



FUTURE LAND USE ATLAS AMENDMENT STAFF REPORT AMENDMENT ROUND 23-A

PLANNING COMMISSION PUBLIC HEARING, OCTOBER 14, 2022

A. Application Summary

I. General Data

Project Name:	Boynton Land Commerce (LGA 2023-001)
Request:	AGR to CMR/AGR
Acres:	15.00 acres
Location:	West side of State Road 7, approx. 1.25 miles south of Hypoluxo Road
Project Manager:	Travis Goodson, Senior Planner
Applicant:	8421 Boynton Beach Land Trust (Peter Patel, Authorized Agent)
Owner:	8421 Boynton Beach Land Trust (Peter Patel, Authorized Agent)
Agent:	JMorton Planning & Landscape Architecture
Staff Recommendation:	Staff recommends denial based upon the conclusions contained within this report

II. Assessment & Conclusion

The amendment proposes to change the future land use (FLU) designation from Agricultural Reserve (AGR) to Commerce with an underlying Agricultural Reserve (CMR/AGR) in order to allow up to 294,030 square feet of light industrial uses on the site located on the west side of State Road 7, approximately 1.25 miles south of Hypoluxo Road. The site currently supports row crops and miscellaneous agricultural storage.

This amendment was submitted in May 2022 requesting the Industrial (IND) future land use designation. Following the Board's adoption of the newly established Commerce FLU designation on August 25, 2022, the applicant revised their request. The new Commerce FLU and implementing policies provide a framework for the location and extent of future light industrial uses within the Agricultural Reserve Tier, for which there were previously no guiding policies in the Comprehensive Plan. However, the location of the site presents concerns regarding compatibility and lends to an inconsistent development pattern, considering that the site is bounded by agricultural preserves and residential uses, and proposes to introduce an intensity that is out of character with the existing land uses in this portion of the State Road 7 corridor.

Therefore, staff is recommending **denial**. Should the Board approve the request, staff recommends the conditions indicated in Exhibit 1.

III. Hearing History

Local Planning Agency:

Board of County Commissioners Transmittal Public Hearing:

State Review Comments:

Board of County Commissioners Adoption Public Hearing:

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B. Petition Summary

I. Site Data

Current Future Land Use

Current FLU:	Agricultural Reserve (AGR)
Existing Land Use:	Agriculture
Current Zoning:	Agricultural Reserve (AGR)
Current Dev. Potential Max:	Agricultural uses, up to 98,010 square feet (.15 FAR)

Proposed Future Land Use Change

Proposed FLU:	Commerce with an underlying Agricultural Reserve (CMR/AGR)
Proposed Use:	Light Industrial
Proposed Zoning:	Multiple Use Planned Development (MUPD)
Dev. Potential Max/Conditioned:	Industrial uses, up to 294,030 square feet (.45 FAR) Flex Space, up to 294,030 square feet (by condition) Landscape Service, up to 13.00 acres (by condition)

General Area Information for Site

Tier:	Agricultural Reserve Tier – No Change
Plans/Overlays:	West Boynton Community Plan
Utility Service:	Palm Beach County Water Utilities Department
Overlay/Study:	Agricultural Reserve Master Plan & West Boynton Community Plan
Comm. District:	Maria Sachs, Commission District 5

Future Land Use Atlas Amendment

Boynton Land Commerce (LGA 2023-001)



Site Data

Size: 15 acres
 Existing Use: Agricultural
 Proposed Use: Light Industrial
 Current FLU: AGR
 Proposed FLU: CMR/AGR

Future Land Use Designations

RR-10 Rural Residential, 1 unit/10 acres
 LR-2 Low Residential, 2 units/acre
 LR-3 Low Residential, 3 units/acre
 AGR Agricultural Reserve
 CL/RR-10 Commercial Low, underlying RR-10

Date: 9/13/2022
 Contact: PBC Planning
 Filename: T:Planning/Amend/23-A/SiteSpecific
 Note: Map is not official, for presentation purposes only.

Site
 Amendments in Process
 AGR Preserves

320 0 320 640 Feet



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



C. Introduction

I. Intent of the Amendment

The 15.00-acre subject site is located in the Agricultural Reserve Tier, on the west side of State Road 7, approximately 1.25 miles south of Hypoluxo Road.

Future Land Use Amendment: The proposed future land use amendment is a request to change the future land use designation from Agricultural Reserve (AGR) to Commerce with an underlying Agricultural Reserve (CMR/AGR). Currently, the site can be utilized for agricultural uses up to 98,010 square feet (.15 FAR). The proposed maximum development potential would allow up to 294,030 square feet of light industrial uses (.45 FAR). The site currently supports row crops (in part) and miscellaneous agricultural storage.

Background: The site has not been the subject of a previous land use amendment. According to the applicant, the site currently supports a 10,780 square foot building for agriculture related purposes, and several storage buildings located throughout the property.

Zoning Application: There is a concurrent Zoning application in process (PDD-2022-1494) to rezone the subject site from Agricultural Reserve (AGR) to Multiple Use Planned Development (MUPD). The Control Number is 2022-00084. A preliminary site plan was submitted with the Zoning application, and is included in Exhibit 10. The applicant indicates in the Zoning application that the site will be developed to support approximately 166,000 square feet of warehousing with accessory office.

II. Background/History

A. Agricultural Reserve Tier

The subject site is located within the Agricultural Reserve Tier, an area of the County with specific limitations on development options in the Comprehensive Plan that were largely established to implement the Agricultural Reserve Master Plan. The Master Plan was completed in 1999 and implemented through the adoption of Comprehensive Plan policies in 2001. The purpose of the Tier is captured 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 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. 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.”*

C. Agricultural Reserve Policies – Board Direction

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

Since 2016, there have been 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 AGR Tier. Under discussion of the item, the BCC directed staff to explore the concept of a new light industrial future land use designation and to return for a workshop to discuss additional industrial future land uses in the Tier. Subsequently, the Board adopted the Sunflower amendment on July 28, 2021 with additional conditions 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.

D. 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 amendment that included policy guidance for future industrial requests to define the appropriate site attributes for requests to CMR FLU and to add a preserve requirements. The text amendment was transmitted the Board and subsequently adopted on August 25, 2022. Therefore, the newly-established policies have been incorporated into this staff report for review and analysis of this site-specific request for Commerce future land use designation.

