

# 2022 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

## Part 1. Amendment Data

### A. Amendment Data

<b>Round</b>	23-A2	<b>Intake Date</b>	August 10, 2022
<b>Application Name</b>	BC Commerce Center	<b>Control No.</b>	2016-163
<b>Acres</b>	47.21 Acres	<b>Concurrent Zoning application?</b>	Yes
		<b>Text Amend?</b>	No
<b>PCNs</b>	00-42-43-27-05-050-0992, 00-42-43-27-05-050-0991, 00-42-43-27-05-050-1000, 00-42-43-27-05-050-1010 & 00-42-43-27-05-050-1020		
<b>Location</b>	North side of Boynton Beach Boulevard between Acme Dairy Road and Florida Turnpike		
	<b>Current</b>	<b>Proposed</b>	
<b>Tier</b>	Agricultural Reserve Tier	Agricultural Reserve Tier	
<b>Use</b>	Agriculture Nursery	Light Industrial Uses	
<b>Zoning</b>	Agricultural Reserve (AGR)	Multiple Use Planned Development (MUPD)	
<b>Future Land Use Designation</b>	Agricultural Reserve (AGR)	Commerce (CMR)	
<b>Underlying Future Land Use Designation</b>	None	Agricultural Reserve (AGR)	
<b>Conditions</b>	None	See Traffic Information.	
<b>Density Bonus</b>	Not Applicable	Not Applicable	
<b>Total Number of Units</b>	None	None	

### B. Development Potential

	<b>Current FLU</b>	<b>Proposed FLU</b>
<b>Density/Intensity:</b>	1 unit per 5 acres or 0.15 FAR of agricultural uses	0.45 FAR
<b>Maximum Dwelling Units<sup>1</sup></b> (residential designations)	Single Family, 9 units 0.2 du/acre x 47.21 ac. = 9.44 or 9 units	Single Family, 9 units 0.2 du/acre x 47.21 ac. = 9.44 or 9 units (per underlying AGR)
<b>Maximum Beds (for CLF proposals)</b>	Not Applicable	Not Applicable
<b>Population Estimate</b>	9 max du x 2.39 = 22 people	9 max du x 2.39 = 22 people (per underlying AGR)

<b>Maximum Square Feet</b> <sup>2, 4</sup> (non-residential designations)	0.15 FAR x 47.21 ac. = 60,505 SF of agricultural uses	0.45 FAR x 47.21 ac. = 925,410 SF of industrial uses
<b>Proposed or Conditioned Potential</b> <sup>3, 4</sup>	----	845,000 SF light industrial, 525,000 SF flex space, or 20 acres of landscape services
<b>Max Trip Generator</b>	Nursery (Garden Center) - ITE 817: T = 108.10x; Nursery (Wholesale) - ITE 818: T = 19.5x	Light Industrial - ITE 110: T = 4.87x Flex Space – T = 7.86x Landscape Services – T = 121.70x
<b>Maximum Trip Generation</b>	1,364 Daily Trips	6,547 Daily Trips (Maximum Potential) 3,714 Daily Trips (Restricted Potential)
<b>Net Daily Trips:</b>	5,183 Daily Trips (maximum minus current) 2,350 Daily Trips (restricted minus current)	
<b>Net PH Trips:</b>	699 AM (723-24) restricted – current 516 PM (571-55) restricted - current	

1. Maximum units per acre see Future Land Use Element;
2. Maximum FAR see FLUE. If the site's acreage is large enough to be a planned development, utilize the PDD maximum whether or not a PDD is proposed. If the site's acreage does not meet the minimum PDD thresholds, the non-PDD maximum may be utilized.
3. For applications with a voluntary condition for a maximum development potential and use which will become binding in the adopting ordinance;
4. FLUA Amendments with a concurrent zoning application must calculate maximum development potential at the typical use & trip generation (eg. General Retail for Commercial future land uses) and in addition, calculate the trip generation for the actual proposed zoning application.

# 2022 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

## Part 2. Applicant Data

### A. Agent Information

<b>Name</b>	Lauren McClellan / Jennifer Morton
<b>Company Name</b>	JMorton Planning & Landscape Architecture
<b>Address</b>	3910 RCA Boulevard, Suite 1015
<b>City, State, Zip</b>	Palm Beach Gardens, FL 33410
<b>Phone / Fax Number</b>	(561) 721-4463 / (561) 371-9384
<b>Email Address</b>	<a href="mailto:lmcclellan@jmortonla.com">lmcclellan@jmortonla.com</a> / <a href="mailto:jmorton@jmortonla.com">jmorton@jmortonla.com</a>

### B. Applicant Information

<b>Name</b>	Paul Dye
<b>Company Name</b>	
<b>Address</b>	3311 Polo Drive
<b>City, State, Zip</b>	Gulfstream, Florida 33483
<b>Phone / Fax Number</b>	
<b>Email Address</b>	
<b>Interest</b>	Owner

<b>Name</b>	Kimberly Tieran
<b>Company Name</b>	
<b>Address</b>	3311 Polo Drive
<b>City, State, Zip</b>	Gulfstream, Florida 33483
<b>Phone / Fax Number</b>	
<b>Email Address</b>	
<b>Interest</b>	Owner

<b>Name</b>	Martha Ely & Randy Ely
<b>Company Name</b>	
<b>Address</b>	3311 Polo Drive

<b>City, State, Zip</b>	Gulfstream, Florida 33483
<b>Phone / Fax Number</b>	
<b>Email Address</b>	
<b>Interest</b>	Owner

<b>Name</b>	Randall Thorne
<b>Company Name</b>	
<b>Address</b>	3311 Polo Drive
<b>City, State, Zip</b>	Gulfstream, Florida 33483
<b>Phone / Fax Number</b>	
<b>Email Address</b>	
<b>Interest</b>	Owner

<b>Name</b>	Randall Tim Linkous
<b>Company Name</b>	Valico Nurseries
<b>Address</b>	8289 W. Boynton Beach Blvd
<b>City, State, Zip</b>	Boynton Beach, FL 33472
<b>Phone / Fax Number</b>	
<b>Email Address</b>	
<b>Interest</b>	Owner

<b>Name</b>	Jon Channing
<b>Company Name</b>	BC Boynton Industrial, LLC
<b>Address</b>	6820 Lyons Technology Circle # 100
<b>City, State, Zip</b>	Coconut Creek, Florida 33073
<b>Phone / Fax Number</b>	
<b>Email Address</b>	
<b>Interest</b>	Contract Purchaser

## 2022 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

### Part 3. Site Data

#### A. Site Data

<b>Built Features</b>	There are multiple agriculture structures on the Property including a 9,600 SF warehouse and office, a 17,500 SF greenhouse, a 5,570 SF greenhouse and a 616 square foot trailer. See Attachment F for Inventory and Map.
<b>PCN</b>	00-42-43-27-05-050-0992, 00-42-43-27-05-050-0991, 00-42-43-27-05-050-1000, 00-42-43-27-05-050-1010, & 00-42-43-27-05-050-1020
<b>Street Address</b>	8255 W. Boynton Beach Boulevard & 8289 W. Boynton Beach Boulevard
<b>Frontage</b>	Approximately 253 feet of frontage on Boynton Beach Boulevard and 1,225 feet of depth (along the Florida Turnpike)
<b>Legal Access</b>	Boynton Beach Boulevard
<b>Contiguous under same ownership</b>	None
<b>Acquisition details</b>	The Property identified by PCN No. 00-42-43-27-05-050-0992 was originally acquired on April 29, 1986 from Can-Flo International Corp by Warranty Deed. According to the Warranty Deed, the Property was granted for the consideration of \$10.00. Subsequently on December 31, 1987 ownership was divided by Quit Claim Deed (Randall P. Thorne - 26.7%, Paul B. Dye - 40%, and Allmon & Tiernan, Inc. - 33.3%). Subsequently on September 13, 1990, 33.3% ownership was transferred from Allmon & Tiernan, Inc. to Scott Tiernan and Kimberly Tiernan by Quit Claim Deed. Subsequently on December 18, 1998 and May 13, 1999 by Quit Claim Deed a percentage of the property was granted to Randy Ely and Martha Ely. Subsequently on April 8, 2014, by Quit Claim Deed pursuant to divorce decree Kimberly Tiernan was granted a percentage of the property ownership. (See Attachment A for Warranty Deeds)
<b>Size purchased</b>	9.26 acres purchased by Paul Dye, Kimberly Tieran, Martha Ely, Randy Ely, & Randall Thorne & 37.95 Acres purchased by Valico Nurseries

#### B. Development History

<b>Control Number</b>	2016-163
<b>Previous FLUA Amendments</b>	The Property was previously part of the Boynton Technology Park (LGA 2020-012) Future Land Use Amendment requesting to amend the Future Land Use designation from Agricultural Reserve to a Multiple Land Use that included Industrial Commercial Low and High Residential, 8 units per acre. This application was withdrawn by the Applicant prior to any action by the Board of County Commissioners. A Text Amendment was also submitted which included the Property to allow the development of an Economic Development Center (EDC). That text amendment was subsequently withdrawn by the Applicant.
<b>Concurrency</b>	None
<b>Plat, Subdivision</b>	Palm Beach Farms Company Plat No. 3 (PB 2, pg. 45)
<b>Zoning Approvals &amp; Requests</b>	None.

