



# COMPREHENSIVE PLAN AMENDMENT STAFF REPORT AMENDMENT ROUND 24-A2

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## BCC ADOPTION PUBLIC HEARING, AUGUST 22, 2024

### A. Application Summary

#### I. General Data

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<b>Project Name:</b>	<b>Bedner's Market (LGA 2024-003) FLUA and Text</b>
<b>FLUA Summary:</b>	<b>AGR to CMR/AGR</b>
<b>Text Summary:</b>	To revise the Comprehensive Plan to define Agriculture Marketplace and allow the use within the preserve area of an AGR-MUPD <u>for Agriculture Marketplaces approved prior to May 31, 2013.</u>
<b>Acres:</b>	14.00 acres total (Parcel A – 5 acres; Parcel B – 9 acres)
<b>Location:</b>	Northwest and southwest corners of State Road 7 and Lee Road, approximately 2 miles south of Boynton Beach Boulevard
<b>Project Manager:</b>	Bryce Van Horn, Senior Planner & Stephanie Gregory, Principal Planner
<b>Applicant &amp; Owner:</b>	Bedner Farm Inc. & Bedner Bros. Farms Inc. (Stephen Bedner)
<b>Agent:</b>	Alex Ahrenholz, J. Morton Planning and Landscape Architecture
<b>Staff Recommendation:</b>	Staff recommends <b>denial</b> 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 Commerce with an underlying Agricultural Reserve (CMR/AGR) in order to allow up to 213,444 square feet (0.35 FAR) of warehouse office uses on two sites located west of State Road 7 on the north and south sides of Lee Road. The request also includes a text amendment to add a definition for an "Agriculture Marketplace" use, currently only defined in the Unified Land Development Code (ULDC). In addition, the text is proposing to allow the Bedner's Market, an approved Agriculture Marketplace use in the AGR zoning district, as an allowable use within a preserve area of an Agricultural Reserve-Multiple Use Planned Development (AGR-MUPD). Current adopted policy does not allow this use in any preserve area for any of the allowed AGR Planned Development zoning options in the Agricultural Reserve Tier.

The existing Agriculture Marketplace was approved in 2012 following ULDC amendments that were created solely to allow the conversion of an existing Produce Stand use to an Agriculture Marketplace. The proposed text amendment represents a fundamental policy change from what the Board adopted in 2012. By allowing the Agriculture Marketplace use in a preserve area, it allows for an existing preserve, to be replaced with the Bedner's Market, which is already accommodated on a non-preserve parcel. There would be no increase in the amount of land with a use that is agricultural, environmentally sensitive, or furthers other open space purposes. As a result, the proposed change results in no-net-gain of preserve land, provides a further exception for a use that was previously accommodated, and fails to further the existing goals and objective policies in the Agricultural Reserve Tier of farmland protection and agricultural perpetuation.

Regarding the FLUA request to Commerce, although the sites are eligible to request the Commerce FLU designation, the introduction of an industrial land use surrounded by preserve parcels, active agriculture, and environmentally sensitive lands in proximity creates an isolated pocket with a development potential over 200,000 square feet, an intensity far exceeding those of the surrounding area. In addition, the proposed CMR sites are adjacent to the existing Bedner Agriculture Marketplace, a use that the County worked toward accommodating in the ULDC by approving the use and a major proposed expansion up to 24,000 square feet from its current 8,600 square feet. The Agriculture Marketplace is the only one approved in the County and was intended to help support the adjacent, ongoing bona fide active agriculture for residents and visitors in the Agricultural Reserve. Reducing the Agriculture Marketplace site, eliminating expansion plans, and introducing light industrial directly adjacent is not consistent with the overriding objective of the Tier to preserve and enhance agricultural activity, environmental and water resources, and open space within the Agricultural Reserve Tier.

### III. Hearing History

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**Local Planning Agency: Denial**, motion by Barbara Roth, seconded by Dagmar Brahs, passed in a 7 to 4 vote with Lori Vinikoor, Sam Caliendo, Kiley Harper-Larsen and Varisa Lall Dass dissenting at the October 13, 2023 public hearing. Commission discussion included how parking for the market would be accommodated in the future with development of proposed CMR sites, prior changes to the Comprehensive Plan to allow packing plants in preserve areas, adding value to properties for the Bedner family, and possibilities for locating more markets with limitations on major roadways (i.e. State Rd. 7). Discussion also focused on the applicant already agreeing to set aside the 5 acres (Parcel A) as a preserve area, that the proposed amendment would be setting a precedent to allow a market in preserve areas, and that the amendment overall with CMR was premature. A representative of the property owner surrounding Parcel A spoke in support of the proposed amendment citing the project's ability to enhance and preserve agriculture.

*This item was postponed by the BCC at the November 1, 2023 hearing at the request of the applicant. Changes made between the publication of the November 1<sup>st</sup> BCC report and the January 31, 2024 BCC report, are shown in double underline and ~~double strikethrough~~.*

**Board of County Commissioners Transmittal Public Hearing: Transmit**, motion by Commissioner Baxter, seconded by Vice Mayor Marino, passed in a 6 to 1 vote (with Mayor Sachs dissenting) at the January 31, 2024 public hearing. The Board inquired with staff as to the Code requirement for the Agriculture Marketplace to be under the same ownership and contiguous to a bona agricultural use. There was no Board discussion. One member of the public representing the Sierra Club-Loxahatchee Group, spoke in opposition, citing concern over warehouses west of State Road 7, the elimination of the Market expansion, and traffic impacts.

**State Review Comments:** The State Land Planning Agency reviewed this amendment under Round 24-01ESR and issued a letter dated March 7, 2023 stating that the Agency had no comment on the proposed amendment. The Florida Fish and Wildlife Conservation Commission provided technical assistance information related to survey protocols and recommendations should evidence of state listed species be found onsite. This information was provided to the applicant. The Florida Department of Transportation provided technical assistance comments related to concerns that the amendment lacks a traffic analysis that indicates the amount of industrial development that can be sustained in the Tier, that the traffic analysis does not identify the projected level of service needs at a larger transportation facility scale nor at a longer time horizon and that allowable uses in the ULDC for Commerce such as warehouse and wholesaling may be inconsistent with the designation's intent to provide low trip generating uses. In response to the FDOT comments, the County has its own voluntary policy 3.5-d to evaluate the traffic impacts of any land use amendment. The applicant has provided the 3.5-d traffic analysis. Upon a thorough review by the County's professional staff, the Traffic Division has determined that the traffic impacts of the proposed amendment, being insignificant on the roadway network for both Long Range and Test 2 (short term) analyses, meets Policy 3.5-d of the Future Land Use Element of the Palm Beach County Comprehensive Plan at the maximum potential intensity. Traffic Division's letter dated June 30, 2023 to that effect is provided in the staff report. In addition, the Treasure Coast Regional Planning Council (TCPRC) provided comments that there are no adverse effects on regional resources or facilities; however, "the overall trend in the reduction of agricultural uses in the Agricultural Reserve is of concern.... Council encourages the County to take a stronger position to protect agricultural uses...Furthermore, the proposed change that would allow an agricultural marketplace in a preserve area appears to be contrary to the common understanding of a 'preserve' area."

**Changes Subsequent to Transmittal:** Condition #1 in Exhibit 1-A and 1-B requiring concurrent approval of zoning and future land use applications was removed as it is moot with the scheduling of the hearings on the same date. The deletion is shown in ~~double strikethrough~~. Additional changes to reflect updates related to the certified, concurrent zoning applications were also made to the staff report and are shown in double underline and ~~double strikethrough~~. Exhibit 11 also includes the proposed ULDC text changes to Article 4 related to Agricultural Marketplace use.

**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>	Agriculture
<b>Current Zoning:</b>	Agricultural Reserve (AGR)
<b>Current Dev. Potential Max:</b>	Agricultural uses, up to 91,541 square feet (.15 FAR)

#### Proposed Future Land Use Change

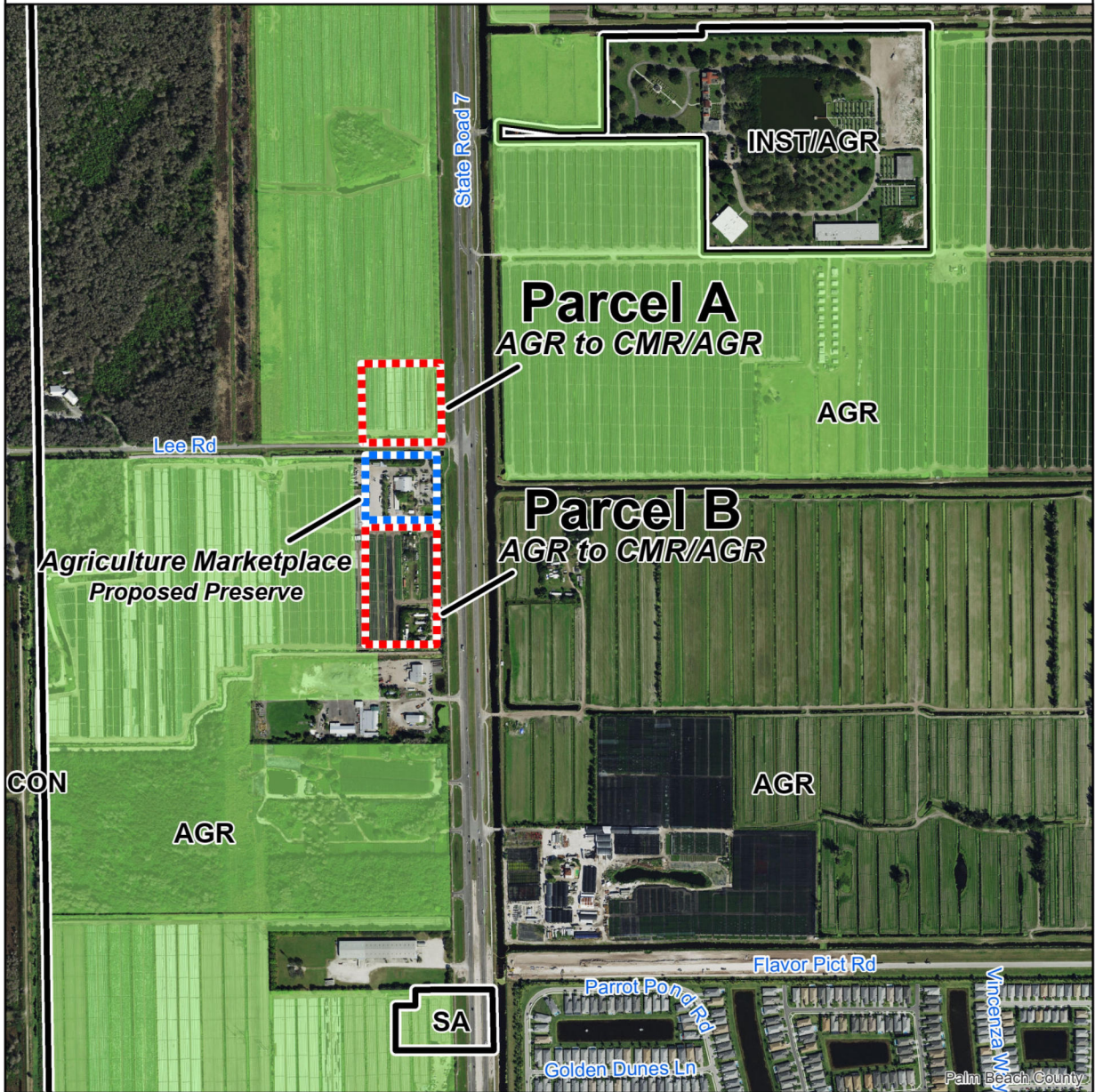
<b>Proposed FLU:</b>	Commerce with underlying Agricultural Reserve (CMR/AGR)
<b>Proposed Use:</b>	Industrial
<b>Proposed Zoning:</b>	Parcel A – Multiple Use Planned Development (MUPD) Parcel B – Multiple Use Planned Development (MUPD)
<b>Dev. Potential Max/Conditioned:</b>	Parcel A – Light Industrial uses, up to 76,230 square feet (.35 FAR) Parcel B – Light Industrial uses, up to 137,214 square feet (.35 FAR)

#### General Area Information for Site

<b>Tier:</b>	Agricultural Reserve – no change
<b>Utility Service:</b>	Palm Beach County Water Utilities Department
<b>Overlay/Study:</b>	West Boynton Area Community Plan (WBACP)
<b>Comm. District:</b>	Mayor Maria Sachs, District 5

# Future Land Use Atlas Amendment

## Bedners Market (LGA 2024-003)



**Site Data**

Size: 14.00 acres  
 Existing Use: Agriculture, Commercial  
 Proposed Use: Light Industrial  
 Current FLU: AGR  
 Proposed FLU: AGR/CMR

**Future Land Use Designations**

SA Special Agriculture  
 AGR Agricultural Reserve  
 CON Conservation  
 INST/AGR Institutional, underlying AGR

Date: 9/26/23  
 Contact: PBC Planning  
 Filename: T:\Planning\AMEND\24-A\SiteSpecific  
 Note: Map is not official, for presentation purposes only.

- Site
- Proposed AGR Preserve
- AGR Preserves



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 two subject sites are located in the central portion of the Agricultural Reserve Tier on the west side of State Road 7 (US 441), on the north and south sides of Lee Road.

**Background.** The following is a background summary for each parcel:

- **Parcel A.** The northern parcel is a 5 acre site at the northwest corner of Lee Road and State Road 7. The site has an Agricultural Reserve (AGR) future land use designation with an AGR Multiple Use Planned Development (AGR-MUPD) zoning district. The site currently serves as the off-site preserve area for the All Seasons CLF site, located east of Lyons Road and south of Atlantic Avenue.

In 2006, the site was the subject of a Zoning application for a Class B Conditional Use request for Agricultural Sales and Services use (CB-2006-947, Control No. 2006-361). This request was for a proposed relocation of an Ag Sales and Service facility operated by Helena Chemical Company, on Atlantic Avenue and Lyons Road. The applicant's proposed site plan included approximately 16,000 square feet of warehouse use. The application had been scheduled, but postponed multiple times in late 2007. Representatives of the Loxahatchee National Wildlife Refuge expressed concerns with the proposed use near the Refuge. Ultimately, the applicant withdrew their application in April of 2008.

- **Parcel B.** The southern parcel is a 9 acre portion of a 14 acre tract at the southwest corner of State Road 7 and Lee Road. The site has an Agricultural Reserve (AGR) future land use designation and zoning district. The entirety of the 14 acres currently has a zoning approval for an Agriculture Marketplace use, created in the ULDC specifically for this site.

In May of 2013, the BCC approved the Bedner Oaks petition (Control Number 2007-357) as a Class A Conditional Use for an Agriculture Marketplace on the site as part of a larger farm operation on the adjacent 67.8 acres to the west, as well as the abandonment of a prior Produce Stand approval. More information is provided in the Section II.

**Future Land Use Amendment.** Both Parcel A and B are proposing changes to the future land use designation from the Agricultural Reserve (AGR) to Commerce (CMR). The maximum floor area ratio (FAR) for CMR sites adopted after August 30, 2023 are limited to a 0.35 FAR. This equates to a total maximum of 213,444 square feet of light industrial uses or 76,230 square feet for Parcel A and 137,214 square feet for Parcel B.

- **Parcel A.** The FLUA request to Commerce for this parcel is dependent on the proposed text amendment and concurrent Zoning application. As previously mentioned, this site currently serves as the off-site preserve area for the All Seasons CLF site. The zoning application is proposing to replace this 5 acre preserve with the 5 acres site containing the Bedner's Market/Agriculture Marketplace. However, the preserve swap also requires the Comprehensive Plan text amendment to allow the Agriculture Marketplace (Bedner Market) use within an AGR-MUPD preserve area.
- **Parcel B.** This site is not a preserve area and therefore the request to Commerce is not dependent on the proposed text amendment. However, the FLUA request to Commerce for this parcel requires ULDC amendments to decrease the size of the land area required to support the Agriculture Marketplace by at least the same acreage proposed for a change to CMR on this 9 acre site.

**Zoning Application.** Proposed CMR future land use amendment applications require a concurrent zoning application and conceptual site plan in order to demonstrate that the proposal meets the design, scale, and character requirements of the Tier. There are several concurrent Zoning applications in process for these parcels as described below:

- **Bedner Lee Industrial (~~Z~~PDD-2023-00971).** This is a request for a rezoning of Parcel A from the Agricultural Reserve Multiple Use Planned Development-Preserve (~~AGR-MUPD-P~~) Zoning District (~~AGR-MUPD~~) to the Light Industrial (IL) Multiple Use Planned Development (AGR-MUPD) Zoning District. The ~~conceptual~~ Preliminary Site Plan proposes 57,305 square feet of Warehouse and 10,113 square feet of accessory office for a total of 70,445 67,420 square feet (0.321 FAR) of warehouse. This application is dependent on the subsequent zoning application (PDD/DOA/CA-2023-01002) for the preserve swap.
- **All Seasons Delray Beach (PDD/DOA/CA-2023-01002).** This is a request for the deletion of the 5 acre land area, Parcel A, as the off-site preserve area for the All Seasons Delray Beach AGR-MUPD approval on Lyons Road south of Atlantic Avenue. Policies in

the Comprehensive Plan and the adopting Ordinance require this 5 acre off-site preserve. The applicant proposes to replace the preserve area with 5 acres of land that is approved with the Bedner Market/Agriculture Marketplace, a use that is not currently allowed in a preserve. This swap of preserve is also dependent on approval of the Comprehensive Plan text amendment and a concurrent Privately Initiated ULDC text amendment to allow an Agriculture Marketplace use in a preserve area of an AGR-MUPD approval. The request therefore includes a rezoning from the Agricultural Reserve (AGR) Zoning District to the Multiple Use Planned Development-Preserve (MUPD-P) Zoning District on 5 acres; a Development Order Amendment to modify the Overall Site Plan for the MUPD to delete land area (5.0 acres) and add land area (5.0 acres) and modify Conditions of Approval on 14.73 acres; and a Development Order Amendment to modify the previously approved Site Plan for a Class A Conditional Use for an Agricultural Marketplace to delete land (76.88 acres) reconfigure the Site Plan for the existing Agriculture Marketplace, and modify Conditions of Approval on the remaining 5 acres

- **Bedner Oaks Commerce (PDD-2023-00972).** The concurrent zoning application for Parcel B includes a request for a rezoning from the Agricultural Reserve (AGR) Zoning District to the Agricultural Reserve Multiple Use Planned Development (AGR-MUPD) Zoning District. The site plan proposes 89,781 ~~119,200~~ square feet of Warehouse with 25,323 square feet of accessory office for a total of 115,104 square feet (0.29 FAR). This application is dependent upon ULDC amendments to decrease the size of the land area required to support the Agriculture Marketplace by at least the same acreage proposed for a change to CMR with MUPD zoning on this 9 acre site.