E. 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.

In addition to the subject request, the following 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 2022 and a map of all these proposed amendments can be found in Exhibit 9. In total, these amendments add up to 81 acres and 1,580,192 square feet of proposed light industrial uses in the Tier.

- **Morin/Connolly Commerce (LGA 2023-002).** The application currently in process proposes 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. As of the writing of this report, this amendment is scheduled for the October 14, 2022 Planning Commission and November 16, 2022 Board of County Commissioners Transmittal public hearings.

- **BC Commerce Center (LGA 2023-003).** The application currently in process proposes a future land use amendment on 9.26 acres of land from AGR to CMR/AGR in order to

develop light industrial uses, with a maximum potential of 181,515 square feet (.45 floor area ratio). The site is located on the north side of Boynton Beach Boulevard, approximately 800 feet west of Florida's Turnpike. On September 13, 2022, the applicant submitted a request to the Planning Division to postpone the application to Amendment Round 23-A2 in order to evaluate options with the adjacent parcel, which currently has an active amendment in process for Essential Housing (Valico Residential, LGA 2022-015).

- **EJKJ Industrial (LGA 2023-004).** The application currently in process proposes 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. As of the writing of this report, this amendment is scheduled for the October 14, 2022 Planning Commission and November 16, 2022 Board of County Commissioners Transmittal public hearings.
- **SR 7 Business Plaza (LGA 2023-006).** The application currently in process proposes 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. As of the writing of this report, this amendment is scheduled for the November 4, 2022 Planning Commission and November 16, 2022 Board of County Commissioners Transmittal public hearings.
- **LTG Sports Turf (LGA 2023-007).** The application currently in process proposes 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 100th Street S (Boynton Beach Boulevard), approximately 0.13 miles west of State Road 7. As of the writing of this report, this amendment is scheduled for the October 14, 2022 Planning Commission and November 16, 2022 Board of County Commissioners Transmittal public hearings.

III. Data and Analysis Summary

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

- A. Overview of the Area.** The western side of State Road 7 is currently home to many heavy agricultural uses and agri-business facilities along its entire stretch through the Agricultural Reserve. Uses include packing plants, feed stores, the Bedner's farmer's market, transshipment uses, landscape services with nursery, chipping and mulching, and other uses allowable in the Agricultural Reserve future land use designation. More specifically, the site is bounded by AGR Preserve parcels to the north, southeast and west; residential uses to the southwest and east; and, is located approximately one and a half miles north of commercial, industrial, and institutional designated sites at the intersection of Boynton Beach Boulevard and State Road 7. Being situated at the northern end of the AGR Tier, the site is also in proximity to the Urban/Suburban Tier (east across State Road 7) and residential and agricultural uses within the Rural Tier to the north.

B. Appropriateness of the Amendment. The Commerce FLU designation and implementing policies provide a framework guiding the extent and location of light industrial uses within the Agricultural Reserve Tier, for which there were previously no guiding policies in the Comprehensive Plan. While the subject site is eligible to request the Commerce FLU designation, it is located along a segment of State Road 7 in the northern portion of the Ag Reserve which primarily supports agricultural and residential uses. The introduction of an industrial land use in this area, with a maximum potential for 294,030 square feet, would be out of character with the existing and surrounding land uses, presenting concerns regarding compatibility and the creation of an industrial pocket removed from other existing industrial and commercial developments elsewhere in the Tier.

C. Compatibility. The site is located on the west side of State Road 7, approximately 1.25 miles south of Hypoluxo Road and approximately 1.50 miles north of Boynton Beach Boulevard. 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 site to the north and west are preserve parcels that currently support the cultivation of row crops. To the southwest is a single-family home within the Willis Gliderport subdivision, and to the south is a single-family home collocated with an equestrian use. To the east and southeast, across State Road 7, are single-family homes within the Urban Suburban Tier and preserve parcels supporting various agricultural uses, respectively.

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 location for such a use is out of character with the adjacent and surrounding land uses. The introduction of an industrial land use surrounded by preserve parcels, active agriculture, and low-density single family residential development would create an isolated pocket with a development potential of 294,030 maximum square feet, an intensity exceeding those of the surrounding area.

D. Assessment and Recommendation. The amendment proposes to change the future land use designation from Agricultural Reserve (AGR) to Industrial with an underlying Agricultural Reserve (IND/AGR) in order to allow up to 294,030 square feet of light industrial uses on the site located on the west side of State Road 7, approximately 1.25 miles south of Hypoluxo Road. The site currently supports agricultural row crops and miscellaneous agricultural storage.

This amendment was submitted in May 2022 requesting the Industrial (IND) future land use designation. Following the Board's adoption of the newly established Commerce FLU designation on August 25, 2022, the applicant revised their request. The new Commerce FLU and implementing policies provide a framework for the location and extent of future light industrial uses within the Agricultural Reserve Tier, for which there were previously no guiding policies in the Comprehensive Plan. However, the site's location presents concerns regarding compatibility and lends to an inconsistent development pattern, considering that the site is bounded by agricultural preserves and residential uses, and proposes to introduce an intensity that is out of character with the existing land uses in the surrounding area.

Therefore, staff is recommending **denial**. Should the Board move to transmit the request, staff recommends it be subject to the conditions indicated in Exhibit 1.

