



# FUTURE LAND USE ATLAS AMENDMENT STAFF REPORT AMENDMENT ROUND 25-A

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## STATE REVIEW TRANSMITTAL REPORT, NOVEMBER 6, 2024

### A. Application Summary

#### I. General Data

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**Project Name:** West Delray RV Resort (LGA 2024-011) FLUA and Text

**FLUA Summary:** AGR to CR/AGR with conditions

**Text Summary:** To revise the Future Land Use Element related to the Agricultural Reserve Tier to allow Recreational Vehicle Parks in the Commercial Recreation (CR) future land use designation, subject to criteria.

**Acres:** 10.11 acres

**Location:** North side of Atlantic Avenue and approx. 0.5 miles west of State Road 7

**Project Manager:** Stephanie Gregory, Principal Planner and Jerry Lodge, Senior Planner

**Applicant:** Roger and Karen Fina

**Owner:** Roger and Karen Fina

**Agent:** JMorton Planning & Landscape Architecture

**Staff Recommendation:** Staff recommends **approval with conditions** based upon the conclusions contained within this report.

#### II. Assessment & Conclusion

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The amendment proposes to change the future land use designation from Agricultural Reserve (AGR) to Commercial Recreation with an underlying AGR (CR/AGR) in order allow for a recreational vehicle park development (RVPD) with up to 121 RV spaces and a clubhouse.

The CR future land use designation was established in the 1989 Comprehensive Plan to allow for both public and private commercial recreational facilities that are intended to serve the needs of both residents and tourists. Sites with existing recreational uses were assigned the CR FLU at the adoption of the 1989 Plan and FLUE Policy 2.2.3-a allows the County to apply the CR FLU at appropriate locations through the amendment process. The land use designation is further restricted in the Ag Reserve Tier as currently the only form of commercial recreation uses allowed are freestanding golf courses. Therefore, the request also includes a privately initiated text amendment to allow a recreational vehicle park in the CR future land use subject to criteria.

The applicant has provided adequate justification that the RVPD at this location will provide a complementary use adjacent to the County operated West Delray Regional Park. In order to ensure compatibility with nearby environmentally sensitive sites, staff is recommending conditions of approval limiting the total number of allowable RV spaces to 121 and prohibits other uses within the CR FLU on the site. Therefore, staff is recommending **approval with conditions**.

### III. Hearing History

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**Local Planning Agency: *Approval with conditions***, motion by Glenn Gromann, seconded by Sherri Scarborough, passed in a 12 to 0 vote at the October 11, 2024 public hearing. Board discussion included comments regarding the infrastructure needed for the site including water, sewer and electrical connections, traffic concerns due to the number of proposed RV sites, providing environmentally friendly development considerations, and whether the site is required to provide a preserve area. There was no public comment.

**Board of County Commissioners Transmittal Public Hearing: *Transmit***, motion by Commissioner Weiss, seconded by Vice Mayor Marino, passed in a 5 to 0 vote (with Commissioner Baxter absent) at the November 6, 2024 public hearing. Board discussion included comments regarding the connection of water and wastewater service, site design elements for the protection of the Loxahatchee Wildlife Refuge, and the length of stay for users of the RV resort. Two members of the public spoke in opposition, citing a desire for the opportunity for smaller campers to utilize the resort and a concern of changes within the Agricultural Reserve.

#### **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>	Agricultural Reserve (AGR)
<b>Existing Land Use:</b>	Single family home
<b>Current Zoning:</b>	Agricultural Reserve (AGR)
<b>Current Dev. Potential Max:</b>	Agricultural uses, up to 66,059 square feet (.15 FAR)

#### Proposed Future Land Use Change

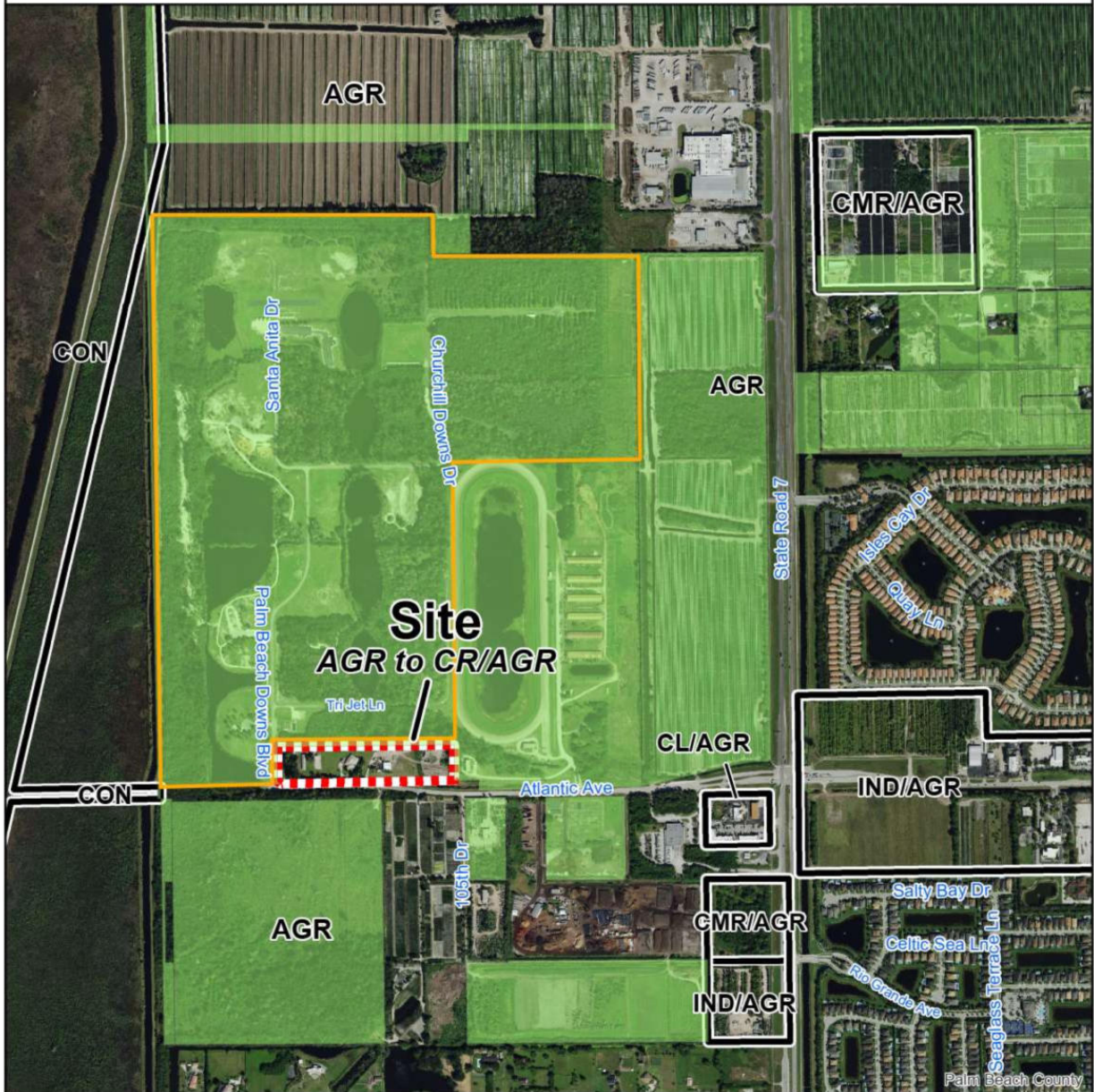
<b>Proposed FLU:</b>	Commercial Recreation with an underlying Agricultural Reserve (CR/AGR)
<b>Proposed Use:</b>	Recreational Vehicle Park
<b>Proposed Zoning:</b>	Recreational Vehicle Planned Development (RVPD)
<b>Dev. Potential Max/Conditioned:</b>	Recreational Vehicle Park, up to 121 spaces (by condition)

#### General Area Information for Site

<b>Tier:</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>	Maria Sachs, District 5

# Future Land Use Atlas Amendment

## West Delray RV Resort (LGA 2024-011)



### Site Data

Size: 10.11 acres  
 Existing Use: Residential  
 Proposed Use: RV Campground  
 Current FLU: AGR  
 Proposed FLU: CR/AGR

### Future Land Use Designations

AGR Agricultural Reserve  
 CON Conservation  
 CL/AGR Commercial low, underlying AGR  
 IND/AGR Industrial, underlying AGR  
 CMR/AGR Commerce, underlying AGR

Date: 6/12/2024  
 Contact: PBC Planning  
 Filename: T:Planning/AMEND/25-A  
 Note: Map is not official, for presentation purposes only.

  Site  
  AGR Preserves  
  West Delray Regional Park



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





## C. Introduction

### I. Intent of the Amendment

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The 10.11 acre subject site is located in the Agricultural Reserve Tier, on the north side of Atlantic Avenue, approximately 0.5 miles west of State Road 7.

**Background:** The subject site currently has single family home with accessory agricultural storages uses. The site was the subject of a previous amendment, as described below:

- **West Atlantic Industrial Fina (LGA 2022-018).** In 2022, the property owner submitted a future land use application request from Agricultural Reserve (AGR) to Industrial with an underlying Agricultural Reserve (IND/AGR) in order to allow for up to 198,176 square feet of light industrial uses on the site. The lack of comprehensive plan policy guidance and a site plan precluded staff from making a finding that the requested industrial land use was appropriate and compatible for the subject location. The Planning Commission recommended denial at the April 8, 2022 public hearing in an 8 to 1 vote and the Board of County Commissioners (BCC) denied the amendment at the May 4, 2022 Transmittal Hearing in a 6 to 1 vote.

**Proposed Text Amendment.** The privately proposed text amendment was initiated at the May 1, 2024 Board of County Commissioners Meeting. The text request is to revise the Future Land Use to allow recreational vehicle parks in the Commercial Recreation (CR) future land use (FLU) designation with the Agricultural Reserve Tier, subject to the following criteria:

- Minimum lot size of 5 acres;
- Located on the north side of Atlantic Avenue and adjacent to the entrance of the West Delray Regional Park (Palm Beach Downs Road); and
- Provide preserve area consistent with an AGR-MUPD.

**Future Land Use Amendment.** The proposed future land use amendment request is to change the designation from Agricultural Reserve (AGR) to Commercial Recreation with underlying AGR (CR/AGR). Currently, the site can be utilized for agricultural uses up to 66,059 square feet (.15 FAR). The applicant is proposing up to 121 recreational vehicle spaces (12 sites per acre) as allowed within the Unified Land Development Code.

**Associated Zoning Application.** The companion zoning application will request a rezoning from the Agricultural Reserve District (AGR) to Recreational Vehicle Planned Development (RVPD).

**Associated Unified Land Development Code (ULDC) Revisions.** The BCC initiated associated ULDC revisions with the initiation of the Comprehensive Plan text amendment. The applicant has proposed modifications to the ULDC language for Residential Vehicle Planned Development (RVPD) to modify the setbacks for Recreational Vehicle (RV) sites vs. the paved parking pad. Zoning staff supports the applicant's proposed modifications to allow a reduced setback of the RV pad from the current 45 feet (25 feet of setback and 20 feet of buffer), to 25 feet (5 feet of setback and 20 feet of buffer) associated with Zoning Application SV/PDD-2024-01422). Zoning staff supports this reduced setback would in Agricultural Reserve, Urban Suburban, and Glades Tiers, with retaining the 45 foot setback in the Rural and Exurban Tiers. Zoning staff will process the ULDC change concurrent with this application.

