattern along the Atlantic and Lyons corridors; thereby completing a commercial node at this intersection”
- “The development of additional residential communities and the Delray Marketplace TMD have changed the characteristics of the general area. The need for neighborhood serving commercial uses has increased as a result of the influx of residents within the Tier. Although there are existing commercial uses situated within the Delray Marketplace TMD, such uses are not neighborhood in nature and represent more of an entertainment destination. Needed neighborhood based uses, such as a self-service storage facility, general retail uses and a car wash, would better serve the surrounding area.”

**Staff Analysis:** This policy is the umbrella policy over the entire FLUA amendment analysis and many of the items are addressed elsewhere in this report as identified above. With regards to justification, the applicant states that the only option under the current

Agricultural Reserve future land use designation for the site is for agricultural uses. The applicant states that agricultural uses on the site are no longer viable due to the size and location of the parcel. Staff does not concur with this finding. In October 2015, the Board adopted an amendment to the Comprehensive Plan regarding the contiguity requirement for preserve areas, which will allow agricultural preserves as small as 5 acres. The contiguity amendment came about following extensive public comments expressed by the Agricultural Reserve farmer and nursery growers during the Agricultural Reserve Workshop and Roundtable that agricultural uses can be viable at a smaller scale. In addition, various non-residential uses are allowed within the AGR zoning district other than agriculture.

Regarding the perceived need for additional commercial in this area, statements regarding market demand is not relevant to establishing an adequate justification for a future land use change. More significant than market demands are the characteristics of the subject site, the character of the area, changes to the land use pattern that may indicate that the current future land use designation is no longer appropriate, consistency with the Comprehensive Plan, and appropriateness of the proposed designation.

With regards to the characteristics of the surrounding sites and changes in the land use pattern, the subject site is located adjacent to a commercial node with Commercial Low Future Land Use designations to the west. Although a major focus of the policies adopted to implement the Agricultural Reserve Master Plan focused on the mechanics of residential Planned Developments with their required preserve areas, and the mixed use form and limitations on commercial land uses, the underlying theme of the Master Plan was to ensure that non-agricultural uses all be developed in a sustainable pattern. The vision in the Master Plan Phase II was to foster sustainable development that would “*serve area residents with respect to providing employment, shopping, recreation, services, and quality of life. Reducing the necessity for area residents to travel outside the area to receive services lessens the impact on surrounding area services and roads.*” This mixed-use, sustainable development was envisioned to promote an efficient pattern of development that would minimize infrastructure costs to reduce impacts on County taxpayers. The two primary intersections for mixed use development were established at Lyons Road and Boynton Beach Boulevard, and Lyons Road and Atlantic Avenue as part of the Master Plan. In 2004, the County approved the Delray Marketplace Traditional Marketplace Development (TMD) as the commercial mixed use center for Atlantic and Lyons. The request is in the vicinity of the commercial mixed-use center, adjacent to existing commercial future land use, falls within the commercial cap (see Policy 1.5-n discussion), and is suitable at this location along a commercial corridor. Therefore, there is an adequate justification to support the amendment.

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.*

**Staff Analysis:** The proposed amendment is consistent with the above County Directions as it is compatible with adjacent uses, and encourages the clustering of non-residential uses in the Agricultural Reserve Tier. The intent of the commercial location policies in the Tier is to cluster non-residential development along Atlantic Avenue and Boynton Beach Boulevard.

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

**Staff Analysis:** The definition of piecemeal development in the Comprehensive Plan describes “A situation where land, under single ownership or significant legal or equitable interest (by a person as defined in Section 380.0651[4] F.S., is developed on an incremental basis, or one piece at a time, with no coordination or overall planning for the site as a whole.” The amendment is being processed for all of the land area in ownership by the applicants, and is not piecemeal development.

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

**Staff Analysis:** The Comprehensive Plan’s Introduction and Administration Element defines residual parcel as “a property under the same or related ownership that has been left out of a development area, resulting in a parcel which has limited development options and connections to surrounding properties.” As there are no other properties under related ownership, the proposed amendment would not result in a residual parcel and is therefore

consistent with this policy.

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

**Staff Analysis:** The proposed amendment does not exhibit any of the characteristics of strip commercial development as defined in the Introduction and Administration Element of the Comprehensive Plan due to the proposed cross access to the parcel to the west. This is consistent with FLUE Policy 4.3-k which states *“the County shall require, where feasible, that commercial land uses employ access management techniques, such as shared entrances and vehicular cross access, between adjacent existing and proposed commercial land uses.”* Therefore, the proposed amendment does not violate this policy.

## **B. Consistency with Agricultural Tier Requirements**

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

### **Commercial**

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

**Staff Analysis:** The proposed amendment is consistent with this policy as the subject site is located adjacent to an existing commercial node at Atlantic Avenue and Lyons Road. The Agricultural Reserve Tier is the only location in the County where there is a cap on development. The commercial cap was initially adopted to limit the amount of retail and office uses in the Tier and intended to ensure that commercial does not exceed local demand and thereby serve as a draw from outside the Tier. The amendment fits within the cap due to the release of commercial square footage of the sites to the west. In addition, the self-storage use proposed by the applicant is not typically considered a regional draw.

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

**Staff Analysis:** The proposed amendment is requesting to change the future land use on a 9.89-acre parcel that is adjacent to an existing commercial node. The site is within ¼

mile of the intersection of Lyons Road and Atlantic Avenue, within the area defined as the location intended for two commercial mixed use centers in the Ag Reserve Master Plan.

3. **Policy 1.5-n:** *“The County shall ensure a sustainable development pattern is achieved in the Agricultural Reserve by allowing commercial uses while ensuring that the supply of commercial square footage does not exceed the demand of the farm workers and residents of the Tier. The County may approve a maximum of 1,015,000 square feet of commercial uses (retail, service and office) within the Tier. Self-storage uses are not subject to the commercial cap.”*

**Staff Analysis:** The amendment is a three part request that will result in the revision of previously adopted conditions of approval to reduce the maximum allowable commercial square footage on the Feurring and Seneca sites. This will release 13,444 sq. ft. from the AGR commercial cap to be utilized by the Atlantic Commercial and Self-Storage site without increasing the cap. In addition, the applicant is proposing self-storage uses which are not included in the cap. See Exhibit 9 for commercial projects in the AGR Tier with associated approved square footages.

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

**Staff Analysis:** The applicant has submitted a zoning application (PDD/CA/W 2021-1361) which proposes to change the zoning from Agricultural Reserve Planned Unit Development (AGR-PUD) zoning to Multiple Use Planned Development (MUPD) in order to develop 9,100 square feet of retail, a 3,339 square foot carwash, and 99,459 square feet of self-service storage with 538 bays totaling 111,898 square feet of uses. In addition, staff has proposed a condition to require the land use and zoning adoption hearing to be considered on the same date.

**C. Consistency with FLUE TABLE 2.2-e.1, Maximum Floor Area Ratios (FARs) For Non-Residential Future Land Use Categories and Non-Residential Uses**

**Note 9:** *“Industrial and self-storage uses may be approved for up to .85 FAR in the industrial future land use designations the Urban Suburban Tier, and self-storage uses may be approved for up to .65 FAR in the commercial future land use designations in the Agricultural Reserve Tier on sites that meet the Major Intersection Criteria in the ULDC (see also FLUE Policy 1.5-p).”*

**Staff Analysis:** This text was added to the Comprehensive Plan in 2020 with the West Boynton Center FLUA amendment (LGA 2020-006). This note in Future Land Use Element Table 2.2-e.1 allows for a floor area ratio (FAR) of up to .65 FAR for commercial future land use designations within the Agricultural Reserve Tier for sites meeting the Major Intersection Criteria in Article 5, Chapter E, Section 1 of the ULDC. Self-storage uses are typically high FAR, but low trip generating, low impact compared to other uses allowed in the adopted Commercial Low future land use designation. In addition, self-storage is already allowed within the Tier up to .45 FAR in the Industrial future land use designation which has no location requirements or cap. This site meets the criteria for up to .65 FAR as this site is located a commercial node meeting the Major Intersection Criteria. Atlantic Avenue meets criteria D, since the roadway is shown in the Map Series

Map TE 14.1, Thoroughfare Right of Way Identification Map (TIM) as a 126 foot right of way and Lyons Road meets criteria C as the traffic volume on the roadway is greater than 10,000 trips per day as shown on the Peak Season Traffic Volume Table.

#### **D. 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 FLU designations in Exhibit 3.

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

**North:** To the north of the subject site, beyond Atlantic Avenue, is a preserve area for the Valencia Cove AGR-PUD and two commercial sites known as Fina Station and Dells Suburban Market. Both commercial sites were the subject of a land use amendment in Round 16-A (LGA 2016-013 and LGA 2016-009) to assign Commercial Low future land use designations in order to reflect the commercial uses, which existed on these sites prior to the creation of the Agricultural Reserve Master Plan. The 1.69-acre Dells Suburban Market site contains recently developed medical office uses and the 1.50-acre Fina Station site is utilized as an auto repair and service station. At the northwest corner of Atlantic Avenue and Lyons Road, is the Delray Marketplace with a Commercial Low future land use designation. Just to the west of Delray Marketplace is the recently adopted Atlantic Avenue Medical site which has a Commercial Low-Office future land use.

**East:** To the east is the Delray Lakes Estates Planned Unit Development, which predates the current Ag Reserve PUD 60/40 and 80/20 development options, with an AGR FLU.

**West:** To the west are the Seneca and Feurring properties with a Commercial Low future land use. The history of both these sites is detailed in Section C – Introduction and Review.

**South:** To the south of the site are various agricultural uses on 5-acre parcels with an Agricultural Reserve (AGR) future land use.