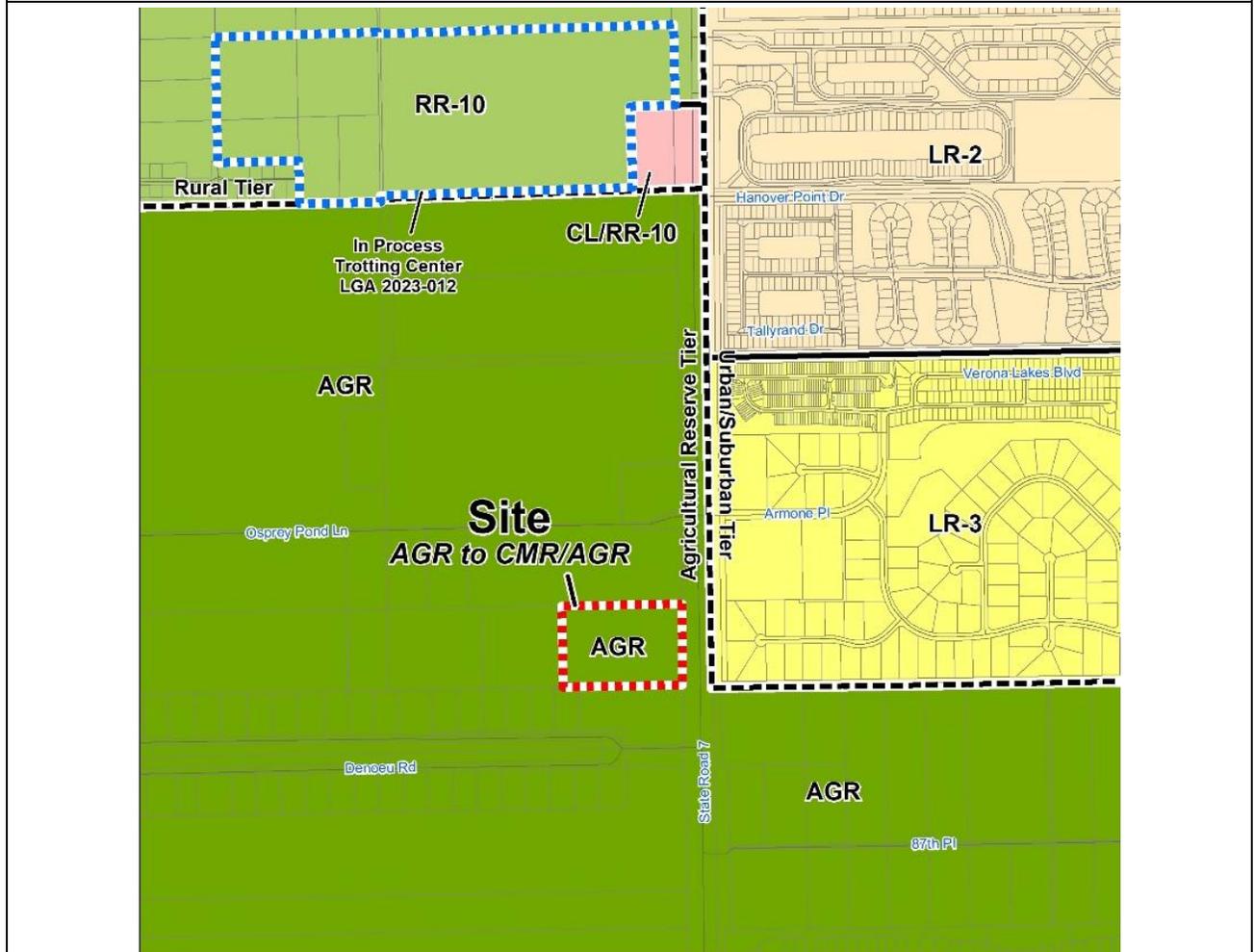
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Exhibit 1

Amendment No:	Boynton Land Commerce (LGA 2023-001)
FLUA Page No:	84
Amendment:	From Agricultural Reserve (AGR) to Commerce with an underlying Agricultural Reserve (CMR/AGR)
Location:	West side of State Road 7, approximately 1.25 miles south of Hypoluxo Road
Size:	15.00 acres
Property No:	00-41-45-13-00-000-1030

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

1. A maximum of 2,080 net daily trips, 447 net AM peak hour trips, and 320 net PM peak hour trips.
2. The proposed future land use amendment and the proposed rezoning shall be considered for adoption by the Board of County Commissioners at the same public hearing.



Legal Description

A PORTION OF THE NORTHEAST ONE-QUARTER OF SECTION 13, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 13; THENCE SOUTH 88°58'56" WEST, ALONG THE SOUTH LINE OF SAID NORTHEAST ONE-QUARTER, A DISTANCE OF 229.53 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 88°58'56" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 985.92 FEET; THENCE NORTH 00°54'26" WEST, ALONG THE EAST LINE OF TRACT "A", OF "SUSSMAN – PLAT FIVE", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 91 AT PAGES 57 AND 58 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 662.63 FEET; THENCE NORTH 88°57'41" EAST, ALONG THE SOUTH LINE OF SAID TRACT "A", A DISTANCE OF 985.92 FEET; THENCE SOUTH 00°54'26" EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF STATE ROAD 7 (US 441), AS RECORDED IN OFFICIAL RECORDS BOOK 11488 AT PAGE 1836 OF SAID PUBLIC RECORDS, A DISTANCE OF 662.99 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA, AND CONTAIN 15.002 ACRES, MORE OR LESS.

Exhibit 2

Consistency with Comprehensive Plan

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

A. Consistency with the Comprehensive Plan - General

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

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

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

- *“As new residential projects continue to be approved in the Agricultural Reserve and more people populate the area, additional services are needed and should be located close to the need. These services 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.”*
- *“The Property is currently being utilized for agriculture row crops, however, it is the Applicant's intent to develop a light industrial use on the Property that will serve the surrounding agriculture uses such as a location for cold storage, landscape services, and/or office warehouse. These uses can also serve the residents that are located to the east within the Urban/Suburban Tier without directly impacting those single family homes, as this Property is located on the west side of State Road 7.”*

- *“All of these changes and the recent direction from the Board of County Commissioners regarding additional light industrial uses in the Agricultural Reserve are evidence that additional land and opportunities for light industrial projects is needed and appropriate for properties fronting on 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 subject site has a current development potential of a maximum 98,010 square feet (.15 FAR) of non-residential uses allowed in the AGR future land use designation. The applicant proposes to change the land use designation to Commerce with an underlying Agricultural Reserve (CMR/AGR) in order to allow industrial uses up to 294,030 total square feet. The applicant proposes to amend the future land use designation to Commerce with an underlying Agricultural Reserve (CMR/AGR) in order to develop light industrial uses up to a maximum 294,030 square feet (.45 FAR).

With regard to the justification, the applicant states that there is a need for light industrial uses to locate within the Agricultural Reserve, which is being driven primarily by the increasing residential population in the area. The applicant further indicates that the ability to locate these types of services in close proximity to the population they serve is a motivating factor considered by the business owners, and that the site’s location along State Road 7 will provide for these types of uses near the customers it serves.