## II. Background/History

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### A. Agricultural Reserve Tier Background

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

The purpose of the Agricultural Reserve Tier is described in the Comprehensive Plan as Objective 1.5 below:

- **OBJECTIVE 1.5 The Agricultural Reserve Tier.** *Palm Beach County shall preserve the unique farmland and wetlands in order to preserve and enhance agricultural activity, environmental and water resources, and open space within the Agricultural Reserve Tier. This shall be accomplished by limiting uses to agriculture and conservation with residential development restricted to low densities and non-residential development limited to uses serving the needs of farmworkers and residents of the Tier. The Agricultural Reserve Tier shall be preserved primarily for agricultural use, reflecting the unique farmlands and wetlands within it.*

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

### B. Commercial Recreation (CR) Future Land Use (FLU) Designation

The Commercial Recreation future land use designation was established in the 1989 Comprehensive Plan to allow for both public and private commercial recreational facilities that are intended to serve the needs of both residents and tourists. Sites with these uses that existed at the adoption of the 1989 Plan were assigned with the CR future land use and Comp Plan Policy 2.2.3-a allows the County to apply the CR FLU at appropriate locations through the amendment process.

Further, the FLUA Implementation Section of the Plan allows properties assigned with a CR future land use designation to be utilized by major public and private commercial recreation facilities and formally recognizes two types of commercial recreation facilities: privately owned golf courses, or outdoor attractions, amphitheaters or fairgrounds as shown below.

#### **FLUE, FLUA Implementation, Commercial Recreation Uses and Intensities.**

*Commercial Recreation areas are designated on the Future Land Use Atlas to reflect and accommodate major public and private commercial recreation facilities that meet a portion of the recreational needs of residents and tourists. These facilities may be profit-making*

*enterprises and/or may be held in private ownership. The Future Land Use Atlas may indicate two types of commercial recreation facilities: privately owned golf courses or uses such as fairgrounds, outdoor attractions and outdoor amphitheaters.*

In addition, the Plan states the following major public and private commercial recreational uses are permitted within the CR future land use designation:

*The following land uses shall be allowable in areas designated Commercial Recreation where permitted by the terms of the Unified Land Development Code: Outdoor and indoor recreational facilities including, but not limited to, tennis clubs, jai alai frontons, amusement and sport centers, outdoor amphitheaters, hunting and gun clubs, marinas, vehicular and non-vehicular race tracks, and outdoor wildlife attractions; Golf courses; Parks and Recreation; Mining and Excavation; and, Accessory facilities and activities that are an integral part and supportive of the recreational facility.*

There are twelve sites in unincorporated Palm Beach County with the CR designation. Four of the sites are golf courses. Five of the sites have or will be developed with non-recreation uses utilizing the underlying residential or industrial designation (three with homes, one with an auto auction, and one for a warehouse facility which was formerly Palm Beach International Raceway). Only three of the sites are currently utilized with commercial recreation uses, and all of these sites were assigned the CR designation with the adoption of the 1989 Comprehensive Plan at the time the designation was created. These sites include:

- South Florida Fairgrounds is 122.87 acres and located within the Urban/Suburban Tier and includes a variety of intense uses anchored by the fairgrounds;
- Crooked Hook RV Resort is 28.34 acres located within the Glades Tier with RV sites adjacent to Lake Okeechobee; and
- Lion Country Safari is 637.11 acres within the Exurban Tier and contains a drive-through zoo, entertainment attractions and an RV park.

Future land use amendment requests to Commercial Recreation occur infrequently. The most recent request was for a 19 acre site south of Indiantown Road in Jupiter Farms seeking a private commercial recreation uses in 2016 and 2020 (Pirelli Park, LGA 2016-001 and Rise Soccer, LGA 2020-007) which were withdrawn by the applicant.

### **C. Commercial Recreation FLU in the Agricultural Reserve Tier**

The Commercial Recreation future land use designation is allowed within the Agricultural Reserve Tier but limited to free standing golf courses only as specified in the adopted policy below.

**Policy 1.5-q (originally Policy 1.5-n):** *Freestanding golf courses shall be allowed as the only form of commercial recreation in the Agricultural Reserve Tier. All development rights shall be removed from the site seeking the Commercial Recreation (CR) designation. Golf courses associated with residential or nonresidential development using the 60/40 Planned Development Option shall not be permitted to use this designation. Gaming, parimutuel wagering, off-track betting, or events or activities held or broadcast for similar purposes shall be prohibited in the Agricultural Reserve Tier.*

While developing the Agricultural Reserve Tier Master Plan, the consultants identified a need to preserve visual open space in addition to the preserve requirements associated with AGR-PUDs, which focus on protecting agricultural and natural resources within the Tier. The consultants

recommended that freestanding golf courses be permitted within the Tier subject to several conditions:

- All development rights be removed from the golf course;
- Property is designated as protected open space, and
- The golf course is not associated with an application for new residential or mixed use developments seeking approvals under the 60/40 AGR-PUD development option

Staff generally agreed with the concept, however expressed concerns regarding the potential impacts of golf courses being located adjacent to agricultural and environmentally sensitive lands. To mitigate for potential impacts from herbicide and pesticide treatments typically performed on golf courses, staff recommended that the Board adopt the consultant's recommendations with the addition of requiring a management plan for any proposed golf course. The management plan would be required to contain a pest management plan, water quality and quantity monitoring program, best management practices from construction to operation and a landscape plan using native or drought tolerant plant species.

To date, no freestanding golf courses have been developed in the AGR Tier. Therefore, there are no properties within the Tier that have a Commercial Recreation future land use designation. However, if any site was to develop under the Commercial Recreation future land use designation, the maximum Floor Area Ratio (FAR) of 0.05 would limit the development potential of the site which furthers the Objective of the Tier by limiting development and preserving open space.

#### **D. Recreational Vehicle Parks, Campground Use in the ULDC**

Campgrounds are defined within the Unified Land Development Code (ULDC) as "*a parcel of land used for temporary camping and recreational vehicles (RV) uses, and not as permanent living quarters.*" The ULDC requires a minimum lot size of 5 acres for Campground. Additionally, the ULDC describes two types:

- Campsite - campsites are for users which occupy tents, cabins or pop-up campers
- RV Site – to be used by Recreational Vehicles and requires paved parking areas for the RV and one passenger vehicle.

The number of allowable campsites or RV sites per acre for Campgrounds are also regulated within the ULDC. The maximum number of sites per acre allowed for RV sites are dependent on the Zoning district and range from 6 to 12 RV sites per acre. Campsites range from 10 to 24 sites per acre. Additional regulations for Campgrounds in the ULDC include:

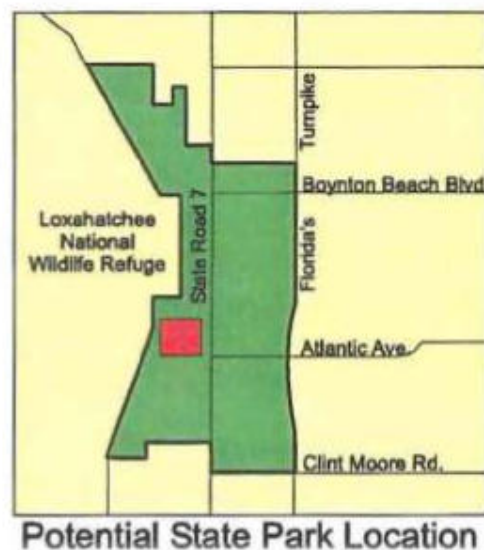
- Maximum duration of stay for up to 30 consecutive days in a six month period for campsites and 180 days per calendar year for RV sites;
- Allowance of camping cabins as an accessory use subject to additional restrictions; and
- Allowance of a camp store for the selling of goods to patrons of the Campground which may not exceed 2,500 square feet of the Ground Floor Area and must be located internal to the Campground.



## E. Campgrounds in the Agricultural Reserve Master Plan

While considering “Options to Enhance Environmental Resources” (Ag Reserve Master Plan, Chapter 3), the consultants acknowledged comments made by the State of Florida Division of Parks which identified a need for a state park within southern Palm Beach County “for improved distribution of park facilities accessible to the population throughout the State”. The State Division of Parks identified a 410 acre area north of Atlantic Avenue and west of State Road 7 (generally in the area located near the subject site and West Delray Regional Park) as a suitable site for the location of a future State Park. The Master Plan cited the proximity to the Arthur R. Marshall Loxahatchee National Wildlife Refuge as an opportunity to expand the passive recreational and environmental features of the Refuge. Recreational uses considered for the State Park site included “campgrounds, canoe trails, and ancillary uses within the park. Land assembly and potential land swaps between the South Florida Water Management District and U.S. Fish and Wildlife were explored to make the park feasible. Ultimately, the park was not created.

Figure 3-3



## III. Data and Analysis Summary

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

- A. Overview of the Area.** Uses on the western side of State Road 7 are currently home to many heavy agricultural uses and agri-business facilities along its entire stretch through the Agricultural Reserve. Uses include packing plants, feed stores, Bedner’s Market, transshipment uses, landscape services with nursery, chipping and mulching, newly approved warehouse uses with accessory office and other uses allowable in the Agricultural Reserve future land use designation. Additional sites with Commercial future land use and Residential AGR-PUDs also exist in the vicinity of the State Road 7 and Atlantic Avenue corridors.
- B. Appropriateness of the Amendment.** The applicant has stated that the CR FLU at this location is justified as the RVPD will provide a complementary use adjacent to the County operated West Delray Regional Park. The park contains a variety of unique recreational uses including radio-controlled airplanes, boats, helicopter and cars. Amenities such as runways, landing pads, dirt tracks, bleachers and metal pavilions are on site to accommodate participants and spectators. These recreational facilities are not typical within the County’s park system and this particular park attracts hobbyists from throughout the County to use these amenities. The park also hosts events which span several days and users of the park could utilize an adjacent recreational vehicle park for a temporary stay.

Additionally, the applicant states that the subject site is unsuitable for its current residential use as a single family home. Nearby uses along this portion of West Atlantic Avenue include nurseries with landscape service, a large mulching and chipping facility, an equestrian center with training track, an approved but unbuilt electric transmission substation and a commercial plaza with retail and a convenience store with gas sales. Given the surrounding uses, and the site's proximity to the West Delray Regional Park, the applicant has provided sufficient justification.