**Proposed Text Amendment.** The County's Comprehensive Plan does not allow an Agriculture Marketplace in any preserve area within any of the Agricultural Reserve Planned Development options. The proposed text amendment is a request to the Introduction and Administration Element to add a definition for "Agriculture Marketplace" use, currently only defined in the ULDC. In addition, the text amendment request includes allowing the Bedner's Market, an approved Agriculture Marketplace use in the AGR zoning district, as an allowable use within the preserve area of an AGR-MUPD. The applicant submitted the text initiation request in December of 2022. The Planning Commission voted 10 to 0 at the April 14, 2023 to recommend initiation of the text and the BCC initiated the amendment in a vote of 7 to 0 at its May 3, 2023 Comprehensive Plan hearing. The applicant's private text amendment request is concurrent with the FLUA 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. The surrounding area has therefore stayed primarily in agricultural uses and low density single-family residential with limited commercial uses serving the Tier.

## **B. Agriculture Marketplace Background**

The Board of County Commissioners (BCC) held a workshop on January 17, 2012 concerning the Agricultural Reserve Tier, and staff provided a general background and assessment of the area to date. At the workshop, the BCC considered potential changes to policies and regulations that would allow expansion of uses in AGR-PUD Preserves (such as schools and packing plants), for additional retail and medical office uses in the Tier, and consideration of produce stands/farmers/green markets as well as expansion and modernization of existing packing facilities. However, at the workshop's conclusion, the BCC only authorized the allowance of green markets and the expansion of existing packing facilities within the Tier. Specifically the "green market" use was deemed to support existing agriculture within the Tier and provided for additional economic viability of farming operations while ensuring that such uses would not establish commercial operations, or otherwise infringe upon bona-fide agricultural endeavors. No amendments were necessary to existing Comprehensive Plan policies, and the Zoning Division worked with the agricultural industry and members of the public through the first half of 2012 to draft the code amendments for what became known as an agriculture marketplace.

On August 23, 2012, the BCC adopted specific use regulations in the ULDC allowing for an "Agriculture Marketplace" as "a use that is accessory, incidental and subordinate to a bona-fide agricultural use in the Agricultural Reserve Tier" via Ordinance 2012-027. The use is further described as follows: "...limited to the retail sales of agricultural products such as fruits, vegetables, flowers, containerized house plants and other agricultural food products such as jelly, jam, honey and juice." In addition the use is subject to specific criteria including a restriction in size to a maximum floor area of 24,000 square feet, as well as up to 10% or 2,000 square feet of that area, whichever is less, may consist of "general retail sales," and any such Agriculture Marketplace is subject to a Class A Conditional Use Approval by the BCC. The regulations are codified in Article 4.B.6.C.1.j of the ULDC (see Exhibit 11) as a subset of the Bona-Fide Agriculture use. The Agriculture Marketplace is only allowed within the Agricultural Reserve Tier, within the Agricultural Reserve (AGR) zoning district as an accessory use to a bona-fide agriculture principal use. It is important to note that the Agriculture Marketplace use is not allowed within any of the Agricultural Reserve Planned Development District preserve areas.

Subsequently, in May of 2013, the BCC approved the Bedner Oaks petition (Control Number 2007-357) as a Class A Conditional Use for an Agriculture Marketplace use on the site known as Bedner's Farm Fresh Market, as well as the abandonment of a prior Produce Stand approval on the site. The Bedner Market/Agriculture Marketplace consists of approximately 8,600 square feet, with various outbuildings, on a 7-acre portion of a larger 81.8-acre parcel of land comprised of a 67.8 acre tract, also known as Tract B, and a 14 acre tract, also known as Tract A. The seven acres is the north part of the 14 acre tract, which fronts State Road 7 at a depth of approximately 525 feet, and has an Agricultural Reserve (AGR) zoning district with an Agricultural Reserve (AGR) future land use designation. The 67.8 acres, Tract B, is subject to a recorded Agricultural Conservation Easement (ORB 16390/PG 1447, and as amended in ORB 17980/PG 0653), and is a Preserve of The Oaks-Rainbow AGR-PUD (Control 1997-104). To date, the Bedner Oaks petition is the only approved Agriculture Marketplace in Palm Beach County.

## **C. Agricultural Reserve Master Plan Industrial Recommendations**

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

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

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

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

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

#### **D. Agricultural Reserve Policies – Board Direction**

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

Since 2016, there have been several requests for future land use amendments seeking an industrial future land use designation in the Agricultural Reserve Tier, which are summarized below in Section II.E. More recently, on May 5, 2021, the BCC transmitted a future land use amendment request for industrial in the Tier, known as Sunflower Light Industrial (LGA 2021-016). Staff consistently recommended denial of new Industrial FLU requests as there were no policies in the Comprehensive Plan directing the appropriate uses, locations, and intensity for industrial in the Agricultural Reserve Tier. Under discussion of the item, the BCC directed staff to explore the concept of a new light industrial future land use designation and to return for a workshop to discuss additional industrial future land uses in the Tier. Subsequently, the Board adopted the Sunflower amendment on July 28, 2021, with additional conditions as summarized under Section II.E. (Industrial FLUA Amendments in the Agricultural Reserve). The Board transmitted another amendment request for industrial in the Tier known as Las Farms Landscape (LGA 2022-001) on November 3, 2021. The Las Farms amendment was adopted by the BCC at the February 2, 2022 public hearing subject to the same conditions as the Sunflower amendment.

#### **E. County-Initiated Text Amendment**

Following the Board's direction on May 5, 2021 for staff to explore a new light industrial future land use designation, staff returned to the Board on October 26, 2021 and continuation on November 3, 2021 for a workshop regarding the Agricultural Reserve Tier. The discussion of a new industrial future land use was one of many topics discussed that day. At the workshop, the Board expressed support for the Commerce (CMR) future land use designation within the Tier that would be limited to "light industrial" uses. On February 2, 2022, the Board initiated text amendments to the Comprehensive Plan for staff to proceed with the review and analysis of the new Commerce future land use designation. Subsequently, staff returned on May 4, 2022, with proposed text amendments that included policy guidance for future industrial requests to define the appropriate site attributes for requests to Commerce FLU and to add preserve requirements. The text amendment was transmitted by the Board and subsequently adopted on August 25, 2022.

Since the adoption of the Commerce FLU in August of 2022, there have been several Board discussions concerning the square footage potential of light industrial uses within the Agricultural Reserve. Based on Board direction, a County-initiated amendment was adopted to modify the maximum allowable floor area ratio within the Tier from 0.45 to 0.35, and included further clarification of existing location criteria. The amendment was transmitted by the Board on May 3, 2023. Subsequently, on August 30th, the Board adopted the revised policies and the 0.35 FAR will apply to new applications requesting Commerce, including the subject site and Olympus MUPD.



## F. Industrial FLUA Amendments in the Agricultural Reserve

There are approximately 64 acres of industrially designated properties fronting the north and south sides of Atlantic Avenue east of State Road 7 that pre-date the Master Plan. Since the adoption of the Master Plan implementing policies in 2001, the County has processed several privately proposed future land use amendments for industrial, including the subject request, as summarized below:

- **Homrich Commercial (LGA 2016-019).** In 2016, the BCC adopted an amendment to the Future Land Use Atlas on a 13.44-acre site with Agricultural Reserve (AGR) future land use to Commercial Low (CL) with underlying Industrial (IND). A voluntary condition of approval limited development of the site to a maximum of 29,400 square feet of Commercial and 197,100 square feet of Light Industrial uses. Staff recommendation for denial was based in part on a lack of a comprehensive analysis and policy direction considering appropriate locations, uses, extent, and intensity established for new industrial uses in the Tier. At the January 15, 2016, public hearing, the Planning Commission recommended approval of the FLUA in a 7 to 5 vote.
- **West Atlantic Industrial (LGA 2017-017).** The West Atlantic Industrial amendment was privately proposed, and requested to change the future land use designation on a 2.51 acres parcel from AGR future land use to IND/AGR. The site is located on the south side of Atlantic Avenue, approximately 1,100 feet west of Lyons Road. Staff recommended denial due to lack of policy direction for new industrial in the Tier and since the establishment of industrial uses mid-block on a small, isolated parcel would not be compatible with surrounding agricultural uses. At the June 16, 2017, public hearing, the Planning Commission recommended denial in a 10 to 1 vote. The amendment was denied by the BCC at the July 26, 2017, Transmittal Hearing.
- **Boynton Technology Park Text (2020).** This privately proposed text amendment for initiation was requesting to allow the Economic Development Center (EDC) future land use in the Tier as a multiple use commercial, industrial and residential Planned Industrial Park Development (PIPD), increase the commercial cap and to allow for 3 units per acre with no preserve requirement and including a workforce housing requirement. The 140 acre site is located on the north and south sides of Atlantic Avenue, adjacent to the Florida's Turnpike. At the June 12, 2020, public hearing, the Planning Commission recommended denial of initiation in an 11 to 2 vote. The text initiation was withdrawn by the Applicant prior to the June 29, 2020, BCC Transmittal Hearing.
- **Boynton Parc Plaza Text (2021):** This privately proposed text amendment for initiation was requesting to allow the Multiple Land Use future land use designation with Industrial and High Residential, 8 units per acre (MLU, IND/8) in the Tier; provide exemption from preserve requirements; add policy language for a Workplace, Employment & Economic Development in the Tier; and, add a requirement for workforce housing. The associated FLUA requested to change the future land use from Agricultural Reserve (AGR) to Multiple Land Use with underlying Industrial and High Residential, 8 units per acre (MLU, IND/8). The 47.21-acre site is located on the north side of Boynton Beach Boulevard, west of Florida's Turnpike. At the April 9, 2021, public hearing, the Planning Commission recommended denial of initiation in a 13 to 0 vote. The application was withdrawn by the applicant prior to the May 5, 2021, BCC Transmittal Hearing.
- **Star Key Industrial (LGA 2021-015).** This privately proposed text and future land use amendment was withdrawn by the applicant on September 30, 2021, prior to scheduling of a Planning Commission hearing. The applicant proposed to change the future land use designation for 50.99 acres of land to change from the AGR future land use designation to IND/AGR in order to develop industrial uses, with a maximum potential of .45 floor area ratio (999,506 square feet). The site is located on the north side of Atlantic Avenue, between Starkey Road and the Turnpike. The Zoning application (PDD-2021-00445) requested Planned Industrial Park (PIPD) zoning and was submitted in 2021.
- **Sunflower Light Industrial (LGA 2021-016).** The application proposed a future land use amendment for 8.19 acres of land from the AGR future land use designation to IND/AGR in order to develop industrial uses, with a maximum potential of .45 floor area ratio (160,540 square feet). The site is located on the west side of State Road 7, approximately a quarter mile south of Atlantic Avenue. At the April 23, 2021, public hearing, the Planning Commission recommended denial in a 6 to 6 vote. The Board adopted the amendment on July 28, 2021, with conditions of approval limiting the site to:

- Uses shall exclude heavy industrial uses which engage in the basic processing, manufacturing, or storage of flammable, hazardous, or explosive materials or products, or processes which potentially involve hazardous or commonly recognized offensive conditions as described in Future Land Use Element Policy 2.2.4-d of the Palm Beach County Comprehensive Plan; and
  - Uses identified as Commercial in Article 4 of the Unified Land Development Code are prohibited on the site, with the exception of Landscape Service, Self-Service Storage, and accessory uses.
- **Las Farms (LGA 2022-001).** On February 2, 2022, the BCC adopted a future land use amendment request for 6.95 acres of land from the AGR future land use designation to IND/AGR in order to develop industrial uses, with a maximum potential of .45 floor area ratio (136,234 square feet). The site is located on the west side of State Road 7, approximately one half mile north of Boynton Beach Boulevard. The amendment includes the same conditions of approval as the Sunflower Light Industrial amendment. At the October 1, 2021, public hearing, the Planning Commission recommended approval in a 9 to 4 vote.
  - **West Atlantic Industrial Fina (LGA 2022-018).** The application proposed a future land use amendment for 10.11 acres of land from the AGR future land use designation to IND/AGR in order to develop industrial uses, with a maximum potential of .45 floor area ratio. The site is located on the north side of Atlantic Avenue, approximately one half mile west of State Road 7. The amendment proposed the same conditions of approval as the Sunflower Light Industrial and Las Farms amendments. At the April 8, 2022, public hearing, the Planning Commission recommended denial in an 8 to 1 vote. On May 4, 2022, the BCC denied transmittal of the amendment.

The following six FLUA amendment applications were submitted requesting for Industrial FLU in May of 2022, prior to the adoption of the Commerce FLU and related Industrial policies in August of 2022. These applications amended their requests to the Commerce FLU in September of 2022 and a map of all these proposed amendments can be found in Exhibit 9 as shown in yellow. In total, these six amendments add up to 118 acres and 2,324,087 square feet of light industrial potential in the Tier.

- **Boynton Land Commerce (LGA 2023-001).** The application proposed a future land use amendment on 15 acres of land from AGR to CMR/AGR in order to develop light industrial uses, with a maximum potential of 294,030 square feet (.45 floor area ratio). The site is located on the west side of State Road 7, approximately 1.25 miles south of Hypoluxo Road. The Planning Commission recommended denial in a 10 to 0 vote at the October 14, 2022 Planning Commission Hearing. At the November 28, 2022, BCC Transmittal public hearing, the Board denied transmittal of the amendment in a 4 to 3 vote.
- **Morin/Connolly Commerce (LGA 2023-002).** The application proposed a future land use amendment on 3.41 acres of land from AGR to CMR/AGR in order to develop light industrial uses, with a maximum potential of 66,843 square feet (.45 floor area ratio). The site is located on the west side of State Road 7, approximately 0.20 miles north of Boynton Beach Boulevard. The Planning Commission recommended approval with modifications (limiting site to 30,000 square feet) with a vote of 9 to 0 at the October 14, 2022 public hearing. At the November 28, 2022, BCC Transmittal public hearing, the Board transmitted the amendment in a 7 to 0 vote. At the March 23, 2023, BCC Zoning public hearing, the Board adopted the amendment in a 6 to 1 vote.
- **BC Commerce Center (LGA 2023-003).** The application proposed a future land use amendment on 47.21 acres of land from AGR to CMR/AGR in order to develop light industrial uses, with a maximum potential of 925,410 square feet (.45 floor area ratio). The site is located on the north side of Boynton Beach Boulevard, between Acme Dairy Road and the Florida's Turnpike. The Planning Commission recommended approval with modifications (limiting site to 0.35 floor area ratio) with a vote of 9 to 0 at the January 13, 2023 public hearing. The BCC transmitted this amendment on February 1, 2023, with a condition limiting the site to 719,764 square feet (0.35 floor area ratio). The amendment was adopted at the August 24, 2023, BCC Zoning public hearing.
- **EJKJ Industrial (LGA 2023-004).** The application proposed a future land use amendment on 7.93 acres of land from AGR to CMR/AGR in order to develop light industrial uses, with a maximum potential of 155,444 square feet (.45 floor area ratio). The site is located on the west side of State Road 7, approximately 0.15 miles south of Atlantic Avenue. The Planning Commission recommended approval with modifications with a vote of 8 to 2 at the October 14, 2022 Planning Commission Hearing. At the

November 28, 2022, BCC Transmittal public hearing, the Board transmitted the amendment in a 7 to 0 vote. The amendment was adopted at the August 24, 2023, BCC Zoning public hearing.

- **SR 7 Business Plaza (LGA 2023-006).** The application proposed a future land use amendment on 40 acres of land from AGR to CMR/AGR in order to develop light industrial uses, with a maximum potential of 784,080 square feet (.45 floor area ratio). The site is located on the north side of Happy Hollow Road, fronting State Road 7, approximately 0.3 miles west of Smith Sundry Road. The Planning Commission recommended approval with conditions with a vote of 7 to 3 at the November 4, 2022, Planning Commission Hearing. At the November 28, 2022, BCC Transmittal public hearing, the Board transmitted the amendment in a 6 to 1 vote. At the May 25, 2023, BCC Zoning public hearing, the Board adopted the amendment in a 6 to 1 vote with a condition limiting the site to 700,000 square feet of warehouse and 63,000 square feet of general office.
- **LTG Sports Turf (LGA 2023-007).** The application proposed a future land use amendment on 40 acres of land from AGR to CMR/AGR in order to develop light industrial uses, with a maximum potential of 98,280 square feet (.45 floor area ratio). The site is located on the north side of 100<sup>th</sup> Street S (Boynton Beach Boulevard), approximately 0.13 miles west of State Road 7. The Planning Commission recommended approval with modifications with a vote of 9 to 1 at the October 14, 2022, Planning Commission Hearing. At the November 28, 2022, BCC Transmittal public hearing, the Board transmitted the amendment in a 7 to 0 vote. At the March 23, 2023, BCC Zoning public hearing, the Board adopted the amendment in a 6 to 1 vote.