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 is eligible to request the Commerce designation, its location presents concerns regarding compatibility and lends to an inconsistent development pattern. The site is bounded by AGR-PUD preserve lands in active agriculture to the north and west; is in proximity to additional agricultural preserve lands to the south and southeast; and, is located along a corridor of State Road 7 in the northern portion of the Ag Reserve which primarily supports agricultural and residential uses. Considering the aforementioned and information provided, the applicant has not provided sufficient justification to support why the Commerce FLU designation is suitable and appropriate for the subject location.

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 15.00 acre property is located in a predominately agricultural and residential area of the Ag Reserve, with adjacency and proximity to preserve parcels and lands under active agriculture, including the western portion of the subject site. The compatibility concerns and potential for resulting inconsistent development in an established agricultural and residential corridor are counter to County Directions 2 and 4, and have the potential to disrupt surrounding agricultural uses and preservation lands intended for the Tier.

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 five other contiguous parcels beginning at the western property line of the subject site. These six parcels were purchased from the Pontano Family Farms, LLC on September 16, 2021. With the exception of the subject site, the remaining five parcels constitute a portion of an overall 196.17-acre preserve for the Sussman AGR-PUD, on which accompanying Conservation Easements restrict development potential in order to ensure adherence to the purpose and intent of such preserves. While an applicant may submit a request to “swap” privately-held preservation parcels as part of a new development proposal, such a proposal requires a Zoning application and approval by the Board. Considering the existing development constraints, 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, six contiguous parcels were purchased by the current property owner on September 16, 2021. Five of the six parcels are part of an AGR-PUD preserve and under Conservation Easements restricting the use and development potentials on the preservation parcels. 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. As there were no specific policies to guide the location and intensity of Industrial uses, applications seeking the IND FLU could open up a site to a wide array of industrial uses, including heavy, 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 to locate, subject to specific criteria intended to minimize potential negative externalities. However, while the amendment is eligible to request Commerce, it has the potential to negatively impact adjacent and surrounding agricultural and residential land 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, the proposed site-specific amendment for a light industrial use is consistent with this policy.

B. Consistency with Agricultural Tier Policies

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

OBJECTIVE 1.5 The Agricultural Reserve Tier

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

Staff Analysis: The primary objective of the Agricultural Reserve Tier is the preservation of agricultural and environmental lands, while allowing for development in a planned manner that is consistent with the Master Plan and associated policies within the Comprehensive Plan that direct the locations and amounts of allowable development. The Tier is located within a Limited Urban Service Area, (LUSA) and the development allowed within the Tier as part of one of the planned development options or on non-residentially designated sites is consistent with the 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 site currently supports operations of an agricultural nature and is directly adjacent and in proximity to additional agricultural uses and residential units. The introduction of an industrial land use in this area is inconsistent with the current development pattern; contrary to the vision of the Master Plan and the manner in which nonresidential uses are to be planned within the Tier; and, introduces a potential intensity that may generate negative impacts on adjacent land uses.

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 site is 15.00 acres with frontage on and access from State Road 7 and since the site is less than 16 total acres, a preserve is not required. There is a concurrent Zoning application in process (PDD-2022-1494) requesting to rezone the site from AGR to IL, which includes a preliminary site plan was (see Exhibit 10). The conceptual site plan depicts two, single-story warehouses totaling approximately 166,680 square feet and is inclusive of 50,000 square feet of accessory office space. Access to State Road 7 is provided via two drive aisle connections, and a 1.74-acre dry detention area occupies the western portion of the site. While the site is eligible to request Commerce future land use, the proposed site-specific amendment, with a potential for up to 294,030 square feet of light industrial uses, introduces a use and intensity that is out of character with the low-density, low-intensity nature of the surrounding area.

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 are parcels supporting agricultural uses with an AGR future land use designation. Directly north is a 26.15-acre portion of the overall 196.17-acre Sussman AGR-PUD North preserve parcel number 2 (Morton/Dubois, Control No. 2000-00032), which is currently utilized for the cultivation of row crops. Further north is a 68-acre portion of the aforementioned preserve parcel, and a 19,138 sq. ft. agricultural sales and service use located at the northwest corner of State Road 7 and Osprey Pond Lane (ProSource One, Control No. 1998-00039).

East: To the east, across State Road 7, are single-family residential homes within the Urban/Suburban Tier. These residential units are part of the Melrose PUD (aka Venetian Isles, Control No. 1982-00040), which has a LR-3 future land use and supports a total of 1,755 units at a density of 2.87 du/acre.

Southeast: To the southeast, across State Road 7, are parcels with an AGR future land use designation within the AGR Tier. Directly southeast are a collection of preserve parcels for several AGR-PUDs, including but not limited to preserves 7 (JLOJAQ) and 14 (GL Homes PBA) for Sussman AGR-PUD (Control No. 2000-00032); preserve 16J (McGrath) for Bridges-Mizner AGR-PUD (Control No. 2004-00250); preserves 17a and b (Old Agros) and 23 (Schiltz) for Valencia Cove AGR-PUD (Control No. 2004-00369); and preserve 30J (Old Agros) for Canyon Springs AGR-PUD (Control No. 2002-00069). These preserve parcels support various nursery and equestrian uses.

South: To the south are parcels with an AGR future land use supporting various agricultural and residential uses. Directly south is an 8.2-acre parcel that supports a single-family home and an equestrian agricultural classification. Beyond this parcel to the south and southwest is the 105-acre Willis Gliderport PUD (Control No. 1976-00054), a residential subdivision approved prior to January 1, 1990 and supports 43 single-family homes. Further south is the 82.43-acre Preserve 16C (Chico/Pontano) for the Bridges-Mizner AGR-PUD (Control No. 2004-00250) and currently supports row crop production.

West: To the west are parcels supporting agricultural uses with an AGR future land use designation. Directly west is a 10-acre portion of the overall 196.17-acre Sussman AGR-PUD North preserve parcel number 2 (Morton/Dubois, Control No. 2000-00032), which is currently utilized for the cultivation of row crops. Further west are additional parcels that make up the referenced AGR-PUD preserve.

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 site has access via State Road 7, thus directing traffic away from local roads in the area and providing access to the major north/south transportation

route. 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, approximately 1.25 miles south of Hypoluxo Road and approximately 1.50 miles north of Boynton Beach Boulevard. 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 site to the north and west are preserve parcels that currently support the cultivation of row crops. To the southwest is a single-family home within the Willis Gliderport subdivision, and to the south is a single-family home collocated with an equestrian use. To the east and southeast, across State Road 7, are single-family homes within the Urban Suburban Tier and preserve parcels supporting various agricultural uses, respectively.