**C. Compatibility.** The area surrounding the subject site consists of primarily agricultural and recreational uses and parcels designated as AGR preserves with an AGR future land use. Directly abutting the site to the north, and west is the 313 acre West Delray Regional Park, operated by Palm Beach County, with uses including archery, bicycle/mountain bike and equestrian trails, canoe and kayak launching access, primitive camping, and areas for radio controlled airplanes, boats, cars and helicopters. Directly adjacent to the east of the site is the Palm Beach Downs Equestrian Training Center on 97 acres with six barns and a 1/8 of a mile dirt track. Both the park and the equestrian center are preserve areas for the Mizner Country Club, The Bridges and Lotus Boca Raton development areas (aka Bridges-Mizner Preserve 8). Both properties are owned by South Florida Water Management District and leased to Palm Beach County and Palm Beach Downs, respectively. East of Palm Beach Downs, at the northwest corner of Atlantic Avenue and State Road 7, is a 103 acre preserve area for Tivoli Isles development area (Ascot Preserve). Directly south of the subject site, across Atlantic Avenue, is an 82 acre preserve area for the Oaks at Boca Raton development area (aka Rainbow PUD). Moving east are several parcels owned by Florida Power and Light (FPL) which received a Conditional Use approval in 2006 for an electric transmission substation. The utility has not been built and the site currently supports a wholesale nursery. Further east of the FPL sites is another wholesale nursery with landscape service and Amerigrow, a 31 acre chipping and mulching facility. Finally at the southwest corner of Atlantic Avenue and State Road 7 is a United States Postal Office and commercial plaza with convenience store and gas sales and retail shops. Finally, it is important to note that the subject site is located approximately 1,200 feet from the eastern boundary of the Arthur R. Marshall Loxahatchee National Wildlife Refuge, which offers over 145,000 acres of Everglades ecosystem for hiking, biking, fishing, wildlife watching and photography, birding and more. The Refuge is managed by the United States Fish and Wildlife Service. In order to ensure compatibility with nearby environmentally sensitive sites, staff is recommending conditions of approval limiting the total number of allowable RV spaces to 121 and prohibits other uses within the CR FLU on the site.

**D. Assessment and Recommendation.** The amendment proposes to change the future land use designation from Agricultural Reserve (AGR) to Agricultural Reserve (AGR) to Commercial Recreation with an underlying AGR (CR/AGR) in order to allow for the development of a recreational vehicle park (RVPD) with up to 121 RV spaces with a clubhouse.

The CR future land use designation was established in the 1989 Comprehensive Plan to allow for both public and private commercial recreational facilities that are intended to serve the needs of both residents and tourists. Sites with existing recreational uses were assigned the CR FLU at the adoption of the 1989 Plan and FLUE Policy 2.2.3-a allows the County to apply the CR FLU at appropriate locations through the amendment process. The land use designation is further restricted in the Ag Reserve Tier as currently the only form of commercial recreation allowed are freestanding golf courses. Therefore, the

request also includes a privately initiated text amendment to allow a recreational vehicle park in the CR future land use subject to criteria.

The applicant has provided adequate justification that the development of an RVPD at this location will provide a complementary use adjacent to the 313 acre West Delray Regional Park which hosts various events and activities, including primitive camping. Staff is recommending conditions of approval limiting the total number of allowable RV spaces to 121 and prohibits other uses within the CR FLU. Therefore, staff is recommending **approval with conditions.**

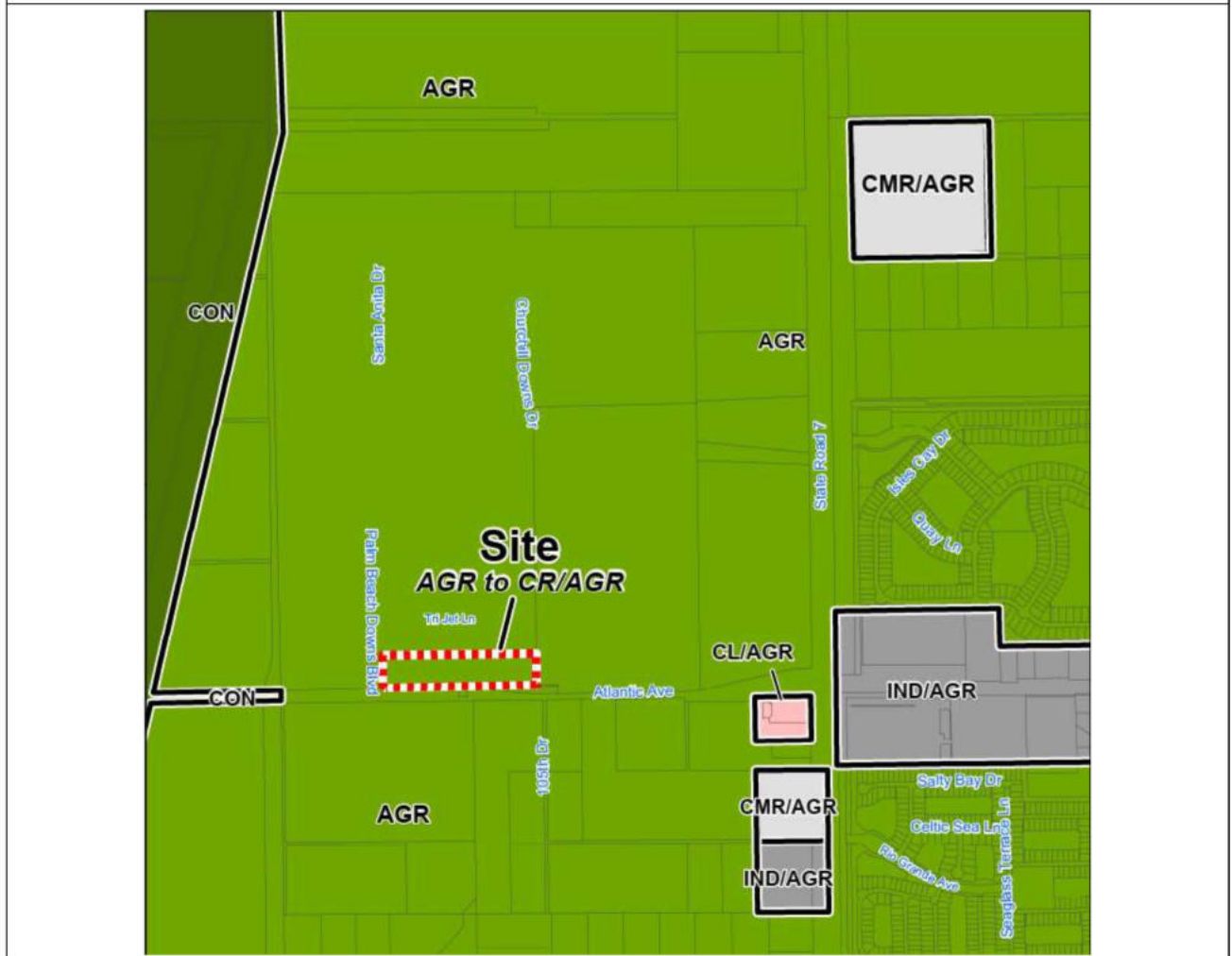
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### Exhibit 1-A

<b>Amendment No:</b>	<b>West Delray RV Resort (LGA 2024-011)</b>
<b>FLUA Page No:</b>	97
<b>Amendment:</b>	From Agricultural Reserve (AGR) to Commercial Recreation with an underlying Agricultural Reserve (CR/AGR) with conditions
<b>Location:</b>	North side of Atlantic Avenue, approximately 0.5 miles west of State Road 7
<b>Size:</b>	10.11 acres approximately
<b>Property No:</b>	00-41-46-13-00-000-7010

**Conditions:** Development of the site under the Commercial Recreation future land use designation shall be subject to the following:

1. The site shall be limited to up to 121 recreational vehicle spaces and accessory uses as allowed within the ULDC. All other uses allowed within the CR FLU shall be prohibited.
2. The proposed future land use amendment and the proposed rezoning shall be considered for adoption by the Board of County Commissioners at the same public hearing.





## Legal Description

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A PARCEL OF LAND LYING IN SECTION 13, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE SOUTHWEST CORNER OF SAID SECTION 13, RUN THENCE N89°08'33"E ALONG THE SOUTH LINE OF SAID SECTION 13 A DISTANCE OF 992.68 FEET; THENCE N00°51'27"W A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING; RUN THENCE N45°36'59"W A DISTANCE OF 35.50 FEET; THENCE N00°22'29"W A DISTANCE OF 282.33 FEET; THENCE N89°37'30"E, A DISTANCE OF 1461.99 FEET; THENCE S00°22'30"E A DISTANCE OF 295.23 FEET; THENCE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF DELRAY WEST ROAD S89°08'33"W A DISTANCE OF 1436.83 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS: 440,316.60 SQUARE FEET OR 10.108 ACRES, MORE OR LESS.

## Exhibit 1-B

### Applicant's Proposed Text Amendment

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#### A. Future Land Use Element, Commercial Recreation in the AGR Tier

**REVISIONS:** To revise the allowable uses within the Commercial Recreation future land use designation in the Agricultural Reserve Tier. The revisions are shown with added text underlined and deleted text shown in ~~strikethrough~~.

1. **REVISE Policy 1.5-q:** Freestanding golf courses and recreational vehicle parks shall be allowed as the only form of commercial recreation in the Agricultural Reserve Tier, as further described below:

1. **Freestanding Golf Course.** All development rights shall be removed from the freestanding golf course site seeking the Commercial Recreation (CR) designation. Golf courses associated with residential or nonresidential development using the 60/40 Planned Development Option shall not be permitted to use this designation. ~~Gaming, parimutuel wagering, offtrack betting, or events or activities held or broadcast for similar purposes shall be prohibited in the Agricultural Reserve Tier. All freestanding golf courses designated as Commercial Recreation in the Agricultural Reserve Tier shall have a management plan which, at a minimum, shall contain the following:~~

- a. an integrated pest management plan designed to prevent contamination of ground and surface water from pesticides, herbicides, and fertilizers;
- b. a water quality and quantity monitoring plan with emphasis on impacts to adjacent wetlands and surface waters;
- c. best management practices which, at a minimum, identify procedures to be followed for the construction, irrigation, operation, and maintenance of the golf course; and
- d. a landscape plan utilizing only native or drought tolerant species for all landscape requirements.

2. **Recreational Vehicle Park.** Recreational Vehicle Parks are permitted with a Commercial Recreation (CR) future land use designation subject to the following criteria:

- a. a minimum of 5 acres;
- b. located on the north side of Atlantic Avenue and adjacent to the entrance of the West Delray Regional Park (Palm Beach Downs Road); and
- c. provide a preserve area consistent with AGR-MUPD as outlined in Policy 1.5.1-q.

2. **DELETE Policy 1.5-r (relocated to Policy 1.5-q):** ~~All freestanding golf courses designated as Commercial Recreation in the Agricultural Reserve Tier shall have a management plan which, at a minimum, shall contain the following:~~

1. ~~an integrated pest management plan designed to prevent contamination of ground and surface water from pesticides, herbicides, and fertilizers;~~
2. ~~a water quality and quantity monitoring plan with emphasis on impacts to adjacent wetlands and surface waters;~~
3. ~~best management practices which, at a minimum, identify procedures to be followed for the construction, irrigation, operation, and maintenance of the golf course; and~~

~~4. a landscape plan utilizing only native or drought tolerant species for all landscape requirements.~~

3. **NEW Policy 1.5-r (relocated from Policy 1.5-q):** Gaming, pari-mutuel wagering, offtrack betting, or events or activities held or broadcast for similar purposes shall be prohibited in the Agricultural Reserve Tier.

**B. Future Land Use Element, Maximum Development Potential for RV Parks**

**REVISIONS:** To clarify the maximum development potential for recreational vehicle parks and relocate under the Commercial Recreation heading.