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

**Applicant’s Comments:** The applicant states that “potential compatibility issues are generally addressed or mitigated through spatial separation such as setbacks and installation of landscape buffers” and will “will address these potential impacts by limiting the height of the buildings and by providing an adequate landscape buffer along the east residential property line.”

**Staff Analysis:** The site is adjacent to an existing commercial node with Commercial Low future land uses on both the southeast, northwest and northeast corners of Atlantic Blvd and Lyons Road. The applicant states that the proposed amendment is compatible with the surrounding area due to the existing and proposed commercial development that has



occurred at this node. The proposed amendment will change the future land use to Commercial Low which is compatible with the adjacent uses. The site is also within one of the commercial-mixed use centers as defined in the Comprehensive Plan, which encourages the clustering of non-residential uses in the Agricultural Reserve Tier. The Zoning Division will ensure compatibility buffers to the east to buffer the residential area. There are no compatibility issues presented by this amendment.

#### **E. Consistency with County Overlays, Plans, and Studies**

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

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

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

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

#### **F. Public Facilities and Services Impacts**

The proposed amendment would change the development potential of the site from 5 acres of nursery (garden center) and 4.89 acres of nursery (wholesale) to 193,864 square feet of warehouse and 13,357 of general commercial. Public facilities impacts are detailed in the table in Exhibit 4.

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

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

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

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

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

**Staff Analysis:** The Traffic Division reviewed this amendment at a maximum of 193,864 square feet of warehouse and 13,357 of general commercial. According to the County's Traffic Engineering Department (see letter dated September 17, 2021 in Exhibit 5) the amendment would result in a decrease of 333 net daily trips and 35 (25/10) AM and 83 (33/50) PM net 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 Land Use Element of the Palm Beach County Comprehensive Plan at the maximum density shown above."*

The Traffic Study (Exhibit 5) was prepared by Juan Ortega, P.E., Ph.D. Traffic studies and other additional supplementary materials for site-specific amendments are available to the public on the PBC Planning web page at:

<https://discover.pbcgov.org/pzb/planning/Pages/Active-Amendments.aspx>

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

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

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

## H. 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 December 28, 2021. To date, no objections through the IPARC process to this amendment have been received.
- B. **Other Notice:** Public notice by letter was mailed to the owners of properties within 500' of the perimeter of the site on December 23, 2021. In addition, on December 23, 2021 several interested parties were notified by mail including The Alliance of Delray, the Coalition of Boynton West Residential Association (COBWRA) and the Delray Lakes Estates HOA. Notification of this amendment, and all of the amendments related to the Ag Reserve Tier, was provided to the interested parties via email on January 7, 2022. To date, no correspondence has been received. Letters received are added to the Exhibits during the course of the amendment process.
- C. **Informational Meeting:** The Planning Division hosted a meeting for area residents and interested parties to relay information regarding the amendment and development approval process on January 4, 2022. No members of the public attended.

## Exhibit 3

### Applicant's Justification

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#### **Request**

On behalf of the Applicant, WGI is requesting amendments for three properties that are located within the Agricultural Reserve (AGR) Tier. This amendment requests will revise two previously adopted ordinances (Feurring Commercial, Ordinance 2016-035 and Seneca Commercial 2017-006) to reduce the allowable square footage on these sites, which allows the new commercial request (Atlantic AGR Commercial & Self-Storage, aka Atlantic Commercial) to utilize this square footage. The amendment proposes one report with three final ordinances reflecting the two existing Multiple Use Planned Developments (MUPD) and one proposed MUPD. The following provides a detailed summary of these requests:

**Feurring Commercial** at 4.9 acres, under Ord. 2016-035, Control No. 2013-0213, was approved for Commercial Low with an underlying Agricultural Reserve (CL/AGR) Future Land Use (FLU) designation in 2016 for up to 42,689 square feet (sq. ft.) of commercial uses (.20 FAR based on the 4.9 acres). The current amendment proposes to add the following condition, reflecting the approved and built site plan (35,169 sq. ft.) and a 1,000 sq. ft. reserve for potential future development thereby releasing 6,519 sq. ft. of the commercial cap per Policy 1.5-n of the Comprehensive Plan:

- Development of commercial retail and/or office uses on the site is limited to a maximum of 36,170 sq. ft. total.

**Seneca Commercial** at 4.51 acres, under Ord. 2017-006, Control 2016-00078, was approved for CL in 2017 for up to 38,538 sq. ft. of commercial uses by ordinance. This amendment proposes to revise the adopted condition of approval to reflect the approved site plan (30,700 square feet), and a 1,000 sq. ft. reserve for potential future development, thereby releasing 6,838 square feet of the commercial cap:

- Development of commercial retail and/or office uses on the site is limited to a maximum of 31,700 square feet total.

**Released from Cap.** As mentioned above, the reduction in commercial square footage adopted by the two prior ordinances will release 13,357 square feet for the Atlantic Commercial site.

**Atlantic Commercial.** This amendment proposes to change the future land use on a 9.89-acre site from AGR to Commercial Low (CL) FLU designation. The development potential for the site will be as follows: the north 1.77 acre-portion of the site will be designated for commercial and an automated one lane car wash (at .20 FAR for up to 15,420 sq. ft. of commercial). However, the Applicant proposes to limit the commercial at 13,357 sq. ft. (which equates to the same square footage that will be released from the concurrent application of Feurring Commercial and Seneca Commercial). In addition, the Applicant proposes a self-storage facility at the southern 8.12-acre portion of the site (at .65 FAR for up to 280,025 sq. ft. of self-storage). The following proposed condition of approval is.

- Development of commercial retail and/or office uses on the site is limited to a maximum of 13,357 sq. ft. total, and development of self-storage is limited to a maximum of 193,864 sq. ft. of self-storage.

It is important to note that Plaza Delray (Ordinance 2020-010) which is a 0.33-acre sliver of land contiguous to Seneca Commercial. The Seneca Commercial was changed from AGR to CL/AGR with the intent to serve as additional parking for Seneca Commercial. The ordinance includes a condition which limits the site to parking only and with no commercial intensity. For the purpose of this amendment request, Plaza Delray will be shown associated with Seneca Commercial even though they were approved under two different ordinances.

### Development History

The following Table is a summary of the development history of each parcel of land, and provides a breakdown of the approved, developed, unbuilt intensity and proposed transfer of square footage

Acres	Amend (PCN)	Ordinance	LGA	Control No.	Control Name	S.F. Total	FAR Max 0.2	Approved Square Footage under Ordinance	Zoning Site Plan/Approved S.F. & Future Dev. SF Buffer	AGR Tabular Data
4.9	Feurring Commercial (00424620010000150)	2016-035	LGA-2016-024	2013-00213	Feurring MUPD	213,444	42,689	42,689	36,170	42,776
4.51	Seneca Commercial (00424620190010000)	2017-006	LGA-2017-001	2016-00078	Plaza Delray MUPD	196,456	39,291	38,538	31,700	38,538
0.33	Plaza Delray MUPD (00424620010000141)	2021-010	LGA-2021-006	2016-00078	Plaza Delray MUPD	14,375	-	-	-	-
<b>9.74 (subtotal)</b>	-	-	-	-	-	-	<b>81,980</b>	<b>81,227</b>	<b>65,862</b>	<b>81,314</b>
	-	-	-	-	-	-	-	-	<b>13,357</b>	-
9.89	Atlantic AGR Commercial & Self-Storage (00424620010000130)	-	-	2000-00032	Sussman PUD	430,808	86,162	-	-	-
<b>19.63 (total)</b>	-	-	-	-	-	-	193,864	-	-	-

### Concurrent/Pending Zoning Applications

The concurrent Zoning applications will be submitted to the Zoning Division contingent upon the approval of the FLUA Amendment, and will include the following:

- A Development Order Amendment (DOA) application to swap the existing 9.89-acre preserve area of Sussman AGR PUD with new preserve parcels, which are identified under PCN 00-42-46-19-01-000-1030 and 00-42-46-19-01-000-1040 (4.99 acres each).
- Rezoning of Parcels PCN 00-42-46-19-01-000-1030 and 00-42-46-19-01-000-1040 to AGR PUD (as preserve parcels) and redesignate them for the Sussman AGR PUD under a DOA application;
- Rezoning of the 9.89-acre Atlantic AGR Commercial & Self-Storage site to Multiple Use Planned Development (MUPD); and,
- Other required Zoning applications, where deemed necessary.

### Atlantic Avenue/Lyons Road Commercial Node & Surrounding Uses

The three subject properties as mentioned under **Request** are located within the Agriculture Reserve Tier, which currently includes agricultural, and a mix of residential, commercial, and industrial uses. All the sites have frontage and access on the Atlantic Avenue corridor and are within proximity to the intersection of Atlantic Avenue and Lyons Road, a major intersection that is a commercial node within the Agriculture Reserve. The Agriculture Reserve includes large residential planned unit developments that have been approved and built over the last few years to the north, south, and west of the subject properties. See the aerial below for the subject properties.



**PROPERTY OWNERS AND PROPERTY CONTROL NUMBERS (PCN)**

The subject properties under this application from east to west are: Atlantic AGR Commercial & Self-Storage; Plaza Delray; Seneca Commercial and Feurring Commercial.