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 location for such a use is out of character with the adjacent and surrounding land uses. The introduction of an industrial land use surrounded by preserve parcels, active agriculture, and low-density single family residential development would create an isolated pocket with a development potential of 294,030 maximum square feet, an intensity exceeding those of the surrounding area.

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 available to support the amendment, and the amendment does not exceed natural or manmade constraints. No adverse comments were received from the following departments and agencies regarding impacts on public facilities:

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

Fire Rescue: In a letter dated July 14, 2022, Fire Rescue noted that the estimated response time from Fire-Rescue Station 48 is 9 minutes, and that “*changing the land use of this property will have some impact on Fire Rescue, generating approximately 82 calls/year.*”

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 294,030 square feet of industrial uses, flex space, or 15.00 acre Landscape Service; as well as at the proposed potentials of 294,030 square feet of Light Industrial, 294,030 square feet of flex space, or 13.00 acres of Landscape Service. According to the County’s Traffic Engineering Department (see letter dated June 14, 2022 in Exhibit 5), the amendment at the proposed potential would result in an increase of 1,344 net daily trips over the current maximum potential of a 5-acre Nursery Garden Center and 10-acre Wholesale Nursery.

The Traffic letter concludes *“Based on the review, the Traffic Division has determined that the traffic impacts of the proposed amendment meet Policy 3.5-d of the Future Land Use Element of the Palm Beach County Comprehensive Plan at the **proposed potential**... Therefore, this amendment requires a condition of approval to cap the project at the proposed development potential or equivalent trips.”*

The Traffic Study dated April 1, 2022 (revised April 19, 2022 and June 3, 2022) was prepared by Bryan G. Kelley, P.E. Traffic studies and other additional supplementary materials for site-specific amendments are available to the public on the PBC Planning web page at:

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

II. Public and Municipal Review

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

- A. **Intergovernmental Coordination:** Notification of this amendment was sent to the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC) for review on September 23, 2022. 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 23, 2022. On the same date, several interested parties were also notified by mail including the Willis-Gliderport POA, Verona Lakes HOA, Melrose Park POA, Equus POA, and COBWRA. Notification of this amendment, and other amendments related to the Ag Reserve Tier, was provided to the Agricultural Reserve email list of interested parties. Letters received are added to Exhibit 11 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 the property located at 8421 South State Road 7 ("Property").

I. PROPOSED FLUA MAP AMENDMENT

The Commerce Land Use designation was recently adopted by the Board of County Commissioners (BCC) at their meeting of August 25, 2022. In anticipation of the Commerce Land Use Designation Ordinance becoming effective, the Applicant is proposing to amend the Future Land Use designation from Agricultural Reserve (AGR) to Commerce (CMR).

Description of Site Vicinity

The Property is located on the west side of State Road 7, approximately 1.5 miles north of Boynton Beach Boulevard at 8421 South State Road 7. The Property has a Future Land Use designation of Agricultural Reserve. Within the vicinity of the Property are multiple agricultural uses including row crops and agriculture sales and service. To the east of the Property is the Urban/Suburban Tier.

Land uses directly abutting the Property include the following:

Adjacent Property	Land Use Designation	Zoning Designation	Existing Use	Control Number
North	Agricultural Reserve (AGR)	Planned Unit Development – Preserve Parcel (AGR-PUD)	Agriculture Row Crops	2000-032
South	Agricultural Reserve (AGR)	Agricultural Reserve (AGR)	Single Family and Agriculture	None
East	Low Residential, 3 units per acre (LR-3)	Planned Unit Development (PUD)	Melrose PUD (Single Family Residential)	1982-040
West	Agricultural Reserve (AGR)	Planned Unit Development – Preserve Parcel (AGR-PUD)	Agriculture Row Crops	2000-032

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 Commerce designation establishes a third industrial destination which will correspond to the Light Industrial zoning designation allowing for light industrial uses. The Board of County Commissioners (BCC) has recently determined that it is appropriate to locate light industrial uses along the State Road 7 through policy direction as well as through the approval of multiple map

amendments to the Comprehensive Plan. The Property is currently being utilized for agriculture row crops, however, it is the Applicant's intent to develop a light industrial use on the Property that will serve the surrounding agriculture uses such as a location for cold storage, landscape services, and/or office warehouse. These uses can also serve the residents that are located to the east within the Urban/Suburban Tier without directly impacting those single family homes, as this Property is located on the west side of State Road 7.

This Property is an ideal location for a Commerce use as it is located along a major transportation corridor. The proposed project will provide for needed light industrial development along this corridor which has historically been developed in a piecemeal fashion inclusive of agriculture, industrial, commercial and single family residential uses. Access to other major rights-of-way such as Hypoluxo Road and Boynton Beach Boulevard, which are within close proximity (approximately 1 to 1.5 miles, respectively), ensures that services and employment opportunities are easily available to future users, tenants, employees, etc.

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

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

Response: 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. For example, the Future Land Use designation of the Homrich Nursery located at the southwest corner of Boynton Beach Boulevard and State Road 7 was changed to Commercial Low, with an underlying Industrial designation in 2016. Since then, the Homrich Nursery property has been developed with a landscape service business and a dispatch office/contractor storage yard for a waste management hauler. This Future Land Use amendment was the first change that spurred the Board of County Commissioners to re-examine the opportunity for industrial type development on the west side of State Road 7. Further, the Board of County Commissioners recognized the changing characteristics of the area and the compatibility concerns for certain agriculture uses that are industrial in nature on adjacent properties.

Earlier this year, the Board of County Commissioners also approved the adoption of a Future Land Use Amendment for the LAS Farms Property from Agricultural Reserve (AGR) to Industrial (IND/AGR) subject to conditions limiting the property to light industrial uses. The Board of County Commissioners also approved the Sunflower Industrial project on the west side of State Road 7 south of Atlantic Avenue in 2020. This project was also the subject of a Future Land Use Amendment from Agricultural Reserve (AGR) to Industrial (IND/AGR) subject to conditions limiting the property to light industrial uses.