1. **REVISE Policy 2.2.1-t: ~~Recreational Vehicle Parks and Mobile Home Parks.~~** ~~The density for a Recreational Vehicle Park shall be described in the ULDC.~~ Mobile home parks in existence at the time of Plan adoption are considered in conformance with the Plan, regardless of the Future Land Use Atlas density. Some existing mobile home parks are shown on the Future Land Use Atlas within residential land use categories that allow fewer units than currently permitted. If the mobile home park is removed to allow an alternative type of residential development, the new development must conform to the density provisions of the Future Land Use Atlas.

*... text omitted for brevity.*

2. **NEW Policy 2.2.3-b: Recreational Vehicle Parks.** The allowable number of sites per acre for a Recreational Vehicle Park shall be described in the Unified Land Development Code.

**C. Future Land Use Element, FLUA Regulation Section for Commercial Recreation**

**REVISIONS:** To revise Future Land Use Atlas Regulation language regarding uses allowed in the Commercial Recreation future land use designation.

**1. REVISE 3. Commercial Recreation**

**Uses and Intensities**

Commercial Recreation areas are designated on the Future Land Use Atlas to reflect and accommodate major public and private commercial recreation facilities that meet a portion of the recreational needs of residents and tourists. These facilities may be profit-making enterprises and/or may be held in private ownership. ~~The Future Land Use Atlas may indicate two types of commercial recreation facilities: privately owned golf courses or uses such as fairgrounds, outdoor attractions and outdoor amphitheaters.~~

The following land uses shall be allowable in areas designated Commercial Recreation where permitted by the terms of the Unified Land Development Code: Outdoor and indoor recreational facilities including, but not limited to, fairgrounds, recreational vehicle parks, tennis clubs, jai alai frontons, amusement and sport centers, outdoor amphitheaters, hunting and gun clubs, marinas, vehicular and non-vehicular race tracks, and outdoor wildlife attractions; Golf courses; Parks and Recreation; Mining and Excavation; and, Accessory facilities and activities that are an integral part and supportive of the recreational facility.

## 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, the County shall review and make a determination that the proposed future land use is compatible with existing and planned development in the immediate vicinity and shall evaluate its impacts on:*

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

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

- “The proposed location criteria proposed for the concurrent comprehensive plan text amendment would ensure that those utilizing the proposed RV Resort Development would likely also be visiting the West Delray Park and/or the Wildlife Refuge. The West Delray Park often hosts large events for the various remote control vehicle enthusiasts.”
- “The proposed RV Resort Development would be a complimentary use to the West Delray Regional Park as well as the Loxahatchee Wildlife Refuge. Per the Parks and Recreation Department, Palm Beach County currently operates three campgrounds in the County (John Prince Park, Peanut Island, and South Bay) and during season, these parks operate at full occupancy.”
- “Across the Country as well as locally in Palm Beach County RV Resorts are located in scenic areas, such as national parks, forests, or beaches. These locations provide the users with a unique opportunity to enjoy the natural beauty of the area as well as engage in outdoor activities such as hiking, fishing, or kayaking.”



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

The CR future land use designation was established in the 1989 Comprehensive Plan to allow for both public and private commercial recreational facilities that are intended to serve the needs of both residents and tourists. Sites with existing recreational uses were assigned the CR FLU at the adoption of the 1989 Plan and FLUE Policy 2.2.3-a allows the County to apply the CR FLU at appropriate locations through the amendment process. The land use designation is further restricted in the Ag Reserve Tier as currently the only form of commercial recreation allowed are freestanding golf courses. Therefore, the request also includes a privately initiated text amendment to allow a recreational vehicle park in the CR future land use subject to criteria.

The applicant has stated that the RVPD at this location will provide a complementary use adjacent to the County operated West Delray Regional Park. The park contains a variety of unique recreational uses including radio-controlled airplanes, boats, helicopter and cars. Amenities such as runways, landing pads, dirt tracks, bleachers and metal pavilions are on site to accommodate participants and spectators. These recreational facilities are not typical within the County's park system and this particular park attracts hobbyists from throughout the County to use these amenities. The park also hosts events which span several days and users of the park could utilize an adjacent recreational vehicle park for a temporary stay.

Additionally, the applicant states that the subject site is unsuitable for its current residential use of one single family home. Nearby uses along this portion of West Atlantic Avenue include nurseries with landscape service, a large mulching and chipping facility, an equestrian center with training track, an approved electric transmission substation and a commercial plaza with retail and a convenience store with gas sales. Given the surrounding uses, and the sites proximity to the West Delray Regional Park, the request for an amendment to the CR future land use and the accompanying proposed text amendment is appropriately justified by the applicant

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

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

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

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

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

**Staff Analysis:** The County's Managed Growth Tier System is the primary vehicle by which the County Directions are realized. As previously mentioned, the Tier System identifies distinct geographic areas, which together offer lifestyle choices for all residents, and allow for sustainable communities. The associated Comprehensive Plan policies and land development regulations to implement each Tier also reflect the County Directions. The proposed amendment is not inconsistent with the above Directions.

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

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

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

**Staff Analysis:** The Comprehensive Plan's Introduction and Administration Element defines residual parcels as "a property under the same or related ownership that has been left out of a development area, resulting in a parcel which has limited development options and connections to surrounding properties." There are no additional parcels under the same or related ownership that are not included in this amendment. Therefore, the amendment is consistent with this policy.

## B. Consistency with Agricultural Tier Policies

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

### OBJECTIVE 1.5 The Agricultural Reserve Tier

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

**Staff Analysis:** The objective of the Agricultural Reserve Tier, as stated above, is to ‘*preserve and enhance agricultural activity, environmental and water resources*’. Although the proposed text and FLUA amendment to CR will not create additional agricultural uses, it is also not removing any from the Tier as the subject site is currently developed with a residential use.

2. **Commercial Recreation in the Ag Reserve Tier – FLUE Policy 1.5-q:** *Freestanding golf courses shall be allowed as the only form of commercial recreation in the Agricultural Reserve Tier. All development rights shall be removed from the site seeking the Commercial Recreation (CR) designation. Golf courses associated with residential or nonresidential development using the 60/40 Planned Development Option shall not be permitted to use this designation. Gaming, parimutuel wagering, off-track betting, or events or activities held or broadcast for similar purposes shall be prohibited in the Agricultural Reserve Tier.*

**Staff Analysis:** This policy is proposed to be revised with the concurrent text amendment to allow recreational vehicle parks as a second commercial recreation uses allowed in the Agricultural Reserve Tier, along with freestanding golf courses.

3. **FLUE Policy 2.2.3-a:** *The County shall apply the Commercial Recreation future land use designations at appropriate locations through the FLUA Amendment process.*

**Staff Analysis:** The Commercial Recreation future land use designation was established in the 1989 Comprehensive Plan to allow for both public and private commercial recreational facilities that are intended to serve the needs of both residents and tourists. Sites with these uses that existed at the adoption of the 1989 Plan were assigned with the CR future land use and this policy allows the County to apply the CR FLU at appropriate locations through the amendment process.

As previously discussed in the justification section, the applicant contends that the CR FLU at this location will provide a complementary use adjacent to the County operated West Delray Regional Park. The park contains a variety of unique recreational uses including radio-controlled airplanes, boats, helicopter and cars. Amenities such as runways, landing pads, dirt tracks, bleachers and metal pavilions are on site to accommodate participants and spectators. These recreational facilities are not typical

within the County's park system and this particular park attracts hobbyists from throughout the County to use these amenities. The park also hosts events which span several days and users of the park could utilize an adjacent recreational vehicle park for a temporary stay.

Additionally, the applicant states that the subject site is unsuitable for its current residential use of one single family home. Nearby uses along this portion of West Atlantic Avenue include nurseries with landscape service, a large mulching and chipping facility, an equestrian center with training track, an approved electric transmission substation and a commercial plaza with retail and a convenience store with gas sales. Given the surrounding uses, and the site's proximity to the West Delray Regional Park, the site is an appropriate location for the Commercial Recreation future land use designation.

**4. FLUE 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 purposes 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-TMD preserves.*

**Staff Analysis:** The proposed text amendment includes a requirement that Recreational Vehicle Parks in the Agricultural Reserve Tier must provide a preserve consistent with the Policy 1.5.1-q. This requirement is for non-residential uses within the Tier which utilize the AgR-MUPD zoning district and was added to the Comprehensive Plan in 2016 to exempt non-residential sites less than 16 acres from the preserve requirement. The proposed CR FLU is a non-residential use located within a property less than 16 acres in size, so the applicant is not required to provide a preserve area.

**C. Proposed Text Amendments to the Comprehensive Plan**

The proposed text changes will revise Future Land Use Element policies under the Agricultural Reserve Tier Objective to allow a RVPD in the Commercial Recreation future land use, which is not currently permitted. The specific proposed text changes are shown in Exhibit 1-B in ~~strikeout~~ and underline. A summary and analysis of the changes are below:

- **REVISE Policy 1.5-q.** This policy is proposed to be revised to add recreational vehicle parks in addition to free standing golf courses as the only forms of commercial recreation allowed in the Agricultural Reserve Tier, subject to the following criteria:



- a minimum lot size of 5 acres, which is the minimum required in the ULDC for a campground use;
- located on the north side of Atlantic Avenue and adjacent to the entrance of the West Delray Regional Park (Palm Beach Downs Road), which is specific to the subject site only; and
- provide a preserve area consistent with an AGR-MUPD, which is consistent with other non-residential FLU requirements in the Agricultural Reserve Tier.

This policy was also revised to delete existing Policy 1.5-r and relocate the policy language which related to requirements for freestanding golf courses into Policy 1.5-q. This policy also deleted language related to the prohibition of gaming activities in the Ag Reserve and relocated to new policy 1.5-r.

- **DELETE Policy 1.5-r.** As mentioned above, Policy 1.5-r related to requirements for freestanding golf courses is proposed to be deleted and relocated to Policy 1.5-q.
- **NEW Policy 1.5-r.** As mentioned above, the deleted language related to the prohibition of gaming activities in the Ag Reserve in 1.5-q is relocated to new policy 1.5-r.
- **REVISE Policy 2.2.1-t.** This policy is in the Residential Sub-Objective of the Future Land Use Element and was adopted in the 1989 Comprehensive Plan. The Unified Land Development Code has for some time established the development potential for recreational vehicle parks through maximum allowable sites per acre for and not as density, which would be units per acre. Therefore, this outdated policy is being updated to reflect this practice and clarify that it is not density.
- **NEW Policy 2.2.3-b.** This new policy removes recreational vehicle parks out of the Residential sub-objective and into the Commercial sub-objective. This is to distinguish mobile homes, a residential use, from recreational vehicle parks, a commercial recreation use. It also clarifies that the development potential for RV parks is based on a maximum allowable number of sites per acres as currently outlined in the ULDC.
- **REVISE FLUA Regulation Section for Commercial Recreation.** This section of the Plan which describes the uses and intensities allowed with the Commercial Recreation FLU is proposed for revision to identify all of the allowable use examples to be consolidated into the second paragraph and to add recreational vehicle parks as it is not listed but is currently an allowable use under the CR FLU for consistency with the ULDC.