## 2022 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

### Part 4. Consistency

#### A. Consistency

<b>Justification</b> Provide as G.1.	See Attachment G, Section G.1.
<b>Residential Density Increases</b> Provide as G.2.	See Attachment G, Section G.2.
<b>Compatibility</b> Provide as G.3.	See Attachment G, Section G.3.
<b>Comprehensive Plan</b> Provide as G.4.	See Attachment G, Section G.4.
<b>Florida Statutes</b> Provide as G.5.	See Attachment G, Section G.5.

#### B. Surrounding Land Uses.

Adjacent Lands	Use	Future Land Use	Zoning
<b>North</b>	Agriculture Uses	Agricultural Reserve (AGR)	Agricultural Reserve Planned Unit Development Preserve (AGR-PUD) – Control Nos. 2000-032 & 2005-014
	Agriculture Uses	Agricultural Reserve	Agricultural Reserve
<b>South</b>	Agriculture Uses	Agricultural Reserve (AGR)	Agricultural Reserve (AGR)
<b>East</b>	Boynton Beach Turnpike Interchange Corridor	Utilities & Transportation (UT)	Agricultural Reserve (AGR)
	Vacant – Boynton Commons Medical Offices MUPD – 115,000 SF medical office	Commercial Low, with an underlying 5 units per acre (CL/5)	Multiple Use Planned Development (MUPD) – Control No. 2006-367
	Indian Hills PUD - Multi-Family Residential Pod D – 128 units (7.55 du/acre)	Medium Residential, 5 units per acre (MR-5)	Planned Unit Development (PUD) – Control No. 1994-024
<b>West</b>	Commercial & Self-Storage (4,999 SF Restaurant, 14,566 SF Retail, 127,113 SF Self-Storage)	Commercial Low with an underlying Agricultural Reserve	Multiple Use Planned Development Petition # 2008-339
	Agriculture Uses (Monticello Planned Unit Development – Preserve Area)	Agricultural Reserve	Agricultural Reserve-Planned Unit Development Petition # 2005-014

# 2022 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

## Part 5. Public Facilities Information

A. Traffic Information		
	Current	Proposed
<b>Max Trip Generator</b>	Nursery (Garden Center) - ITE 817: T = 108.10x; Nursery (Wholesale) - ITE 818: T = 19.5x	Light Industrial - ITE 110: T = 4.87x Flex Space – T = 7.86x Landscape Services – T = 121.70x
<b>Maximum Trip Generation</b>	1,364 Daily Trips	6,547 Daily Trips (Maximum Potential) 3,714 Daily Trips (Restricted Potential)
<b>Net Daily Trips:</b>	5,183 Daily Trips (maximum minus current) 2,350 Daily Trips (restricted minus current)	
<b>Net PH Trips:</b>	699 AM (723-24) restricted – current 516 PM (571-55) restricted - current	
<b>Significantly impacted roadway segments that fail Long Range</b>	None	None
<b>Significantly impacted roadway segments for Test 2</b>	None	Boynton Beach Boulevard from State Road 7 to Jog Road
<b>Traffic Consultant</b>	Bryan Kelley, Simmons & White, Inc.	
B. Mass Transit Information		
<b>Nearest Palm Tran Route (s)</b>	Palm Tran Route 73 runs along Boynton Beach Boulevard immediately adjacent to the Property.	
<b>Nearest Palm Tran Stop</b>	Boynton Beach Boulevard & Acme Dairy Road – Stop # 6781 (0.2 mile)	
<b>Nearest Tri Rail Connection</b>	Route 73 intersects with Route 70 which links directly to the Boynton Beach Tr-Rail Station.	
C. Potable Water & Wastewater Information		
<b>Potable Water &amp; Wastewater Providers</b>	Palm Beach County Water Utilities Department. Sufficient capacity is available for the proposed development. See Attachment I for letter from Palm Beach County Water Utilities Department.	
<b>Nearest Water &amp; Wastewater Facility, type/size</b>	A 42" potable water main is located adjacent to the Property within Boynton Beach Boulevard right-of-way. A 24" wastewater forcemain is located adjacent to the Property within Boynton Beach Boulevard right-of-way. A 12" reclaimed water main is located within Acme Dairy Road right-of-way approximately 700 feet from the Property.	

## D. Drainage Information

The Property is located within the boundaries of the LWDD and SFWMD C-16 Basin. Legal positive outfall is available via connection to the Acme Dairy Road drainage system adjacent to the west property line.

See Attachment J for Drainage Statement. A legal positive outfall is available to the site via connection to the LWDD L-24 canal along the south side of Boynton Beach Boulevard. See Attachment J for Drainage Statement.

## E. Fire Rescue

<b>Nearest Station</b>	PBC Fire-Rescue Station # 47 7950 Enterprise Center Circle Boynton Beach, FL 33437
<b>Distance to Site</b>	Approximately 1 mile
<b>Response Time</b>	Average response time: 7:36 minutes
<b>Effect on Resp. Time</b>	The proposes amendment will have some impact on Fire Rescue. See Attachment K for letter from Fire-Rescue.

## F. Environmental

<b>Significant habitats or species</b>	There are no significant habitats or species on the Property. An area containing palm and pine trees is located in the northwest corner of the Property. Tree disposition is to be addressed during the zoning approval process. The site has previously been utilized for agricultural row crops. An aerial of the Property is provided as Attachment L.
<b>Flood Zone*</b>	The Property is located in Flood Zone X, which is not a flood zone.
<b>Wellfield Zone*</b>	The Property is not located within a Wellfield Protection Zone. See Attachment M for Wellfield Map.

## G. Historic Resources

No known archaeological resources are located on or within 500 feet of the Property. See Attachment N for Historic Resources Letter.

## H. Parks and Recreation - Residential Only (Including CLF) – Not Residential

Park Type	Name & Location	Level of Svc. (ac. per person)	Population Change	Change in Demand
Regional		0.00339		
Beach		0.00035		
District		0.00138		



<b>I. Libraries - Residential Only (Including CLF) – Not Residential</b>			
<b>Library Name</b>			
<b>Address</b>			
<b>City, State, Zip</b>			
<b>Distance</b>	<i>Indicate the distance from the site to the nearest library.</i>		
<b>Component</b>	<b>Level of Service</b>	<b>Population Change</b>	<b>Change in Demand</b>
<b>Collection</b>	2 holdings per person		
<b>Periodicals</b>	5 subscriptions per 1,000 persons		
<b>Info Technology</b>	\$1.00 per person		
<b>Professional staff</b>	1 FTE per 7,500 persons		
<b>All other staff</b>	3.35 FTE per professional librarian		
<b>Library facilities</b>	0.34 sf per person		
<b>J. Public Schools - Residential Only (Not Including CLF) – Not Residential</b>			
	<b>Elementary</b>	<b>Middle</b>	<b>High</b>
<b>Name</b>			
<b>Address</b>			
<b>City, State, Zip</b>			
<b>Distance</b>			