<b><u>Parcel (East to West)</u></b>	<b><u>PCN</u></b>	<b><u>Current Owners</u></b>	<b><u>O.R.B.</u></b>
Atlantic AGR Commercial & Self-Storage (Sussman PUD Preserve Parcel #9) – 9.89 acres	00-42-46-19-01-000-1030;	PEBB Atlantic II LLC & Socro LLC	O.R.B. 32041, PG. 01111
Seneca Commercial – 4.51 acres and Plaza Delray - 0.33 acre portion of a 0.71 acre PCN)	00-42-46-20-01-000-0141; 00-42-46-20-01-000-0142	SFD Lyons LLC	O.R.B. 29544, PG. 00069
Feurring Commercial – 4.9 acres	00-42-46-20-01-000-0150	PEBB Atlantic LLC	O.R.B. 31188, PG. 01144

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## **SURROUNDING PROPERTIES**

<b>Adjacent Lands</b>	<b>Existing Use</b>	<b>Future Land Use</b>	<b>Zoning</b>
<b>North</b>	<b><u>Valencia Cove AGR-PUD</u></b> Control No. 2004-00369 R-2015-11 Existing Land Use: Agriculture Approved Land Use: Preserve Area	Agriculture Reserve (AGR)	Agriculture Reserve – Planned Unit Development (AGR-PUD)
<b>Northwest</b>	<b><u>Dells Suburban Market</u></b> Control No. 1980-00039 R-2016-1069 Existing Land Use: Commercial	Commercial Low with an underlying Agriculture Reserve (CL/AGR)	Community Commercial (CC)
	<b><u>Fina Service Station</u></b> Control No. 1977-00147 R-1987-1173; R-2016-1070 Existing Land Use: Commercial	Commercial Low with an underlying Agriculture Reserve (CL/AGR)	Community Commercial (CC)
	<b><u>Delray Marketplace</u></b> Control No. 2004-00616 R-2015-537, 0538 Existing Land Use: Multifamily Residential, and Commercial DU: 73 Gross Density: 0.75 DU/AC 278,940 GFA, 15% FAR	Commercial Low with an underlying Agriculture Reserve (CL/AGR)	Traditional Marketplace Development (TMD)
<b>South</b>	<b><u>Sussman PUD</u></b> Control No. 2000-00032 R-2016-1235; - 1236 Existing Land Use: Vacant Approved Land Use: Preserve Area	Agriculture Reserve (AGR)	Agriculture Reserve – Planned Unit Development (AGR-PUD)
<b>East</b>	<b><u>Delray Lakes Estates</u></b> Control No. 1979-00031 R-1979-00199; R-2011- 1499 Existing Land Use: Single Family DU: 96 Gross Density: 0.74 DU/AC	Agriculture Reserve (AGR)	Residential Estate (RE)
<b>West</b>	<b><u>Mecca Farms</u></b> Control No. 1994-00070 ZR-1994-0009; -0010 R-1995-0011	Agriculture Reserve (AGR)	Agriculture Reserve (AGR)

	Existing Land Use: Agricultural Sales and Service Center GFA: 10,000 SF		
	Existing Land Use: Landscaping Service	Agriculture Reserve (AGR)	Agriculture Reserve (AGR)
	Existing Land Use: Vacant	Agriculture Reserve (AGR)	Agriculture Reserve (AGR)

#### **G1. Justification for Future Land Use Atlas Amendment**

Pursuant to Policy 2.1-f, which states:

***“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, and 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 prevention of urban sprawl as defined by 163.3164(51), F.S.;***
- 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).”***

This Justification Statement provides analyses of each applicable policy as follows:

#### **Feurring Commercial and Seneca Commercial.**

The requests are to allow the release of unused square footage of Feurring Commercial and Seneca Commercial back to the commercial cap which is under Policy 1.5-n of the Comprehensive Plan. The amendment will allow the release of 13,357 sq. ft. to be utilized by the concurrent application of Atlantic Commercial.

Under this request, the Applicant proposes to add a condition of approval limiting Feurring Commercial to what is site planned and built, along with a buffer for potential future development totaling 36,170 sq. ft. In addition, the Applicant proposes to amend a prior condition of approval under Seneca Commercial, Ordinance 2017-006, and reduces the approved intensity of 39,538 sq. ft. to 31,700 sq. ft. which accurately reflected what is site planned and yet to be developed. The release of 13,357 square feet will be “returned” to the commercial cap, and allows the concurrent application of Atlantic Commercial to utilize without exceeding the commercial cap as stated in Policy 1.5-n of the Comprehensive Plan.

#### **Atlantic Commercial.**

This amendment proposes to change the future land use on the 9.89-acre site to the CL FLU designation. The development potential for the site will allow 1.77 acres of the site to be designated for commercial uses up to 13,357 sq. ft. of commercial. However, the Applicant proposes to utilize the concurrently released 13,357 sq. ft., and proposes a self-storage facility at the remainder 8.12-acre portion of the site (at .45 FAR for up to 280,025 sq. ft. of self-storage). At this time, the Applicant proposes the self-storage building to be 99,459 square feet in size, but is requesting the intensity be kept at 193,864 sq. ft.

The requests to release the square footage of Feurring Commercial and Seneca Commercial, subject to new and amended conditions are consistent with the County’s direction in setting limitations for commercial development within the AGR Tier. The concurrent request to change the FLU designation of Atlantic

Commercial to CL will expand the need to provide more neighborhood type uses along the commercial node of Atlantic Avenue and Lyons Road. Establishment of uses such as pharmacy, restaurants, retail, offices and self-storage facility will better serve the residential community of the Tier.

The request is compliant with FLUE 2.1-f, as outlined below:

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

**Applicant's Response:**

Feurring Commercial, Seneca Commercial and Plaza Delray were subject of a FLU Amendment application in 2016, 2017 and 2020 respectively, analyses on the site and its proposed uses were performed and were determined that each site and its proposed use(s) and affiliated intensity were appropriate.

Feurring Commercial is developed under its allowable intensity and has 7,519 sq. ft. leftover from the original approval. Seneca Commercial has a site plan approved for 30,700 square feet with 7,838 square feet remaining unused. As a result, a total of 13,357 sq. ft. will be released back to the commercial cap and allow the concurrent application for Atlantic Commercial to utilize for the development of more neighborhood type of commercial uses.

The 9.89-acre Atlantic Commercial site represents a tract of underutilized land and suited for redevelopment; however, it is no longer viable for agricultural nor residential uses due to its location at a major intersection of Atlantic Avenue and Lyons Road. This intersection acts as a commercial node in the Agricultural Reserve and includes the Delray Marketplace TMD at the northwest corner, which is a regional draw for the County. Although there are existing commercial uses situated within the Delray Marketplace TMD, such as are not neighborhood serving in nature. Over time, the need for neighborhood serving commercial uses has increased because of the influx of residents and new residential developments within the Agricultural Reserve Tier, including the following:

<b>Name of Application</b>	<b>Control Number</b>	<b>Resolution No.</b>	<b>Number of Units</b>
Sussman AGR PUD	2000-00032	2016-1235, -1236	743 units
Monticello AGR PUD	2005-00014	2005-1418, -1135, 1136; 2012-776; 2018-1703, 2018-1704	653 units
Valencia Cove AGR PUD	2004-00369	R-2020-0336; R-2020- 0337	1,404 units
Bridges-Mizner AGR PUD	2004-00250	R-2017-974, -975, -976, - 977	1,866 units
Hyder AGR PUD	2005-00455	R-2006-278, 2014-729, 2017-972	1,205 units

The proposed amendment is consistent with the Board of County Commissioners' (BCC) direction to allow for additional, neighborhood serving commercial uses within the Agricultural Reserve. One of the intents is to keep traffic trips localized and reducing impacts on the Countywide roadway network. In 2016, the BCC adopted revisions to the County's Comprehensive Plan, known as the "County Initiated Agriculture Reserve Commercial Text amendments. The adopted amendment revised the Future Land Use Element (FLUE) policies regarding commercial and non-residential development within the Agriculture Reserve Tier. The amendment changes consisted of:

- Retain the following commercial requirements:
  - Location within ¼ mile of Lyons/Boynton and Lyons/Atlantic intersections
  - Scale, character, design, and concurrent zoning application
  - Minimum preserve area
- Allow ability for smaller commercial sites through:

- Increasing the total maximum allowable square footage
- Eliminating the Traditional Marketplace requirements and allowing Multiple Use Planned Developments (MUPD)
- Allowing pre-existing commercial sites to be 'squared off'

**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;***

**Applicant's Response:**

**Feurring Commercial and Seneca Commercial.** When the FLU Amendment application for these three sites: Feurring Commercial, Seneca Commercial and Plaza Delray were reviewed in 2016, 2017 and 2020 respectively, changes in FLU designations on adjacent properties and associated impacts were analyzed and therefore were approved by the BCC.

The concurrent Atlantic Commercial is the purpose of the current request to add a new condition and amend the limitation and/or conditions of approval that are associated with Feurring Commercial and Seneca Commercial sites and allow the remainder intensity to be released back to the commercial cap, The request will not create any negative impacts to any adjacent properties. In fact, the release of square footage will allow the concurrent application of Atlantic Commercial to obtain the unused intensity without exceeding the limit of 1,015,000 commercial square footage pursuant to Policy 1.5-n.