#### 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 future land use designations and provides a compatibility analysis in Exhibit 3.

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

**North:** To the north of the subject site are preserve parcels with an AGR future land use designation. Directly north is the 410 acre Bridges-Mizner AGR-PUD preserve parcel number 8 (PB Downs/SFWMD, Control No. 2004-0250), which currently supports the County's West Delray Regional Park and Palm Beach Downs Equestrian Center. These

parcels are owned by the South Florida Water Management District. Further to the north are County owned preserve parcels currently leased for the cultivation of row crops.

**East:** Directly east of the subject site is the southern portion of the Palm Beach Downs Equestrian Center, and beyond east of that is the 103.90-acre preserve number 1 for the Ascot (Tivoli Isles) AGR-PUD (Control No. 2004-0206). Further east, across State Road 7 on the north and south sides of Atlantic Avenue, are vacant parcels totaling approximately 64 acres with an IND/AGR land use predating the creation of the Agricultural Reserve Master Plan.

**South:** To the south of the subject site across Atlantic Avenue are parcels with an AGR future land use designation. Directly south is the vacant 78.09-acre preserve parcel 4C (Young) for the Oaks at Boca Raton AGR-PUD (Control No. 1997-0104). To the east of the Young preserve is a 30.45-acre site known as FPL Green Substation (Control No. 2006-094) which received Conditional Use approval in 2006 for an electric transmission substation. The zoning approval has not yet been utilized, and the site currently supports a wholesale nursery. On the east side of 105<sup>th</sup> Drive S, directly east of the FPL site, is preserve parcel 12T (Carly Landco) for the Canyon Lakes AGR-PUD (Control No. 2002-067), which supports wholesale nursery with landscape service. Further south beyond the aforementioned lands are single-family residences on approximately five acre lots within the AGR future land use, known as Tierra Del Ray.

**Southeast:** To the southeast across Atlantic Avenue is the Amerigrow Recycling facility (Control No. 1993-022). The 29.94-acre site has an AGR future land use designation and supports a variety of agricultural uses, including chipping and mulching, composting, and potting soil manufacturing.

**West:** To the west of the site are parcels with AGR and Conservation (CON) future land use designations. Directly to the west is the southern portion of the West Delray Regional Park (Bridges-Mizner AGR-PUD Preserve 8). Further west is the eastern boundary of the Arthur R. Marshall Loxahatchee National Wildlife Refuge with a Conservation future land use designation.

**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 the proposed FLUA amendment is compatible with “the existing development pattern and adjacent uses that have occurred along the State Road 7 corridor.” In addition, the applicant states that “There are many other uses along State Road 7 that tend to draw tourists and visitors from other parts of Palm Beach County, such as Bedner’s Market, Animal Edventure Park, the Loxahatchee Wildlife Refuge and the West Delray Regional Park. These uses are compatible with the proposed Commercial Recreation future land use as the proposed use would support all of these tourist attractions. On this basis, the proposed development concept at this location is determined to be compatible.”

**Staff Analysis:** The site is located at the western terminus of Atlantic Avenue on the west side of State Road 7, and currently supports a single-family home. As detailed above, the site is adjacent to park, equestrian and agricultural uses to the north, east and west. To the south, across Atlantic Avenue, are heavy agricultural uses including nurseries with landscape service, a large chipping and mulching facility, an approved electric transmission substation, postal office and small commercial plaza. Approximately one half mile east of the site, at the northeast and southeast corner of Atlantic Avenue and State Road 7, are Industrial future land uses assigned prior to the adoption of the 1989 Comprehensive Plan. In addition, the Arthur R. Marshall Loxahatchee Wildlife Refuge is located approximately 1,200 feet from its eastern boundary.

In order to ensure compatibility with nearby environmentally sensitive sites, staff is recommending conditions of approval limiting the total number of allowable RV spaces to 121 and prohibits other uses within the CR FLU on the site.

#### **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 subject site is not located within a Neighborhood Plan recognized by FLUE Policy 4.1-c of the Comprehensive Plan.

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

The proposed amendment will change the future land use designation from Agricultural Reserve to Commercial Recreation with an underlying Agricultural Reserve (CR/AGR). For the purposes of the public facilities impact analysis, the maximum intensity is based on the proposed change to allow up to 121 RV sites. Public facilities impacts are detailed in the table in Exhibit 4.

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

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

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

The Department of Environmental Resources Management (ERM) provided the following comments related to the proposed amendment:

- There is a potential that soil and groundwater qualities have been impacted by the prior use(s).
- There are Environmentally Sensitive Lands in relative close proximity to the project (i.e, the Arthur R. Marshall Loxahatchee Wildlife Refuge).
- The East Coast Buffer is in relatively close proximity to the project area.
- ERM supports the initiative that requires that all plant species to be planted and maintained within the project area to be native to South Florida, since the project is located West of State Road 7 (441) and is in close proximity to the Arthur R. Marshall Loxahatchee Wildlife Refuge.

The fourth bullet will be implemented by ERM as a condition in the zoning development order. In addition, the applicant has indicated in their justification statement (see Exhibit 3) that “water and sewer service will be extended to the proposed use” which will also be required as a condition of approval in the zoning development order.

**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 121 RV spaces. According to the County’s Traffic Engineering Department (see letter dated September 13, 2024 in Exhibit 5), the amendment would result in a decrease of 244 net daily trips and 25 (9/16) AM and 33 (21/12) 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 Future Land Use Element of the Palm Beach County Comprehensive Plan at the **maximum potential...**”*

The Traffic Study dated June 6, 2024 was prepared by Anna Lai, P.E. Traffic studies and other additional supplementary materials for site-specific amendments are available to the public on the PBC Planning web page at:

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

## II. Public and Municipal Review

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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 September 19, 2024. To date, no comments have been received.
  
- B. Other Notice:** Public notice by letter was mailed to the owners of properties within 500 feet of the site on September 19, 2024. On the same date, several interested parties were also notified by mail including the Four Seasons HOA, Dakota HOA, Tierra Del Rey POA, Saturnia Isles HOA, the Alliance of Delray Residential Association, the Arthur R. Marshall Loxahatchee National Wildlife Refuge, Friends of the Loxahatchee Refuge and a member of the public who requested notice. Notification of this amendment, and other amendments related to the Ag Reserve Tier, were provided to the Agricultural Reserve email list of interested parties via email on August 15, 2024. Letters received are added to Exhibit 9 during the course of the amendment process.

## Exhibit 3

### Applicant's Justification/Consistency with Comprehensive Plan

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#### **Introduction**

On behalf of the Applicant, JMorton Planning & Landscape Architecture is requesting a Comprehensive Plan Text Amendment to the Future Land Use Element and a Comprehensive Plan Future Land Use Atlas amendment for the property located on the north side of Atlantic Avenue, approximately 0.5 miles west of State Road 7 ("Property") to amend the future land use designation from Agricultural Reserve (AGR) to Commercial Recreation, with an underlying Agricultural Reserve (CR/AGR). The Property is located within the Agricultural Reserve Tier and is currently utilized for a single-family home and accessory agriculture storage.

#### **I. PROPOSED Comprehensive Plan Text AMENDMENT**

##### **Purpose**

The purpose of the amendment is to allow the use of an RV Resort Development on properties designated as Commercial Recreation within the Agricultural Reserve. RV Resort Developments shall meet certain location criteria in order to ensure that the proposed use supports and enhances the existing public facilities (parks) and natural areas within the Agricultural Reserve.

##### **Justification**

According to various RV industry trend platforms, new RV resorts are being developed throughout Florida to accommodate the increasing numbers of RV rentals and owners throughout the state. The increasing trend is due to Florida's pleasant year-round climate. Rvshare.com, an RV rental company, states that renters utilizing their platform spent over 277,000 nights in an RV in Florida in 2023. According to camperfaqs.com, 61% of Americans report they are planning a vacation in an RV in 2023 and Florida is the third highest state for RV sales in the country.

Another industry platform, rvbusiness.com, indicates that between 2022 and 2024, Florida will be increasing the number of RV sites by over 3,500 sites. New RV resorts are being developed throughout the entire state from the Panhandle to Tampa to Orlando to the Keys. The RV Resorts are often developed near beaches, environmental areas, and tourist attractions. The Property's location with proximity to the Loxahatchee Wildlife Refuge and West Delray Regional Park make the Property ideal for such a use.

The use of an RV Resort development has been allowed in other areas of the County where the use would serve to enhance natural areas. An RV Resort has been developed adjacent to wetlands within the Rural Tier on Indiantown Road. The Applicant contends that the proposed RV Resort Development would be a complimentary use to the West Delray Regional Park as well as the Loxahatchee Wildlife Refuge. Per the Parks and Recreation Department, Palm Beach County currently operates three campgrounds in the County (John Prince Park, Peanut Island, and South Bay) and during season, these parks operate at full occupancy. The proposed location criteria would ensure that those utilizing the proposed RV Resort Development would likely also be visiting the West Delray Park and/or the Wildlife Refuge. The West Delray Park often hosts large events for the various remote control vehicle enthusiasts.

The RV Resort Development would support approximately 121 sites and a clubhouse with recreation amenity area. The RV Resort Development will provide sites for Class A, B, & C recreation vehicles as well as fifth wheels and travel trailers. Per Florida State Statutes Chapter 513 and the County ULDC, Recreational vehicle parks are permitted only for guests staying no more than 180 days per calendar year.

The proposed text changes related to golf courses within the Commercial Recreation designation are simply to relocate existing language for clarification purposes.

### **Consistency**

**FLUE Objective 1.5:** Palm Beach County shall preserve the unique farmland and wetlands in order to preserve and enhance agricultural activity, environmental and water resources, and open space within the Agricultural Reserve Tier. This shall be accomplished by limiting uses to agriculture and conservation with residential development restricted to primarily low densities and non-residential development limited to uses serving the needs of farmworkers and residents of the Tier. The Agricultural Reserve Tier shall be preserved primarily for agricultural use, reflecting the unique farmlands and wetlands within it.

**Response:** *The proposed changes to the Commercial Recreation FLU category will ensure that the agriculture, conservation and open space uses are enhanced. Allowing for an RV Resort Development will bring attention and patrons to the local agriculture economy, the West Delray Regional Park and the Loxahatchee Wildlife Refuge.*

**FLUE Policy 2.2.3-a:** The County shall apply the Commercial Recreation future land use designations at appropriate locations through the FLUA Amendment process.

**Response:** *The Commercial Recreation FLU category has previously been permitted within the AgR Tier to allow for the development of golf courses. The proposed changes to Commercial Recreation FLU designation would allow for an additional use that would not only contribute to agritourism activities but also provide a place for RV owners to stay where they could be within proximity of a County Regional Park as well as the Loxahatchee Wildlife Refuge.*

**ROSE Objective 1.6:** The County shall improve its communication, coordination and cooperation with all providers of parks, recreational facilities, and open space, including federal, state, regional and local agencies, and where possible the private sector, to ensure that Countywide needs are adequately served.