In addition to the subject request, there is another new application requesting the Commerce future land use. The application includes a text amendment initiated by the BCC on May 3, 2023. The FLUA amendment was subsequently submitted on May 10, 2023. The new applications are shown in blue in Exhibit 9.

- **Olympus MUPD (LGA 2024-004).** This privately proposed text amendment is requesting to revise the Comprehensive Plan to allow sites north of La Reina Road (instead of Rio Grande Avenue) on State Road 7 to be eligible for the Commerce FLU. Following initiation by the BCC on May 3, 2023, the applicant submitted a land use amendment from Agricultural Reserve (AGR) to Commerce (CMR) on the 6.33 acre site. ~~This text and FLUA amendment is anticipated to be heard by the BCC on November 1, 2023, for transmittal to the State. This amendment was withdrawn by the applicant at the November 1, 2023 meeting.~~

### III. Data and Analysis Summary

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This section of the report provides a summary of the consistency of the amendment with the County's Comprehensive Plan. The sections 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.

- Overview of the Area.** The two subject sites are located in the central portion of the Agricultural Reserve Tier on the west side of State Road 7 (SR-7)/US Highway 441, on both the north and south sides of Lee Road. Generally, other than the Bedner's Agriculture Marketplace at the southwest corner of Lee Rd. and SR-7, much of the area on the west side of SR-7 is in agricultural preservation status as preserves associated with AGR-PUD's or is in Conservation and owned by the US Government and the South Florida Water Management District associated with the Arthur R. Marshall Loxahatchee National Wildlife Refuge. The east side of SR-7 is mostly comprised of lands owned by Palm Beach County purchased with Bond Funds and leased for farming. Other lands directly to the east of the sites are generally known as the Whitworth Farm properties purchased by GL Homes companies and subject AGR-PUD zoning applications. The Eternal Cemetery is in proximity to the sites as well on the east side of SR-7.
- Appropriateness of the Amendment.** The newly established Commerce FLU and related industrial policies, however, provide opportunities for low-trip generating light industrial and/or employment generating uses, thus balancing the objectives of the Ag Reserve while responding to increased residential growth and the corresponding needs of support services. Although the proposed amendment will allow for the development of a light industrial use, the two sites are located in predominately agricultural areas bordered and surrounded predominately by active crop production on land subject to agricultural conservation easements and in close proximity to lands that are in wildlife conservation. The compatibility concerns and potential for resulting inconsistent development in an

established agricultural area have the potential to disrupt surrounding agricultural uses and the preservation lands that the Tier is intended to primarily support.

**C. Compatibility.** The site is located on the northwest and southwest corners of State Road 7 and Lee Road, a road segment serving as the main visitor access roadway to the Arthur R. Marshal Loxahatchee National Wildlife Refuge. As detailed above, the area surrounding the subject site consists primarily of agricultural uses and parcels designated as AGR preserves with an AGR future land use. The applicant indicates the site will be utilized to support a light industrial use. The Commerce FLU and implementing policies establish specific requirements for the size, location, frontage and access, and submittal of a conceptual site plan, thereby providing a framework for where these types of industrial uses may be considered. Although the site is eligible to request the Commerce FLU designation, the introduction of an industrial land use surrounded by preserve parcels, active agriculture, and environmentally sensitive lands in proximity creates an isolated pocket with a development potential over 200,000 square feet, an intensity far exceeding that of the surrounding area. In addition the proposed CMR sites are adjacent to the existing Bedner Agriculture Marketplace, a use that the County worked toward accommodating in the ULDC by approving the use and a major proposed expansion up to 24,000 square feet from its current 8,600 square feet. The Agriculture Marketplace is the only one approved in the County and was intended to help support the adjacent ongoing bona fide active agriculture for residents and visitors in the Agricultural Reserve. Reducing the Agriculture Marketplace site, eliminating expansion plans, and introducing light industrial directly adjacent to the market is not determined to be compatible with existing surrounding land uses, given the context of the immediate area, and the overriding objective of the Tier to preserve and enhance agricultural activity, environmental and water resources, and open space within the Agricultural Reserve Tier.

**D. Assessment and Recommendation.** The amendment proposes to change the future land use designation from Agricultural Reserve (AGR) to Commerce with an underlying Agricultural Reserve (CMR/AGR) in order to allow up to 213,444 square feet (0.35 FAR) of warehouse office uses on two sites located west of State Road 7 on the north and south sides of Lee Road. The request also includes a text amendment to add a definition for an "Agriculture Marketplace" use, currently only defined in the Unified Land Development Code (ULDC). In addition, the text is proposing to allow the Bedner's Market, an approved Agriculture Marketplace use in the AGR zoning district, as an allowable use within a preserve area of an Agricultural Reserve-Multiple Use Planned Development (AGR-MUPD). Current adopted policy does not allow this use in any preserve area for any of the allowed AGR Planned Development zoning options in the Agricultural Reserve Tier.

The existing Agriculture Marketplace was approved in 2012 following ULDC amendments that were created solely to allow the conversion of an existing Produce Stand use to an Agriculture Marketplace. The proposed text amendment represents a fundamental policy change from what the Board adopted in 2012. By allowing the Agriculture Marketplace use in a preserve area, it allows for an existing preserve, to be replaced with the Bedner's Market, which is already accommodated on a non-preserve parcel. There would be no increase in the amount of land with a use that is agricultural, environmentally sensitive, or furthers other open space purposes. As a result, the proposed change results in no-net-gain of preserve land, provides a further exception for a use that was previously accommodated, and fails to further the existing goal and objective policies in the Agricultural Reserve Tier of farmland protection and agricultural perpetuation.

Regarding the FLUA request to Commerce, although the sites are eligible to request the Commerce FLU designation, the introduction of an industrial land use surrounded by preserve parcels, active agriculture, and environmentally sensitive lands in proximity create an isolated pocket with a development potential over 200,000 square feet, an intensity far exceeding those of the surrounding area. In addition the proposed CMR sites are adjacent to the existing Bedner Agriculture Marketplace, a use that the County worked toward accommodating in the ULDC by approving the use and a major proposed expansion up to 24,000 square feet from its current 8,600 square feet. The Agriculture Marketplace is the only one approved in the County and was intended to help support the adjacent ongoing bona fide active agriculture for residents and visitors in the Agricultural Reserve. Reducing the Agriculture Marketplace site, eliminating expansion plans, and introducing light industrial directly adjacent is not consistent with overriding objective of the Tier to preserve and enhance agricultural activity, environmental and water resources, and open space within the Agricultural Reserve Tier.

## E. Unified Land Development Code (ULDC) Implications

A revision to the ULDC is necessary to implement the proposed text amendment to the Plan. Exhibit 11 provides the proposed revisions to ULDC Article 4, Use Regulations, as summarized below:

- Add Agricultural Marketplace as an allowable use in AGR-MUPD Preserve areas, limited to sites with an approved Agricultural Marketplace prior to May 30, 2013; and
- Reduce the minimum contiguous acre requirement from 75 acres to 70 acres.

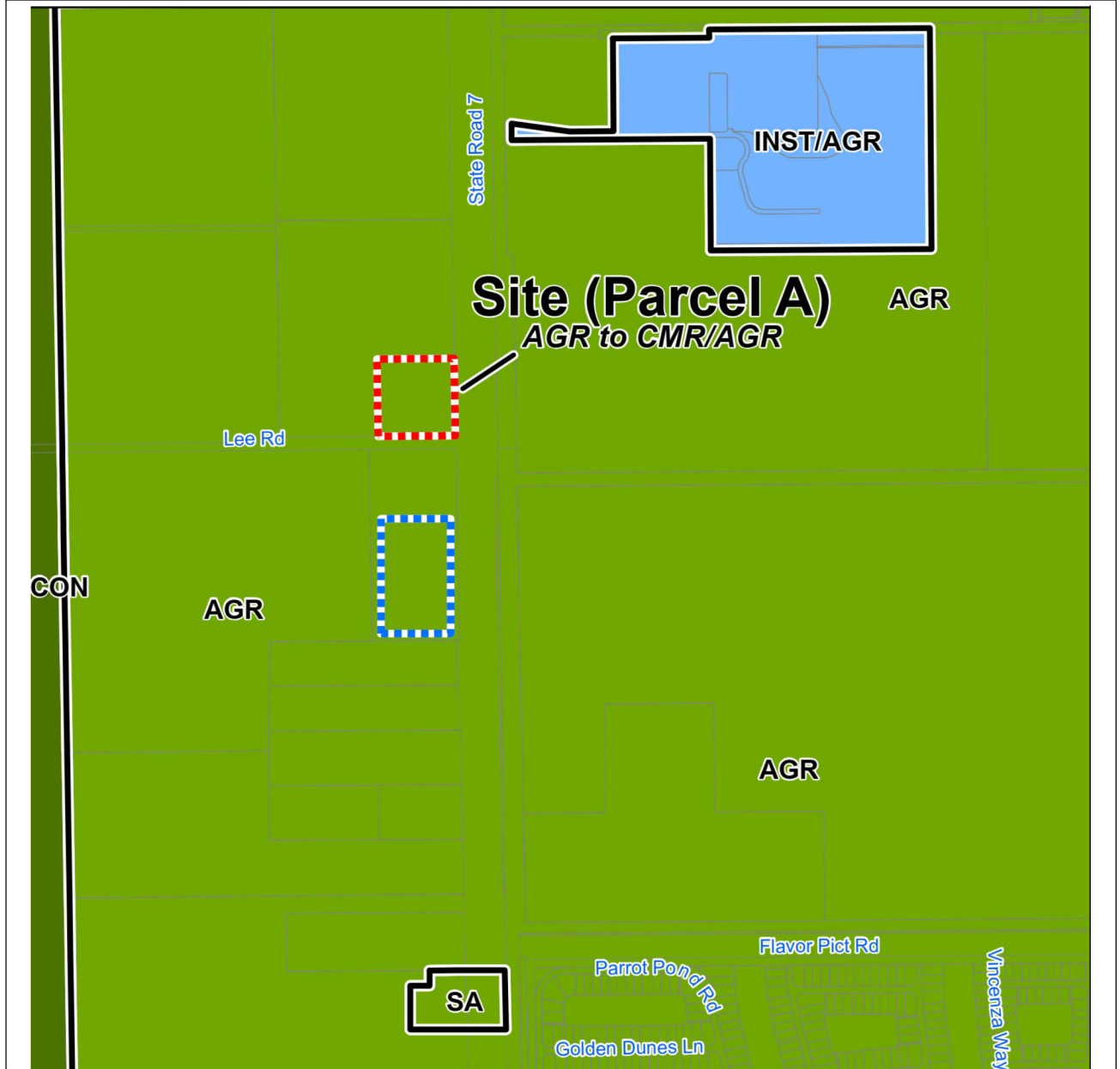
<b>Exhibits</b>	<b>Page</b>
1-A. Future Land Use Map & Legal Description – Parcel A	E-1
1-B. Future Land Use Map & Legal Description – Parcel B	E-3
1-C. Proposed Comprehensive Plan Text Amendments	E-5
2. Consistency with Comprehensive Plan	E-7
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10. <del>Conceptual Plans</del> <u>Preliminary Site Plans</u>	E-41
11-A. Agriculture Marketplace Unified Land Development Code	E-43
<u>11-B. Proposed ULDC Revisions to Agriculture Marketplace</u>	<u>E-45</u>
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**Exhibit 1-A**

<b>Amendment No:</b>	<b>Bedners Market (LGA 2024-003) – Parcel A</b>
<b>FLUA Page No:</b>	92
<b>Amendment:</b>	From Agricultural Reserve (AGR) to Commerce with an underlying Agricultural Reserve (CMR/AGR) with conditions
<b>Location:</b>	West side of State Road 7, approximately 2 miles south of Boynton Beach Boulevard
<b>Size:</b>	5.00 acres approximately
<b>Property No:</b>	00-42-43-27-05-061-0311

**Conditions:** None.

~~1. 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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### Parcel A –

DESCRIPTION:

A PORTION OF TRACTS 31 AND 32, BLOCK 61, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID TRACT 31; THENCE NORTH 00°37'11" WEST, ALONG THE WEST LINE OF SAID TRACT 31, A DISTANCE OF 55.00 FEET; THENCE NORTH 89°28'29" EAST, ALONG A LINE PARALLEL WITH AND 55.00 FEET NORTH OF THE SOUTH LINE OF SAID TRACTS 31 AND 32, A DISTANCE OF 647.08 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE NORTH 00°58'21" WEST, S DISTANCE OF 466.70 FEET; THENCE NORTH 89°28'29" EAST, A DISTANCE OF 466.70 FEET TO THE WEST RIGHT OF WAY LINE OF STATE ROAD 7, AS DESCRIBED IN OFFICIAL RECORDS BOOK 11107, PAGE 992, PUBLIC RECORDS OF SAID PALM BEACH COUNTY; THENCE SOUTH 00°58'21" EAST, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 466.70 FEET; THENCE SOUTH 89°28'29" WEST, ALONG A LINE PARALLEL WITH AND 55.00 FEET NORTH OF THE SOUTH LINE OF SAID TRACTS 31 AND 32, A DISTANCE OF 466.70 FEET TO THE POINT OF BEGINNING.

CONTAINING 5.00 ACRES, MORE OR LESS.

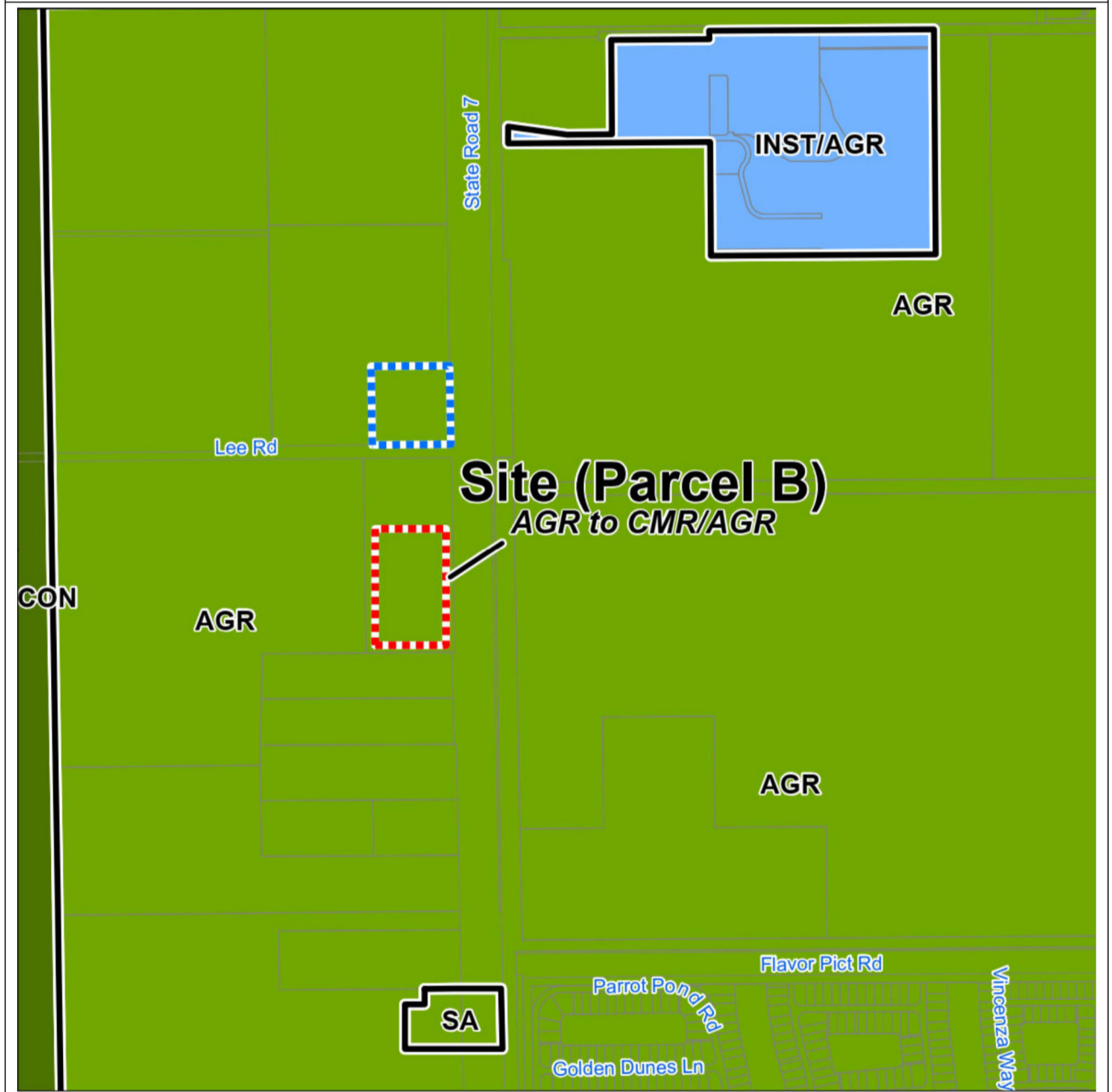
NOTE: SUBJECT PARCEL LIES WITHIN SECTION 36, TOWNSHIP 45 SOUTH, RANGE 41 EAST.