All of these changes and the recent direction from the Board of County Commissioners regarding additional light industrial uses in the Agricultural Reserve are evidence that additional land and opportunities for light industrial projects is needed and appropriate for properties fronting on 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 Bethesda Hospital located at the northeast corner of Boynton Beach Boulevard and State Road 7 was constructed in the early 2000's and an expansion was recently approved by the Board of County Commissioners that will

nearly double the size and intensity of the medical complex. The residential and commercial developments that have been constructed within the central part of the Tier along Boynton Beach Boulevard, Atlantic Avenue, and Lyons Road have forced several agricultural operations to relocate. The Alderman Farms Packing Plant relocated from the northeast corner of Boynton Beach Boulevard and Lyons Road to the west side of State Road 7 which allowed for the approval and development 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, the other recent Future Land Use amendments approved on the west side of State Road 7 including Stop and Shop (LGA 2016-023) to allow for gas sales and service and retail uses, Homrich Commercial (LGA 2016-019) to allow for industrial and commercial uses, Sunflower Light Industrial (LGA 2021-016) to allow for light industrial uses, and most recently LAS Farms (LGA 2022-001) to allow light industrial uses have been approved which substantiates the changed conditions of the Agricultural Reserve. All of these changes allow for additional businesses to serve the needs of the growing number of residents moving to the Agricultural Reserve.

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

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

Response: The consultants that prepared the Agricultural Reserve Master Plan in 2000 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. In 2000, 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, the addition of industrial land and industrial uses was not included. Twenty years have passed since these Agricultural Reserve policies were incorporated into the Comprehensive Plan and the Agricultural Reserve Tier is close to being “built out”. Of the 22,000 acres within the Agricultural Reserve, only 1,700 acres remain without any development approvals. This represents a total of 5% of the Agricultural Reserve that is not entitled for development or preservation.

The 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 requesting to increase residential density.

G.3 Compatibility

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

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

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

- Primary access is available from 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 on the west site 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, industrial, 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 proposed amendment will further the County’s Goals by establishing criteria for light industrial uses in the Agricultural Reserve Tier, allowing employment based uses at suitable locations, along major thoroughfares, ensuring land use compatibility. 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 light industrial 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 15-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 MUPD; and meeting the Performance Standards and Property Development Regulations. The Property is 15 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. The County has already determined that the west side of State Road 7 is an appropriate location for industrial as evidenced by the approval of the Homrich Nursery, LAS Farms Industrial, and Sunflower Industrial Comprehensive Plan amendments.*

- **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 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 along 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, industrial 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 agriculture storage/sales uses. The Property is located on a major north/south transportation corridor within close proximity of other development.*
- 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 not have a negative impact on any other significant natural system. The Property does not support any environmentally sensitive areas. No listed species were located on the property and it is located outside of any wellfield protection zone. As required by the ULDC, any native plant material will be addressed during the zoning approval process.*
- Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.
- **Response:** *The Property is currently utilized as an agriculture use. 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 rather provide a support service for those adjacent agriculture uses.*
- Fails to maximize use of existing public facilities and services.
- **Response:** *This amendment will maximize the use of existing facilities. The Property's location within a Limited Urban Service Area (LUSA) means that services and public facilities are available to serve the Property.*
- 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 style 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 as required through the site plan approval process.*
- Results in the loss of significant amounts of functional open space.
- **Response:** *This amendment does not result in a loss of any functional open space as the subject property is currently not utilized as functional open space.*

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

- Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.
- **Response:** *This amendment does not fail to protect and conserve natural resources as the property is vacant of natural resources. The site is located outside of any wellfield protection zone. As required by the ULDC, any native plant material will be addressed during the zoning approval process.*
- Promotes the efficient and cost-effective provision or extension of public infrastructure and services.
 - **Response:** *The proposed Future Land Use amendment will maximize the use of future public facilities and services existing and within a relatively urban area. No facilities would be required to be installed in rural or sparsely populated areas, thereby maximizing the use of the existing facilities. Therefore, the proposal discourages the proliferation of Urban Sprawl.*
- Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.
 - **Response:** *The development will be designed with pedestrian connections to 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 provide 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, is consistent with the Comprehensive Plan and will not negatively impact service provision.

II. ULDC CHANGES

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

Exhibit 4
Applicant's Public Facilities Table

A. Traffic Information		
	Current	Proposed
Max Trip Generator	Nursery (Garden Center) - ITE 817: T = 108.10x; Nursery (Wholesale) - ITE 818: T = 19.5x	Light Industrial - ITE 110: T = 4.96x Flex Space – T = 7.86x Landscape Services – T = 121.70x
Maximum Trip Generation	736 Daily Trips	2080 Daily Trips (Maximum and Restricted)
Net Daily Trips:	1344 daily trips (maximum/restricted minus current)	
Net PH Trips:	499 AM peak hour trips, 275 PM peak hour trips (maximum minus current) 430 AM peak hour trips, 275 PM peak hour trips (maximum minus current)	
Significantly impacted roadway segments that fail Long Range	None.	None.
Significantly impacted roadway segments for Test 2	None.	None.
Traffic Consultant	Simmons & White	
B. Mass Transit Information		
Nearest Palm Tran Route (s)	Route 73 – Boynton Beach X-Town via Boynton Beach Boulevard	
Nearest Palm Tran Stop	Stop # 6791 – Bethesda Hospital (approximately 1.5 miles away)	
Nearest Tri Rail Connection	Boynton Beach Tri-Rail Station (Gateway Boulevard) Via Route 73	
C. Potable Water & Wastewater Information		
Potable Water & Wastewater Providers	Palm Beach County Water Utilities Department. Sufficient capacity is available for the proposed development. Off-site improvements and a lift station will be required. See Attachment I for letter from Palm Beach County Water Utilities Department.	
Nearest Water & Wastewater Facility, type/size	A 10" potable water main is located approximately 2200 feet from the Property within Armone Place. An 8" wastewater force main is located approximately 2,900 feet from the Property.	

D. Drainage Information

The Property is located within the boundaries of the Lake Worth Drainage District and South Florida Water Management District C-15 Drainage Basin. Legal positive outfall if available via discharge to the Lake Worth Drainage District E-1 Canal along the east side of the State Road 7. See Attachment J for Drainage Statement.

E. Fire Rescue

Nearest Station	Station # 48 – 8560 Hypoluxo Road
Distance to Site	Approximately 3.25 miles
Response Time	9 minutes
Effect on Resp. Time	The proposed change will have some impact on Fire-Rescue facilities. See Attachment K for letter from Fire-Rescue Department.