**Response:** *Per discussion with Parks and Recreation Staff, there is a need for additional RV sites within the County. The West Delray Regional Park hosts remote control vehicle (helicopter, drone, airplane, boat, and car) events. The proposed RV Resort Development would serve as a complimentary use by providing temporary lodging facilities to those enthusiasts and others that want to be close to agritourism activities and a wildlife refuge.*

## **II. PROPOSED FLUA MAP AMENDMENT**

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

### **Description of Site Vicinity**

The Property is located on the Atlantic Avenue corridor within the Agricultural Reserve Tier. The 10.108 acre Property is flanked by park and recreational uses to the north and west. To the south of the Property are agricultural uses which include a farm and landscape services.



Land uses directly abutting the Property include the following:

Adjacent Property	Land Use Designation	Zoning Designation	Existing Use	Control Number
North	AGR	AGR-PUD	Park and Recreation (West Delray Regional Park)	2004-00250
South	AGR	AGR-PUD & AGR	Farm and Landscape Services	1997-00104 & 2006-00094
East	AGR	AGR-PUD	Equestrian (Palm Beach Downs)	2004-00250
West	AGR	AGR-PUD	Park and Recreation (West Delray Regional Park)	2004-00250

**G.1 Justification**

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

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

*Response: The proposed Commercial Recreation future land use designation is suitable and appropriate for the Property. The Property’s location adjacent to the West Delray Regional Park and proximity to the Loxahatchee Wildlife Refuge make the Property an ideal site for the proposed RV Resort use. Across the Country as well as locally in Palm Beach County RV Resorts are located in scenic areas, such as national parks, forests, or beaches. These locations provide the users with a unique opportunity to enjoy the natural beauty of the area as well as engage in outdoor activities such as hiking, fishing, or kayaking.*

*According to various RV industry trend platforms, new RV resorts are being developed throughout Florida to accommodate the increasing numbers of RV rentals and owners throughout the state. The increasing trend is due to Florida’s pleasant year-round climate. Rvshare.com, an RV rental company, states that renters utilizing their platform spent over 277,000 nights in an RV in Florida in 2023. According to camperfaqs.com, 61% of Americans report they are planning a vacation in an RV in 2023 and Florida is the third highest state for RV sales in the country. Another industry platform, rvbusiness.com, indicates that between 2022 and 2024, Florida will be increasing the number of RV sites by over 3,500 sites. New RV resorts are being developed throughout the entire state from the Panhandle to Tampa to Orlando to the Keys. The use of an RV Resort development has been allowed in other areas of the County where the use would serve to enhance natural areas. An RV Resort has been developed adjacent to wetlands within the Rural Tier on Indiantown Road. The Applicant contends that the proposed RV Resort Development would be a complimentary use to the West Delray Regional Park as well as the Loxahatchee Wildlife Refuge. Per the Parks and Recreation Department, Palm Beach County currently operates three campgrounds in the County (John Prince Park, Peanut Island, and South Bay) and during season, these parks operate at full occupancy. The proposed location criteria proposed for the concurrent comprehensive plan text amendment would ensure that those utilizing the proposed RV Resort Development would likely also be visiting the West Delray Park and/or the Wildlife Refuge. The West Delray Park often hosts large events for the various remote control vehicle enthusiasts.*

*The proposed land use amendment to Commercial Recreation will allow for the development of an RV Resort Development with approximately 121 sites and a clubhouse with recreation amenity area. The RV Resort Development will provide sites for Class A, B, & C recreation vehicles as well as fifth wheels*

and travel trailers. Per Florida State Statutes Chapter 513 and the County ULDC, recreational vehicle parks are permitted only for guests staying no more than 180 days per calendar year.

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

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

**Response:** *The Agricultural Reserve Tier has been the subject of numerous changes recently. These changes have increased the services available to the current residents of the Ag Reserve, including smaller commercial projects, light industrial uses, and congregate living facilities. Additionally, the BCC has recognized the need for alternative housing in the Ag Reserve by adopting the Essential Housing land use designation and allowing the development of multi-family housing. Several land use amendments have been adopted on parcels abutting State Road 7 for Commerce within the vicinity of the Property. Additionally, several years ago, the property at the southwest corner of State Road 7 and Boynton Beach Boulevard was approved for commercial development, including a gas station and inline retail/office plaza.*

*All of these changes indicate that the Ag Reserve has become more attractive for new residents and visitors not just the farmers in the area. The agriculture activities in the area are not just supplying food, plants and landscape materials, it has also contributed to tourism in the area. Many visitors to the Ag Reserve visit Bedner's Farm, Animal Adventure Park & Safari, Sunshine Meadows, and other equine and agriculture uses. While these uses have existed in the Ag Reserve for a number of years, they are getting more attention as changes are made to parcels in the area and more residential developments are approved. This increase in residential development in the area has also increased visibility of all the amenities and attractions this area of the County has to offer.*

*The proposed use of an RV Resort relies more on the fact that no changes to FLU designations has occurred on properties immediately adjacent to the Property. The West Delray Regional Park and its increased popularity is one of the contributing factors to the proposed future land use amendment to Commercial Recreation. The changes to Commercial Low and Commerce for properties along State Road 7 and Atlantic Avenue will ensure that services are available to the future visitors of the RV Resort. The existing gas station, grocery stores, restaurants, retail establishments and various repair facilities in the area will all provide the critical services needed by the RV Resort visitors.*

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

**Response:** *The characteristics of the surrounding area within the Agricultural Reserve have changed within the past 10 years. Additional commercial and light industrial projects have been approved to provide additional services to the increasing number of residents of the Ag Reserve Tier. The Atlantic Avenue, Boynton Beach Boulevard and State Road 7 have become major transit corridors for the Ag Reserve and Palm Beach County. These corridors have been transitioning away from solely serving the farmers as routes between farms, to packing houses, and transporting produce outside of the Ag Reserve. These major corridors now also serve the residents within the Tier as routes to and from work, services, and other activities in and outside of the Agricultural Reserve Tier. The increase in traffic encourages properties along these transit routes to develop with a variety of services, housing, and other uses to meet the growing population of Palm Beach County.*

*As the population increases in the area and services become more available, the West Delray Regional Park and Loxahatchee Wildlife Refuge gain in popularity. As residents and visitors of the*

*Agricultural Reserve Tier and greater Palm Beach County seek out activities for their families, many of the activities are located along the State Road 7 corridor within the vicinity of the Property. The area surrounding to Property was originally approved as a large lot single family home development with an airstrip for private planes. The development of the residential project commenced, and lakes were dug, roads were installed, and a gatehouse was constructed. The use of the Property as a single-family home was consistent with the approved residential development at the time. However, that residential project was never completed, and the land was purchased by SFWMD. Later Palm Beach County entered into a long-term lease with SFWMD to utilize the land to the north and west of the Property as a regional park.*

*Other lands in the vicinity sold their development rights for the development of other single-family development within the Ag Reserve Tier. FPL also purchased a large tract of land to the south of the Property for the purpose of a future substation. All of these changes changed the character of the area from a large lot single family residential area to a mixture of public uses and preserve parcels. The proposed future land use amendment to Commercial Recreation would be a consistent and compatible land use designation that would provide a complimentary use to the West Delray Regional Park and Loxahatchee Wildlife Refuge.*

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

**Response:** *The Comprehensive Plan recognizes Commercial Recreation as an appropriate use within the Agricultural Reserve Tier, but only for golf courses. The recent global pandemic changed many societal behaviors. One of the trends that came out of the pandemic was the desire for people to be outdoors more. Many people across the Country purchased recreation vehicles and started touring the County. The ability to work remotely for many jobs has also contributed to the increased use of recreational vehicles. These changing trends have created in increase in demand for RV resorts that offer more amenities that simple electric, water and sewer hook-ups. Travelers are looking for the same amenities that they have grown accustomed to such as pools, sports courts, and clubhouses all while still being close to the natural environment that brought them to the area in the first place. The Property is well suited for the Commercial Recreation future land use change to meet the needs and demand for such travelers as it is located close to various natural areas, commercial services, transportation routes and other activities.*

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

**Response:** *N/A*

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

**Response:** *N/A*

**G.2 Residential Density Increases**

This proposed FLU amendment is not requesting to increase residential density.

**G.3 Compatibility**

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

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

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

- Primary access is available from Atlantic Avenue a right-of-way designated as an Urban Arterial Road, thus directing traffic away from local roads in the vicinity.
- The Property is located just west of a major north/south transportation route (State Road 7). There are several commercial uses at the intersection of State Road 7 and Atlantic Avenue. There are many other uses along State Road 7 that tend to draw tourists and visitors from other parts of Palm Beach County, such as Bedner’s Market, Animal Adventure Park, the Loxahatchee Wildlife Refuge and the West Delray Regional Park. These uses are compatible with the proposed Commercial Recreation future land use as the proposed use would support all of these tourist attractions. On this basis, the proposed development concept at this location is determined to be compatible.
- The proposed use is consistent with the existing development pattern and adjacent uses that have occurred along the State Road 7 corridor.

The land to the north of the Property is the West Delray Regional Park. This park houses multiple uses including drone flying field, remote control airplane field, remote control boating, remote control car racing, bmx and mountain bike tracks, archery fields and a frisbee golf course. As shown in the picture below, this park is often highly utilized (see field of parked cars) as it hosts numerous events and competitions throughout the year. Not only will the RV resort offer a place to stay for those attending these events, but the residents and tenants of the RV resort will be able to utilize the park and the activities within the park.



#### **G.4 Comprehensive Plan**

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

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

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

**Response:** Approval of this proposed FLU amendment will allow for the development of a commercial recreation use on a property with access to State Road 7, a major north/south transportation route. The area surrounding the Property is a mix of agricultural, recreational, and commercial uses. Residential PUDs are prohibited from being located on the west side of State Road 7. This use will ensure that the Agricultural Reserve Tier is a diverse community that can meet the needs of the existing and future residents located on the east side of State Road 7 and within the Tier. The proposed commercial recreation land use would also encourage the use of the County's West Delray Regional Park and the Loxahatchee Wildlife Refuge by the future residents/tenants of the RV resort.

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

**Response:** The Property is located within the Agricultural Reserve Tier which is a Limited Urban Service Area (LUSA) where services and public facilities are already available. The Property's location on a major transportation route with close proximity to State Road 7 contributes to timely, cost-effective service provision. Water and sewer service will be extended to the proposed use which will also allow other uses on Atlantic Avenue to connect to these public utilities. The proposed commercial recreation designation will allow for development of a use that will better serve the immediate and future needs of the community as it will provide a use that will complement the surrounding recreation uses.

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

- **FLUE Objective 1.5 Future Land Use Provisions - General** – "Palm Beach County shall preserve the unique farmland and wetlands in order to preserve and enhance agricultural activity, environmental and water resources, and open space within the Agricultural Reserve Tier. This shall be accomplished by limiting uses to agriculture and conservation with residential development restricted to primarily low densities and non-residential development limited to uses serving the needs of farmworkers and residents of the Tier. The Agricultural Reserve Tier shall be preserved primarily for agricultural use, reflecting the unique farmlands and wetlands within it."

**Response:** The proposed change to the Commercial Recreation FLU category will ensure that the agriculture, conservation, and open space uses are enhanced. Allowing for an RV Resort Development will bring attention and patrons to the local agriculture economy, the West Delray Regional Park and the Loxahatchee Wildlife Refuge.