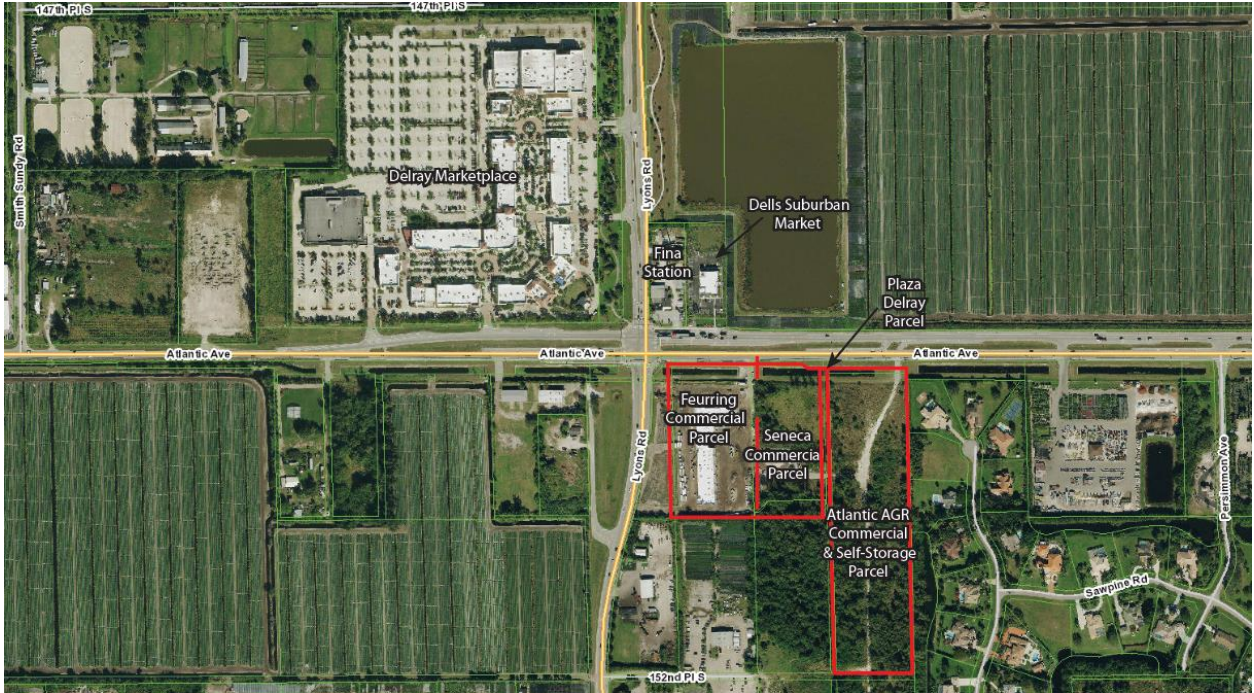
**Atlantic Commercial.** The concurrent FLUA Amendment for the 9.8-acre Atlantic Commercial site is to modify its FLU designation to CL for additional neighborhood serving commercial uses and a self-service storage facility. The 9.8-acre site was dedicated as a preserve parcel for the Sussman AGR PUD since 2000; however, it remains vacant for many years.

With the approval of the Delray Marketplace TMD at the northwest corner of Lyons Road and Atlantic Avenue, and subsequent requests for FLU amendments of properties in the immediate area, have created a new development pattern along the Atlantic and Lyons corridors; thereby completing a commercial node at this intersection. There are existing commercial uses situated within the Delray Marketplace TMD; however, such uses are not neighborhood serving in nature. Neighborhood based uses such as a self-service storage facility and general retail uses would support the viability of the Delray Marketplace TMD, by providing supportive commercial uses, while maintaining the entertainment destination nature of Delray Marketplace TMD.

With the change in FLU designations of AGR to CL/AGR of those parcels (Feurring Commercial, Seneca Commercial and Plaza Delray) that are located to the west of Atlantic Commercial, it is logical and reasonable to request a change of the site's FLU to CL so that the uses on the site is in line with the neighboring properties.

Shown below is a map illustrating the four subject properties' proximity to the commercial node of Delray Marketplace and the intersection of Atlantic Avenue and Lyons Road.





See the aerial below for Feurring Commercial, Seneca Commercial and Plaza Delray in line with the Atlantic AGR Commercial & Self-Storage site.



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

**Applicant's Response:**

**Feurring Commercial and Seneca Commercial.** These sites were both approved with an intensity that has been evaluated under the prior CL/AGR Ordinances, both developments were either constructed or site-planned with intensity that are less than what had been allowed. Plaza Delray was approved with no intensity but with the intent to serve as additional parking for Seneca Commercial.

The current request is to add/modify conditions of approval associated with commercial square footage, and allow the remainder unused intensity to be released, and be utilized by the proposed Atlantic Commercial for additional neighborhood serving type of commercial uses and a self-storage facility, these services and facilities will further benefit the residential communities in the AGR Tier. Under this request, there should be no impacts created from the concurrent FLU Amendment application of Atlantic Commercial.

**Atlantic Commercial.** The development of additional residential communities and the Delray Marketplace TMD have changed the characteristics of the general area. The need for neighborhood serving commercial uses has increased as a result of the influx of residents within the Tier. Although there are existing commercial uses situated within the Delray Marketplace TMD, such uses are not neighborhood in nature and represent more of an entertainment destination. Needed neighborhood-based uses, such as a self-service storage facility, general retail uses and a car wash, would better serve the surrounding area. The proposed uses would continue the commercial development that is already built along Atlantic Avenue, while create a contiguous block with both the Feurring and Seneca Commercial properties. The proposed self-service storage facility is exempt from the Tier's commercial cap per Policy 1.5-n of the County's Comprehensive Plan, while the proposed commercial square footage will remain within the commercial cap of the Tier. The Atlantic Commercial currently has access onto Atlantic Avenue and no additional access points will be requested.

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

**Applicant's Response:**

**Feurring Commercial and Seneca Commercial.** The new Atlantic Commercial development is the reason for the request to modify the conditions of approval for Seneca Commercial and add a new condition to Feurring Commercial. Although Feurring Commercial, Seneca Commercial and Plaza Delray were approved under their individual CL/AGR ordinances; however, the allowable intensity under each Ordinance was never fully utilized. The Amendment will allow the remaining unused commercial square footage to be released back to the commercial cap.

**Atlantic Commercial.** As mentioned before, the 9.8-acre Atlantic Commercial parcel was utilized as a preserve for the Sussman AGR PUD, it was never actively being used for agricultural related uses that are permitted under the "preserve" zoning category. Uses within this area of the Tier have changed over time from predominately agriculturally based uses to new residential developments and commercial serving uses. The subsequent land use change approvals of Feurring Commercial, Seneca Commercial and Plaza Delray Commercial create a change in circumstances demonstrating that the site is more appropriate for non-agricultural uses.

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

**Applicant's Response:**

**Feurring Commercial and Seneca Commercial.** By requesting the addition and amendment of conditions relating to the square footage that were associated with the two prior CL/AGR Ordinances, the adopted FLU designation of Feurring Commercial and Seneca Commercial will remain appropriate for these sites.



**Atlantic Commercial.** AGR is not the most appropriate FLUA designation for the Atlantic Commercial site as it would not create and appropriate balance of land uses within the Agriculture Tier. The Atlantic Commercial site is not practical for agricultural uses and is more in line with the existing commercial uses within the commercial nose of the Agricultural Tier. Based upon additional demand and need for neighborhood serving commercial retail uses and the location and size of the property in relation to the BCC's direction, the CL FLU designations are more appropriate for the Atlantic AGR Commercial & Self-Storage site.

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

**Applicant's Response:**

**Feurring Commercial and Seneca Commercial.** The adopted AGR FLUA designation was not assigned in error for these sites, but the adopted amendment is more in line with the change in development pattern at the commercial node and the BCC's direction for smaller commercial uses within the Agricultural Tier. The current request to add and amend conditions of approval relating to square footage will not negatively impact the adopted CL/AGR FLU designation of these sites.

**Atlantic Commercial.** The adopted AGR FLUA designation was not assigned in error for the 9.8-acre site, but the proposed amendment will be more in line with the change in development pattern at this commercial node of the AGR Tier, and will be consistent with the BCC's direction in allowing smaller commercial uses and/or neighborhood type uses within the Agricultural Tier.

**G.2 Residential Density Increases**

**Applicant's Response:**

There are no residential density increases requested as part of this application for all three sites.

**G.3 Compatibility and Surrounding Uses**

**Applicant's Response:**

Pursuant to the Unified Land Development Code (ULDC), Compatibility is defined as "*Land uses that are congruous, similar and in harmony with one another because they do not create or foster undesirable health, safety or aesthetic effects arising from direct association of dissimilar, contradictory, incongruous, or discordant activities, including the impacts of intensity of use, traffic, hours of operation, aesthetics, noise, vibration, smoke, hazardous odors, radiation, function and other land use conditions.*"

**Feurring Commercial and Seneca Commercial.** When Feurring Commercial, Seneca Commercial and Plaza Delray were subject of a FLU Amendment application in 2016, 2017 and 2020 respectively, analyses of the parcels and its proposed uses were performed and were determined that each site and its proposed use(s) and affiliated intensity were compatible with the surrounding uses. The compatibility issues of these parcels have been addressed during the prior zoning review.

The current request to add and amend conditions relating to reduction of square footage will not create any incompatibility issues.

**Atlantic Commercial.**

Potential compatibility issues are generally addressed or mitigated through spatial separation such as setbacks and installation of landscape buffers. The following provide an analysis explaining how the proposed uses will not generate any additional potential impact to the commercial node of the Atlantic Avenue corridor.

**North:** To the north, across from Atlantic Avenue, is the Valencia Cove Preserve and tow existing commercial sites (Fina Station LGA 2016-013 and Dells Suburban Market, LGA-2016-009). Both of these commercial sites were the subject of a County Initiated FLU amendment to vest those commercial uses that were established prior to the creation of the AGR Tier and Master Plan. Currently, the Dells Suburban Market site remains vacant and the Fina Station site is utilized as an auto repair service station.

**South:** To the south, across from 152nd Place, is a 4.98-acre preserve parcel of Sussman AGR PUD, and is currently vacant.