# 2022 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

## Part 6. Attachments

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- A. PCN's, Legal Description and Warranty Deed (include Legal in PDF & Word)**
- B. Agent Consent Form**
- C. Applicant's Ownership Affidavit**
- D. Applicant's Notice Affidavit, Property Appraiser List, and Labels**
- E. Disclosure of Ownership Interests**
- F. Built Feature Inventory & Map**
- G. Consistency with the Comprehensive Plan and Florida Statutes (include in PDF & Word)**
- H. Traffic Approval Letter & Traffic Study**
- I. Water & Wastewater Provider LOS Letters**
- J. Drainage Statement**
- K. Fire Rescue Letter**
- L. Natural Feature Inventory & Map**
- M. Wellfield Zone**
- N. Historic Resource Evaluation Letter**
- O. Survey**

Forms for Attachments B, C, D, and E are located on the web at:

<http://www.pbcgov.org/pzb/planning/Pages/Comprehensive-Plan-Amendment-Applications.aspx>

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**Location Address** BOYNTON BEACH BLVD**Municipality** UNINCORPORATED**Parcel Control Number** 00-42-43-27-05-050-1020**Subdivision** PALM BEACH FARMS CO PL NO 3**Official Records Book** 03603**Page** 1402**Sale Date** AUG-1981

**Legal Description** PALM BEACH FARMS CO PL NO 3 TR 102 & TR 119 (LESS  
W 25 FT ACME DAIRY RD, SLY 50 FT & TRGLR COR SR  
804 R/W) BLK 50

**Owners**

VALICO NURSERIES

**Mailing address**

8289 W BOYNTON BEACH BLVD  
BOYNTON BEACH FL 33472 4413

Sales Date	Price	OR Book/Page	Sale Type	Owner
AUG-1981	\$95,000	03603 / 01402	WARRANTY DEED	VALICO NURSERIES

No Exemption Information Available.

**Number of Units** 0**\*Total Square Feet** 0**Acres** 9.50

**Use Code** 6900 - AG Classification  
ORN/MISC AGRI

**Zoning** AGR - Agricultural Reserve ( 00-  
UNINCORPORATED )

Tax Year	2021	2020	2019
<b>Improvement Value</b>	\$0	\$0	\$0
<b>Land Value</b>	\$2,660,000	\$2,580,200	\$2,340,800
<b>Total Market Value</b>	\$2,660,000	\$2,580,200	\$2,340,800

All values are as of January 1st each year

Tax Year	2021	2020	2019
<b>Assessed Value</b>	\$33,250	\$33,250	\$33,250
<b>Exemption Amount</b>	\$0	\$0	\$0
<b>Taxable Value</b>	\$33,250	\$33,250	\$33,250

Tax Year	2021	2020	2019
<b>Ad Valorem</b>	\$578	\$583	\$590
<b>Non Ad Valorem</b>	\$495	\$495	\$495
<b>Total tax</b>	\$1,073	\$1,078	\$1,085

**Location Address** BOYNTON BEACH BLVD**Municipality** UNINCORPORATED**Parcel Control Number** 00-42-43-27-05-050-1010**Subdivision** PALM BEACH FARMS CO PL NO 3**Official Records Book** 03603**Page** 1401**Sale Date** SEP-1981**Legal Description** PALM BEACH FARMS CO PL NO 3 TR 101 & TR 120 (LESS  
SLY 60 FT SR 804 R/W) BLK 50**Owners**

VALICO NURSERIES

**Mailing address**8289 W BOYNTON BEACH BLVD  
BOYNTON BEACH FL 33472 4413

Sales Date	Price	OR Book/Page	Sale Type	Owner
SEP-1981	\$315,000	03603 / 01401	WARRANTY DEED	VALICO NURSERIES
JAN-1980	\$50,850	03213 / 00974		

No Exemption Information Available.

**Number of Units** 0**\*Total Square Feet** 0**Acres** 9.56**Use Code** 6900 - AG Classification  
ORN/MISC AGRI**Zoning** AGR - Agricultural Reserve ( 00-  
UNINCORPORATED )

Tax Year	2021	2020	2019
<b>Improvement Value</b>	\$0	\$0	\$0
<b>Land Value</b>	\$1,147,200	\$1,112,784	\$1,009,536
<b>Total Market Value</b>	\$1,147,200	\$1,112,784	\$1,009,536

All values are as of January 1st each year

Tax Year	2021	2020	2019
<b>Assessed Value</b>	\$33,460	\$33,460	\$33,460
<b>Exemption Amount</b>	\$0	\$0	\$0
<b>Taxable Value</b>	\$33,460	\$33,460	\$33,460

Tax Year	2021	2020	2019
<b>Ad Valorem</b>	\$581	\$587	\$594
<b>Non Ad Valorem</b>	\$495	\$495	\$495
<b>Total tax</b>	\$1,076	\$1,082	\$1,089

**Location Address** BOYNTON BEACH BLVD**Municipality** UNINCORPORATED**Parcel Control Number** 00-42-43-27-05-050-1000**Subdivision** PALM BEACH FARMS CO PL NO 3**Official Records Book** 03603**Page** 1401**Sale Date** SEP-1981**Legal Description** PALM BEACH FARMS CO PL 3 TR 100 & TR 121 (LESS  
SLY 75 FT SR 804 R/W) BLK 50**Owners**

VALICO NURSERIES

**Mailing address**8289 W BOYNTON BEACH BLVD  
BOYNTON BEACH FL 33472 4413

Sales Date	Price	OR Book/Page	Sale Type	Owner
SEP-1981	\$315,000	03603 / 01401	WARRANTY DEED	VALICO NURSERIES
JAN-1979	\$56,500	03176 / 01419		

No Exemption Information Available.

**Number of Units** 0**\*Total Square Feet** 0**Acres** 9.50**Use Code** 6900 - AG Classification  
ORN/MISC AGRI**Zoning** AGR - Agricultural Reserve ( 00-  
UNINCORPORATED )

Tax Year	2021	2020	2019
<b>Improvement Value</b>	\$0	\$0	\$0
<b>Land Value</b>	\$1,140,000	\$1,105,800	\$1,003,200
<b>Total Market Value</b>	\$1,140,000	\$1,105,800	\$1,003,200

All values are as of January 1st each year

Tax Year	2021	2020	2019
<b>Assessed Value</b>	\$33,250	\$33,250	\$33,250
<b>Exemption Amount</b>	\$0	\$0	\$0
<b>Taxable Value</b>	\$33,250	\$33,250	\$33,250

Tax Year	2021	2020	2019
<b>Ad Valorem</b>	\$578	\$583	\$590
<b>Non Ad Valorem</b>	\$495	\$495	\$495
<b>Total tax</b>	\$1,073	\$1,078	\$1,085

**Location Address** 8289 BOYNTON BEACH BLVD**Municipality** UNINCORPORATED**Parcel Control Number** 00-42-43-27-05-050-0991**Subdivision** PALM BEACH FARMS CO PL NO 3**Official Records Book** 03603**Page** 1401**Sale Date** SEP-1981**Legal Description** PALM BEACH FARMS CO PL NO 3 W 1/2 OF TR 99 & W  
1/2 OF TR 122 (LESS SLY 95.14 FT SR 804 R/W) BLK 50**Owners**

VALICO NURSERIES

**Mailing address**8289 BOYNTON BEACH BLVD  
BOYNTON BEACH FL 33472 4413

Sales Date	Price	OR Book/Page	Sale Type	Owner
SEP-1981	\$315,000	03603 / 01401	WARRANTY DEED	VALICO NURSERIES
JAN-1980	\$50,850	03392 / 00891		

No Exemption Information Available.