**Exhibit 1-B**

<b>Amendment No:</b>	<b>Bedners Market (LGA 2024-003) – Parcel B</b>
<b>FLUA Page No:</b>	92
<b>Amendment:</b>	From Agricultural Reserve (AGR) to Commerce with an underlying Agricultural Reserve (CMR/AGR) with conditions
<b>Location:</b>	West side of State Road 7, approximately 2 miles south of Boynton Beach Boulevard
<b>Size:</b>	9.00 acres approximately
<b>Property No:</b>	portion of 00-41-46-01-02-001-0000

**Conditions:** None.

~~1. 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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### **Parcel B –**

DESCRIPTION:

BEING A PORTION OF TRACT A, BEDNER/OAKS, AS RECORDD IN PLAT BOOK 103, PAGES 91 AND 92 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT A, THENCE SOUTH 00°54'39F" EAST, ALONG THE WEST LINE OF SAID TRACT A, A DISTANCE OF 414.47 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°26'45" EAST, A DISTANCE OF 525.74 FEET; THENCE SOUTH 00°58'36" EAST, ALONG THE EAST LINE OF SAID TRACT A, A DISTANCE OF 367.22 FEET; THENCE, CONTINUE ALONG SAID EAST LINE, SOUTH 01°10'24" EAST, A DISTANCE OF 378.05 FEET; THENCE SOUTH 89°34'42" WEST, ALONG THE SOUTH LINE OF SAID TRACT A, A DISTANCE OF 527.90 FEET; THENCE NORTH 00°54'39" WEST, ALONG THE WEST LINE OF SAID TRACT A, A DISTANCE OF 744.03 FEET TO THE POINT OF BEGINNING.

CONTAINING 9.000 ACRES, MORE OR LESS.

NOTE: THE SUBJECT PARCEL LIES WITHIN SECTION 1, TOWNSHIP 46 SOUTH, RANGE 41 EAST.

## Exhibit 1-C

### Proposed Text Amendments

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#### A. Introduction & Administration Element, Agriculture Marketplace Definition

**REVISIONS:** To define an agriculture marketplace. The revisions are shown below with added text underlined.

1. **NEW** AGRICULTURE MARKETPLACE - A use that is accessory, incidental and subordinate, to a Bona Fide Agriculture use in the AGR Tier, conducted to allow for the sale of agricultural products or enhanced opportunities for visitors, which generates income for the owner or operator of the Bona Fide Agriculture use, adding economic viability to farming operations. An Agricultural Marketplace shall be consistent with the supplementary use standards outlined Article 4 of the Unified Land Development Code.

#### B Future Land Use Element, AGR MUPD Preserves

**REVISIONS:** To allow an agriculture marketplace with the preserve area of an AGR-MUPD. The revisions are shown below with added text underlined.

1. **REVISED 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. An Agriculture Marketplace, as defined in the Introduction and Administration Element, is allowed within the required preserve area of an AGR-MUPD consistent with Policy 1.5-u.
2. **REVISED Policy 1.5-u:** The Congregate Living Residential (CLR) future land use designation is allowed within in the Agricultural Reserve Tier subject to the following:
  1. **Density.** The maximum density is up to 8 units per acre for the land area assigned the CLR designation for the purposes of calculating congregate living facility beds.
  2. **Separation.** Residential uses shall be setback 50 feet from any agricultural use.
  3. **Location.** Sites are limited to locations fronting:
    - a. Lyons Road between Atlantic Avenue and Linton Boulevard; or,
    - b. Boynton Beach Boulevard between Florida's Turnpike and Acme Dairy Rd;
  4. **Minimum Acres.** The minimum acreage for the CLR future land use designation is 5 acres.
  5. **Preserve Area.** Preserve Areas are required as provided below.
    - a. **Single Use Project.** Projects utilizing the AGR-PUD option shall be subject to the preserve percentage and use requirements of Policy 1.5.1-i, and may represent a portion of a larger AGR-PUD.
    - b. **Multiple Use Project – Offsite Preserve Option.** Projects utilizing CLR as an underlying designation to Institutional and Public Facilities (INST) future land use designation for a multiple use project shall be subject to the following:
      - 1) **Preserve Area Uses.** Uses allowed shall be those permitted within AgR TMD preserves by Policy 1.5.1-n. In addition, an Agriculture Marketplace with a development order approved prior to May 31, 2013 is allowed within the required offsite preserve area.
      - 2) **Preserve Area Acreage.**
        - a) A minimum of 10% of the land area with the CLR designation shall be Onsite Preserve Area; and
        - b) A minimum acreage equivalent to 50% of the acreage of the CLR designation shall be provided as Offsite Preserve Area.

- c) Offsite Preserve Area may retain AGR future land use provided that no density or intensity is transferred to the Development Area and that the preserve is subject to a conservation easement which restricts uses allowed to those permitted per the Preserve Area Uses described above within AgR-TMD preserves by Policy 1.5.1-n.
- 3) **Design Features.** A development with INST/CLR future land use is not considered mixed use, and is not subject to the design elements in Policy 1.5.1-r or the Usable Open Space Requirements for Multiple Use Planned Developments (MUPD) in the ULDC.

## 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, in part, that:

- *“The commerce land use designation will provide for additional uses that are compatible with and supportive to the agricultural marketplace. Additional services may include but are not limited to landscape services, flex office and warehouses for contractors, self-storage and similar uses are necessary to support the growing population in the immediate area as well as accessory support for the agriculture surrounding the site. The proposed change would allow a small industrial use to provide a needed service to the neighboring agricultural uses, working in harmony with the continued preservation of agriculture for the area. The Property’s location along State Road 7 provides for easy access to the site from elsewhere in the county”*
- *“The addition of Commerce uses such as landscape services, warehousing, and self-storage to promote more functional and productive buildings for this area and support job creation. It further reinforces the separation of light industrial uses from residential developments and neighborhood commercial use found in other areas of the agricultural reserve.”*
- *“The commerce category is appropriate for this site to have non-intensive industrial uses that are compatible with intensive agricultural production”*
- *The applicant references two Commerce Future Land Use amendment site that were adopted by the BCC in March of 2023 and three site that are submitted and in process. The applicant states, “All of these changes and the recent direction from the BCC 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 State Road 7.”*
- *“The proposed Future Land Use amendment to Industrial will create another opportunity for a service not currently located in the Tier. This opportunity would ultimately meet the intent of the Master Plan that has yet to be realized by the current limited development pattern.”*

**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 5 acre subject site at the northwest corner of Lee Rd and SR-7, currently the offsite preserve area for the All Seasons AGR-MUPD, is currently in active agriculture (row crops), and was analyzed for traffic purposes at the maximum current development potential as a Nursery use. The 9 acre site to the south of Lee Rd. is not a preserve area but is being utilized for row crops as well in support of the Bedner's Market/Agriculture Marketplace use approval. The north 2 acres of this 9 acre site is currently within the site plan limits of the current existing and approved Bedner's expansion plan for up to 24,000 square feet. The 9 acre site was analyzed for traffic purposes at the maximum current development potential as a Nursery use. The applicant proposes to change the land use designation on both the 5 acre and 9 acre sites, a total of 14 acres, to Commerce with an underlying Agricultural Reserve (CMR/AGR) in order to allow up to 213,444 square feet (0.35 FAR) of light industrial as warehouse with accessory office uses.

As discussed in the Background, the newly established Commerce FLU designation and implementing policies provide a framework for the future of light industrial uses within the Agricultural Reserve Tier, for which there were previously no guiding policies in the Comprehensive Plan. However, as discussed later in this report, while the subject site, which is comprised of two sites on either side of Lee Road, are eligible to request the Commerce designation, the location of the sites presents concerns regarding compatibility with lands to the west that have been long established agricultural preserve areas, which have recorded Agricultural Conservation easements that Palm Beach County is a grantee for. The County holds an interest in these properties through the conservation easements (OR Bk 16390 PG 1447 & OR Bk 23876 PG 0562) and their continued activities to support, preserve and perpetuate bona fide agricultural use, open space uses, and to preserve any environmentally significant upland or wetland.

The northern 5 acre site is bounded by AGR-PUD preserve lands approved as part of the preserve requirements for Valencia Reserve. These, approximately 27 acres, lands are known as the Jill Preserve and are in active agriculture (i.e. crop production) to the north and west, with lands in close proximity further to the west on Lee Road (approx. 600 feet), that are within the boundaries of the Arthur R. Marshall Loxahatchee National Wildlife Refuge. These other lands within the Refuge are owned in part by the US Government and managed by the US Fish and Wildlife Service as an Urban National Wildlife Refuge for wildlife conservation.

The southern 9 acre site shares a common border to the west with the Bedner-Oaks preserve area, an approximately 67 acre preserve that is also in active agriculture (crop production). Bordering the site to the south is a 7 acre parcel that supports a business engaged in sodding, seeding & mulching, hydro-seeding, mowing, and watering. The company is known as Agricultural Land Services, Inc. and has been established at that location for over 40 years in a single steel building on the front 2.5 acres. The front part of the property with the building is not a preserve area. However, the rear approximately 4.5 acres is a preserve area for an AGR-PUD known as Dakota. The rear portion is not in crop production but currently supports other bona fide agricultural uses. The subject 9 acres shares a significant portion of its southern border with the preservation area of this 7 acre parcel.

The subject sites are located along a corridor of State Road 7 in the central portion of the Agricultural Reserve which primarily supports agricultural lands in preserve, accessory uses to agriculture. Considering the aforementioned information, the applicant has not provided sufficient justification to support why the Commerce FLU designation is suitable and appropriate for the subject location and adjacent lands in preserve. The fact that the BCC has adopted other amendments for CMR does not provide a justification that these specific sites are entitled to a change to the CMR nor has the applicant demonstrated that there is an additional need in the Agricultural Reserve for additional light industrial uses that necessitate changing the future land use designation on these sites from AGR to CMR.

In addition, the 5 acre site, as currently approved as an AGR-MUPD offsite preserve area squares off the overall lands at this corner as lands that in their entirety with adjacent lands form a contiguity of preserve area. The proposed removal of the 5 acre site as a preserve area, thereby concurrently introducing light industrial uses on it, introducing light industrial uses that share a common border on two sides with lands that are in preserve, and also concurrently proposing to swap the preserve requirement that it currently fulfills by allowing the Bedner's Market/Agriculture Marketplace use on the other corner in a preserve area, provides not net gain of preserve area that preserves and enhances agricultural activity, environmental and water resources, and open space. The proposal simply allows the property owner to essentially double dip on a benefit that was already afforded to the Bedner's Market/Agriculture Marketplace use with amendments to the

ULDC in 2012 that created the use and allowed the use to be approved for the first time in its current AGR zoning district.

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 8. Economic Activity Centers.** *Encourage the development of Planned Industrial Developments primarily designed to accommodate and promote manufacturing industry and other value-added activities.*

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

**Staff Analysis:** The County Directions are the basis for the goals, objectives, and policies of the Future Land Use Element, and are implemented within the framework of the Managed Growth Tier System, with its diverse areas and objectives. As a result, the County Directions will not necessarily be applied uniformly throughout all Tiers, but will reflect the intent of each Tier. The intent of the Agricultural Reserve Tier is to preserve and enhance agricultural activity, environmental and water resources, and open space. The adopted Agricultural Reserve provisions implement that objective by limiting development to low densities, requiring clustering of development and preserve areas, and limiting the location and amount of non-residential development to serve the existing and future residents of the Tier. These provisions primarily promote the “Agricultural and Equestrian Industries” Direction, while balancing this direction with “Livable Communities,” “Growth Management,” “Land Use Compatibility,” and other County Directions.

The newly established CMR FLU and related industrial policies, however, provide opportunities for low-trip generating light industrial and/or employment generating uses, thus balancing the objectives of the Ag Reserve while responding to increased residential growth and the corresponding needs of support services. Although the proposed amendment will allow for the development of a light industrial use, the two sites are located in predominately agricultural areas bordered and surrounded predominately by active crop production on land subject to agricultural conservation easements and in close proximity to lands that are in wildlife conservation. The compatibility concerns and potential for resulting inconsistent development in an established agricultural area are counter to County Directions 2 and 4, and have the potential to disrupt surrounding agricultural uses and preservation lands that are intended for the Tier to primarily support.

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:** The current property owner owns all of the properties subject to the amendment and in addition has ownership interest in the 67 acre preserve parcel to the west of the Bedner's Market/Agriculture Marketplace parcel. Since all the parcels under the same or related ownership are being considered together through the proposed future land use amendment and through concurrent zoning applications and privately initiated Code amendments to the Agriculture Marketplace use, this amendment would not encourage piecemeal development as defined in the Introduction and Administration Element of the Comprehensive Plan.

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." As previously stated, all of the properties under the same or related ownership are being considered together. Since there are no parcels, that meet the definition, that are being left out of a development area, there are no residual parcel issues with this amendment.

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

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

**Staff Analysis:** Until the recent adoption of the Commerce future land use designation, the Comprehensive Plan recognized two Industrial land use designations – Industrial (IND) and Economic Development Center (EDC). The IND FLU allows for a full range of Industrial uses, and the EDC FLU is intended for larger, campus-like industrial uses as part of a planned development. While the EDC FLU is limited to the Urban/Suburban Tier and uses that exhibit Light Industrial characteristics, the IND FLU was the only allowable Industrial FLU in the Ag Reserve prior to the addition of the CMR category to the Comprehensive Plan. However, as there were no specific policies to guide the location and intensity of Industrial uses in the Agricultural Reserve, applications seeking the IND FLU could open up a site to a wide array of industrial uses, including heavy industries, intense uses that may not be appropriate for the location. With the addition of the CMR FLU, the Comprehensive Plan provides a land use designation that allows opportunities for light industrial and limited nonresidential uses, subject to specific criteria intended to minimize potential negative externalities. However, the ability for a property owner to request a change does not entitle the property to a change. While this proposed amendment is eligible to request Commerce, it has the potential to negatively impact adjacent and surrounding agricultural uses, and disrupt the established development pattern of the surrounding area, regardless of the industrial category.

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

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

**Heavy Industrial.** *Heavy industrial development's typical operation may cause or result in the dissemination of dust, smoke, fumes, odor, noise, vibration, light, or other potentially objectionable effects beyond the boundaries of the lot on which the use is conducted. These effects will be minimized through the application of performance standards established in the Unified Land Development Code. Heavy industrial uses include those that engage in the processing, manufacturing, or storage of flammable, hazardous, or explosive materials or products, or processes which potentially involve hazardous or commonly recognized offensive conditions. Examples of heavy industrial uses include, but are not limited to, salvage and junkyards, storage of regulated substances, asphalt and concrete mixing and product manufacturing, heavy manufacturing, construction and demolition recycling, and equestrian waste management.*

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

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

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

### **OBJECTIVE 1.5 The Agricultural Reserve Tier**

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 primary objective of the Agricultural Reserve Tier is the preservation of agricultural and environmental lands, while allowing for development in a planned manner that is consistent with the Master Plan and associated policies within the Comprehensive Plan that direct the locations and amounts of allowable development. The Tier is located within a Limited Urban Service Area, (LUSA) and the development allowed within the Tier as part of one of the planned development options or on non-residentially designated sites is consistent with the allowable development within the Urban/Suburban Tier.

Although an intent of the adopted Commerce future land use designation is to allow for low trip generating uses and employment generators to serve the residents and farmworkers of the Tier, each site-specific amendment is subject to additional criteria contained within the Comprehensive Plan designed in part to mitigate potential negative impacts and promote the County's goals and objectives. The subject 9 acre site currently supports operations of the Bedner's Market/Agriculture Marketplace place. In fact the



northern 2 acres of the proposed 9 acre CMR site is currently part of the approved expansion plans of the Agriculture Marketplace. The proposed amendment would reduce the Bedner's Market/Agriculture Marketplace site plan from its current 7 acre limit to the applicant's proposed 5 acres that the applicant then proposes to swap as preserve area if allowed to have the Marketplace in a preserve. Although the Bedner's Market/Agriculture Marketplace was originally accommodated in the straight AGR zoning district as accessory, subordinate, and incidental to the adjacent property including the property proposed for CMR, this amendment would negate the future expansion plans of the Agriculture Marketplace and reduce its function as supporting the adjacent agriculture. The Marketplace is only proposed to continue as currently built but within a reduced site plan area. At the same time the proposed amendment for CMR on 9 acres would introduce light industrial uses that are not currently proposed to have any relationship to supporting the adjacent agriculture or the Agriculture Marketplace. Additionally, the CMR is directly adjacent to lands in preserve, mostly in active crop production, that the Agriculture Marketplace is intended to support, and could have negative and adverse effects on continued agriculture.

The proposed swap of preserve on the north 5 acre site and introduction of CMR on that site could have adverse impacts on the preserve lands directly adjacent and surrounding that site. The proposed amendment application overall introduces potential intensity that may generate negative impacts on a majority of adjacent lands bordering the sites. Therefore the introduction as a whole on both sites combined with the proposal to swap preserve and allow Agriculture Marketplace use in a preserve area of an AGR-MUPD does not further the above main Objective of the Agricultural Reserve Tier on these sites.