F. Environmental

Significant habitats or species	There are no significant habitats or species on the Property. The site has previously cleared and utilized for agricultural purposes. An aerial and several pictures of the Property are provided as Attachment L.
Flood Zone*	Portions of the Property are located in Special Flood Zone AE.
Wellfield Zone*	The Property is not located within a Wellfield Protect Zone. See Wellfield Map as Attachment N.

G. Historic Resources

There are no significant historic resources on the Property or within 500 feet of the Property. See Attachment O.

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

■

**Palm Beach County
Board of County
Commissioners**

Robert S. Weinroth, Mayor
Gregg K. Weiss, Vice Mayor

Maria G. Marino
Dave Kerner
Maria Sachs
Melissa McKinlay
Mack Bernard

County Administrator

Verdenia C. Baker

*"An Equal Opportunity
Affirmative Action Employer"*



June 14, 2022

Bryan G. Kelley, P.E.
Simmons & White
2581 Metrocentre Boulevard West, Suite 3
West Palm Beach, FL 33407

**RE: Boynton Land Commerce
FLUA Amendment Policy 3.5-d Review
Round 2022-23-A**

Dear Mr. Kelley:

Palm Beach County Traffic Division has reviewed the Land Use Plan Amendment Application Traffic Statement for the proposed Future Land Use Amendment for the above-referenced project, revised on June 3, 2022, pursuant to Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan. The project is summarized as follows:

Location:	West side of State Road 7, approximately 1.25 miles south of Hypoluxo Road	
PCN:	00-41-45-13-00-000-1030	
Acres:	15.0 acres	
	Current FLU	Proposed FLU
FLU:	Agricultural Reserve (AGR)	Industrial (IND)/Agricultural Reserve (AGR)
Zoning:	Agricultural Reserve (AGR)	Light Industrial (IL) or Multiple Use Planned Development (MUPD)
Density/ Intensity:	0.15 FAR	0.45 FAR
Maximum Potential:	Nursery (Garden Center) = 5 Acres Nursery (Wholesale) = 10 Acres	Light Industrial = 294,030 SF OR Flex Space – IND FLU = 294,030 SF OR Landscape Services = 15.00 Acres
Proposed Potential:	None	Light Industrial = 294,030 SF OR Flex Space – IND FLU = 294,030 SF OR Landscape Services = 13.00 Acres



Bryan G. Kelley, P.E.
 June 14, 2022
 Page 2

Net Daily Trips:	1,344 (maximum – current) 1,344 (proposed – current)
Net PH Trips:	516 (206/310) AM, 320 (128/192) PM (maximum) 447 (179/268) AM, 320 (128/192) PM (proposed)
<i>* Maximum indicates typical FAR and maximum trip generator. Proposed indicates the specific uses and intensities/densities anticipated in the zoning application.</i>	

Based on the review, the Traffic Division has determined that the traffic impacts of the proposed amendment **meet** Policy 3.5-d of the Future Land Use Element of the Palm Beach County Comprehensive Plan at the **proposed potential** density shown above. Therefore, this amendment requires a condition of approval to cap the project at the **proposed** development potential or equivalent trips.

Please note the proposed change will have insignificant impacts on both Long-Range and Test 2 analyses.

Please contact me at 561-684-4030 or email me at DSimeus@pbcgov.org with any questions.

Sincerely,

Dominique Simeus, P.E.
 Professional Engineer
 Traffic Division

- DS
 cc: Addressee
 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 Mohyuddin – Principal Planner, Planning Division
 Kathleen Chang – Senior Planner, Planning Division
 Jorge Perez – Senior Planner, Planning Division

File: General - TPS – Unincorporated - Traffic Study Review
 N:\TRAFFIC\Development Review\Comp Plan\23-A\Boynton Land Commerce.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
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County Administrator

Verdenia C. Baker

"An Equal Opportunity
Affirmative Action Employer"



April 18, 2022

Morton
3910 RCA Boulevard
Palm Beach Gardens, FL 33410

RE: Boynton Land Trust Commerce
PCN 00-41-45-13-00-000-1030
Service Availability Letter

Dear Ms. McClellan,

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 Industrial (IND) on approximately 14.9 acres. The proposed change will allow approximately 292,070 SF of light industrial uses.

The nearest point of connection is a 10" potable water main located approximately 2200' from the subject property within Armone Place. The nearest point of connection to sanitary sewer is an 8" gravity main approximately 2900' from the subject property. 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

Exhibit 7

Disclosure of Ownership Interests

PALM BEACH COUNTY - ZONING DIVISION

FORM # 9

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared
Patey Patel, 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 Managing Member [position -
e.g., president, partner, trustee] of 8481 Boynton Beach Land Trust [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: 370 Camino Gardens Blvd
Suite 301
Boca Raton, FL 33432
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.


PETER PATEL, 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 18th day of April, 20 22 by Peter Patel (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)

My Commission Expires on: 2/28/25

NOTARY'S SEAL OR STAMP



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

EXHIBIT "A"**PROPERTY**

A PORTION OF THE NORTHEAST ONE-QUARTER OF SECTION 13, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 13; THENCE SOUTH 88°58'56" WEST, ALONG THE SOUTH LINE OF SAID NORTHEAST ONE-QUARTER, A DISTANCE OF 229.53 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 88°58'56" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 985.92 FEET; THENCE NORTH 00°54'26" WEST, ALONG THE EAST LINE OF TRACT "A", OF "SUSSMAN - PLAT FIVE", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 91 AT PAGES 57 AND 58 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 662.63 FEET; THENCE NORTH 88°57'41" EAST, ALONG THE SOUTH LINE OF SAID TRACT "A", A DISTANCE OF 985.92 FEET; THENCE SOUTH 00°54'26" EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF STATE ROAD 7 (US 441), AS RECORDED IN OFFICIAL RECORDS BOOK 11488 AT PAGE 1836 OF SAID PUBLIC RECORDS, A DISTANCE OF A DISTANCE OF 662.99 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA, AND CONTAIN 15.002 ACRES, MORE OR LESS.