**Number of Units** 0**\*Total Square Feet** 9600**Acres** 9.38**Use Code** 6900 - AG Classification  
ORN/MISC AGRI**Zoning** AGR - Agricultural Reserve ( 00-  
UNINCORPORATED )

Tax Year	2021	2020	2019
<b>Improvement Value</b>	\$370,042	\$338,127	\$307,285
<b>Land Value</b>	\$1,125,600	\$1,091,832	\$990,528
<b>Total Market Value</b>	\$1,495,642	\$1,429,959	\$1,297,813

All values are as of January 1st each year

Tax Year	2021	2020	2019
<b>Assessed Value</b>	\$402,872	\$370,844	\$340,115
<b>Exemption Amount</b>	\$0	\$0	\$0
<b>Taxable Value</b>	\$402,872	\$370,844	\$340,115

Tax Year	2021	2020	2019
<b>Ad Valorem</b>	\$6,997	\$6,505	\$6,039
<b>Non Ad Valorem</b>	\$990	\$981	\$983
<b>Total tax</b>	\$7,987	\$7,486	\$7,022

**Location Address** 8255 BOYNTON BEACH BLVD**Municipality** UNINCORPORATED**Parcel Control Number** 00-42-43-27-05-050-0992**Subdivision** PALM BEACH FARMS CO PL NO 3**Official Records Book** 26714**Page** 776**Sale Date** DEC-2013**Legal Description** PALM BEACH FARMS CO PL NO 3 E 1/2 OF LT 99 & E 1/2 OF TR 122 (LESS SLY 108.75 FT SR 804R/W) BLK 50**Owners**DYE PAUL B &  
THORNE RANDALL  
TIERNAN KIMBERLY  
ELY MARTHA  
ELY RANDY T**Mailing address**24018 WILLOW ROSE DR  
SPRING TX 77389 1746

<b>Sales Date</b>	<b>Price</b>	<b>OR Book/Page</b>	<b>Sale Type</b>	<b>Owner</b>
DEC-2013	\$10	26714 / 00776	QUIT CLAIM	DYE PAUL B &
MAY-1999	\$10	11126 / 01885	QUIT CLAIM	DYE PAUL B &
SEP-1990	\$100	06582 / 00884	QUIT CLAIM	
DEC-1987	\$100	05583 / 01549	QUIT CLAIM	
APR-1986	\$332,200	04861 / 01324	WARRANTY DEED	

1 2

No Exemption Information Available.

**Number of Units** 0**\*Total Square Feet** 0**Acres** 9.26**Use Code** 6900 - AG Classification  
ORN/MISC AGRI**Zoning** AGR - Agricultural Reserve ( 00-  
UNINCORPORATED )

<b>Tax Year</b>	<b>2021</b>	<b>2020</b>	<b>2019</b>
<b>Improvement Value</b>	\$0	\$0	\$0
<b>Land Value</b>	\$1,481,600	\$1,437,152	\$1,303,808
<b>Total Market Value</b>	\$1,481,600	\$1,437,152	\$1,303,808

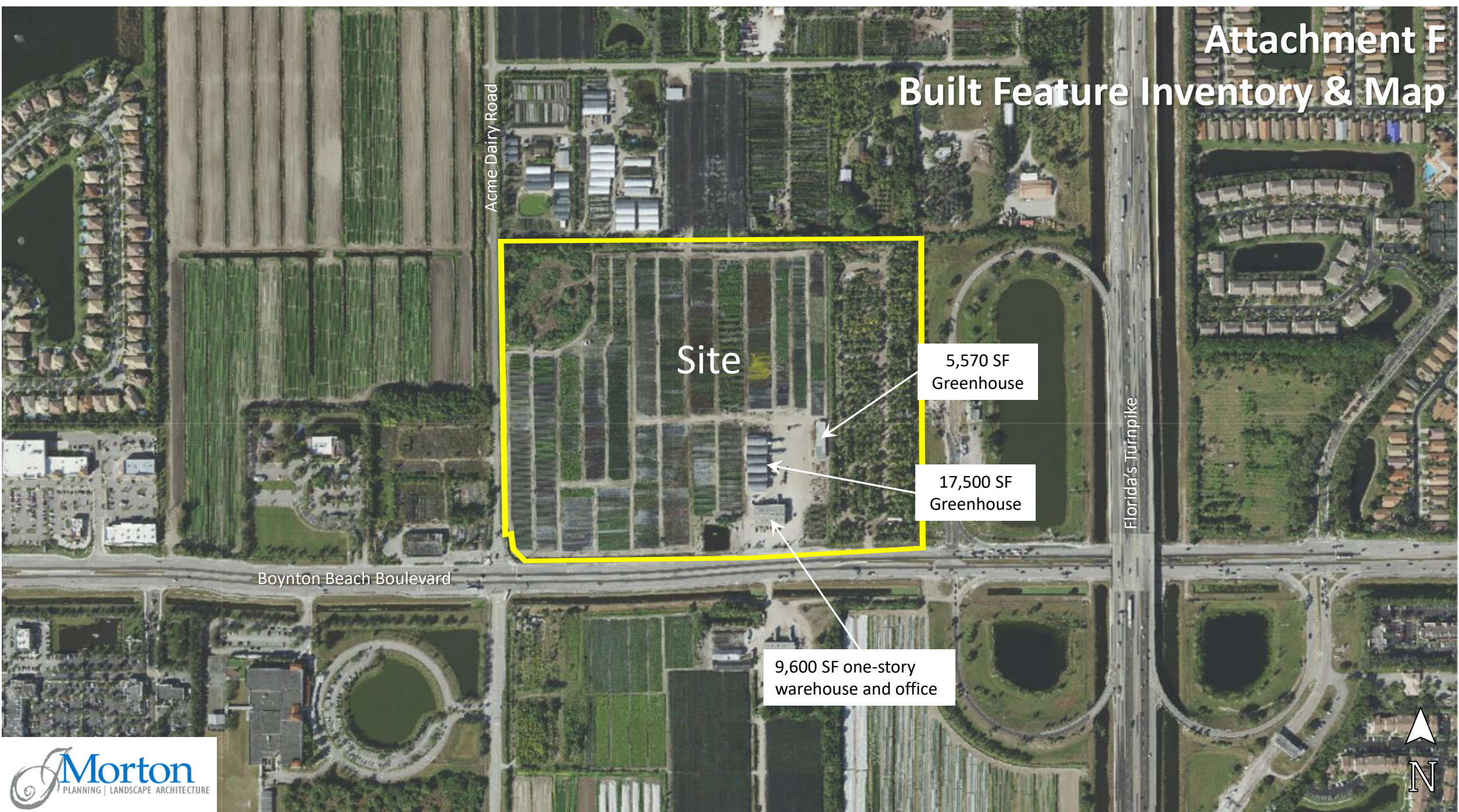
All values are as of January 1st each year

<b>Tax Year</b>	<b>2021</b>	<b>2020</b>	<b>2019</b>
<b>Assessed Value</b>	\$27,780	\$27,780	\$27,780
<b>Exemption Amount</b>	\$0	\$0	\$0
<b>Taxable Value</b>	\$27,780	\$27,780	\$27,780

<b>Tax Year</b>	<b>2021</b>	<b>2020</b>	<b>2019</b>
<b>Ad Valorem</b>	\$483	\$487	\$493
<b>Non Ad Valorem</b>	\$535	\$535	\$535
<b>Total tax</b>	\$1,018	\$1,022	\$1,028



# Attachment F Built Feature Inventory & Map



Site

5,570 SF  
Greenhouse

17,500 SF  
Greenhouse

9,600 SF one-story  
warehouse and office

Boynton Beach Boulevard

Acme Dairy Road

Florida's Turnpike





## Attachment G

### Consistency with the Comprehensive Plan and Florida Statutes

#### **Introduction**

On behalf of the Applicant, JMorton Planning & Landscape Architecture is requesting a Comprehensive Plan Future Land Use Atlas amendment for a 47.21 acre property located on the north side of Boynton Beach Boulevard between Acme Dairy Road and the Florida Turnpike (“Property”).

#### **I. PROPOSED FLUA MAP AMENDMENT**

The Commerce Land Use designation was recently adopted by the Board of County Commissioners (BCC) at their meeting of August 25, 2022. Now that the Commerce Land Use Ordinance is effective, the Applicant is proposing to amend the Future Land Use designation from Agricultural Reserve (AGR) to Commerce, with an underlying Agricultural Reserve (CMR/AGR).

#### **Description of Site Vicinity**

The Property is located on north side of Boynton Beach Boulevard between Acme Dairy Road and the Florida Turnpike. The Property has a Future Land Use designation of Agricultural Reserve. Within the vicinity of the Property are multiple agricultural uses including row crops and a nursery. To the east of the Property and the Florida Turnpike is the Urban/Suburban Tier. To the west of the Property is an approved commercial project with self-storage facility that was recently the subject of a future land use amendment to Commercial Low. Further to the West along the Boynton Beach Boulevard corridor are several institutional uses including two schools, a future County Park and library, the Caridad Center and Soup Kitchen, a place of worship, and the Bethesda Hospital. Other significant projects along the Boynton Beach Boulevard corridor include commercial projects such as the Canyons Town Center and CobbleStone Commons.