**2. Policy 1.5-v: Industrial.** *The County shall foster employment opportunities in the Agricultural Reserve Tier by allowing light industrial uses at appropriate locations to provide a balance of land uses for current and new residents of the Tier. All new future land use amendments requesting industrial type uses in the Agricultural Reserve Tier shall meet the following requirements:*

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

**Staff Analysis:** New Policy 1.5.-v establishes requirements for new industrial future land use requests within the Agricultural Reserve Tier. New applications requesting a FLU amendment to develop industrial uses shall be limited to the Commerce FLU designation only and satisfy the minimum requirements of this policy. The sites subject to the proposed CMR future land use designation total 14 acres with frontage on State Road 7 and since the sites are each less than 16 total acres, a preserve is not required for either.

There are concurrent Zoning applications submitted as well as required. The 5 acre site is the subject of several zoning applications, one to delete the land as offsite preserve required for the All Seasons CLF approval (PDD/DOA/CA-2023-01002) and one requesting to rezone the site from AGR-MUPD (preserve) to Light Industrial the Multiple Use Planned Development (AGR-MUPD) Zoning District (ZPDD-2023-00971). A preliminary site plan was ~~not~~ required as part of the Zoning application. However the Policy requires a conceptual site plan (see Exhibit 10). The conceptual site plan depicts a single warehouse with accessory office totaling approximately 70,000 67,420 square

feet. Loading areas are indicated facing to the west with parking and dry detention on the east side fronting State Road 7. Access to State Road 7 is currently shown via Lee Road ~~only~~ with two conceptual access points shown, as well as a direct connection on State Road 7 as required by Policy 1.5-v.

The 9 acre site to the south is the subject of a zoning application requesting to rezone the site from the AGR zoning district to the Multiple Use Planned Development district. A preliminary site plan is required and shows ~~3~~ 2 Warehouse buildings totaling approximately ~~404,000~~ 89,781 square feet and approximately ~~48,000~~ 25,323 square feet of accessory office for a total of 115,104 square feet. A water management tract is currently proposed at the ~~southwest corner~~ of the plan. A single access point on State Road 7 is shown as required by Policy 1.5-v.

~~Regarding access, only one of the sites, the proposed 9 acre site south of Lee Road, is consistent with the access requirement currently as proposed with access on SR-7. The 5 acre site north of Lee Road does not currently demonstrate how it is consistent with the access requirement to have access on SR-7 as there is no access proposed on SR-7 but only on Lee Road. While the site is eligible to request Commerce future land use, the proposed site-specific amendment, with a potential for up to 213,000 square feet of light industrial uses, introduces a use and intensity that, considering the nature of the surrounding area and the context of each of the Zoning applications required to implement the proposed future land use and text amendments, would not further the Objective of the Tier and is not consistent with the access requirement as proposed.~~

### C. Compatibility

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

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

**North:** To the north and west of the 5 acre site at the northwest corner of SR-7 and Lee Road is a 26 acre parcel in bona fide agricultural use as crop production with an AGR future land use designation. The parcel has an AGR-PUD zoning district as it is one of the offsite preserve areas for the Acme East 60/40 AGR-PUD (aka Canyon Trails; Control No 2006-550). All density that was previously associated with this land was transferred to the development area of Canyon Trails. This parcel has a recorded Conservation Easement. The County is the Grantee.

**East:** To the east, across State Road 7, is 310 acres of County owned agricultural land with an AGR future land use and AGR Zoning. These lands were purchased with Bond money as part of the 1999 Bond referendum and are leased by the County to support agricultural production and nursery use. Also east is the Whitworth Farm currently owned by Boynton Beach Associates 30 LLP, an entity controlled by GL Homes and is proposed for development of a 60/40 AGR-PUD (Whitworth AGR-PUD; DOA-2023-00269, Control No 2021-00031).

**South:** To the south of the 9 acre site, is a 7 acre parcel with AGR future land use. The front 2.5 acres has a Zoning district of AGR and is developed with a steel building supporting a business known as Agricultural Land Services Inc. This business has been established here for approximately 40 years and provides sodding, seeding and mulching, hydro-seeding, mowing, and watering services. The rear 4.5 acre has an AGR-PUD zoning district and is designated an agricultural preserve area for the Sussman 60/40 AGR-PUD (aka Dakota). This rear portion currently has an Ag Classification from the Property Appraiser for bees.

**West:** To the west of the 9 acre site and the Agriculture Marketplace is the 67.8 acre Bedner-Oaks preserve area. This preserve area is preserve area for The Oaks 60/40 AGR-PUD and has a recorded Conservation easement with the County as the sole grantee. Further west of this site and also the 5 acre site are lands with both AGR and Conservation (CON) future land use. These lands are owned by the US Government and are part of the Arthur R. Marshall Loxahatchee National Wildlife Refuge managed by the US Fish and Wildlife Service. These lands function to support wildlife conservation. The main access to the Refuge headquarters and visitors center for the 145,000 acre Refuge is Lee Road.

**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 request for an industrial land use is compatible with the immediate vicinity due to the industrial or commercial nature of nearby agricultural uses, which frequently employ activities like pesticide and herbicide spraying, heavy equipment storage and operation, and noise and dust generated from such outdoor activities. The applicant states access is available from State Road 7, thus directing traffic away from local roads in the area and providing access to the major north/south transportation route. The applicant also states that the proposed use is consistent with the existing development pattern and adjacent use that have occurred along State Road 7. An industrial use can provide essential services to residents of the surrounding area, and that the ULDC can reduce potential negative impacts of development through the use of buffering, screening, setbacks, height and landscaping requirements.

**Staff Analysis:** The site is located on the west side of State Road 7, on the north and south corners of Lee Road, a relatively short two lane County road segment serving as the main visitor access roadway to the Arthur R. Marshal Loxahatchee National Wildlife Refuge. As detailed above, the area surrounding the subject site consists primarily of agricultural uses and parcels designated as AGR preserves with an AGR future land use. Directly abutting the north 5 acre site to the north and west are preserve parcels that currently support the cultivation of row crops. To the west and south of the south 9 acre parcel are parcels in preserve status as well with the larger 67.8 acre property to the west entirely in row crops as well. The majority of the rear portion, approximately 4.5 acres, of the 7 acre parcel to the south is also preserve, with the remainder front portion developed with a small, 4,800 square foot building supporting a landscape service type use. Most of the property to the east across State Road 7 is in active row crops, the majority is owned by the County as a Bond purchased agricultural property. The County leases the property for agricultural purposes. Other property, not owned by the County, is the subject of a 60/40 AGR-PUD (Whitworth Farms).

The applicant indicates the site will be utilized to support a light industrial use. The Commerce FLU and implementing policies establish specific requirements for the size, location, frontage and access, and submittal of a conceptual site plan, thereby providing a framework for where these types of industrial uses may be considered. Although the site is eligible to request the Commerce FLU designation, the introduction of an industrial land use surrounded by preserve parcels, active agriculture, and environmentally sensitive lands in proximity create an isolated pocket with a development potential over 200,000 square feet, an intensity far exceeding those of the surrounding area. In addition the proposed CMR sites are adjacent to the existing Bedner Agriculture Marketplace, a use that the County worked toward accommodating in the ULDC by approving the use and a major proposed expansion up to 24,000 square feet from its current 8,600 square feet. The Agriculture Marketplace is the only one approved in the County and was intended to help support the adjacent ongoing bona fide active agriculture for residents and visitors in the Agricultural Reserve. Reducing the Agriculture Marketplace site, eliminating expansion plans, and introducing light industrial directly adjacent is not compatible with existing surrounding land uses, given the context of the immediate area, and the overriding objective of the Tier to preserve and enhance agricultural activity, environmental and water resources, and open space within the Agricultural Reserve Tier.

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

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

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

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

*amendment, or issuance of a development order for a rezoning, conditional use or Development Review Officer approval.....”*

**Staff Analysis:** The subject site is within the boundaries of the West Boynton Area Community Plan (WBACP). The plan was received by the BCC in October of 1995. Two subareas were created in the WBACP to address the diverse nature of the areas within the plan boundaries. Subarea 1 covers the region east of the Agricultural Reserve. Subarea 2 delineates the northern Ag Reserve which is the area of the Agricultural Reserve north of the Lake Worth Drainage District (LWDD) L-30 Canal.

According to the WBACP, all recommendations in the plan only pertain to subarea 1, which is east of the Agricultural Reserve (i.e. east of Florida Turnpike), unless specifically noted.

The following recommendation from the WBACP was intended to apply to the Agricultural Reserve (sub area 2, WBACP):

**Recommendation 3 (Summary)** - “Accept an agricultural future for the Agricultural Reserve.”

The full text of the recommendation states “accept the direction given by the BCC establishing as a primary goal an agricultural future for the Agricultural Reserve area...”. As an Agricultural Reserve Study was ongoing at the time the WBACP was being formulated, prior to 1995, and so as not to conflict with the progress of or impede that Agricultural Reserve Study, this is the only recommendation that was included in the plan regarding the Agricultural Reserve. The BCC adopted Agricultural Reserve policies in the Comprehensive Plan in 2001, subsequent to the 1999 Agricultural Reserve Master Plan, which guides the development of residential, commercial, and Institutional and Public Facilities uses while providing for the preservation of agriculture, wetlands and other open space. However, the recommendation in the WBACP is too broad of a statement in order for staff to determine that the proposed FLUA is consistent or inconsistent.

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

The proposed amendment will change the future land use designation from Agricultural Reserve to Commerce with an underlying Agricultural Reserve (CMR/AGR). For the purposes of the public facilities impact analysis, the maximum intensity is based on the proposed change to allow up to 294,030 square feet. 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 currently available to support the amendment some but not all departments, 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), Traffic (Engineering), Historic Resources (PBC Archeologist), Parks and Recreation, Health (PBC Dept. of Health), Community Services (Health & Human Services) and School District.

The following comments were received from the following departments with concerns about adjacent lands and comment on locations of current facilities to serve the subject site:

**Environmental:** Environmental Resource Management (ERM) Department, in an email dated 7-14-23 stated:

- *“There are Environmentally Sensitive Lands in relative close proximity to the project (i.e., the Arthur R. Marshall Loxahatchee Wildlife Refuge).” and*
- *“The East Coast Buffer is in relatively close proximity to the project area”.*

The East Coast Buffer is defined in the Comprehensive Plan, Introduction & Administration Element as “A buffer system immediately to the east of Water Conservation Area Number 1 (Arthur R. Marshall Loxahatchee National Wildlife Refuge) established and delineated

as cell boundaries by the South Florida Water Management District and accepted by the District's Governing Board on January 12, 1995. The buffer consists of marshes, reservoirs, and groundwater recharge areas. The buffer serves as a barrier to reduce the impacts of development to the Everglades, reduce seepage losses from the Water Conservation Area and to provide additional opportunities for the capture of excess stormwater currently lost to tide, and water storage, treatment and recharge."

**Potable Water & Wastewater** (PBC Water Utilities Dept.): In a letter dated 4-28-23 Palm Beach County Water Utilities staff stated, "Based on a review of current PBCWUD infrastructure and existing customers within the general vicinity of the referenced property, PBCWUD currently has the capacity to provide the level of service required for the land use amendment from Agricultural Reserve (AGR) to Commerce (CMR) with an underlining Agricultural Reserve (CMR/AGR).", and the "The nearest point of connection is a 12" potable water main located approximately 4000' south of the subject property within SR7. There is an 8" sanitary sewer force main located approximately 5800' south of the subject property within SR-7. Offsite improvements and a lift station will be required."

Finally, staff states "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."

**Fire Rescue:** In a memorandum dated 7-5-23, Fire Rescue staff stated, "This property is primarily served by Palm Beach County Fire Rescue Station #47, located at 7950 Enterprise Center Circle. The subject property is approximately 4.75 miles from the station. The estimated response time to the subject property is 12 minutes. In fiscal year 2022, the average response time for this station zone is 7:52. Property owners need to be aware of the extended response time of 12 minutes to the subject property, which is much greater than our standard of 7 minutes 30 seconds. Changing the land use will have some impact on Fire Rescue, generating approximately 62 calls/year.

Per the Fire Rescue Capital Improvement Plan, a new fire station will be built at the southwest corner of Lyons Rd and Flavor Pict Rd. extension. Once Flavor Pict Rd. is extended to State Rd. 7 and the new station is built, it will serve this property and lower the response time. The maximum distance from the new station traveled to the subject property using the new Flavor Pict extension is 1.75 miles. The estimated response time from the new station to the subject property is 6 minutes."

**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 potential of Nursery (Garden Center) on 5 acres and Nursery (Wholesale) on 9.01 acres at a (0.15 maximum floor area ratio (FAR) and at the maximum potential for the proposed FLU of 274,624 square feet (0.45 FAR) of General Light Industrial.

According to the County's Traffic Engineering Department (see letter dated June 30, 2023 in Exhibit 5), the amendment, at the proposed potential, would result in an increase of 486 net daily trips over the current maximum potential of a 5-acre Nursery Garden Center and 9-acre Wholesale Nursery.

Note however that at the time the proposed amendment was initiated, County proposed text amendments were already in process and then subsequently adopted that in part limited the maximum FAR to 0.35. Proposed development would be limited to this lower amount of 213,444 square feet given those County amendments were adopted and became effective, and apply to all proposed not yet adopted amendments.

The Traffic letter concludes "Based on the review, the Traffic Division has determined that the traffic impacts of the proposed amendment, being insignificant on the roadway network for both Long Range and Test 2 analysis, meet Policy 3.5-d of the Future Land Use Element of the Palm Beach County Comprehensive Plan at the **maximum potential density shown above**"

The Traffic Study dated September 29, 2022 (revised March 6 and June 13, 2022) was prepared by Simmons & White, 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 22, 2023. 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 22, 2023. On the same date, several interested parties were also notified by mail including the Valencia Reserve and Valencia Sound Homeowner Associations, The Coalition of Boynton West Residential Association (COBWRA), the Alliance of Delray Residential Association, and the US Fish & Wildlife Service at the Arthur R. Marshall Loxahatchee National Wildlife Refuge. Notification of this amendment, and other amendments related to the Ag Reserve Tier, was provided via an Agricultural Reserve email list of interested parties maintained by the Planning Division. Letters received are added to Exhibit 12 during the course of the amendment process.

### Exhibit 3

## Applicant's Justification/Consistency with Comprehensive Plan

### Introduction

On behalf of the Applicant, JMorton Planning & Landscape Architecture is requesting a Comprehensive Plan Future Land Use Atlas amendment for two parcels located at the northwest corner and southwest corner of State Road 7 and Lee Road. The Bedner's Farm Fresh Market is the southern parcel (10066 Lee Rd) encompassing 14 acres of land. The north parcel, across Lee Road, encompasses 5 acres of bona fide agriculture, currently under a conservation easement as a preserve parcel for the All Seasons Delray AGR-MUPD (2012-00242). A concurrent application has been filed for a text amendment to include Agricultural Marketplace uses within an AGR-MUPD preserve. The 5 acre AGR-MUPD preserve designation on the north parcel will be transferred in its entirety to a new 5 acre parcel, carved out of the existing 14 acre market site. The remaining 14 acres are subject of this application, encompassing the below parcels ("Property").

Parcel 1- 5.00 Acres north of Lee Rd. (PCN 00-42-43-27-05-061-0311)

Parcel 2- the southern 9.00 acres of the existing market parcel (PCN 00-41-46-01-02-001-0000)

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

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

#### Description of Site Vicinity

The Property, and all surrounding properties, have a Future Land Use designation of Agricultural Reserve. Within the vicinity of the Property are multiple agricultural uses including row crops and agriculture sales.

Land uses directly abutting the Property include the following:

Adjacent Property	Land Use Designation	Zoning Designation	Existing Use	Control Number
North	Agricultural Reserve (AGR)	Agricultural Reserve- Planned Unit Development (AGR-PUD)	Agriculture (preserve parcel for residential PUD)	2006-00550
South	Agricultural Reserve (AGR)	Agricultural Reserve (AGR)	Turf supply and installation	
East	Agricultural Reserve (AGR)	Agricultural Reserve- Planned Unit Development (AGR-PUD)	Agriculture (preserve parcel for residential PUD)	2021-00031
West	Agricultural Reserve (AGR)	Agricultural Reserve- Planned Unit Development (AGR-PUD)	Agriculture (preserve parcel for residential PUD)	1997-00104

### **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 Commerce Future Land Use designation is suitable and appropriate for the subject site. The land use works in conjunction with the existing produce market on the subject Property that will be maintained as agricultural land use. The intensive agriculture, to the immediate south and east has allowed accessory storage buildings and outdoor storage of farm equipment, materials and trucks. Any allowable Commerce use would not be incompatible with these facilities.*

*This Property has been a retail farm stand, intensive agriculture and educational center for many years along State Road 7. The farmer's market will remain as a designated preserve parcel for the All Seasons Delray MUPD. The commerce land use designation will provide for additional uses that are compatible with and supportive to the agricultural marketplace. Additional services may include but are not limited to landscape services, flex office and warehouses for contractors, self-storage and similar uses are necessary to support the growing population in the immediate area as well as accessory support for the agriculture surrounding the site. The proposed change would allow a small industrial use to provide a needed service to the neighboring agricultural uses, working in harmony with the continued preservation of agriculture for the area. The Property's location along State Road 7 provides for easy access to the site from elsewhere in the county.*

*Under the current land use and zoning designation, the site could be permitted to have single family residential, community residential, indoor and outdoor auctions, kennel, veterinary clinic, assembly, daycare, and chipping and mulching operations. All of these residential and commercial uses are*

permitted within the district as anticipated to serve the area. The addition of Commerce uses such as landscape services, warehousing, and self-storage to promote more functional and productive buildings for this area and support job creation. It further reinforces the separation of light industrial uses from residential developments and neighborhood commercial use found in other areas of the agricultural reserve.