- **ROSE Objective 1.6 Service Areas - General** – "The County shall improve its communication, coordination and cooperation with all providers of parks, recreational facilities, and open space, including federal, state, regional and local agencies, and where possible the private sector, to ensure that Countywide needs are adequately served."

**Response:** Per discussion with Parks and Recreation Staff, there is a need for additional RV sites within the County. The West Delray Regional Park hosts remote control vehicle (helicopter, drone, airplane, boat, and car) events. The proposed RV Resort Development would serve as a complimentary use by providing temporary lodging facilities to those enthusiasts and others that want to be close to agritourism activities and a wildlife refuge. Additionally, development of the RV Resort will require the extension of water and sewer facilities. The other uses along Atlantic Avenue would be able to take advantage of the extension of these lines.

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

- **FLUE Policy 2.2.3-a:** "The County shall apply the Commercial Recreation future land use designations at appropriate locations through the FLUA Amendment process."

**Response:** *The Commercial Recreation FLU category has previously been permitted within the AgR Tier to allow for the development of golf courses. The proposed changes to Commercial Recreation FLU designation would allow for an additional use that would not only contribute to agritourism activities but also provide a place for RV owners to stay where they could be within proximity of a County Regional Park as well as the Loxahatchee Wildlife Refuge.*

### **G.5 Florida Statutes**

Data and analysis demonstrating that the proposed development can be supplied by necessary services without violating adopted LOS standards are presented in as attachments to the application - Attachment H (Traffic Letter and Study), J (Drainage Statement), K (Fire Rescue Letter), and I (Water and Wastewater Provider Letter). Data and analysis discussing environmental and historical resources impacts are presented in Attachments J (Drainage Statement), M (Wellfield Zone), L (Natural Features Inventory and Map) and N (Historic Resource Evaluation Letter). No negative environmental impacts are identified.

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

- Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single use development or uses.
  - **Response:** *The applicant is requesting to change the FLU of the property from AGR to CR with an underlying future land use of AGR for the purpose of providing additional services along the State Road 7 corridor. The amendment does not promote low intensity/density or single-use development.*
- Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.
  - **Response:** *The Property is located within the State Road 7 corridor which is not rural in nature as evidenced by urban services such as police, fire rescue and water/wastewater/drainage utilities exist in the immediate area. The proposed Commercial Recreation designation is consistent with the surrounding commercial, recreational and agricultural uses and activities.*
- Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.
  - **Response:** *The Property is not isolated in nature and currently supports a single family home and accessory agriculture storage. The Property is surrounded by various commercial, recreational, and industrial development and would be considered infill development within close proximity of a major north/south transportation corridor.*
- Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.
  - **Response:** *This amendment does not fail to protect and conserve natural resources as the proposed development will have no negative impact on any other significant natural system. The Property does not support any environmentally sensitive areas. No listed species were located on the property, and it is located outside of any wellfield protection zone. As required by the ULDC, any native plant material will be addressed during the zoning approval process.*
- Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.
  - **Response:** *The Property is currently utilized as a single family home and accessory agriculture storage. Several changes have already been granted to properties within the immediate area that allow the development of commercial and industrial uses. The area has been changing from*

agriculture to commercial and industrial uses since 2006. The location of the West Delray Regional Park has not negatively impacted the agriculture activities in the area. Since the proposed request is for Commercial Recreation which would complement the park, no negative impacts to agricultural uses are anticipated with the land use change.

- Fails to maximize use of existing public facilities and services.
  - **Response:** This amendment will maximize the use of existing facilities. The Property's location within a Limited Urban Service Area (LUSA) means that services and public facilities are available to serve the Property and water and sewer service is anticipated to be extended to serve the proposed RV resort.
- Fails to maximize use of future public facilities and services.
  - **Response:** Reports and letters are provided with this application to show the availability of roadway capacity, water/sewer service, drainage outfall and fire response. This amendment will maximize the use of any future facilities proposed or constructed in the future and provide additional tax base. Therefore, the proposal will maximize the existing public services in the area.
- Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.
  - **Response:** Public services and facilities are already available in the immediate vicinity. The proposed amendment will provide for infill development and fit in with the existing land use pattern.
- Fails to provide a clear separation between rural and urban uses.
  - **Response:** Approval of a Commercial Recreation Future Land Use designation will be consistent with the style of development to the north and west. While the property is located within the Agricultural Reserve Tier of the County, this major roadway corridor has been changing as new commercial and industrial uses are approved and developed. These uses would provide additional services needed by the residents/tenants of the proposed RV resort. Therefore, the proposal discourages the proliferation of Urban/Sprawl.
- Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.
  - **Response:** This amendment will allow for the development of a property that is consistent with the existing and proposed uses to the north and west. Future development on the Property will serve the current and future needs for the existing County Park and surrounding communities.
- Fails to encourage a functional mix of uses.
  - **Response:** Approval of this proposed amendment will allow the development of a recreation use that will provide services to the surrounding existing County Park and wildlife refuge as well as residential communities rather than allowing the current single use development pattern that has occurred in the Agricultural Reserve to continue. Development of the Property will allow the community needs to be met within the Tier which will cause trips to remain in the Agricultural Reserve Tier.
- Results in poor accessibility among linked or related land uses.
  - **Response:** The proposed development will be designed with pedestrian connections as required through the site plan approval process.
- Results in the loss of significant amounts of functional open space.
  - **Response:** This amendment does not result in a loss of any functional open space as the subject property is currently not utilized as functional open space.

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

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

- **Response:** *This amendment does not fail to protect and conserve natural resources as the property is vacant of natural resources. The site is located outside of any wellfield protection zone. As required by the ULDC, any native plant material will be addressed during the zoning approval process.*
- Promotes the efficient and cost-effective provision or extension of public infrastructure and services.
  - **Response:** *The proposed Future Land Use amendment will maximize the use of future public facilities and services existing and within a relatively urban area. No facilities would be required to be installed in rural or sparsely populated areas, thereby maximizing the use of the existing facilities. Therefore, the proposal discourages the proliferation of Urban Sprawl.*
- Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.
  - **Response:** *The development will be designed with pedestrian connections to Atlantic Avenue as required through the site plan approval process.*
- Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.
  - **Response:** *Approval of this proposed amendment will allow the development of a recreation use that will allow for the development of a complementary use to the County Park and wildlife refuge. Therefore, the proposed amendment would contribute to livable communities and help balance the land uses within the Agricultural Reserve while maintaining the character of the community.*

### **Conclusion**

As described above, the proposed Comprehensive Plan Text amendment to the Future Land Use Element and Future Land Use Map amendment from Agricultural Reserve (AGR) to Commercial Recreation (CR) are consistent with the Goals, Objectives, and Policies of Palm Beach County's Comprehensive Plan and the Florida State Statutes. The proposed Future Land Use Map amendment is also compatible with the surrounding area. The proposed amendment does not contribute to urban sprawl. The amendments are consistent with the Comprehensive Plan and will not negatively impact service provision.

### **II. ULDC CHANGES**

No ULDC changes are needed in response to this proposed comprehensive plan text or future land use atlas amendments. The County will be initiating ULDC amendments as clean-up of the RVPD and CRE zoning designations concurrent with the Comprehensive Plan Text and Future Land Use Amendment applications.



**Exhibit 4**  
**Applicant's Public Facilities Table**

<b>A. Traffic Information</b>	
See Exhibit 5	
<b>B. Mass Transit Information</b>	
<b>Nearest Palm Tran Route (s)</b>	There is no Palm Tran Route within close proximity of the Property. Route 81 is the closest route.
<b>Nearest Palm Tran Stop</b>	There are no Palm Tran Stops within close proximity of the Property. Stop 6409 is the closest Palm Tran Stop located at Oriole Plaza which is 3.274 miles from the Property.
<b>Nearest Tri Rail Connection</b>	Route 81 provides a connection to the Delray Beach Tri-Rail Station.
<b>C. Portable Water &amp; Wastewater Information</b>	
<b>Potable Water &amp; Wastewater Providers</b>	Palm Beach County Water Utilities Department. Service capacity is available for the proposed development. Connections will require a lift station and forcemain extension. Off-site easements may be required to connect to the water main.
<b>Nearest Water &amp; Wastewater Facility, type/size</b>	A 12" potable water main is located south of Atlantic Avenue approximately 2,300 feet east of the property. A 4" wastewater forcemain is located in Atlantic Avenue approximately 2,100 feet east of the property.
<b>D. Drainage Information</b>	
The Property is located within the boundaries of the LWDD and SFWMD C-15 Drainage Basin. Legal positive outfall is available via discharge to the LWDD L-34W Canal along the north side of Atlantic Avenue.	
<b>E. Fire Rescue</b>	
<b>Nearest Station</b>	Palm Beach County Fire-Rescue Station # 49, located at 12555 Lyons Road
<b>Distance to Site</b>	4.75 miles
<b>Response Time</b>	Average response time 7:30
<b>Effect on Resp. Time</b>	The proposed amendment will increase the response time to 12 minutes for Station # 42.
<b>F. Environmental</b>	

<b>Significant habitats or species</b>	The Property was previously cleared and is utilized for a single family home with accessory agriculture storage. There are no significant habitats or species present on the Property.
<b>Flood Zone*</b>	Zone X
<b>Wellfield Zone*</b>	The Property is not located within a Wellfield Protection Zone.
<b>G. Historic Resources</b>	
There are no significant historic resources present on the Property.	

# Exhibit 5

## Traffic Division Letter



September 13, 2024

Anna Lai, P.E., PTOE  
 2581 Metrocentre Boulevard West, Suite 3  
 West Palm Beach, Florida 33407

**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**

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

**County Administrator**

Verdenia C. Baker

**RE: West Delray RV Resort  
 FLUA Amendment Policy 3.5-d Review  
 Round 2024-25-A**

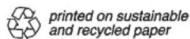
Dear Ms. Lai:

Palm Beach County Traffic Division has reviewed the Land Use Plan Amendment Application Traffic Statement for the proposed Future Land Use Amendment for the above-referenced project, revised on June 06, 2024, pursuant to Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan. The project is summarized as follows:

<b>Location:</b>	North of West Atlantic Avenue, approximately 0.5 mile west of State Road 7	
<b>PCN:</b>	00-41-46-13-00-000-7010	
<b>Acres:</b>	10.11 acres	
	<b>Current FLU</b>	<b>Proposed FLU</b>
<b>FLU:</b>	Agriculture Reserve (AGR)	Commercial Recreation (CR)/Agricultural Reserve (AGR)
<b>Zoning:</b>	Agricultural Residential (AR)	Recreational Vehicle Planned Development (RVPD) or MUPD
<b>Density/Intensity:</b>	0.15 FAR	0.05 FAR
<b>Maximum Potential:</b>	Nursery (Garden Center) = 5 acres Nursery (Wholesale) = 5.11 acres	Recreational Vehicle Park = 121 Camp Sites
<b>Proposed Potential:</b>	None	
<b>Net Daily Trips:</b>	-244 (maximum – current)	
<b>Net PH Trips:</b>	25 (9/16) AM, 33 (21/12) PM (maximum)	
* <i>Maximum indicates typical FAR and maximum trip generator. Proposed indicates the specific uses and intensities/densities anticipated in the zoning application.</i>		

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

*"An Equal Opportunity  
 Affirmative Action Employer"*





Anna Lai, P.E., PTOE  
September 13, 2024  
Page 2

density shown above. Please note that the proposed change does not require a long-term analysis and will have an insignificant impact on the roadway network for Test 2 analysis.