Exhibit 8 Urban Sprawl Analysis

Primary Indicators that an amendment does not discourage urban sprawl	Staff Assessment	Sprawl Indicated?
Criteria Related to Land Use Patterns		
Promotes, allows or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.	This amendment does not promote, allow or designate a substantial area of the County to develop as low-intensity, low-density, or single-use development or uses.	No
Promotes, allows or designates urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban developments.	This amendment does not designate urban development emanating from existing urban development. The site is within a Limited Urban Service area where urban services are provided.	No
Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.	This amendment does not discourage or inhibit infill development or the redevelopment of existing neighborhoods and communities.	No
Fails to encourage functional mix of uses.	This amendment will introduce additional industrial uses in an area with primarily Agricultural Reserve FLUs.	No
Results in poor accessibility among linked or related land uses.	The proposed amendment would not result in poor accessibility among related land uses.	No
Results in the loss of significant amounts of functional open space.	The proposed amendment on this site will not result in the loss of significant amounts of functional open space.	No
Criteria related to sites located outside or at the edge of the Urban Service Area		
Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development	The site is located within in the Agricultural Reserve, a Limited Urban Service Area (LUSA) which allows for a mix of urban and rural levels of service, and therefore, does not promote, allow, or designate a significant amount of urban development to occur in rural areas at substantial distances from existing urban areas.	No
Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems	The property does not contain any environmentally sensitive areas. The site is not within a Wellfield Protection Area.	No
Fails to adequately protect adjacent agricultural areas and activities, including silviculture, and including active agricultural and silvicultural activities as well as passive agricultural activities and dormant, unique and prime farmlands and soils.	The proposed amendment may result in compatibility concerns with adjacent agriculture. However with additional buffering and similar through the zoning process, significant adverse impact may be addressed. Therefore the proposed amendment does not fail to adequately protect adjacent agricultural areas.	No

Primary Indicators that an amendment does not discourage urban sprawl	Staff Assessment	Sprawl Indicated?
Fails to provide a clear separation between rural and urban uses.	The AGR Tier is intended to support and preserve agricultural while allowing low density development and limited commercial development. Institutional uses are restricted from locating west of State Road 7. The Agricultural Preserve provisions therefore allow for a mix of uses to support the allowed residential, commercial, and other non-residential development.	No
Criteria Related to Public Facilities		
Fails to maximize use of existing public facilities and services.	Public facilities and services will be provided and water and wastewater lines are currently available approximately 2,200 feet north within Armone Place.	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
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
Overall Assessment: As demonstrated above, the proposed amendment does not meet any of the indicators of urban sprawl, and would not contribute to urban sprawl in the county.		

Exhibit 9
Ag Reserve Industrial Amendments in Process

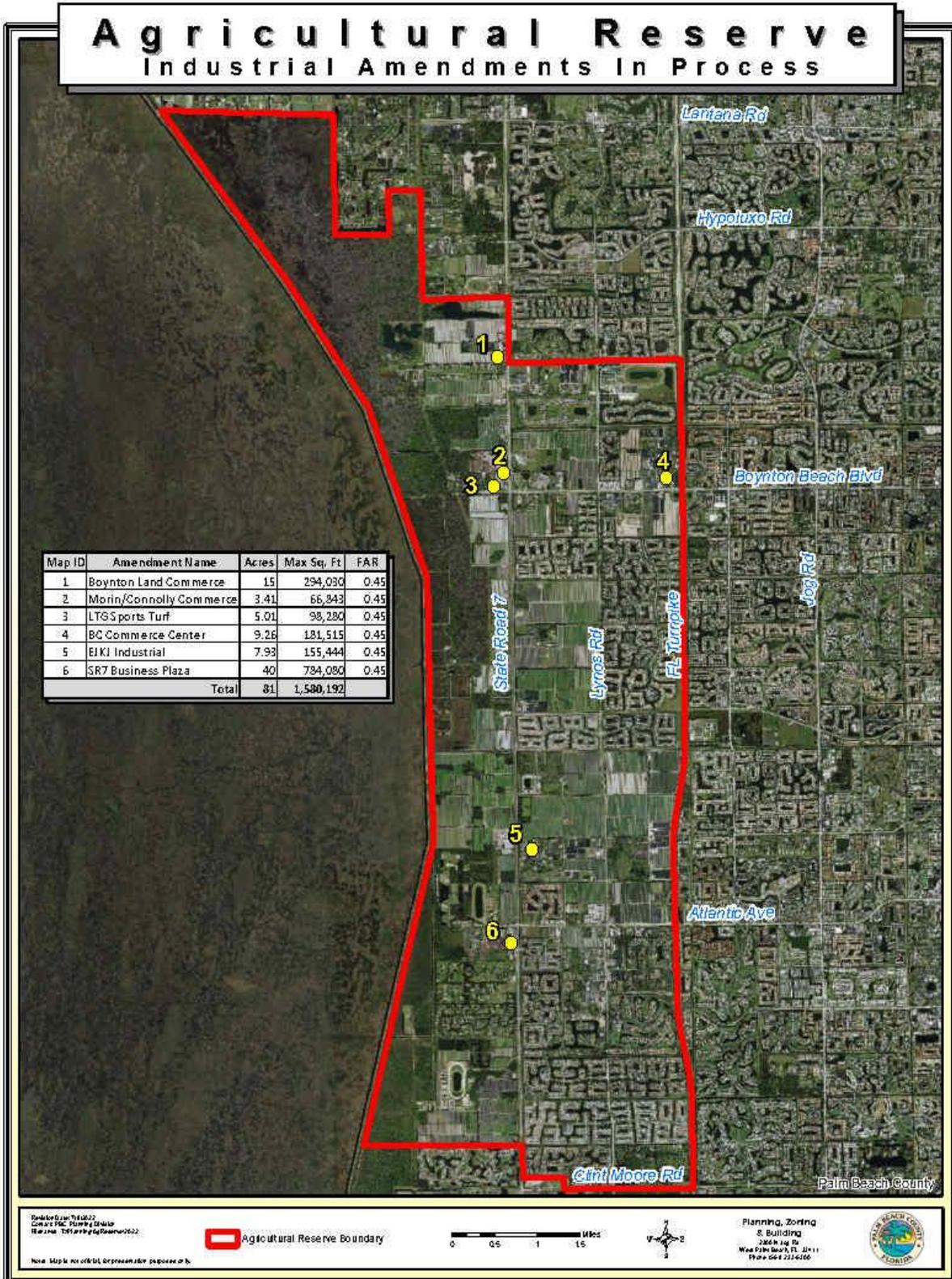


Exhibit 11
Correspondence