**East:** To the east is the Delray Lakes Estates PUD, which exists prior to the creation of the AGR PUD provisions. Any compatibility issues that may be generated from the proposed AGR/CL FLU change and affiliated uses will be addressed at the Zoning applications, and the Applicant will address these potential impacts by limiting the height of the buildings and by providing an adequate landscape buffer along the east Residential property line.

**West:** Further to the west is a 1.57-acre strip of land owned by Palm Beach County that is a leftover resulting from the extension of Lyons Road. West across Lyons Road is the Delray Fields, which had a LGA application (LGA 2016-030) but was withdrawn. A Class B Conditional Use for Ag Sales and Services (Z/CB 1994-70) remains valid for this AGR site.

#### **G.4 CONSISTENCY WITH DIRECTIVES, GOALS, OBJECTIVES, AND POLICIES OF THE PBC COMPREHENSIVE PLAN**

*The Future Land Use Element (FLUE) of the Comprehensive Plan establishes the framework for future development within Unincorporated Palm Beach County and includes Goals, Objectives and Policies which guide this future growth. Section I.C of the FLU Element also establishes County Directions which reflect the type of community residents wish to see within Palm Beach County. The Directions particularly relevant to this application include:*

- **Livable Communities;**
- **Growth Management;**
- **Infill Development;**
- **Land Use Compatibility;**
- **Neighborhood Integrity; and**
- **Housing Opportunity.**

#### **Applicant's Response:**

The following analysis demonstrates the proposal's consistency with the relevant Goals, Objectives and Policies of the Future Land Use Element of the Plan, as demonstrated throughout this report. Additionally, the proposed FLUA Amendment to change the FLU designation from AGR to CL for Atlantic Commercial is consistent with the general development pattern and characteristics of the surrounding area.

#### **Consistency with the PBC Future Land Use Element**

**Goals** – The proposed Amendment requests further the County's goals as further described below.

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

#### **Applicants Response:**

The request to add and amend a condition as it relates to the reduction of unused square footage for Feurring Commercial and Seneca Commercial is consistent with the intensities of the Agriculture Reserve Tier since it will maintain the commercial cap. The reduced commercial square footage will be released to allow the concurrent application for Atlantic Commercial to proceed with a change from AGR to CL FLU designation and to utilize the released square footage.

Allowing compact and appropriately situated neighborhood commercial uses within the Agricultural Reserve Tier will encourage and provide for the appropriate distribution of land uses that promotes the quality of life for the residents in the area. In addition, the Atlantic Commercial site is located on the south side of Atlantic Avenue, which is a major east-west corridor with access to I-95, the Florida Turnpike, and U.S 441. Infrastructure is already in place along this corridor, which was established to

accommodate the existing residential, TMD-commercial center, and place of worship that are already developed within the vicinity of the site.

**Objectives** – The proposed Amendment requests further the County's objectives as further described below.

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

**Applicants Response:**

Both Feurring and Seneca Commercial were analyzed and found to be consistent with Objective 2.1 of the County's Comprehensive Plan. The current request to add and amend conditions in relation to the reduction of previously approved commercial square footage is consistent with the Objective to achieve balanced growth, since the commercial cap of the AGR Tier is maintained.

Development of the 9.8-acre Atlantic Commercial site is inevitable since it remains vacant and not been utilized for agricultural related activities. In addition, the site is located in close proximity to the commercial node of Atlantic Avenue and Lyons Road, with the development of new residential communities in the AGR Tier, these corridors will continue to generate increased demand for neighborhood type of commercial uses and services. Residents and the workforce within the AGR Tier need support services in the vicinity without having to travel a significant distance. Therefore, both of these requests will maintain and/or provide a balance growth in the AGR Tier and is consistent with Objective 2.1.

***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.”

**Applicants Response:**

The reduction in commercial square feet for both Feurring and Seneca Commercial would allow for the release of unused square feet back to the commercial cap of the AGR Tier. The release of square footage will allow for additional neighborhood type commercial uses such as Atlantic Commercial, which will help serve the residents in the Tier and continue the development pattern along the Atlantic Avenue corridor. The current land development pattern within the immediate vicinity of the intersection of Lyons Road and Atlantic Avenue is generally non-agricultural. The proposed low commercial use and self-storage facility for the 9.8-acre Atlantic Commercial site will provide needed services to the residents in the surrounding area and not require them to travel long distances to obtain such services, thus ensuring that the characteristics of the Agriculture Reserve Tier are sustained, and creates a mix of uses that are compact and self-contained.

**Policies** – The proposed FLUA Amendment furthers the County's policies as further described below:

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

**Applicants Response:**

Feurring Commercial and Seneca Commercial, with the subsequent Plaza Delray, were analyzed and found to consistent with Policy 1.5-k under the 2016, 2017 and 2020 ordinances. The current request to reduce

the previously approved square footage for both Feurring and Seneca Commercial allows for the release of commercial square footage back to the commercial cap of the AGR Tier. The release of unused commercial square feet will allow the development of neighborhood/community scale type of commercial uses, such as Atlantic Commercial, for the residents of the AGR Tier. In addition, these three sites are centrally located within the commercial node of the Tier. Therefore, the current requests are consistent with this policy.

***Policy 1.5-n:*** *The County shall ensure a sustainable development pattern is achieved in the Agricultural Reserve by allowing commercial uses while ensuring that the supply of commercial square footage does not exceed the demand of the farm workers and residents of the Tier. The County may approve a maximum of 1,015,000 square feet of commercial uses (retail, service and office) within the Tier. Self-storage uses are not subject to the commercial cap.*

**Applicants Response:**

The current request to add and amend conditions relating to reduction of previously approved square footage for Feurring Commercial and Seneca Commercial is consistent with this Policy, as the release of unused square footage will discourage new applications that request amending the commercial cap limit.

The second request to allow the 9.8-acre Atlantic Commercial site be changed to CL and be limited to the released square footage will also uphold the requirement of this policy. The request to allow a self-storage facility be developed on the same site will not be subject to the commercial cap as noted in this policy.

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

**Applicant's Response:**

These sites will be accompanied by a concurrent zoning application to ensure all proposed addition and amendment of conditions will not create a conflict with the prior Zoning approvals for Feurring Commercial/MUPD and Seneca Commercial/Plaza Delray MUPD, a separate request will be submitted for the Atlantic Commercial site to ensure the proposed meet all prior resolutions and zoning requirements; therefore, this Policy will be met.

***Policy 1.5.1-m: Agricultural Reserve Commercial and Mixed Use Planned Developments:*** *"All commercial and mixed use Planned Developments are intended to provide one or more uses in a manner that is compatible with the scale and character of the surrounding residential uses and designed to promote a sense of place. The commercial and mixed use Planned Developments provide uses that can include shopping, entertainment, business, services, employment, cultural, civic, schools, places of worship, government services, and/or housing opportunities in a manner that increases a sense of community by creating a stronger pedestrian orientation through design, placement and organization of buildings connected to a common public space, while dispersing parking and respecting and maintaining the character of the surrounding area. The commercial and mixed use Planned Developments are intended to provide neighborhood and community serving scaled uses. Regional and large-scale big-box uses are not permitted."*

**Applicants Response:**

Feurring Commercial, Seneca Commercial, and Plaza Delray, have been analyzed and approved to be consistent with Policy 1.5.1-m of the County's Comprehensive Plan. The commercial uses that exist on both Feurring Commercial and Seneca Commercial are compatible with the scale and character of the surrounding residential uses and are consistent with the conditions per their approved ordinances. To add conditions to Feurring Commercial and modify the conditions for Seneca Commercial in limit to what will be built will not alter the existing commercial uses on both current developments.

The release of unbuilt commercial square footage back to the Agriculture Reserve Tier's commercial cap allows the Atlantic Commercial site to develop a mix of commercial and self-storage uses that are consistent

with Policy 1.5.1-m of the County's Comprehensive Plan, since the self-storage facility is not considered a big box commercial development.

In addition, the proposed FLU amendment for the Atlantic Commercial is consistent in the character and scale of the adjacent neighboring commercial uses. The adjacent MUPD and TMD have existing commercial uses that include retail, restaurants, and are interconnected with a safe vehicular and pedestrian circulation system. The commercial and mixed use Planned Developments are intended to provide neighborhood and community serving scaled uses.

**Policy 1.5.1-q: AGR-Multiple Use Planned Development.** *New Agricultural Reserve Multiple Use Planned Developments (AgR-MUPD) in the Ag Reserve Tier shall meet the following requirements:*

1. *Preserve Areas shall not be required for a property that is 16 acres or less in size as of January 1, 2016. For purposes of this policy, the term 'property' is defined as a property control number as configured on January 1, 2016. The acreage shall be exclusive of right-of-way as shown on the Thoroughfare Right of Way Identification Map;*
2. *Preserve Areas shall be required for a property that is greater than 16 acres in size as of January 1, 2016. For proposed of this policy, the term 'property' is defined as a property control number as configured on January 1, 2016. For such properties, the Development Area shall not exceed 40 percent of the gross acreage less right-of-way as shown on the Thoroughfare Identification Map;*
3. *The Development Area for Commercial and mixed use projects shall meet the Ag Reserve Design Elements; and*
4. *Required Preserve Areas shall be subject to the standards and requirements of an AGR TM preserve.*

#### **Applicants Response:**

Feurring Commercial, Seneca Commercial, and Plaza Delray, were subject to individual FLUA applications and less than 16 acres in size. Therefore, preserve areas were not required for their approvals. The current request to add/amend condition that is associated with the reduction of commercial square footage will not trigger the requirement of this Policy.

The Atlantic AGR Commercial and Self-Storage site is less than 16 acres, and therefore, preserve areas are not required.