**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 recently been the subject of numerous changes. The commercial cap has been increased to accommodate new commercial projects along Boynton Beach Boulevard, State Road 7 and Atlantic Avenue. The Board of County Commissioners (BCC) recognized the changing characteristics of the area and the compatibility concerns for certain agriculture uses that are industrial in nature as currently permitted uses.*

*In 2022, the BCC adopted a new Land Use Designation of Commerce (CMR) to establish a third category of industrial uses specially for lighter industrial uses. The commerce category is appropriate for this site to have non-intensive industrial uses that are compatible with intensive agricultural production.*

*There have been two Commerce Future Land Use designations since its creation, both on the west side of State Road 7. The LTG Sport Turf (LGA 2023-007) property along 100<sup>th</sup> street was approved by the BCC on March 23, 2023. The BCC also approved a Commerce Future Land Use Designation for the 3 acre Morin/ Connolly property on the west side of State Road 7, north of Boynton Beach Boulevard. These approvals further increased the industrial potential for some of the smaller parcels within the Agriculture Reserve.*

*There are also currently submitted applications for Commerce Future Land Use designations elsewhere in the Agricultural Reserve Tier, including EJKJ Industrial (LGA 2023-004), SR7 Business Plaza (LGA 2023-006), and BC Commerce Center (LGA 2023-003).*

*All of these changes and the recent direction from the BCC 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 State Road 7.*

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

**Response:** *As mentioned above, the characteristics of State Road 7 within the Agricultural Reserve have changed since the Agricultural Reserve Master Plan's inception. Multiple residential projects have been developed between State Road 7 and Florida's Turnpike. 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 closed and relocated out of the area after approval of the comprehensive plan amendment removing that property located at the northeast corner of Clint Moore Road and State Road 7 from the Agricultural Reserve Tier and designating it as Commercial Low, with an underlying 2 units per acre (CL/2).*

*Additionally, other recent Future Land Use amendments approved on the west side of State Road 7 allow for industrial uses and recognize the changed circumstances of the Agricultural Reserve. Approvals include: Stop and Shop (LGA 2016-023), Homrich Commercial (LGA 2016-019), Sunflower Light Industrial (LGA 2021-016), LAS Farms (LGA 2022-001), and Morin-Connolly Commerce (LGA 2023-002). All of these changes allow for additional businesses to serve the needs of the growing number of residents moving to the Agricultural Reserve as well as to complement the existing agricultural uses.*

*These changes indicate 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 light industrial land will allow for needed services to be located near existing housing, thus reducing vehicle trips outside of the Agricultural Reserve and ultimately contributing to less traffic congestion and better access throughout the Agricultural Reserve.*



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

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

*The consultants that developed the Agricultural Reserve Master Plan anticipated that the Agricultural Reserve would be a place where people can live, work and play without having to travel to the Urban/Suburban Tier. Contrary to the intent of the Master Plan, the Agricultural Reserve has become an exclusive community comprised mainly of expensive single family homes. Most of the employment opportunities available within the Tier are generated by the commercial centers, farming activities, and industrial corridor along Atlantic Avenue. 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:** *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 a request to increase residential density. In fact, the change to Commerce will eliminate the ability to have any residential use on the property that could be currently permitted.

**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, a light industrial use can provide essential services to residents of surrounding neighborhoods, agricultural production nearby, 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 State Road 7, a right-of-way designated as an Urban Arterial road, thus directing traffic away from local roads in the vicinity.
- The Property is located on a major north/south transportation route (State Road 7). Many uses along this transportation route are industrial or commercial in nature even though they are technically agricultural uses. For example, there are multiple agriculture sales and service establishments, produce packing houses, agricultural storage locations for farm equipment and materials, a chipping and mulching facility, and a farmers’ market all located on the west side of State Road 7. 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.

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.

- **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 light industrial 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 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.*

- **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 access/frontage on State Road 7 contributes to timely, cost effective service provision. The proposed Commerce designation will allow for development of a use that will better serve the immediate and future needs of the community as it will provide additional services and employment opportunities.*

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

- **FLUE Objective 2.2 Future Land Use Provisions - General** – “Palm Beach County shall ensure development is consistent with the County’s diverse character and future land use designations. All public and private activities concerning the use, development and redevelopment of a property, and the provisions of facilities and services shall be consistent with the property’s future land use designation, and the applicable Goals, Objectives and Policies of this Element.”

*Response: The newly adopted Commerce Future Land Use designation establishes a third category allowing industrial uses; and allows an opportunity for light industrial uses in appropriate locations in order to allow employment based uses at suitable locations along major thoroughfares while protecting adjacent residences from more intense uses. A change to the Commerce Future Land Use designation would allow for the development of additional uses to support the growing residential communities within the Agricultural Reserve by providing additional services to the residents within the Tier and without further impacting the roadway network leading to the Urban/Suburban Tier.*

- **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) with services and public facilities available. The recently adopted Commerce Land Use designation established a third category for industrial uses, specifically light industrial uses. Development of a light industrial use on the Property would be consistent with the existing development pattern along State Road 7. 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.*

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

- **FLUE Policy 1.5-v:** “The County shall foster employment opportunities in the Agricultural Reserve Tier by allowing light industrial uses at appropriate locations to provide a balance of land uses for current and new residents of the Tier. All new future land use amendments requesting industrial type uses in the Agricultural Reserve Tier shall meet the following requirements:

1. Limited to the Commerce (CMR) future land use designation.

2. Located with frontage and access on State Road 7 (north of Rio Grande Avenue), Atlantic Avenue, Boynton Beach Boulevard or have access to these roadways through an existing commercial or industrial site. Sites located west of State Road 7 must share a common border with a property with commercial or industrial future land use;
  3. Be accompanied by a concurrent zoning application and conceptual site plan in order to demonstrate that the proposal meets the design, scale, and character requirements of the Tier;
  4. Have a minimum of 3 acres and a maximum of 50 acres (with the exception of lands dedicated to rights of way); and
  5. Preserve shall be required for Commerce sites utilizing Light Industrial, Multiple Use Planned Development, or Planned Industrial Park Development zoning pursuant to FLUE Policy 1.5.1-q and subject to the following:
    - The preserve area requirements shall be based upon the acreage over 16 acres, shall be a minimum of 40% of the total land area over 16 acres, and allow water management tracts in preserve areas contiguous to the development area that provide enhanced environmental features and improved water quality as demonstrated through the future land use amendment process.
- **Response:** *The Project proposes a light industrial development on a 14-acre property located west of and with frontage along State Road 7. The Applicant is requesting a Land Use Designation of Commerce (CMR) corresponding with the concurrent request for a rezone to Light Industrial; and meeting the Performance Standards and Property Development Regulations. The Property is 14 acres and is not required per the Policy above to provide a preserve area.*
  - **FLUE Policy 2.2.4-a:** “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 to 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 recently adopted Commerce Land Use designation establishes a third category allowing industrial uses, specifically light industrial uses and provides policy guidance on location requirements, limiting to major corridors. Providing additional industrial land within the Agricultural Reserve ensures the availability of employment opportunities and needed services to the residents of the Agricultural Reserve Tier. By adding valuable industrial land to the Agricultural Reserve Tier, economic diversity is ensured within the Tier and Palm Beach County.*
  - **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 with the existing development pattern along State Road 7. 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.*
  - **FLUE Policy 2.2.4-d:** “Industrial uses shall be considered either Light or Heavy as defined below.  
**Light Industrial.** Light industrial development’s typical operation is not likely to cause undesirable effects, danger or disturbance upon nearby areas and typically does not create negative impacts on immediately adjoining uses. These uses typically do not cause or result in the dissemination of dust, smoke, fumes, odor, noise, vibration, light, or other potentially objectionable effects beyond the boundaries of the lot on which the use is conducted.”  
**Response:** *As previously indicated, agriculture uses often generate dust, smoke, fumes, odor, noise, vibration and other objectionable effects such as aerial spraying of pesticides, etc. on adjacent properties. The proposed Future Land Use amendment to Commerce would ensure the development of a light industrial use that is located away from residential development and would not have such similar negative impacts on adjacent properties.*

## **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 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 are existing in the immediate area. The proposed Commerce designation is consistent with the surrounding commercial 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 farmers market.. The Property is surrounded by various commercial, and intensive agricultural uses that would be considered infill development along 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 as it is currently utilized for intensive agricultural production. 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 for intensive agriculture. 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. Since the proposed request is for Commerce, no negative impacts to agricultural uses are anticipated with the land use change. The small size of the Property will not impact the adjacent larger parcels supporting agriculture operations.*
- Fails to maximize use of existing public facilities and services.
  - **Response:** *This amendment will maximize the use of existing facilities and services. The Property's location within a Limited Urban Service Area (LUSA) means that services and public facilities are available to serve the Property.*
- 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 Commerce Future Land Use designation will be consistent with the type of development to the south. 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. The surrounding residential developments are supporting and increasing the demand for these uses. 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 small Property that is consistent with the existing and proposed uses to the south. Future development on the Property will serve the current and future needs for the surrounding communities.
- Fails to encourage a functional mix of uses.
  - **Response:** Approval of this proposed amendment will allow the development of industrial uses that will provide services to the surrounding existing residential communities and regional hospital 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 and cross access to the farmer's market as feasible 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 does not contain 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 public facilities and services. Public infrastructure already exists within this 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 State Road 7 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 an industrial use that will allow for the additional employment opportunities within an area of the County that has historically only been developed with low density single family residential development. In order to meet the growing demand, additional industrial land is needed in this area. 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 FLU amendment from Agricultural Reserve (AGR) to Commerce (CMR) 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, does not contribute to urban sprawl and is consistent with the Comprehensive Plan and will not negatively impact service provision. The CMR designation will be able to complement the existing Bedner's Agricultural Marketplace and adjacent bona fide agriculture by providing additional light industrial uses not currently provided nearby. The proposed privately initiated text amendment being submitted concurrently with this application will serve to preserve the marketplace for the agricultural services it currently provides by placing it within a conservation easement. This will allow the land within the north 5-acre parcel to develop with new light industrial uses.

### **II. ULDC CHANGES**

No ULDC changes are needed in response to this proposed comprehensive plan future land use atlas amendment.

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

<b>A. Traffic Information</b>		
	<b>Current</b>	<b>Proposed</b>
<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
<b>Maximum Trip Generation</b>	717 daily trips	1203 daily trips
<b>Net Daily Trips:</b>	486 daily trips (maximum minus current)	
<b>Net PH Trips:</b>	183 AM, 161 PM (maximum)	
<b>Significantly impacted roadway segments that fail Long Range</b>	None.	None.
<b>Significantly impacted roadway segments for Test 2</b>	None.	None.
<b>Traffic Consultant</b>	Simmons & White.	
<b>B. Mass Transit Information</b>		
<b>Nearest Palm Tran Route (s)</b>	Route 73 – Boynton Beach Crosstown via Boynton Beach.	
<b>Nearest Palm Tran Stop</b>	Stop #6793 – Boynton Beach Blvd at Somerset, northside of Boynton Beach Boulevard approximately 7,778 feet east of State Road 7.	
<b>Nearest Tri Rail Connection</b>	Via Route 73 - Boynton Beach Tri-Rail Station, west side of I-95, approximately 0.2 miles east of High Ridge Road, approximately 12 miles to the northeast of the Property.	
<b>C. Potable 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 offsite improvements and a lift station. See Attachment I for letter from Palm Beach County Water Utilities Department.	
<b>Nearest Water &amp; Wastewater Facility, type/size</b>	The nearest point of connection is a 12" potable water main located approximately 4,000 feet south of the property within State Road 7. An 8" sanitary sewer force main is located approximately 5,800 feet south of the property within State Road 7.	
<b>D. Drainage Information</b>		
The site is located within the boundaries of the Lake Worth Drainage District and South Florida Management District C-15 Drainage Basin. Legal positive outfall is available via discharge to the Lake Worth Drainage District S-10S canal along the north side of the site. See Attachment J for Drainage Statement.		
<b>E. Fire Rescue</b>		
<b>Nearest Station</b>	Palm Beach County Fire-Rescue Station # 47, located at 7950 Enterprise Center Circle.	
<b>Distance to Site</b>	4.75 miles	
<b>Response Time</b>	Average response time is 7:52	

<b>Effect on Resp. Time</b>	The proposed amendment will have some impact on the response time for Station # 47. See Attachment K.
<b>F. Environmental</b>	
<b>Significant habitats or species</b>	There are no significant habitats or species on the Property. 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 Zone X, which is not a flood zone.
<b>Wellfield Zone*</b>	The Property is not located within a Wellfield Protect Zone. See Wellfield Map as Attachment M.
<b>G. Historic Resources</b>	
There are no significant historic resources present on the Property. See Attachment N for letter.	

## Exhibit 5 Traffic Division Letter



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

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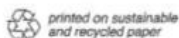
**Palm Beach County  
Board of County  
Commissioners**

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

*"An Equal Opportunity  
Affirmative Action Employer"*



June 30, 2023

Anna Lai, P.E., PTOE  
Simmons & White  
2581 Metrocentre Boulevard West, Suite 3  
West Palm Beach, FL 33407

**RE: Bedner Farms  
FLUA Amendment Policy 3.5-d Review  
Round 2022-23-B**

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 June 13, 2023, 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>	SW corner of SR-7 and Lee Road	
<b>PCN:</b>	00-41-46-01-02-001-0000 (southern 9 acres) <i>(other on file)</i>	
<b>Acres:</b>	14.01 Acre	
	<b>Current FLU</b>	<b>Proposed FLU</b>
<b>FLU:</b>	Agricultural Reserve (AGR)	Commerce (CMR)/Agricultural Reserve (AGR)
<b>Zoning:</b>	Agricultural Reserve (AGR)	Multiple Use Planned Development (MUPD)
<b>Density/ Intensity:</b>	0.15 FAR	0.45 FAR
<b>Maximum Potential:</b>	Nursery (Garden Center) = 5 Acres Nursery (Wholesale) = 9.01 Acres	General Light Industrial = 274,624 SF
<b>Proposed Potential:</b>	None	None
<b>Net Daily Trips:</b>	486 (maximum – current)	
<b>Net PH Trips:</b>	183 (161/22) AM, 161 (23/138) 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, being insignificant on the roadway network for





Anna Lai, P.E., PTOE  
June 30, 2023  
Page 2

both Long Range and Test 2 analyses, **meet** Policy 3.5-d of the Future Land Use Element of the Palm Beach County Comprehensive Plan at the **maximum potential** density shown above.

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

Sincerely,

A handwritten signature in blue ink, appearing to be "DS", is written above the typed name.

Domnique Simeus, P.E.  
Professional Engineer  
Traffic Division

DS:jb  
cc:

Quazi Bari, P.E., PTOE – Manager – Growth Management, Traffic Division  
Lisa Amara – Director, Zoning Division  
Bryan Davis – Principal Planner, Planning Division  
Stephanie Gregory – Principal Planner, Planning Division  
Khurshid Mobyuddin – 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\23-B\Bedner Farms.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

*"An Equal Opportunity  
Affirmative Action Employer"*



April 28, 2023

Morton  
3910 RCA Boulevard  
Palm Beach Gardens, Fl. 33410

RE: Bedner Market  
PCN 00-42-43-27-05-061-0311 & 00-41-46-01-02-001-0000  
Service Availability Letter

Dear Ms. Velasco,

This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area. Based on a review of current PBCWUD infrastructure and existing customers within the general vicinity of the referenced property, PBCWUD currently has the capacity to provide the level of service required for the land use amendment from Agricultural Reserve (AGR) to Commerce (CMR) with an underlining Agricultural Reserve (CMR/AGR). The proposed change will allow for Warehouse and Light Industrial uses while allowing the 5-acre marketplace to remain as AGR..

The nearest point of connection is a 12" potable water main located approximately 4000' south of the subject property within SR7. There is an 8" sanitary sewer force main located approximately 5800' south of the subject property within SR&. Offsite improvements and a lift station will be required.

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



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]  
Stephen Bedner, 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 16<sup>th</sup> day of December, 2023 by Stephen Bedner (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: 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**

**DESCRIPTION:**

BEING A PORTION OF TRACT A, BEDNER/OAKS, AS RECORDED IN PLAT BOOK 103, PAGES 91 AND 92 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF SAID TRACT A, THENCE NORTH 89°26'45" EAST, ALONG THE EAST LINE OF SAID TRACT A, A DISTANCE OF 414.47 FEET; THENCE SOUTH 89°26'45" WEST, A DISTANCE OF 525.74 FEET; THENCE NORTH 00°54'39" WEST, ALONG THE WEST LINE OF SAID TRACT A, A DISTANCE OF 414.47 FEET TO THE POINT OF BEGINNING. CONTAINING 5.000 ACRES MORE OR LESS.

NOTE: SUBJECT PARCEL LIES WITHIN SECTION 1, TOWNSHIP 46 SOUTH, RANGE 41 EAST. BEING A PORTION OF TRACT A, BEDNER/OAKS, AS RECORDD IN PLAT BOOK 103, PAGES 91 AND 92 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT A, THENCE SOUTH 00°54'39F" EAST, ALONG THE WEST LINE OF SAID TRACT A, A DISTANCE OF 414.47 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89°26'45" EAST, A DISTANCE OF 525.74 FEET; THENCE SOUTH 00°58'36" EAST, ALONG THE EAST LINE OF SAID TRACT A, A DISTANCE OF 367.22 FEET; THENCE, CONTINUE ALONG SAID EAST LINE, SOUTH 01°10'24" EAST, A DISTANCE OF 378.05 FEET; THENCE SOUTH 89°34'42" WEST, ALONG THE SOUTH LINE OF SAID TRACT A, A DISTANCE OF 527.90 FEET; THENCE NORTH 00°54'39" WEST, ALONG THE WEST LINE OF SAID TRACT A, A DISTANCE OF 744.03 FEET TO THE POINT OF BEGINNING. CONTAINING 9.000 ACRES, MORE OR LESS.