Land uses directly abutting the Property include the following:

<b>Adjacent Property</b>	<b>Land Use Designation</b>	<b>Zoning Designation</b>	<b>Existing Use</b>	<b>Control Number</b>
<b>North</b>	Agricultural Reserve (AGR)	Agricultural Reserve (AGR)	AGR Planned Unit Development – Preserve Parcel - Agriculture Uses	2000-032 & 2005-014
<b>South</b>	Agricultural Reserve (AGR)	Agricultural Reserve (AGR)	Agriculture Uses	None
<b>East</b>	Utilities & Transportation (U/T), Commercial Low, with an underlying 5 units per acre (CL/5), & Medium Residential, 5 units per acre (MR-5)	Agricultural Reserve (AGR), Multiple Use Planned Development (MUPD), & Planned Unit Development (PUD)	Boynton Beach Turnpike Interchange Corridor, Boynton Commons Medical Offices - 115,000 SF of Medical Office & Indian Hills PUD (128 multi-family units – 7.55 du/acre)	2006-367 & 1994-024
<b>West</b>	Agricultural Reserve (AGR) & Commercial Low, with an underlying Agricultural Reserve (CL/AGR)	Agricultural Reserve-Planned Unit Development (AGR-PUD) & Multiple Use Planned Development (MUPD)	Agriculture Uses & Commercial & Self-Storage (4,999 SF Restaurant, 14,566 SF Retail, 127,113 SF Self-Storage)	2005-014 & 2008-339

## History

The Agricultural Reserve Master Plan was originally developed and adopted to preserve and enhance agricultural activity and environmental and water resources in the Ag Reserve. Since the adoption of the Ag Reserve Master Plan, numerous residential developments have been built and the number of residents living within the boundaries of the Ag Reserve has significantly increased. The needs of those residents as well as good planning practices, have spurred additional changes in the Ag Reserve. These changes included increasing the commercial square footage cap to allow for additional smaller commercial projects, allowing 5-acre standalone preserve parcels, allowing smaller commercial projects to develop without the need to provide preserve acreage, approval of small industrial properties on the west side of State Road 7, and allowing the development of self-storage facilities. Additional changes are being proposed to allow the development of congregate living facilities, the creation of a new Commerce Future Land Use category for light industrial uses, and the creation of a new Essential Housing Residential Future Land Use category for multi-family 60/40 development.

## G.1 Justification

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

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

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

*An Industrial future land use corridor currently exists along Atlantic Avenue between State Road 7 and Half Mile Road/Smith Sundry Road. The Boynton Beach Boulevard corridor within the Agricultural Reserve currently lacks industrial land. The Board of County Commissioners has previously stated that there is a shortfall of industrially viable property within Palm Beach County. According to a report prepared by Marcus & Millchap, "Palm Beach County is among the tightest industrial markets in the country. A bevy of demographic trends come together to support the local industrial market. First, the county boasts the fastest rate of population growth among the South Florida markets, which is supporting household growth that nearly triples the national average. Many of these households are formed by retirees moving from colder climates or acquiring a winter retreat. Retirees also have a disproportionate level of discretionary income, which encourages spending and ultimately demand for industrial space. The local workforce also continues to grow, including the construction sector, which is building homes in the market to keep pace with household growth. Construction companies use a significant amount of industrial space and play a key role in generating the low vacancy Palm Beach County enjoys. New development of industrial space will accelerate this year, though sufficient pent-up demand will keep vacancy trending lower."*

*The Property's location at a major transportation node is an important factor for support of the proposed Commerce designation. In accordance with general good planning practice as further described by Alexander Dukes in "A Town Well Planned: Hierarchical Zoning" published in Strong Towns, "Industrial land uses are the most flexible because people are generally unconcerned with the activities that occur in industrial areas as long as they're not interfering with the rest of the city or harming the environment. Because residential districts are so inflexible, industrial land uses should not be placed within them. The noise, shipping traffic, and odor of many industries will harm homeowners' enjoyment of their residential land." The Property is not located*

adjacent to any residential development, rather it is surrounded by existing agriculture with frontage along two major transportation corridors (Boynton Beach Boulevard & Florida Turnpike).

As previously discussed, the Boynton Beach Boulevard corridor has changed significantly over that last 20 years. A Traditional MarketPlace (Canyons Town Center) was approved and developed at the southeast corner of Boynton Beach Boulevard and Lyons Road. Two schools were approved and developed on the north and south sides of the road to accommodate the increasing number of families with children moving into the Agricultural Reserve. A certificate of need was approved and a large hospital was constructed at the intersection of Boynton Beach Boulevard and State Road 7. The County has recognized the pre-existing institutional and commercial uses on Boynton Beach Boulevard through the adoption of several future land use atlas amendments. Most recently, a 16-acre commercial project (CobbleStone Commons) was approved and developed across from the Canyons Town Center Traditional MarketPlace. All of these changes have been made to address the shifting demographics and the continued influx of residents into the Agricultural Reserve.

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

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

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

**Response** As previously mentioned, significant changes to the original Ag Reserve Master Plan have been approved and are being requested within the Agricultural Reserve Tier. The Board of County Commissioners approved several new commercial projects along the Boynton Beach Boulevard corridor including Cobblestone Plaza, 3 Amigos, West Boynton Plaza and Homrich Nursery. With the approval of these new commercial centers, the cap on commercial square footage was increased, commercial was no longer limited to one location within the Boynton Beach Boulevard and Lyons Road intersection, the preserve requirement for commercial parcels less than 16 acres was eliminated, and the requirement to utilize the Traditional MarketPlace zoning designation was changed. In addition to the commercial changes, the hospital (Bethesda) received a certificate of need to be located in the Agricultural Reserve Tier. The Board of County Commissioners also approved the Solid Waste Authority on the east side of State Road 7. Finally, residential development continues to grow within the Tier. This rapid rate of growth has created a need for additional services within the Agricultural Reserve Tier.

While the Atlantic Avenue corridor has been the subject of several recent industrial zoning applications, no industrial uses currently exist on Boynton Beach Boulevard. The residential developments within the vicinity of Atlantic Avenue do not travel to Boynton Beach Boulevard for services and vice versa, the residents within the vicinity of Boynton Beach Boulevard do not travel to Atlantic Avenue for services. In order to meet the current and future demand for those residents within the Boynton Beach Boulevard corridor, it is anticipated that new industrial development similar to that proposed along the Atlantic Avenue corridor will be developed within the next several years as the need continues to increase.

Earlier this year, the Board of County Commissioners also approved the adoption a Future Land Use Amendment for the LAS Farms Property located north of the Homrich Nursery Property on the west side of State Road 7. The amendment allowed a change from Agricultural Reserve (AGR) to Commerce (CMR/AGR), subject to conditions limiting the property to light industrial uses. The Board of County Commissioners also approved the Sunflower Industrial project on the west side of State Road 7 south of

Atlantic Avenue in 2020. This project was also the subject of a Future Land Use Amendment from Agricultural Reserve (AGR) to Industrial (IND/AGR) subject to conditions limiting the property to light industrial uses.

All of these changes, and the recent direction from the Board of County Commissioners regarding additional light industrial uses in the Agricultural Reserve signify that additional land and opportunities for light industrial projects is needed and appropriate for properties fronting on State Road 7, Atlantic Avenue and Boynton Beach Boulevard.

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

**Response:** The characteristics of the area have changed significantly since the 1989 Comprehensive Plan was adopted. The Agricultural Reserve Master Plan originally intended that more intense uses and development would occur at nodes within the Tier. The Master Plan further intended for lower density residential to develop outside of the higher intensity core eventually transitioning to the Agricultural Preserve parcels. This development pattern has not occurred, rather development is disconnected. Commercial parcels and preservation parcels leapfrog along the corridor. The new hospital now surrounds an agricultural packing facility and other existing commercial, institutional and industrial type uses.