Please do not hesitate to reach out with any questions or concerns at 561-684-4030 or [DSimeus@pbcgov.org](mailto:DSimeus@pbcgov.org).

Sincerely,

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

Dominique Simeus, P.E.  
Professional Engineer  
Traffic Division

DS:jb

cc:

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

File: General - TPS – Unincorporated - Traffic Study Review  
N:\TRAFFIC\Development Review\Comp Plan\25-A\West Delray RV Resort.docx

# Exhibit 6

## Water & Wastewater Provider LOS Letter



**Water Utilities Department  
Engineering**

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



**Palm Beach County  
Board of County  
Commissioners**

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

**County Administrator**

Verdenia C. Baker

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May 10, 2024

Morton  
3910 RCA Boulevard  
Palm Beach Gardens, Fl. 33410

RE: Palm Beach Downs RV Resort  
PCN 00-41-46-13-00-000-7010  
Service Availability Letter

Ms. Velasco,

This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area. Based on a review of current PBCWUD infrastructure and existing customers within the general vicinity of the referenced property, PBCWUD currently has the capacity to provide the level of service required for the proposed Land Use Amendment from Agricultural Reserve (AGR) to Commercial Recreation (CR) for the proposed Recreational Vehicle Resort Development.

The nearest point of connection is a 12" potable water main located approximately 2300 feet east of the property south of Atlantic Ave and a 4" sanitary sewer forcemain located approximately 2100' east of the property within Atlantic Ave. Offsite easements may be required to connect to the water main.

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

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

Sincerely,

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

Jackie Michels, P.E.,  
Project Manager

# Exhibit 7

## Disclosure of Ownership Interests

PALM BEACH COUNTY - ZONING DIVISION

FORM # 9

### DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

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

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

STATE OF FLORIDA  
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared  
Karen Fina, 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  \_\_\_\_\_ [position - e.g., president, partner, trustee] of \_\_\_\_\_ [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: 10321 West Atlantic Avenue  
Delray Beach, FL 33446
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.

*Karen Fina*  
Karen Fina, 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 6<sup>th</sup> day of December, 2023 by Karen Fina (name of person acknowledging). He/she is personally known to me or has produced \_\_\_\_\_ (type of identification) as identification and did/did not take an oath (circle correct response).

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

*Lauren L. McClellan*  
(Signature)

My Commission Expires on: 2/28/25

NOTARY'S SEAL OR STAMP



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

**EXHIBIT "A"**

**PROPERTY**

A PARCEL OF LAND LYING IN SECTION 13, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE SOUTHWEST CORNER OF SAID SECTION 13, RUN THENCE N89°08'33"E ALONG THE SOUTH LINE OF SAID SECTION 13 A DISTANCE OF 992.68 FEET; THENCE N00°51'27"W A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING; RUN THENCE N45°36'59"W A DISTANCE OF 35.50 FEET; THENCE N00°22'29"W A DISTANCE OF 282.33 FEET; THENCE N89°37'30"E, A DISTANCE OF 1461.99 FEET; THENCE S00°22'30"E A DISTANCE OF 295.23 FEET; THENCE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF DELRAY WEST ROAD S89°08'33"W A DISTANCE OF 1436.83 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS: 440,316.60 SQUARE FEET OR 10.108 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
Roger Fina	10321 West Atlantic Avenue, Delray Beach, FL 33446
Karen Fina	10321 West Atlantic Avenue, Delray Beach, FL 33446

**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  
Roger Fina, 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  \_\_\_\_\_ [position - e.g., president, partner, trustee] of \_\_\_\_\_ [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: 10321 West Atlantic Avenue  
Delray Beach, FL 33446  
\_\_\_\_\_
  
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.

[Signature]  
\_\_\_\_\_  
Roger Fina, 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 6<sup>th</sup> day of December, 2023 by Roger Fina (name of person acknowledging).  He/she is personally known to me or has produced \_\_\_\_\_ (type of identification) as identification and did  did not take an oath (circle correct response).

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

[Signature]  
\_\_\_\_\_  
(Signature)

My Commission Expires on: 7/28/25

NOTARY'S SEAL OR STAMP



**EXHIBIT "A"**

**PROPERTY**

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Name	Address
Roger Fina	10321 West Atlantic Avenue, Delray Beach, FL 33446
Karen Fina	10321 West Atlantic Avenue, Delray Beach, FL 33446

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## 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.	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 recreational uses in an area with primarily Agricultural Reserve FLUs.	No
Results in poor accessibility among linked or related land uses.	The proposed amendment would not result in poor accessibility among related land uses.	No
Results in the loss of significant amounts of functional open space.	The proposed amendment on this site will not result in the loss of significant amounts of functional open space. The site is currently a single family home.	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
Fails to adequately protect adjacent agricultural areas and activities, including silviculture, and including active agricultural and silvicultural activities as well as passive agricultural activities and dormant, unique and prime farmlands and soils.	The proposed amendment site is not adjacent to agricultural uses. Therefore the proposed amendment does not fail to adequately protect adjacent agricultural areas.	No

Primary Indicators that an amendment does not discourage urban sprawl	Staff Assessment	Sprawl Indicated?
Fails to provide a clear separation between rural and urban uses.	The AGR Tier is intended to support and preserve agricultural while allowing low density development and limited commercial development. Institutional uses are restricted from locating west of State Road 7. The Agricultural Preserve provisions therefore allow for a mix of uses to support the allowed residential, commercial, and other non-residential development.	No
<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 lines are currently stubbed out at the northeast corner of SR-7 and Boynton Beach Boulevard. The subject site will connect to these services0	No
Fails to maximize use of future public facilities and services.	The AGR LUSA allows for a mix of urban and rural levels of service. The subject site would maximize the use of future public facilities available in the area and are going to connect to water and sewer service.	No
Allows for land use patterns or timing which disproportionately increase the cost in time, money and energy, of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.	The site is within the AGR LUSA, allows for urban levels of service to serve development. There are no adverse impacts to public facilities and services as indicated by service providers through department review.	No
<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 Correspondence

*Alliance of Delray Residential Associations, Inc.*

10290 West Atlantic Avenue #480504  
Delray Beach, FL 33448  
Phone: 561.495.4694  
www.allianceofdelray.com



- *Serving more than 100 Communities between the Everglades and the Ocean in south Palm Beach County.*
- *Working Toward Sustainable Development*
- *Applying Resilience Thinking to Our Natural Resources*



August 4, 2024

J Morton Planning/Landscape Architecture  
Att: Jennifer Morton, PLA, LEED AP  
3910 RCA Boulevard, Suite 1015  
Palm Beach Gardens, FL 33410



Re: West Delray RV Resort Text Application

Dear Ms. Morton:

Regarding the application for the West Delray RV Resort, please see the attached Alliance letter dated March 5, 2024. The Alliance will continue to support the application for a future land use designation change from Agricultural Reserve (AGR) to Commercial Recreation with an underlying AGR (CR/AGR) with the understanding that the Applicant will NOT utilize a septic system and connect into County sewer and water which is available within the area of State Road 7/441 and Atlantic Avenue. Further, the Alliance understands that the proposed density is 12 units per acre however, the Applicant's representative has indicated that there will be constructed a clubhouse, pool and recreation area on the 10.11 acre site. Therefore, the number of units should be less than 120.

After speaking with Lauren McClellan on August 3, 2024, I understand that you are in the process of drafting a site plan for the project. The Alliance is concerned with the agricultural and ecological nature of the area west of State Road 7/441 and requests that its suggestions regarding landscaping/buffers/setbacks be considered and incorporated into the site plan. The nurseries located on Atlantic Avenue west of State Road 7/441 make daily trips with tractors/trailers and plant material (see photo above). Therefore, the safety of these farm workers is of utmost concern. Further, the Amerigrow facility provides an important service for farmers, landscapers and the public and is a vital asset during hurricane season when the need for vegetation removal becomes a health issue. Therefore, the Alliance proposes increased buffering along Atlantic Avenue with native vegetation. Examples include *Bursera simaruba*, *Quercus laurifolia*, *Coccoloba uvifera*, *Chrysobalanus icaco*, and *Pinus elliottii* var. *densa*. For color and florals, *Asclepias tuberosa*, *Magnolia virginiana* and *Magnolia Grandiflora*. Atlantic Avenue infrastructure is of concern as well.

With the goal of supporting the farming activities in the Agricultural Reserve, the Alliance will be following this application through the Planning and Zoning process so that the final product will be a development commensurate with what is expected to serve the needs of the residents of and visitors to the Agricultural Reserve.

Sincerely,

*Lori Vinikoor*

Dr. Lori Vinikoor, President

Cc: Planning Dir. T Schutt; ERM Dir. D Drum; Zoning Dir. L Amara; V. Baker Cty. Admin.; Admin. P Rutter; W. Carroll, Esq., S. Stone, Esq, D Leiser, Esq., Dep. Zoning Dir. W. Hernandez, S Gregory, Sr. Planner, L Mc Clellan, Planner; Mayor M. Sachs, Vice Mayor M. Marino, Commissioners M. Barnett, S. Baxter, M. Bernard, M. Woodward, G. Weiss

*OFFICERS AND DIRECTORS OF THE ALLIANCE:*

Lori Vinikoor, *President*  
 Arnie Katz, *Executive Vice President*    Norma Arnold, *Vice President*    John Gentithes, *Vice President*  
 Susan Zuckerman, *Vice President*    Carol Klausner, *Secretary*    Deborah Borenstein, *Treasurer*  
*Directors:* Sylvia Borrellie    Rob Cuskaden    York Freund    Judy Goldberg  
*Assistants to the President:* Rose DeSanto    Joel Vinikoor  
*Chairman of the Board:* Bob Schulbaum    *Legal Counsel:* Joshua Gerstin



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March 5, 2024

Palm Beach County Planning Division  
Att: Jeff Gagnon, Interim Planning Director  
Vista Center Building  
2300 North Jog Road, 2 nd Floor  
West Palm Beach, Florida 33411

Re: West Delray RV Resort Text Initiation

Dear Interim Planning Director Gagnon:

Regarding the application for the West Delray RV Resort Text Initiation, the Applicant's representative J. Morton Planning met with the Alliance of Delray's Development Team. Following the discussion, the Alliance will support the text initiation for a future land use designation change from Agricultural Reserve (AGR) to Commercial Recreation with an underlying AGR (CR/AGR). The Alliance understands that the Applicant has agreed to NOT utilize a septic system and connect into County sewer and water which is available within the area of State Road 7/441 and Atlantic Avenue.

The Alliance understands that the proposed density is 12 units per acre however, the Applicant's representative has indicated that there will be constructed a clubhouse/pool/recreation area on the 10.11 acre site. Therefore, it is expected the number of units will be less than 120.

The Alliance will be following this application through the Planning and Zoning process so that the final product will be a development commensurate with what is expected to serve the needs of the residents of and visitors to the Agricultural Reserve.

Sincerely,

*Lori Vinikoor*

Dr. Lori Vinikoor, President

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