NOTE: THE SUBJECT PARCEL LIES WITHIN SECTION 1, TOWNSHIP 46 SOUTH, RANGE 41 EAST.

**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
Charles Bedner	10066 Lee Road, Boynton Beach, FL 33473
Bruce Bedner	10066 Lee Road, Boynton Beach, FL 33473
Stephen Bedner	10066 Lee Road, Boynton Beach, FL 33473
Marie Bedner	10066 Lee Road, Boynton Beach, FL 33473

**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 Stephen Bedner, 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  Secretary/Treasurer/Director *[position - e.g., president, partner, trustee]* of Bedner Farm Inc *[name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership]* that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
  
2. Affiant's address is: 10066 Lee Road  
Boynton Beach, FL 33473
  
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]  
Stephen Bedner, 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 16<sup>th</sup> day of December, 2023 by Stephen Bedner (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: 2/28/25

NOTARY'S SEAL OR STAMP  
LAUREN L. MCCLELLAN  
Commission # HH 057806  
Expires February 28, 2025  
Bonded Thru Budget Notary Services



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Name	Address
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Marie Bedner	10066 Lee Road, Boynton Beach, FL 33473

**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 industrial uses in an area with Agricultural Reserve and other Nonresidential FLUs.	No
Results in poor accessibility among linked or related land uses.	The proposed amendment does not result in poor accessibility among related land uses.	No
Results in the loss of significant amounts of functional open space.	The proposed amendment on this site will not result in the loss of significant amounts of functional open space. The site is currently vacant and landlocked between built developments.	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 adequately to protect adjacent agricultural areas and activities, including silviculture, and including active agricultural and silvicultural activities as well as passive agricultural activities and dormant, unique and prime farmlands and soils.	The site is currently vacant and is adjacent to other non-agricultural land uses, and is wholly within the LUSA of the Agricultural Reserve Tier.	No
Fails to provide a clear separation between rural and urban uses.	The AGR Tier is intended to support and preserve agricultural while allowing low density development and limited commercial development. Institutional uses are restricted from locating west of State Road 7. The Agricultural Preserve provisions therefore allow for a mix of uses to support the allowed residential, commercial, and other non-residential development.	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 located within SR-7 adjacent to the subject property.	No
Fails to maximize use of future public facilities and services.	The AGR LUSA allows for a mix of urban and rural levels of service. Future development east would be expected to utilize public facilities and services. The subject site would maximize the use of future public facilities available in the area.	No

Primary Indicators that an amendment does not discourage urban sprawl	Staff Assessment	Sprawl Indicated?
Allows for land use patterns or timing which disproportionately increase the cost in time, money and energy, of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.	The site is within the AGR LUSA, which intends that urban levels of service serve development. There are no adverse impacts to public facilities and services as indicated by service providers through department review.	No
<b>Overall Assessment:</b> As demonstrated above, the proposed amendment meets three of the indicators of urban sprawl.		

Exhibit 9

Ag Reserve Commerce Amendments in Process Map

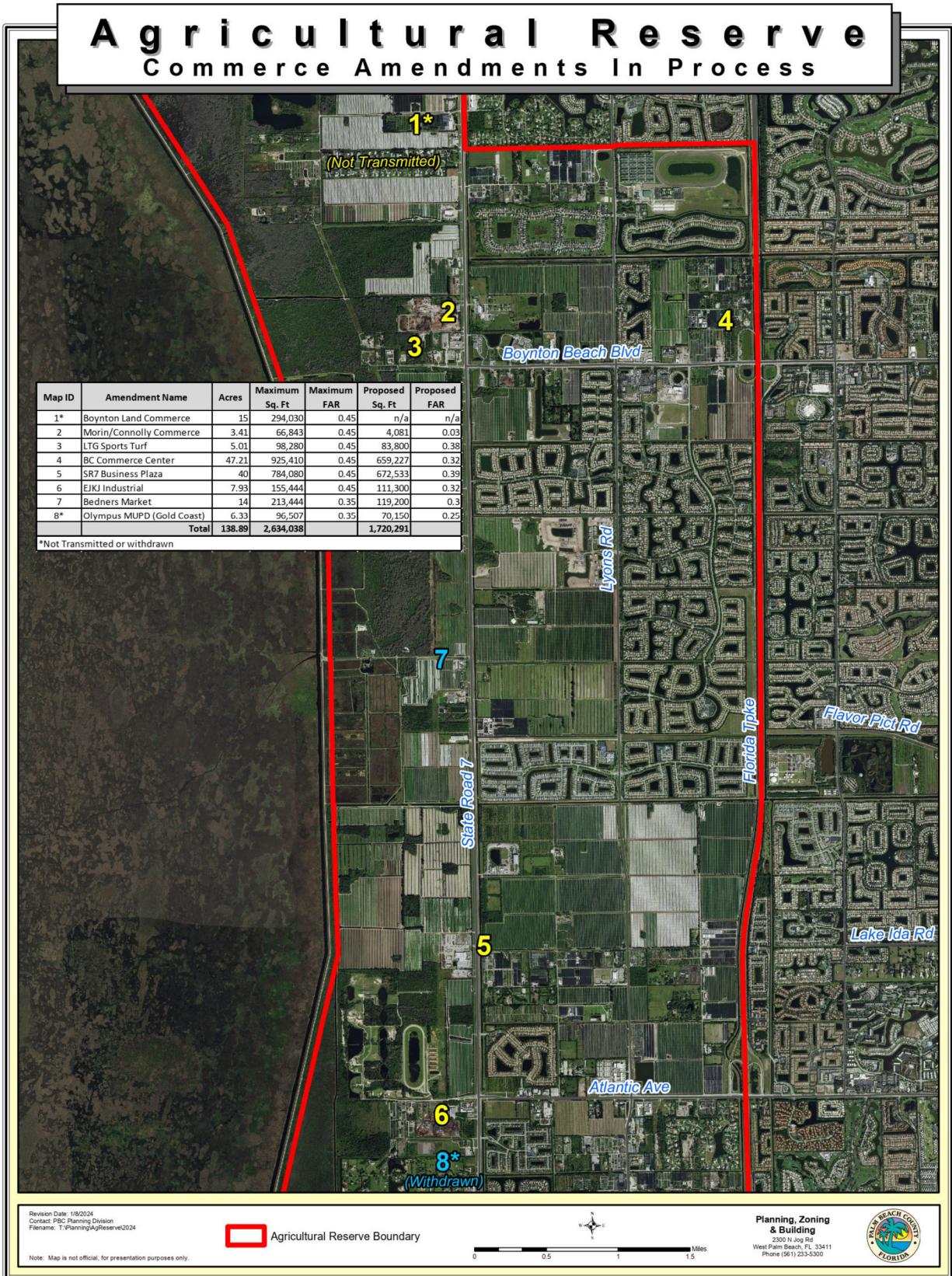
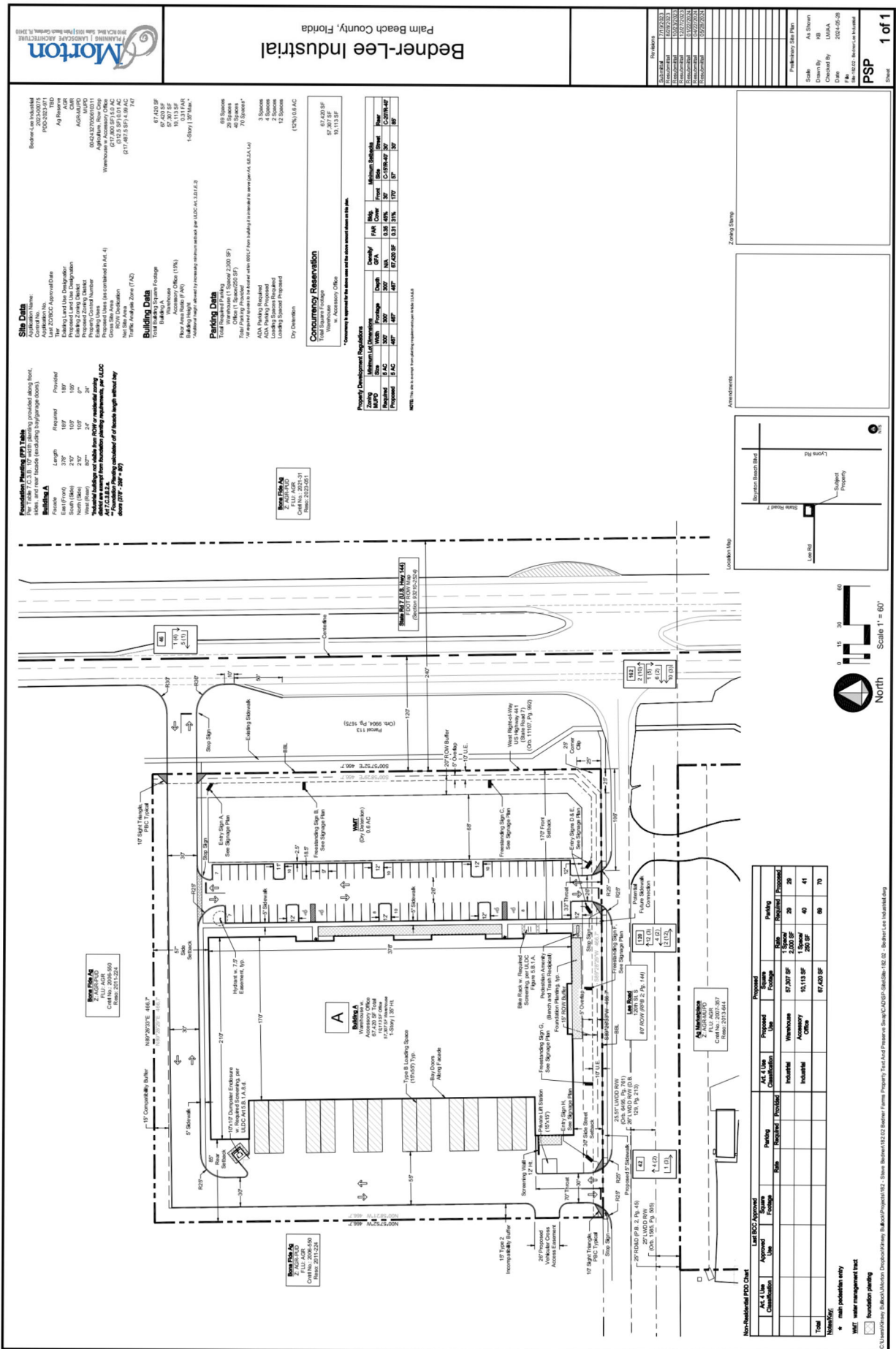


Exhibit 10

Parcel A – Proposed Conceptual Plan Preliminary Site Plan





## Exhibit 11-A

### Existing ULDC Language Regarding Agriculture Marketplace

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#### Article 4.B.6.C.1.j

##### j. **Agriculture Marketplace**

A use that is accessory, incidental and subordinate, to a Bona Fide Agriculture use in the AGR Tier, conducted to allow for the sale of agricultural products or enhanced opportunities for visitors, which generates income for the owner or operator of the Bona Fide Agriculture use, adding economic viability to farming operations.

##### 1) **Approval Process**

Class A Conditional Use.

##### 2) **Location Criteria**

##### a) **Tier and Zoning District**

AGR Tier and Zoning District only.

##### b) **Location**

The Agriculture Marketplace shall be located adjacent to an Arterial Road designated on the PBC Functional Classification of Roads Map.

##### c) **Proximity to Residential Uses**

The parcel or area designated on the Final Site Plan for an Agriculture Marketplace shall be located at least 500 feet measured from the property line, if adjacent to existing residential uses, or approvals for PUD or TMD Development Areas with residential uses.

##### 3) **Minimum Acreage and Production**

May be allowed if the land area has a minimum of 75 contiguous acres. A Unity of Control shall be required at the time for the approval of the Class A Conditional Use.

##### a) **Agriculture Preserve Parcels**

The minimum acreage requirements may include parcels under an agricultural conservation easement, identified as an AGR-PUD Preserve or AGR-TMD Preserve, or other similar protections.

##### b) **Agriculture Production**

A minimum of 70 percent of the overall land area must meet the requirements for Bona Fide Agriculture.

##### 4) **Use Limitations and Sale of Products**

The area designated as an Agriculture Marketplace shall be limited to the retail sales of agricultural products such as fruits, vegetables, flowers, containerized house plants and other agricultural food products such as jelly, jam, honey and juice. This shall not preclude any structures from being used for the coordination of activities for permitted collocated uses, or other accessory, educational or recreational uses permitted on the Bona Fide Agriculture operation. The sale of grocery or convenience-type foods or products shall not be permitted nor shall vending machines or other similar equipment be permitted, unless stated otherwise herein.

##### a) **Floor Area**

A maximum of 24,000 square feet of GFA, including outdoor display areas. The floor area shall not include any FAR transferred from the portions of the site that is dedicated to Bona Fide Agriculture production or otherwise encumbered with a conservation easement, Preserve Area or other similar protection.

##### b) **Outdoor Open Space Area**

Areas set aside as outdoor open space for collocated uses and outdoor permanent activities shall be limited to a maximum of 12,000 square feet. Permanent shelters, such as Seminole chickee huts shall be limited to a maximum of 2,000 square feet.

##### c) **Collocated Uses**

Additional uses may be permitted subject to compliance with the Supplemental Use Standards for each use and the following:

##### (1) **General Retail Sales**

Ten percent or 2,000 square feet, whichever is less, of the GFA of the Agriculture Marketplace may be devoted to General Retail Sales. There shall be no exterior signage advertising to the public of the sale of grocery or other retail products. Approval shall be part of the Class A Conditional Use.

##### (2) **Permanent Green Market**

Subject to DRO approval. An Open Flea Market may be permitted in conjunction with a Green Market. The Open Flea Market shall be limited to ten percent of the total square footage of the Permanent Green Market.

##### (3) **Retail Sales, Mobile or Temporary and Special Event**

Mobile sales shall be permitted subject to approval of a Temporary Use through the ZAR process. [Ord. 2018-002]

##### d) **Outdoor Permanent Activities**

Activities shall be clearly shown and labeled on the Site Plan and shall function with other uses on the site. Impacts from these uses, including but not limited to, traffic, parking, rest rooms, or nuisances, shall be addressed as part of the Class A Conditional Use approval. The BCC may impose conditions of approval to address these activities. Additional activities, such as: cooking classes and charity events, shall be Permitted by Right, subject to the following:

(1) Shall be located within the GFA of the Agriculture Marketplace or permitted Outdoor Open Space areas;



- (2) The maximum number of participants, including a combination of special activities, shall not exceed 50 attendees; and,
  - (3) Overflow parking is provided. A minimum of one parking space shall be provided for each three attendees. This shall require the posting of adequate on-site directional signage to preclude any inappropriate parking activity, such as parking in rights of way or on adjacent properties.
- e) Outdoor Display**  
Shall be limited to agricultural products only, located along the property's frontage or other area, except within required setbacks.
  - f) Storage**  
Motor vehicles, including vans, trucks, semi-trucks, mobile homes, travel trailers, and other permanent or temporary structures shall not be used for storage or display purposes.
  - g) Parking**  
Off-site parking within a public or private R-O-W, or to areas accessed by other than an approved access way, shall be prohibited.
  - h) Hours of Operation**
    - (1) 8:00 a.m. to 6:00 p.m. Monday through Saturday; and
    - (2) 10:00 a.m. to 6:00 p.m. Sunday.

**Exhibit 11-B**

**Proposed ULDC Language Regarding Agriculture Marketplace**

---

**CHAPTER B USE CLASSIFICATION**

**Section 6 Agricultural Uses**

**C. Definitions and Supplementary Use Standards for Specific Uses**

**1. Agriculture, Bona Fide**

**a. Definition**

Any plot of land where the principal use consists of the growing, cultivating, and harvesting of crops; the raising of animals, inclusive of aviculture, aquaculture, horses, and livestock; the production of animal products such as eggs, honey, or dairy products; or, the raising of plant material. The following standards shall apply to a Bona Fide Agriculture use, except where preempted by State law.

....

**i. Agriculture Marketplace**

A use that is accessory, incidental and subordinate, to a Bona Fide Agriculture use in the AGR Tier, conducted to allow for the sale of agricultural products or enhanced opportunities for visitors, which generates income for the owner or operator of the Bona Fide Agriculture use, adding economic viability to farming operations.

**1) Approval Process**

Class A Conditional Use.

**2) Location Criteria**

**a) Tier and Zoning District**

~~AGR Tier and Zoning District only.~~ An Agriculture Marketplace is limited to sites within the AGR Tier and one of the following:

(1) AGR Zoning District; or

(2) AGR-MUPD Zoning District Preserve Area, limited to sites with an Agriculture Marketplace Development Order approved prior to May 30, 2013.

**b) Location**

The Agriculture Marketplace shall be located adjacent to an Arterial Road designated on the PBC Functional Classification of Roads Map.

**c) Proximity to Residential Uses**

The parcel or area designated on the Final Site Plan for an Agriculture Marketplace shall be located at least 500 feet measured from the property line, if adjacent to existing residential uses, or approvals for PUD or TMD Development Areas with residential uses.

**3) Minimum Acreage and Production**

~~An Agriculture Marketplace requires a~~ May be allowed if the land area has a minimum of ~~75-70~~ contiguous acres. A Unity of Control shall be required at the time for the approval of the Class A Conditional Use.