As discussed above, the characteristics of the Boynton Beach Boulevard corridor have changed. A Traditional MarketPlace (Canyons Town Center) was approved and developed at the southeast corner of Boynton Beach Boulevard and Lyons Road. Three schools were approved and developed on the north and south sides of the road to accommodate the increasing number of families with children moving into the Agricultural Reserve. The County has recognized the pre-existing commercial uses on Boynton Beach Boulevard through the adoption of several future land use atlas amendments. Most recently, a second commercial shopping center was approved and developed across from the Canyons Town Center Traditional MarketPlace. Subsequently, the Canyons Town Center was rezoned to a Multiple Use Planned Development (MUPD) to allow for a more traditional type of commercial project with outparcels. All of these changes have been made to address the increasing demands of the residents who continue to move into the Agricultural Reserve. Multiple residential projects have been developed between State Road 7 and Florida's Turnpike. The Bethesda Hospital, located just east of the Property, was constructed in the early 2000's, and received an expansion approval from the BCC that will nearly double the size and intensity of the medical campus. The residential and commercial development that has been constructed within the central part of the Tier along Boynton Beach Boulevard, Atlantic Avenue, and Lyons Road has forced several agricultural operations to relocate. The Alderman Farms Packing Plant relocated from the northeast corner of Boynton Beach Boulevard to the west side of State Road 7 after approval of the CobbleStone Commons retail plaza. The Thomas Packing Plant, located at the northeast corner of Clint Moore Road and State Road 7, closed and relocated out of the area after approval of the comprehensive plan amendment removing that property from the Agricultural Reserve Tier and designating it as Commercial Low, with an underlying 2 units per acre (CL/2). Most recently, Whitworth Farms has been sold to GL Homes and is proposed to be developed with another single family residential project.

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



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

**Response:** The consultants that prepared the Agricultural Reserve Master Plan recognized the industrial corridor along Atlantic Avenue between State Road 7 and Smith Sundry Road/Half Mile Road. Furthermore, the consultant recommended 330,000 square feet of additional industrial square footage within the Agricultural Reserve. When the Board of County Commissioners reviewed the Agricultural Reserve Master Plan and directed Staff to prepare additional Comprehensive Plan policies for the Agricultural Reserve Tier however, the addition of industrial land and industrial uses was not included. Twenty years have passed since these Agricultural Reserve policies were incorporated into the Comprehensive Plan and the Agricultural Reserve Tier is close to being “built out”. Of the 22,000 acres within the Agricultural Reserve, only 1,700 acres remain without any development approvals. This represents a total of 5% of the Agricultural Reserve that is not entitled for development or preservation.

The County recently created the new Commerce future land use designation to recognize the need for light industrial uses while differentiating those light industrial uses from heavy industrial uses. The Commerce future land use designation is allowed within the Agricultural Reserve along the major corridors including Boynton Beach Boulevard, Atlantic Avenue and State Road 7. The Property is ideally located to receive such a designation.

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

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

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

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

**Response:** N/A

## **G.2 Residential Density Increases**

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

### **G.3 Compatibility**

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

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

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

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

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

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

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

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

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

***Response:** Approval of this proposed FLU amendment will allow for the development of an industrial project. Light industrial designations are typically employment generators and encourage economic development opportunities. Residential development in the Agricultural Reserve has been growing substantially without the service and job opportunities needed to protect livable communities and contribute to an overall balanced growth trend. Residents of the Agricultural Reserve continue to travel outside of the Tier for necessary services such as employment, shopping, medical needs, restaurants, etc. The proposed*

*FLU amendment will bring additional job opportunities and services to the Agricultural Reserve Tier catering to the residents of the Tier thus enhancing the quality of life for those that have chosen to live within the western Boynton Beach area.*

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

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

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

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

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

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

**Response:** *The Property is located within the Agricultural Reserve Tier which is a Limited Urban Service Area (LUSA) where services and public facilities are already available. The Property’s location at a major transportation node with access/frontage on Boynton Beach Boulevard and Acme Dairy Road contribute to timely, cost effective service provision. The proposed light industrial project will better serve the immediate and future needs of the community as it will provide industrial space for the service providers to serve their customers in the immediate area. Traffic on the east-west roadways in the Agricultural*

*Reserve Tier is caused by the number of residents leaving the Tier in the mornings for work and service providers traveling into the area. This proposed amendment to Commerce will allow for the creation of employment and service opportunities thus keeping residents west of the Florida Turnpike and off the major east-west roadways and ultimately having a positive impact on the safety and welfare of the existing residents.*

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

- **FLUE Policy 1.5-p:** “In order to reflect the unique and limited commercial opportunities within the Agricultural Reserve Tier and the function of Acme Dairy Road as a collector roadway for 60/40 AGR-PUDs as identified by Policy 1.5.1-i, the intersection of Acme Dairy Road and Boynton Beach Boulevard shall be considered a Major Intersection and as meeting collector/arterial requirements for the purposes of location criteria in the ULDC.”

***Response:** The Property is located at the northeast corner of Boynton Beach Boulevard and Acme Dairy Road. As this intersection is now defined as a major intersection, the opportunity from commercial and industrial uses increases. This designation was the result of a request for the property located at the northwest corner and allows for more intensive commercial uses such as a gas station. The Property is adequately served by public utilities and transportation facilities. This proposed project will potentially create new job opportunities and contribute to economic development within the Agricultural Reserve Tier.*

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

***Response:** The proposed FLU amendment to Commerce will allow for the development of employment generating uses. The Property’s location at a major intersection as defined by FLUE Policy 1.5-p as well as being located adjacent to the Florida Turnpike further indicates that the Property’s location is appropriate for a light industrial designation. It is important to note that the closest industrial areas are located approximately 5 miles away on Atlantic Avenue just east of State Road 7 or at Lantana Road just west of State Road 7. One small +/- 5 acre industrial parcel is located approximately 1.5 miles to the east of the Property on Boynton Beach Boulevard and another small commercial/industrial parcel is located at the northwest corner of Boynton Beach Boulevard and State Road 7 (Homrich Property). The Board of County Commission also determined that Commerce is appropriate for locations on Boynton Beach Boulevard.*

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

1. **Commerce.** The Commerce (CMR) future land use designation is intended to accommodate light industrial uses to provide an option for low-trip generating non-residential and/or employment generating uses on arterial roadways. Industrial uses allowed shall be limited to those that demonstrate Light Industrial characteristics.

***Response:** Development of a light industrial use on the Property would be consistent and compatible with the existing development pattern within the Tier and along Boynton Beach Boulevard. A change to the Future Land Use designation would allow for the development of a project that would provide an employment opportunity and additional services to the surrounding community.*



### **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 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 CMR/AGR which will provide additional services along the Boynton Beach Boulevard corridor of the Agricultural Reserve Tier. The Agricultural Reserve is an existing area of low intensity/density and single-use development, however, the proposed amendment will provide uses which will allow for job employment opportunities and provide additional services not currently in existence within the Boynton Beach Boulevard corridor of the Agricultural Reserve Tier.*
- Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.
  - **Response:** *The Property is located in the Agricultural Reserve Tier which is a Limited Urban Service Area (LUSA) and within the Boynton Beach Boulevard corridor which is not rural in nature and urban services such as police, fire rescue and water/wastewater/drainage utilities exist in the immediate area.*
- Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.
  - **Response:** *The development is not isolated in nature as development surrounds the Property along the Boynton Beach Boulevard corridor. Specifically, commercial uses have been approved and developed at the intersections of Boynton Beach Boulevard and Acme Dairy Road and Boynton Beach Boulevard and Lyons Road just to the west of the Property. Several institutional uses including three schools, a hospital, a place of worship and the Caridad Center have been developed along the corridor. The proposed development would be considered infill development at a major intersection and transportation node between the intense commercial projects and the Urban/Suburban Tier boundary line along a rapidly changing roadway corridor.*
- Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.
  - **Response:** *This amendment does not fail to protect and conserve natural resources as the proposed development will have no negative impact on any other significant natural system. The Property does not support any environmentally sensitive areas. No listed species were located on the property and it is located outside of any wellfield protection zone. As required by the ULDC, any native plant material will be addressed during the zoning approval process.*
- Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.
  - **Response:** *The Property is located within the Agricultural Reserve Tier. Although it is currently utilized as a nursery, the Property is not designated as a preserve parcel. The Property's location on a major right-of-way, bordered by development to the east and west is not an optimal location for agricultural uses. The*

*overall development pattern for this corridor has been determined by the recent County approvals and existing uses (commercial, institutional, and residential).*

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

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

- Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.
  - **Response:** This amendment does not fail to protect and conserve natural resources as the property is vacant of natural resources. The site is undeveloped and it is located outside of any wellfield protection zone. As required by the ULDC, any native plant material will be addressed during the zoning approval process.
- Promotes the efficient and cost-effective provision or extension of public infrastructure and services.
  - **Response:** The request for a FLUA amendment will maximize the use of future public facilities and services existing and within a relatively urban corridor. No facilities would be required to be installed in rural or sparsely populated areas, thereby maximizing the use of the existing facilities. Therefore, the proposal discourages the proliferation of Urban Sprawl by locating goods, services and employment adjacent to existing public infrastructure.

- Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.
  - **Response:** *The development will be designed meeting the requirements for a Multiple Use Planned Development (MUPD) project which includes pedestrian connections, bike racks, transit stops, if needed, and other elements that support a compact development.*
- Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.
  - **Response:** *Approval of this proposed amendment will allow the development of a light industrial use within an area of the County that has historically only been developed with low intensity/density residential development. This industrial project will contribute to a functional mix of uses within the Boynton Beach Boulevard corridor which has been relatively homogeneous in the past. The proposed uses will better serve the surrounding residential community and Agricultural Reserve as it will provide for additional services and employment opportunities.*

### **Conclusion**

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

### **II. ULDC CHANGES**

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



**Water Utilities Department  
Engineering**

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



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and recycled paper

April 5, 2022

Morton  
3910 RCA Boulevard  
Palm Beach Gardens, FL 33410

RE: Linkous Property  
PCN 00-42-43-27-05-050-0992, 00-42-43-27-05-050-0991, 00-42-43-27-05-050-1000, 00-42-43-27-05-050-1010 & 00-42-43-27-05-050-1020  
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 MLU subject to a Capacity Reservation Agreement with PBCWUD. The proposed change will allow for the development of a multifamily residential project.

The nearest point of connection is a 42" potable water main and a 24" sanitary sewer forcemain located within Boynton Beach Blvd. adjacent to the subject property. There is a 12" reclaimed water main located within Acme Dairy Road approximately 700 feet from the subject property.

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.



April 29, 2022  
Job No. 22-052

LAND USE PLAN AMENDMENT APPLICATION  
STATEMENT OF LEGAL POSITIVE OUTFALL

BC Commerce Center  
9.26 Acre Site  
Palm Beach County, Florida

SITE DATA

The subject parcel is located on north side of Boynton Beach Boulevard approximately ¼ mile east of Acme Dairy Road in Palm Beach County, Florida and contains approximately 9.26 acres. The Property Control Number (PCN) for the subject parcel is 00-42-43-27-05-050-0992. The subject property is currently designated as Agricultural Reserve (AGR) on the Palm Beach County Comprehensive Plan. The property owner is requesting a change in the parcel's future land use designation to Commerce.

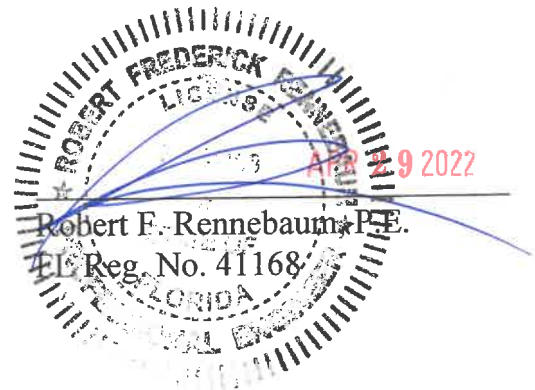
SITE DRAINAGE

The site is located within the boundaries of the Lake Worth Drainage District (LWDD) and South Florida Water Management District C-16 Drainage Basin. Legal positive outfall is available to the site via connection to the LWDD L-24 Canal along the south side of Boynton Beach Boulevard. Drainage design is to address the following:

1. On-site retention of the runoff from the 3-year, 1-hour rainfall event.
2. No runoff to leave the site except through an approved control structure up to the level produced by the 25-year, 3-day rainfall event.
3. Building floor elevations to be at or above the level produced by the 100-year, 3-day rainfall event.

SITE DRAINAGE (CONTINUED)

4. Parking lots to be protected from flooding during a 3-year, 24-hour event, or the 5-year, 24-hour event if exfiltration trench is used.
5. Allowable discharge to be in accordance with South Florida Water Management District criteria.
6. Due consideration to water quality.







August 2, 2022  
Job No. 22-052A

LAND USE PLAN AMENDMENT APPLICATION  
STATEMENT OF LEGAL POSITIVE OUTFALL

Valico Residential  
37.95 Acre Site  
Palm Beach County, Florida

SITE DATA

The subject parcel is located on northeast corner of Boynton Beach Boulevard approximately and Acme Dairy Road in Palm Beach County, Florida and contains approximately 37.95 acres. The Property Control Numbers (PCN) for the subject parcels are as follows:

00-42-43-27-05-050-0991	00-42-43-27-05-050-1000
00-42-43-27-05-050-1010	00-42-43-27-05-050-1020

The subject property is currently designated as Agricultural Reserve (AGR) on the Palm Beach County Comprehensive Plan. The property owner is requesting a change in the parcel's future land use designation to Essential Housing (EH).

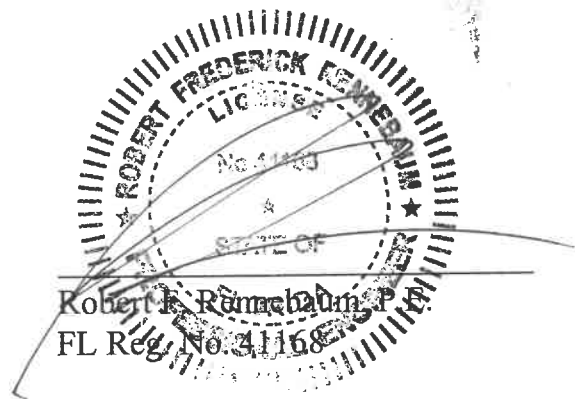
SITE DRAINAGE

The site is located within the boundaries of the Lake Worth Drainage District (LWDD) and South Florida Water Management District C-16 Drainage Basin. Legal positive outfall is available to the site via connection to the LWDD L-24 Canal along the south side of Boynton Beach Boulevard. Drainage design is to address the following:

1. On-site retention of the runoff from the 3-year, 1-hour rainfall event.
2. No runoff to leave the site except through an approved control structure up to the level produced by the 25-year, 3-day rainfall event.
3. Building floor elevations to be at or above the level produced by the 100-year, 3-day rainfall event.

SITE DRAINAGE (CONTINUED)

4. Parking lots to be protected from flooding during a 3-year, 24-hour event, or the 5-year, 24-hour event if exfiltration trench is used.
5. Allowable discharge to be in accordance with South Florida Water Management District criteria.
6. Due consideration to water quality.







**Fire Rescue**

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



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Board of County  
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**County Administrator**

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Official Electronic Letterhead

April 1, 2022

JMorton  
Attn: Lauren McClellan  
RCA Boulevard  
Palm Beach Gardens, FL 33458

Re: Linkous Property

Dear Ms. McClellan:

Per your request for response time information to the subject property located on the northwest corner of Boynton Beach Boulevard and FL Turnpike. This property is served currently by Palm Beach County Fire-Rescue station #47, which is located at 7950 Enterprise Center Circle. The maximum distance traveled to subject property is approximately 1.25 miles from the station. The estimated response time to the subject property is 5 minutes. For fiscal year 2021, the average response time (call received to on scene) for this stations zone is 7 minutes 36 seconds.

Changing the land use of this property will have some impact on Fire Rescue.

If you have any further questions, please feel free to contact me at 561-616-6971.

Sincerely,

Alyssa Tagdharie, Planner  
Palm Beach County Fire-Rescue



# Attachment L Natural Feature Inventory & Map

Area containing Pine Trees  
and Palm Trees.  
Exotic plant material to be  
removed.