**Policy 1.5.1-r: Ag Reserve Design Elements:** *"In order to maintain the character of the Tier and quality of life for farm workers and residents, all new commercial and mixed use development the Ag Reserve Tier must demonstrate consistency with the following Ag Reserve Design Elements during the development review process. Conditions of approval to further define compliance with these elements may be adopted as part of the associated future land use amendment ordinance and/or zoning resolution."*

1. *A minimum of 5% usable open space as defined by the Introduction and Administration Element, prominently located within the project to act as a community gathering place;*
2. *Landscaped, pervious surfaces that incorporate native landscape species in the site design, with an emphasis along roadway frontages, at entry features, and the provision of exceptional landscape buffers to ensure compatibility with adjacent residential or agricultural properties;*
3. *Interconnected, well landscaped pedestrian systems that link buildings with useable open space, sidewalks and other trail systems, to promote pedestrian circulation and encourage pedestrians to walk between uses;*
4. *Building placement designed to foster pedestrian connectivity with surrounding parcels;*
5. *Compatible building heights consistent with the character of the community; and*
6. *Public amenities such as sidewalks, lighting, seating, signage, gathering space, water features, landscaping, public art, and provisions for outdoor dining and merchant displays.*

**Applicants Response:**

The approvals for Feurring Commercial, Seneca Commercial, and Plaza Delray were consistent and compliant with Policy 1.5.1-r of the County's Comprehensive Plan. Both Feurring Commercial and Seneca Commercial are approved and site planned with design elements that meet Policy 1.5.1-r. The current request to add and amend condition as it relates to the reduction of commercial square footage will not modify any design elements that exist on the built or site-planned developments.

Per this Policy, the 9.8-acre Atlantic Commercial site with the proposed neighborhood type commercial uses and a self-storage facility will be required to demonstrate consistency with the AGR Reserve Design Elements and will be reviewed during the Zoning development review process.

***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."***

**Applicants Response:**

The parcels of Feurring Commercial and Seneca Commercial are approved with commercial uses per their respective ordinances of Ordinance 2016-035 and Ordinance 2017-006. As stated above, construction of the Feurring MUPD is completed, and Seneca Commercial is site planned and pending to be developed, both sites have unused approved square footage and are currently requesting to release the unused commercial square footage back to the commercial cap.

The land development pattern that has been established within the immediate vicinity of the intersection of Atlantic Avenue and Lyons Road is generally non-agricultural in nature. Therefore, allowing the 9.8-acre Atlantic Commercial site for the development of additional neighborhood type of commercial uses will further provide conveniently located facilities and services that will support the daily needs of the community of the AGR Tier.

**G.5. Florida Statutes – Consistency with Chapter 163.3177, F.S.**

All mandatory elements for a FLUA amendment have been provided within this application and include, but is not limited to surveys, studies, community goals and vision, and all other pertinent data as required by Ch. 163.3177 of the Florida Statutes. The proposed amendment allows for the consolidation of non-residential development that will maximize the utility of existing network of roadways and other infrastructural improvements. These amendments are in compliance with Chapter 163.3177 of the Florida Statutes.

**Conclusion**

On the basis of this assessment, it is considered that the requests as listed below are consistent with the relevant Goals, Objectives and Policies of the Palm Beach County Comprehensive Plan:

1. Allowing the addition of a condition limiting Feurring Commercial to what has been or may potentially be developed (36,170 sq. ft.), and releasing 6,519 sq. ft. back to the commercial cap;
2. Allowing the amendment of a previously approved condition that limits Seneca Commercial from 38,538 sq. ft. to the site-planned/ unbuilt 31,700 sq. ft. and releasing the remainder 6,838 sq. ft. to the commercial cap; and
3. Allowing the 9.8-acre Atlantic Commercial site be changed from AGR to CL and utilize the released 13,357 square footage for commercial uses, a car wash, and a self-storage facility, and subject to a condition.

The importance of developing the 9.8-acre site with neighborhood based commercial uses will help to keep the traffic trips localized and lessen the impact of the County road network, and is also consistent with the changed development pattern along the Atlantic Avenue corridor and the commercial node of the AGR Tier.

**Exhibit 4**  
**Applicant's Public Facility Impacts Table**

A. Traffic Information		
	Current	Proposed
Max Trip Generator	Gen. Commercial ITE 820) LnT=0.68LnX+5.57 Nursery (Garden Cntr) (ITE 817) 108.10/Acre Nursery (Wholesale) ITE 818 19.50/Acre	Gen. Commercial ITE 820) LnT=0.68LnX+5.57 Warehouse (ITE 150) 1.74/1KSF Mini-Warehouse/SS (ITE 151) 1.51/1KSF
Maximum Trip Generation	3,648	3,315
Net Daily Trips:	-333 (maximum minus current) -468 (proposed minus current)	
Net PH Trips:	35 (25 in/ 10 out) AM, 83 (33 in/ 50 out) PM (maximum) 24 (13 in/ 11 out) AM, 63 (30 in/ 33 out) PM (proposed)	
Significantly impacted roadway segments that fail Long Range	None	None
Significantly impacted roadway segments for Test 2	None	None
Traffic Consultant	JFO Group, Inc.	
B. Mass Transit Information		
Nearest Palm Tran Route (s)	RT. 81-DLB X-TWN via Atlantic	
Nearest Palm Tran Stop	Stop 6409 – Oriole Plaza at Rods Rest SVC RD	
Nearest Tri Rail Connection	Delray Beach Station	
C. Portable Water & Wastewater Information		
Please see Potable Water & Wastewater Level of Service (LOS) comment letter as Attachment I.		

<b>Potable Water &amp; Wastewater Providers</b>	Palm Beach County Water Utilities Department. See attached “water and sewer availability letter” as Attachment I.
<b>Nearest Water &amp; Wastewater Facility, type/size</b>	The nearest potable water is a 42” watermain, a 20” reclaimed water main and a 16” sanitary sewer forcemain located within the Atlantic Avenue adjacent to the subject property. This property is located in a Mandatory Reclaimed Area. See Attachment I.
<b>D. Drainage Information</b>	
<p>The Southern Crop site is located along the south side of Atlantic Avenue, and approximately 1,000-ft east of Lyons Road in unincorporated Palm Beach County, Florida. The total site area is 9.38 acres (excluding the LWDD right-of-way). The project is located in South Florida Water Management District’s (SFWMD) C-15 Canal Basin. The proposed stormwater management system for the site includes inlets and culverts which will collect and convey runoff into exfiltration trenches as well as an on-site dry detention area to be located at the south end of the site. The project will have legal positive outfall to the LWDD L-34 Canal which runs along the north side of the property between the site and Atlantic Avenue. See Drainage Statement as Attachment J.</p>	
<b>E. Fire Rescue</b>	
<b>Nearest Station</b>	PBC Fire Rescue Station #42
<b>Distance to Site</b>	Located at 14276 Hagen Ranch Rd, approximately 2.5 miles from the subject site.
<b>Response Time</b>	Estimated response time is 7 minutes, 30 seconds.
<b>Effect on Resp. Time</b>	Some impact per Attachment K letter from Fire Rescue.
<b>F. Environmental</b>	
<b>Significant habitats or species</b>	No significant habitat occurs on the assessed parcel. The subject site predominately includes exotic and invasive species. Please see Attachment L.
<b>Flood Zone*</b>	Flood Zone X
<b>Wellfield Zone*</b>	None within or in close proximity to the subject site. See Attachment M.
<b>G. Historic Resources</b>	
<p>Staff reviewed the subject property to identify any cultural resources (historical and archaeological resources) located on or within 500 feet of the property.</p> <p>Staff’s review of the County’s survey of historic/architecturally significant structures, and of properties designated for inclusion in the National Register of Historic Places (NRHP), has identified no historic or architecturally significant resources on or within 500 feet of the subject property.</p> <p>Staff review of the County’s map of known archaeological sites has identified no known archaeological resources located on or within 500 feet of the above referenced property.</p>	



# Exhibit 5

## Palm Beach County Traffic Division Letter



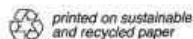
September 17, 2021

Dr. Juan F. Ortega, P.E.  
JFO Group, Inc.  
6671 W Indiantown Road  
Suite 50-324  
Jupiter, FL 33458

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

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

"An Equal Opportunity  
Affirmative Action Employer"



**RE: Atlantic AGR Commercial & Self Storage  
FLUA Amendment Policy 3.5-d Review  
Round 2020-22-A**

Dear Dr. Ortega:

Palm Beach County Traffic Division has reviewed the Land Use Plan Amendment Application Traffic Impact Analysis for the proposed Future Land Use Amendment for the above referenced project, revised August 5, 2021, pursuant to Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan. The project is summarized as follows:

<b>Location:</b>	South side of W Atlantic Avenue, approximately 860' east of Lyons Road	
<b>PCN:</b>	00-42-46-20-01-000-0130 – <i>Sussman (Subject Parcel)</i> 00-42-46-20-19-001-0000 – <i>Seneca Commercial Parcel</i> 00-42-46-20-01-000-0150 – <i>Feurring Commercial Parcel</i> 00-42-46-20-01-000-0141 – <i>Plaza Delray</i>	
<b>Acres:</b>	9.89 acres – <i>Sussman</i> 4.51 acres – <i>Seneca Commercial</i> 4.9 acres – <i>Feurring Commercial</i> 0.33 acre – <i>Plaza Delray</i>	
	<b>Current FLU</b>	<b>Proposed FLU</b>
<b>FLU:</b>	Agricultural Reserve (AGR) – <i>Sussman</i> Commercial Low/Agricultural Reserve (CL/AGR) – <i>Seneca, Feurring, and Plaza Delray</i>	Commercial Low/Industrial/Agricultural Reserve (CL/IND/AGR) – <i>Sussman</i> No Change – <i>Seneca, Feurring, and Plaza Delray</i>
<b>Zoning:</b>	Agricultural Reserve Planned Unit Development (AGR-PUD) – <i>Sussman</i> Multiple Use Planned Development (MUPD) – <i>Seneca, Feurring, and Plaza Delray</i>	Multiple Use Planned Development (MUPD) – <i>Sussman</i> No Change – <i>Seneca, Feurring, and Plaza Delray</i>
<b>Density/Intensity:</b>	0.15 FAR for AGR 0.20 FAR for CL	0.20 FAR for CL 0.45 FAR for IND
<b>Maximum Potential:</b>	Nursery (Garden Center) = 5 Acres And Nursery (Wholesale) = 4.89 Acres for <i>Sussman</i>	General Commercial = 67,870 SF for <i>Feurring Commercial &amp; Seneca Commercial/Plaza Delray</i> General Commercial = 13,357 SF