**a) Agricultural Reserve Parcels**

The minimum acreage requirements may include parcels under an agricultural conservation easement, identified as an AGR-PUD Preserve or AGR-TMD Preserve, or other similar protections, ~~provided that the Agriculture Marketplace is not located on those parcels.~~

**b) Agricultural Production**

A minimum of 70 percent of the overall land area must meet the requirements for Bona Fide Agriculture.

...

## Exhibit 12 Correspondence

---

### Correspondence Received after the January 31, 2024 Transmittal Hearing

#### **Stephanie Gregory**

---

**From:** Irving, Robert <Robert.Irving@MyFWC.com>  
**Sent:** Friday, February 16, 2024 2:25 PM  
**To:** Kevin Fischer  
**Cc:** Conservation Planning Services; DCPexternalagencycomments@deo.myflorida.com; Stephanie Gregory; Colletier, Nicolas  
**Subject:** FWC's Comments on Palm Beach County 24-01ESR (Round 24-A2)

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**This Message Is From an External Sender**

This message came from outside your organization.

Dear Mr. Fischer:

Florida Fish and Wildlife Conservation Commission (FWC) staff received your request for review of the proposed comprehensive plan amendments for Utilities Element revisions, Spring Haven MUPD (LGA 2024-005) and Bedner's Market (LGA 2024-003). We have no comments, recommendations, or objections related to listed species and their habitat or other fish and wildlife resources to offer on this amendment. While there are no objections to the amendment, the following general technical assistance information is provided to assist the applicant and the county when considering the potential for impacts to state-listed species. FWC staff strongly recommends early planning coordination meetings if impacts to state-listed species and their habitat are expected. To schedule a coordination meeting, please contact our office by email at [ConservationPlanningServices@MyFWC.com](mailto:ConservationPlanningServices@MyFWC.com) and staff will be happy to meet with the applicant, county, or Department of Economic Opportunity staff.

If on-site wildlife surveys have not yet been conducted for Spring Haven MUPD (LGA 2024-005) and Bedner's Market (LGA 2024-003), they are considered as the most reliable method for determining the presence of listed species or potential habitat. Species-specific surveys are time sensitive and are best conducted by trained wildlife biologists with recent documented experience. Species-specific survey protocols approved by the U.S. Fish and Wildlife Service (USFWS) and the FWC are provided in the Florida Wildlife Conservation Guide at <https://myfwc.com/conservation/value/fwcg/> [myfwc.com] or in the FWC Species Conservation Measures and Permitting Guidelines available at <https://myfwc.com/wildlifehabitats/wildlife/species-guidelines/> [myfwc.com].

There are several public data sources and online tools available that may be useful during preliminary reviews before conducting field surveys. For example, the Florida Natural Areas Inventory (FNAI) Biodiversity Matrix Map Server (<https://www.fnai.org/biointro.cfm> [fnai.org]) which provides access to rare species occurrence information statewide, FWC Gopher Tortoise Permit Map (<https://public.myfwc.com/maps/gtmapping/gtpermitmap.html> [public.myfwc.com]), and the USFWS's Information for Planning and Consultation (IPaC) system (<https://ecos.fws.gov/ipac/> [ecos.fws.gov]). Natural resource mapping data downloads, including listed species data, are available at <https://geodata.myfwc.com/pages/upland> [geodata.myfwc.com] and the Florida Geographic Data Library at <https://www.fgd.org/metadataexplorer/explorer.jsp> [fgdl.org].

The liability to not impact or cause “take” of listed species, migratory wildlife, and other regulated species of wildlife is the responsibility of the applicant or developer associated with this site. Any interested party can refer to the Florida Administrative Code, 68A-27 for definitions of “take” and a list of species. If state-listed species are observed on-site, FWC staff are available to provide decision support information or assist in obtaining the appropriate permits. If federally-designated Critical Habitat or federally listed species are present, please contact the appropriate regional USFWS Ecological Service Office (<https://www.fws.gov/offices/Directory/ListOffices.cfm?statecode=12> [fws.gov]).

FWC staff appreciate the opportunity to review this project. Please send any requests for further information to [ConservationPlanningServices@MyFWC.com](mailto:ConservationPlanningServices@MyFWC.com).

Sincerely,

Robert Irving  
Land Use Planning Program Supervisor  
Office of Conservation Planning Services  
Florida Fish and Wildlife Conservation Commission  
Phone: (850) 354-3578

Palm Beach County\_24-01ESR\_58062

**Stephanie Gregory**

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**From:** Hymowitz, Larry <Larry.Hymowitz@dot.state.fl.us>  
**Sent:** Tuesday, March 5, 2024 3:46 PM  
**To:** dcpexter@commerce.fl.gov; Jeff Gagnon  
**Cc:** Stephanie Gregory; Stephanie Heidt; Andrew Uhler; Brian Ruscher; Khurshid Mohyuddin; Martinez, Cesar; Carver, Jennifer; McKirdy, Kris; Walia, Kent; Stroh, Justin; Bush, Lois; Harari, Laurie; David J. Pullin (david.pullin@deo.myflorida.com); Bryce Van Horn  
**Subject:** Palm Beach County 24-1ESR - FDOT District Four Review Comments  
  
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Pursuant to Section 163.3184(3), Florida Statutes (F.S.), in its role as a reviewing agency as identified in Section 163.3184(1)(c), F.S., the Florida Department of Transportation (FDOT) reviewed the proposed Palm Beach County 24-1ESR comprehensive plan amendments received on February 6, 2024. The amendment known as Bedner Market proposes a maximum of 213,444 square feet of light industrial/warehouse uses on two sites located west of State Road 7 on the north and south sides of Lee Road in the Palm Beach County Agricultural Reserve.

FDOT is providing the following technical assistance comments consistent with Section 163.3168(3), Florida Statutes. These technical assistance comments will not form the basis of a challenge. These comments are intended to strengthen the County’s comprehensive plan in order to foster a vibrant, healthy community and are designed to ensure consistency with the Community Planning Act in Chapter 163, Part II, F.S.

FDOT encourages early consultation and coordination with the Department in pursuing the comprehensive plan objectives of the County.

**Technical Assistance Comments - Commerce Future Land Use Designation**

**Technical Assistance Comment #1**

The Department has identified important state resources and facilities that may be adversely impacted by the amendment if adopted. These include the following state highway system facilities; State Road 7, State Road 804 (Boynton Beach Boulevard), State Road 806 (Atlantic Avenue), and the Florida’s Turnpike interchanges at Boynton Beach Boulevard and Atlantic Avenue. No transportation analysis appears to have been provided with the amendment that indicates the amount of industrial development that can be sustained by the Agricultural Reserve Tier, consistent with long range transportation planning assumptions for traffic projections and the objectives of the Agricultural Reserve Master Plan, as documented in the Agricultural Reserve Tier of the Comprehensive Plan in Objective 1.5.

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 nonresidential 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.

**Resolutions for Technical Assistance Comment #1**

1. The County should consider re-evaluating the consistency of this amendment with Objective 1.5 of the Comprehensive Plan (Agricultural Reserve Tier) and with the Palm Beach Transportation Planning Agency (TPA) Long Range Transportation Plan model socio economic data that forms the basis of determining future transportation needs and transportation facility project development programming priorities.
2. The County should work with the Palm Beach TPA to update the Long-Range Transportation Plan model socio economic data to reflect the development scenarios that will be consistent with Objective 1.5 or with an alternate growth scenario envisioned by the County to accommodate market and industry demands/trends. This coordination is recommended prior to adoption of the amendment, to discuss the best approach to coordinating the inclusion of limited industrial development in the Agricultural Reserve and ensuring maximization of industrial land use compatibility with future planned transportation facilities and large-scale County approved residential communities.

**Technical Assistance Comment #2**

The traffic analysis transmitted with this amendment does not identify the projected transportation system levels of service and system needs based upon the future land use map and the projected integrated transportation system. The analysis does not identify how the local government will correct existing facility deficiencies, meet the identified needs of the projected transportation system, and advance the purpose of the Transportation Element and the other elements of the comprehensive plan consistent with Florida Statutes Chapter 163.3177(6)(b)1.d and 163.3177(6)(b)1.e.

The submitted traffic analysis uses a concurrency-based traffic methodology required by Palm Beach County to address impact fees, traffic improvements, and other obligations that are the responsibility of the applicant. This analysis does not go beyond distribution and assignment of trips when the number of trips on a roadway segment/link does not exceed the significance level test used by the County. This approach over time can cause piecemeal assessments of transportation impacts for concurrency and impact fee purposes and may not address the statutorily required analysis necessary to capture the larger scale and longer-term transportation facilities needed to serve Agricultural Reserve development and the regional transportation network.

**Resolution for Technical Assistance Comment #2**

The County should coordinate with the FDOT and Palm Beach TPA to agree upon an acceptable traffic methodology to perform a future land use amendment traffic analysis prior to adoption of the amendment. This analysis should identify the needs of the projected transportation system to help inform elected officials and the public of the future operational levels on the roadway network with the proposed amendment and prior approved developments that may not already be reflected in the socio-economic data used by the Long-Range Transportation Plan model.

**Technical Assistance Comment #3**

REVISED Policy 2.2.4-c (Industrial Uses): This recently revised policy provides for a new Commerce (CMR) future land use designation. It intends to accommodate industrial uses with light industrial characteristics to provide an option for low trip generating non-residential and/or employment generating uses on arterial roadways. Some of the allowable uses in the County’s ULDC (Unified Land Development Code) Use Matrix, including but not limited to distribution, warehouse and wholesaling, may be inconsistent with the recently revised policy.

REVISED Policy 2.2.4-d (Industrial Uses): This recently revised policy provides a limited number of example light industrial uses, including distribution. However, the County’s ULDC Use Matrix for light industrial also includes warehouse and wholesaling. Distribution, warehouse and wholesaling uses may not be consistent with this Policy, as proposed, since the uses could involve higher trip making and significant levels of semi-tractor trailer truck trips that may cause “undesirable effects, danger or disturbance” upon nearby areas and immediately adjoining uses.

**Resolutions for Technical Assistance Comment #3**

1. The County could eliminate, reduce, or mitigate transportation impacts from distribution, warehouse and wholesaling uses by considering the use of land development regulations to control the maximum cumulative

acreage for these sites and encourage light industrial uses that more characteristically will serve the residents and agricultural interests of the Agricultural Reserve Tier.

2. The Department supports the application of industrial uses to the new Commerce Center future land use category that were initially specified for Employment Centers in the Agricultural Reserve Master Plan. These uses are likely to minimize trips and trip lengths by serving the industrial needs of residential and agricultural uses in the Agricultural Reserve Tier.

The Department does not have any comments on the Utilities Element and Spring Haven MUPD amendments that were included with this amendment transmittal.

We request an electronic copy of all adopted comprehensive plan amendment materials, including graphic and textual materials and support documents.

The Department recommends coordination with FDOT prior to adoption of the amendment. We will reach out to you in the near future to coordinate a meeting to discuss our technical assistance comments and recommendations. In the meantime, please feel free to reach out to us with any questions.

Thank you.



Larry Hymowitz

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TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Palm Beach County  
From: Staff  
Date: March 6, 2024  
Subject: Local Government Comprehensive Plan Review  
Draft Amendment to the Palm Beach County Comprehensive Plan  
Amendment No. 24-01ESR

Introduction

The Community Planning Act, Chapter 163, *Florida Statutes*, authorizes the regional planning council to review local government comprehensive plan amendments prior to their adoption. The regional planning council review and comments are limited to adverse effects on regional resources or facilities identified in the Strategic Regional Policy Plan (SRPP) and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region. Council must provide any comments to the local government within 30 days of the receipt of the proposed amendments and must also send a copy of any comments to the state land planning agency.

The amendment package from Palm Beach County was received on February 5, 2024 and contains two amendments to the Future Land Use Map (FLUM) and text amendments to the Future Land Use, Introduction and Administration, and Utilities elements of the County’s comprehensive plan. This report includes a summary of the proposed amendments and Council comments.

Summary of Proposed Amendments

**Small Scale Future Land Use Map Amendments**

Under 163.3187, Florida Statutes, small scale amendments 50 acres or less are not required to be reviewed under the state’s Expedited Review Process. Small scale amendments adopted under this section require only one public hearing before the governing board, which is the adoption hearing. Therefore, Council will not be providing a review of the following amendments:

- Spring Haven MPUD: proposes to change the land use designation on an 11.22 acre site from Institutional with underlying Medium Residential (5 dwelling units per acre) to Institutional with underlying High Residential (8 dwelling units per acre). Subject site is located on the south side of Belvedere Road, approximately 0.3 miles east of N. Jog Road.
- Bedner’s Market: proposes to change the land use designation on 14 acres from Agricultural Reserve to Commerce with an underlying Agricultural Reserve. The subject



site is located at the northwest and southwest corners of State Road 7 and Lee Road, approximately 2 miles south of Boynton Beach Boulevard. There is a concurrent text amendment being proposed for this site, which is summarized below.

#### **Bedner's Market – Text Amendments**

The text amendment is being proposed to accommodate a Future Land Use Map request to change the land use designation on two parcels totaling 14 acres from Agricultural Reserve to Commerce with an underlying Agricultural Reserve to allow up to 213,444 square feet (0.35 FAR) of warehouse office uses.

Parcel A, the northern parcel, is a 5 acre site at the northwest corner of Lee Road and State Road 7. The site currently serves as the off-site preserve area for the All Seasons Congregate Living Facility site, located east of Lyons Road and south of Atlantic Avenue. Parcel B, the southern parcel, is 9 acres on the west side of State Road 7 approximately 400 feet south of Lee Road. The 14 acres at the southwest corner currently has a zoning approval for an Agriculture Marketplace use, created in the Unified Land Development Code (ULDC) specifically for this site. The existing Agriculture Marketplace, approved in 2012, was created solely to allow the conversion of an existing produce stand use to an Agriculture Marketplace, is located at the southwest corner of State Road 7 and Lee Road, and occupies approximately 5 acres.

The County staff report notes that the proposed text amendment represents a fundamental policy change from what the Board of County Commissioners (BCC) adopted in 2012. By permitting the Agriculture Marketplace use in a preserve area, it allows for an existing preserve to be replaced with industrial development and the preserve to be shifted to the site currently housing Bedner's Market, which is already accommodated on a non-preserve parcel. This results in a net loss of open preserve area. The County staff report further indicates that this Agriculture Marketplace is the only one approved in the County and was intended to help support the adjacent, ongoing bona fide active agriculture for residents and visitors in the Agricultural Reserve. The report states that reducing the Agriculture Marketplace site, eliminating expansion plans, and introducing light industrial directly adjacent is not consistent with the overriding objective of the Tier to preserve and enhance agricultural activity, environmental and water resources, and open space within the Tier.

Additionally, the County's Comprehensive Plan does not allow an Agriculture Marketplace in any preserve area within any of the Agricultural Reserve Planned Development options. The proposed text amendments add a definition for Agricultural Marketplace to the Introduction and Administration Element. In addition, proposed text amendments to the Future Land Use Element add language to permit an Agricultural Marketplace with a development order that was approved prior to May 21, 2013 as an allowable use within a preserve area.

#### **Utility Element Text Amendments**

Florida House Bill 1379/Senate Bill 1632 enacted by the Legislature during the 2023 session changed several State statutes including 163.3177 F.S., which contains requirements for Comprehensive Plans. The new legislation addresses environmental regulations related to sewage treatment and system evaluation. The proposed text amendments, requested by the County's Water

Utilities Department, revise the Utilities Element to be consistent with new legislative requirements. The proposed amendment, included as Exhibit 5, is summarized below:

- Add new UE Policy 1.3-f regarding the feasibility of providing sewer service within a 10-year horizon for developments of 50 lots and less than one acre. This policy also proposes to include additional language to define an onsite system.
- Add new UE Policy 1.3-g to identify the name and location of wastewater facilities that could receive sanitary sewer flows after connection and the capacity of those facilities and associated transmission facilities.
- Add new Tables 3.a and 3.b to the Utilities Element to show the projected wastewater flow at the aforementioned wastewater facilities for the next 20 years, including expected future new construction and connections of onsite sewage treatment and disposal systems to sanitary sewer, and a timeline for the construction of the sanitary sewer system.

#### Regional Impacts

No adverse effects on regional resources or facilities have been identified.

#### Extrajurisdictional Impacts

The proposed amendments were circulated by the Palm Beach County Intergovernmental Plan Amendment Review Committee Clearinghouse Coordinator on September 22, 2023 and December 29, 2023. No extrajurisdictional impacts have been identified.

#### Conclusion

No adverse effects on regional resources or facilities and no extrajurisdictional impacts have been identified. With respect to the Bedner's Marketplace amendments, Council notes that the Commerce land use designation reduces the potential for agricultural-related uses in the Agricultural Reserve. The overall trend in the reduction of agricultural uses in the Agricultural Reserve is of concern, because the conversions result in the net loss of a regional resource that may never be recovered. Council encourages the County to take a strong position to protect agricultural uses in the Agricultural Reserve Tier. Furthermore, the proposed change that would allow an agricultural marketplace in a preserve area appears to be contrary to the common understanding of a "preserve" area. This may cause confusion and lead to further weakening of preserves in the Agricultural Reserve.

#### Council Action – March 6, 2024

The next scheduled Council meeting is April 19, 2024. In order to avoid unnecessary delay and meet the 30-day agency review deadline, Council's Executive Director, Thomas J. Lanahan, approves this report and authorizes its transmittal to Palm Beach County and FloridaCommerce.

#### Attachments