Acme Dairy Road

Site

Florida's Turnpike

Boynton Beach Boulevard





April 2, 2022  
Job No. 22-052A

LAND USE PLAN AMENDMENT APPLICATION  
WELLFIELD PROTECTION ZONE STATEMENT

Valico Residential  
37.95 Acre Site  
Palm Beach County, Florida

SITE DATA

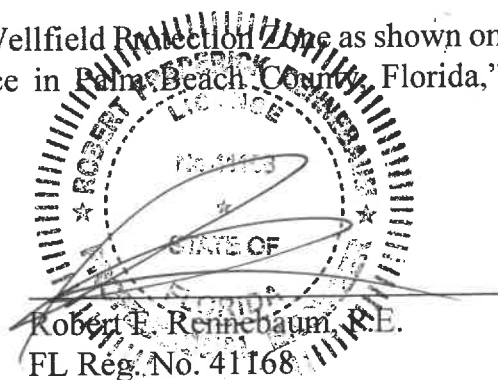
The subject parcel is located on northeast corner of Boynton Beach Boulevard approximately and Acme Dairy Road in Palm Beach County, Florida and contains approximately 37.95 acres. The Property Control Numbers (PCN) for the subject parcels are as follows:

00-42-43-27-05-050-0991	00-42-43-27-05-050-1000
00-42-43-27-05-050-1010	00-42-43-27-05-050-1020

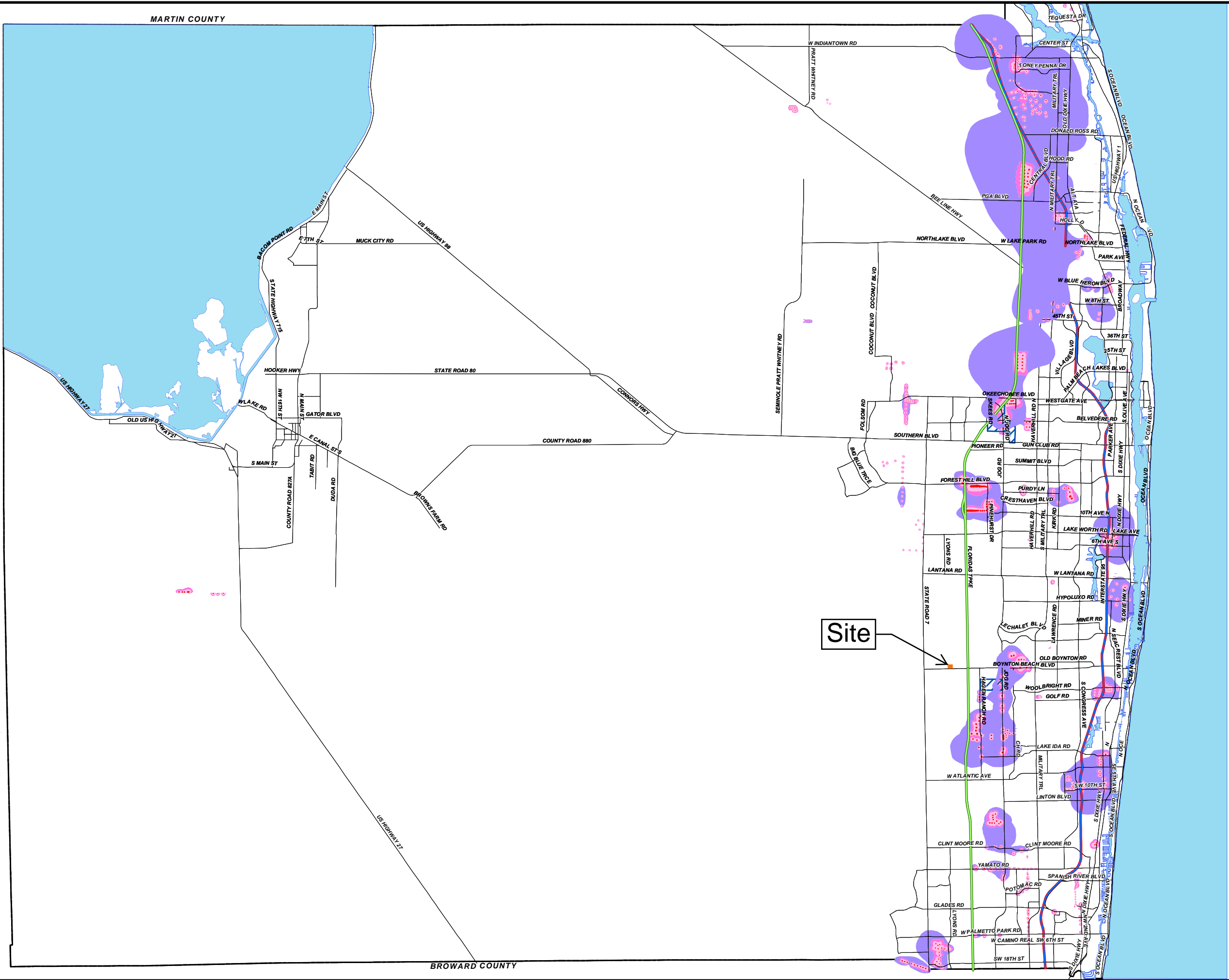
The subject property is currently designated as Agricultural Reserve (AGR) on the Palm Beach County Comprehensive Plan. The property owner is requesting a change in the parcel's future land use designation to Essential Housing (EH).

WELLFIELD PROTECTION ZONE

The above referenced project is not located within a Wellfield Protection Zone as shown on the exhibit "Wellfield Protection Zones of Influence in Palm Beach County, Florida," adopted June 12, 2015.



sa: x:/docs/trafficedrainage/lupawellfield.22052a



MAP LU 4.1  
WELLFIELD PROTECTION  
ZONES IN PALM BEACH  
COUNTY, FLORIDA

- Zone 1
- Zone 2
- Zone 3
- Zone 4
- Turnpike Aquifer Protection Overlay

9J-5.006(4)(B)1  
SOURCES:  
PBC Dept. of Environmental Resources Management  
Note: Official Wellfield Protection Maps are kept at, and can be obtained from, the Palm Beach County Department of Environmental Resources Management.  
The information presented represents the most readily available data. No guarantee is made as to the completeness or accuracy of the information displayed. Consult appropriate County staff for final determination.



PALM BEACH COUNTY  
COMPREHENSIVE PLAN  
MAP SERIES



1 0 1 2 3 4 Miles

Effective Date: 10/29/04  
Filename: N:\Map Series\MXD\Adopted  
Contact: PBC Planning Dept.



**Department of Planning,  
Zoning & Building**

2300 North Jog Road  
West Palm Beach, FL 33411-2741  
(561) 233-5000

Planning Division 233-5300  
Zoning Division 233-5200  
Building Division 233-5100  
Code Enforcement 233-5500  
Contractors Certification 233-5525  
Administration Office 233-5005  
Executive Office 233-5228  
[www.pbcgov.com/pzb](http://www.pbcgov.com/pzb)



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Maria Sachs

Melissa McKinlay

Mack Bernard

**County Administrator**

Verdenia C. Baker

March 1, 2022

Maryori Velasco  
J. Morton, Planning & Landscape Architecture  
3910 RCA Boulevard, Suite 1015  
Palm Beach Gardens, Florida 33410

RE: Historical and Archaeological Resource Review for project name: Linkous Property, under PCN's: 00-42-43-27-05-050-0992, 00-42-43-27-05-050-0991, 00-42-43-27-05-050-1000, 00-42-43-27-05-050-1010, & 00-42-43-27-05-050-1020.

Dear Ms. Velasco:

This correspondence is in response to your request for a review of the above referenced properties in regards to the identification of any cultural resources (historical and archaeological resources) located on or within 500 feet of the properties.

Staff review of the County's survey of historic/architecturally significant structures, and of properties designated for inclusion in the National Register of Historic Places (NRHP), has identified no historic or architecturally significant resources on or within 500 feet of the above referenced properties.

Staff review of the County's map of known archaeological sites has identified no known archaeological resources located on or within 500 feet of the above referenced properties.

However, should any artifacts or skeletal remains be encountered during construction, per Florida Statute 872, construction must stop around the remains and the local sheriff and medical examiner contacted.

Should you have any questions or comments, please contact me at (561) 233-5331.

Sincerely,

Christian Davenport, MA, RPA  
County Historic Preservation Officer/ Archeologist

cc: Kevin Fischer, Interim Planning Director, PBC Planning Division  
Bryan Davis, Principal Planner, CNU-A, PBC Planning Division

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T:\Planning\Archaeology\County Departments\Planning\Land Use Amendments and Development Review\J. Morton\ Project:Linkous Property\_ Multiple PCN's\_Letter\_3-1-2022.doc