Dr. Juan F. Ortega, P.E.  
September 17, 2021  
Page 2

	General Commercial = 81,227 SF <b>for Feurring Commercial &amp; Seneca Commercial</b> No intensity for <i>Plaza Delray</i>	Warehouse = 193,864 SF <b>for Sussman</b>
<b>Proposed Potential:</b>	None	Same as maximum potential for <b>Feurring Commercial &amp; Seneca Commercial /Plaza Delray</b> General Commercial = 9,100 SF Mini-Warehouse/SS = 99,459 SF Carwash (Automated) = 1 Lane for <i>Sussman</i>
<b>Net Daily Trips:</b>	-333 (maximum – current) -468 (proposed – current)	
<b>Net PH Trips:</b>	35 (25/10) AM, 83 (33/50) PM (maximum) 24 (13/11) AM, 63 (30/33) PM (proposed)	
* <i>Maximum</i> indicates typical FAR and maximum trip generator. <i>Proposed</i> indicates the specific uses and intensities/densities anticipated in the zoning application.		

Based on the review, the Traffic Division has determined the traffic impacts of the proposed amendment **meet** Policy 3.5-d of the Future Land Use Element of the Palm Beach County Comprehensive Plan at the **maximum** density shown above.

Please note the proposed change will have a reduced impact for the long-range analysis and will be insignificant for Test 2 analyses on the roadway network.

Please contact me at 561-684-4030 or email to [DSimeus@pbcgov.org](mailto:DSimeus@pbcgov.org) with any questions.

Sincerely,

Dominique Simeus, P.E.  
Professional Engineer  
Traffic Division

DS/rb

cc: Addressee  
Quazi Bari, P.E., PTOE – Manager – Growth Management, Traffic Division  
Steve Bohovsky – Technical Assistant III, Traffic Division  
Lisa Amara – Principal Planner, Planning Division  
Khurshid Mohyuddin – Principal Planner, Planning Division  
Stephanie Gregory – Principal Planner, Planning Division  
Kathleen Chang – Senior Planner, Planning Division  
Jorge Perez – Senior Planner, Planning Division

File: General - TPS – Unincorporated - Traffic Study Review  
N:\TRAFFIC\Development Review\Comp Plan\22-A\Atlantic Commercial & Self Storage.docx

## Exhibit 6

### Water & Wastewater Provider LOS Letter

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**Water Utilities Department  
Engineering**

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



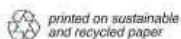
**Palm Beach County  
Board of County  
Commissioners**

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

**County Administrator**

Verdenia C. Baker

*"An Equal Opportunity  
Affirmative Action Employer"*



May 11, 2021

WGI  
2035 Vista Parkway  
West Palm Beach, FL 33411

RE: Atlantic AGR  
PCN 00-42-46-20-01-000-0130 (Subject Parcel- Sussman), 00-42-46-20-19-001-0000 (Plaza Delray MUPD) and 00-42-46-20-01-000-0150 (Feurring Commercial)  
Service Availability Letter

Dear Mr. Bailey,

This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area. PBCWUD has the capacity to provide the level of service for the existing land use of Agricultural Reserve (AGR) and for the proposed FLU designation of commercial Low (CL) for the front along Atlantic Avenue and Industrial (IND) in the back only for the Subject Parcel (Sussman).

The nearest potable water is a 42" watermain, a 20" reclaimed water main and a 16" sanitary sewer forcemain located within Atlantic Ave. adjacent to the subject property. This property is located in a Mandatory Reclaimed Area.

Please note that this letter does not constitute a final commitment for service until the final design has been approved by PBCWUD.

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

## Applicant's Disclosure of Ownership Interests

PALM BEACH COUNTY - ZONING DIVISION

FORM # 8

### DISCLOSURE OF OWNERSHIP INTERESTS - APPLICANT

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

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

STATE OF FLORIDA  
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared  
Jason Sher, 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 ☒ Title MGR \_\_\_\_\_ [position—e.g.,  
president, partner, trustee] of JDR Development \_\_\_\_\_ [name and type of entity -  
e.g., ABC Corporation, XYZ Limited Partnership], (hereinafter, "Applicant").  
Applicant seeks Comprehensive Plan amendment or Development Order approval  
for real property legally described on the attached Exhibit "A" (the "Property").
2. Affiant's address is: 2200 Butts Road, Suite 300, Boca Raton, FL 33431  
\_\_\_\_\_  
\_\_\_\_\_
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of  
every person or entity having a five percent or greater interest in the Applicant.  
Disclosure does not apply to an individual's or entity's interest in any entity  
registered with the Federal Securities Exchange Commission or registered pursuant  
to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County  
policy, and will be relied upon by Palm Beach County in its review of Applicant's  
application for Comprehensive Plan amendment or Development Order approval.  
Affiant further acknowledges that he or she is authorized to execute this Disclosure  
of Ownership Interests on behalf of the Applicant.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to  
reflect any changes to ownership interests in the Applicant that may occur before the  
date of final public hearing on the application for Comprehensive Plan amendment  
or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the  
penalties provided by the laws of the State of Florida for falsely swearing to  
statements under oath.
7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and  
to the best of Affiant's knowledge and belief it is true, correct, and complete.

  
\_\_\_\_\_  
Jason Sher, 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 10 day of May, 20 21 by  
Jason Sher (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).

  
\_\_\_\_\_  
(Name - type, stamp or print clearly)

  
\_\_\_\_\_  
(Signature)

My Commission Expires on: 3/20/22

NOTARY'S SEAL OR STAMP



TYLER DOUGLAS KOPECKI  
Commission # GG 198109  
Expires March 20, 2022  
Bonded thru Budget Notary Services

**EXHIBIT "A"**

**PROPERTY**

Tract 13, LESS the North 52.49 feet, and Tract 20, in Section 20, Township 46 South, Range 42 East, of The Palm Beach Farms Co. Plat No. 1, according to the map or plat thereof, as recorded in Plat Book 2, Page 26, Public Records of Palm Beach County, Florida.

Said Lands situate in Section 20, Township 46 South, Range 42 East, Palm Beach County, Florida.

Containing 430,813 Square Feet / 9.8901 Acres, More or Less.



## EXHIBIT "B"

## DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT

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

Name

Address


## 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  
Jason Sher, 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 [x] Title MGR [position - e.g., president, partner, trustee] of SFD Lyons LLC [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
2. Affiant's address is: 2200 Bulbs Road, STE 300, Boca Raton, FL 33431
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.



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

FURTHER AFFIANT SAYETH NAUGHT.

  
\_\_\_\_\_  
Jason Sher, Affiant  
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of [ x ] physical presence or [ ] online notarization, this 26 day of April, 2021 by Jason Sher (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).

Tyler Kopecki  
(Name - type, stamp or print clearly)

  
(Signature)

My Commission Expires on: 3/20/22

NOTARY'S SEAL OR STAMP



TYLER DOUGLAS KOPECKI  
Commission # GG 198109  
Expires March 20, 2022  
Bonded thru Budget Notary Services

**EXHIBIT "A"**

**PROPERTY**

Tract 15, Less the north 52.29 feet thereof, of THE PALM BEACH FARMS COMPANY PLAT NO. 1, according to the Plat thereof on file in the Office of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 2, Pages 26 to 28, inclusive, lying within Section 20, Township 46 South, Range 42 East, Palm Beach County, Florida.

Together with the appurtenant easement rights set forth in that certain Reciprocal Easement Agreement recorded March 14, 2017 in Official Records Book 28946, Page 962, Public Records of Palm Beach County, Florida.

Said lands situate in the Palm Beach County, Florida and containing 213,434 square feet (4.90 acres) more or less.

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

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

**Name****Address**

Jason Sher 2200 Butts Road Suite 300, Boca Raton, FL 33431

Ross Feurring 2200 Butts Road Suite 300, Boca Raton, FL 33431

Doug Feurring 2200 Butts Road Suite 300, Boca Raton, FL 33431

## 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  
Jason Sher, 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 ☒ Title MGR \_\_\_\_\_ [position -  
e.g., president, partner, trustee] of Socro LLC \_\_\_\_\_ [name  
and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an  
ownership interest in real property legally described on the attached Exhibit "A" (the  
"Property"). The Property is the subject of an application for Comprehensive Plan  
amendment or Development Order approval with Palm Beach County.
2. Affiant's address is: 2200 Butts Road, STE 300, Boca Raton, FL 33434  
\_\_\_\_\_  
\_\_\_\_\_
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.  
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with the Federal Securities Exchange Commission or registered pursuant to  
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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.

  
\_\_\_\_\_  
Jason Shar, 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 26 day of April, 2021 by Jason Shar (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).

Tyler Kopecki  
(Name - type, stamp or print clearly)

  
(Signature)

My Commission Expires on: 3/20/22

NOTARY'S SEAL OR STAMP



TYLER DOUGLAS KOPECKI  
Commission # GG 198109  
Expires March 20, 2022  
Bonded Thru Budget Notary Services

**EXHIBIT "A"**

**PROPERTY**

Tract 13, LESS the North 52.49 feet, and Tract 20, in Section 20, Township 46 South, Range 42 East, of The Palm Beach Farms Co. Plat No. 1, according to the map or plat thereof, as recorded in Plat Book 2, Page 26, Public Records of Palm Beach County, Florida.

Said Lands situate in Section 20, Township 46 South, Range 42 East, Palm Beach County, Florida.

Containing 430,813 Square Feet / 9.8901 Acres, More or Less.

**EXHIBIT "B"**

**DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY**

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Name	Address
Jason Sher	2200 Butts Road Suite 300, Boca Raton, FL 33431
Ross Feurring	2200 Butts Road Suite 300, Boca Raton, FL 33431
Doug Feurring	2200 Butts Road Suite 300, Boca Raton, FL 33431

**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 Ian Weiner, 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 [x] Title AP PEBB Atlantic II LLC [position - e.g., president, partner, trustee] of PEBB Atlantic II LLC [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
2. Affiant's address is: 7900 Glades Road, Suite 600, Boca Raton, FL33434
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
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6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

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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.

  
\_\_\_\_\_  
Ian Weiner, Affiant  
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

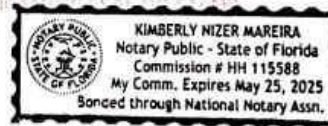
STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of [x] physical presence or [ ] online notarization, this 7<sup>th</sup> day of May, 2021 by Ian Weiner (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).

Kim Nizer Mareira  
(Name - type, stamp or print clearly)

  
(Signature)

My Commission Expires on: 5/25/2025



**EXHIBIT "A"**

**PROPERTY**

Tract 13, LESS the North 52.49 feet, and Tract 20, in Section 20, Township 46 South, Range 42 East, of The Palm Beach Farms Co. Plat No. 1, according to the map or plat thereof, as recorded in Plat Book 2, Page 26, Public Records of Palm Beach County, Florida.

Said Lands situate in Section 20, Township 46 South, Range 42 East, Palm Beach County, Florida.

Containing 430,813 Square Feet / 9.8901 Acres, More or Less.

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## DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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Name	Address
Ian Weiner	7900 Glades Rd., Ste. 600, Boca Raton, FL 33434
Laurel Weiner Rom	7900 Glades Rd., Ste. 600, Boca Raton, FL 33434
Jason Sher	2200 Butts Rd., Ste. 300, Boca Raton, FL 33431
Ross Feuring	2200 Butts Rd., Ste. 300, Boca Raton, FL 33431
Doug Feuring	2200 Butts Rd., Ste. 300, Boca Raton, FL 33431

**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 Ian Weiner, 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 ☒ Title AP \_\_\_\_\_ [position - e.g., president, partner, trustee] of PEBB Atlantic LLC [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
2. Affiant's address is: 7900 Glades Road, STE 600, Boca Raton, FL 33434  
\_\_\_\_\_  
\_\_\_\_\_
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
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6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

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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.

Ian Weiner  
(Print Affiant Name) Affiant

## NOTARY PUBLIC INFORMATION:

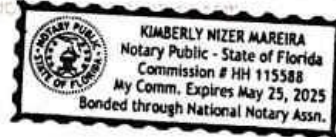
STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 7<sup>th</sup> day of May, 20 21 by Ian Weiner (name of person acknowledging). He/she is personally known to me or has produced identification (type of identification) as identification and did take an oath (circle correct response).

Kim Nizer Marcira  
(Name - type, stamp or print clearly)

[Signature]  
(Signature)

My Commission Expires on: 5/25/2025





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

DESCRIPTION PROVIDED BY THE CLIENT:  
PARCEL 1 (FEE SIMPLE):

PARCEL A AND TRACT W-1, OF SENECA PROPERTY MUPD, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 128, PAGE (S) 138, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL 2 (EASEMENT):

NON-EXCLUSIVE EASEMENT FOR VEHICULAR AND PEDESTRIAN ACCESS, INGRESS, AND EGRESS FOR THE BENEFIT OF PARCEL 1 AS DESCRIBED IN THAT CERTAIN RECIPROCAL ACCESS EASEMENT AS RECORDED MARCH 14, 2017 IN OFFICIAL RECORDS BOOK 28946, PAGE 962; AND AS AFFECTED BY FIRST AMENDMENT TO RECIPROCAL ACCESS AGREEMENT AS RECORDED MARCH 7, 2019 IN OFFICIAL RECORDS BOOK 30462, PAGE 785, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, OVER AND ACROSS THE PROPERTY DESCRIBED THEREIN.

TOGETHER WITH:

PARCEL 3 (FEE SIMPLE):

THE EASTERLY 23.40 FEET OF TRACT 14, THE PALM BEACH FARMS CO. PLAT NO. I, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 26, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT THE NORTHERLY 52.48 FEET CONVEYED TO THE LAKE WORTH DRAINAGE DISTRICT BY BY CHANCERY CASE NO. 407 RECORDED IN O.R. BOOK 6495, PAGE 761.

ALSO KNOWN AS:

ALL THAT PORTION OF PARCEL A AND TRACT W-1, SENECA PROPERTY MUPD, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 128, PAGES 138 AND 139, LYING SOUTH OF THE LAKE WORTH DRAINAGE DISTRICT L-34 CANAL, AS RECORDED IN OFFICIAL RECORD BOOK 6495, PAGE 761, TOGETHER WITH A PORTION OF TRACT 14 OF SECTION 20, THE PALM BEACH FARMS COMPANY PLAT NO. 1, AS RECORDED IN PLAT BOOK 2, PAGE 26, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND NAIL AND DISK STAMPED "PRM LB3300", AS SHOWN MONUMENTING THE NORTHWEST CORNER OF SAID SENECA PROPERTY MUPD; THENCE S.01°58'54"E., ALONG THE WEST LINE THEREOF, A DISTANCE OF 0.19 FEET TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-34 CANAL, AS RECORDED IN OFFICIAL RECORD BOOK 6495, PAGE 761 OF SAID PUBLIC RECORDS, AND THE POINT OF BEGINNING; THENCE CONTINUE S.01°58'54"E., ALONG SAID WEST LINE, A DISTANCE OF 638.21 FEET TO THE SOUTHWEST CORNER OF SAID SENECA PROPERTY MUPD; THENCE N.89°23'06"E. ALONG THE SOUTH LINE OF SAID SENECA PROPERTY MUPD AND TRACT 14 OF SECTION 20, A DISTANCE OF 330.61 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 14 OF SECTION 20; THENCE N.01°51'46"W. ALONG THE EAST LINE THEREOF, A DISTANCE OF 634.51 FEET TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID LAKE WORTH DRAINAGE DISTRICT L-34 CANAL, SAID RIGHT-OF-WAY LINE LYING 52.48 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE NORTH LINE OF SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST; THENCE N.89°58'57"W. ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 332.03 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.  
CONTAINING 210,751 SQUARE FEET/4.8382 ACRES MORE OR LESS.

## EXHIBIT "B"

## DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

Name	Address
Bruce Weiner	7900 Glades Rd., Ste. 600, Boca Raton, FL 33434
Laurel Weiner Rom	7900 Glades Rd., Ste. 600, Boca Raton, FL 33434
Ian Weiner	7900 Glades Rd., Ste. 600, Boca Raton, FL 33434
Amanda Weiner	7900 Glades Rd., Ste. 600, Boca Raton, FL 33434

Scanned with CamScanner



## Exhibit 8

### Urban Sprawl Analysis

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

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

**Exhibit 9**  
**Commercial Approvals in the Ag Reserve**

Site	Adoption	Acres	Built Sq. Ft.	Approved/ Proposed Retail & Office Sq. Ft.
Canyons Town Center	2004	26.75	195,494	211,933
Delray Marketplace	2004	33.20	278,940	278,940
Small CL Sites	Pre-1999	1.83	22,712	22,712
Pre-existing Commercial	Pre-1999	19.29	28,007	76,625
	<b>Pre-2016</b>	<b>81.07</b>	<b>525,153</b>	<b>590,210</b>
Alderman	2016-B	15.34	112,779	133,642
Homrich	2016-B	13.44	0	29,400
Delray Growers	2016-B	11.15	0	86,744
Feurring	2016-C	4.91	35,169	42,776
Smigiel (additional)	2016-C	4.35	0	26,670
Stop & Shop (additional)	2016-D	5.11	32,818	32,020
Seneca Commercial	2017-A	4.51	30,693	38,538
Three Amigos (additional)	2017-D	3.60	0	35,000
	<b>2016-2017</b>	<b>62.41</b>	<b>211,459</b>	<b>424,790</b>
West Boynton Center (Smigiel) (reduction in sf of prior acreage)	20-A2	0	0	-28,000
Atlantic Avenue Medical (adopted December 15, 2021)	21-A2	2.05	0	17,860
	<b>2020-2021</b>	<b>2.05</b>	<b>0</b>	<b>-10,140</b>
Feurring and Seneca reduction (proposed)	22-A2	0	0	-13,444
Atlantic Commercial and Self- Storage (proposed)	22-A2	9.89	0	13,357
	<b>Proposed</b>	<b>9.89</b>	<b>0</b>	<b>-87</b>
	<b>Total</b>	<b>155.32</b>	<b>736,612</b>	<b>1,004,773</b>

**Exhibit 10**  
**Correspondence**

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