



## FUTURE LAND USE ATLAS AMENDMENT STAFF REPORT SMALL SCALE AMENDMENT

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BCC ADOPTION PUBLIC HEARING, JUNE 17, 2026

### A. Application Summary

#### I. General Data

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**Project Name:** Bulk Candy Store (SCA 2026-001)  
**Request:** Industrial (IND) to Commercial High with underlying Industrial (CH/IND)  
**Acres:** 1.28 acres  
**Location:** Southwest corner of North Jog Road and Wallis Road  
**Project Manager:** Aaron Cramer, Planner I  
**Applicant:** Pops Real Estate Holdings, LLC (Kenneth Shenkman)  
**Owner:** Pops Real Estate Holdings, LLC (Kenneth Shenkman)  
**Agent:** Josh Nichols, Schmidt Nichols  
**Staff Recommendation:** Staff recommends **approval with conditions** based upon the findings and conclusions contained within this report.

#### II. Assessment & Conclusion

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This amendment proposes to change the future land use designation of the subject site from Industrial (IND) to Commercial High with underlying Industrial (CH/IND). The concurrent zoning application proposes to retain the existing 17,167 square feet of warehouse with accessory retail and add a 1,370 square foot restaurant without a drive-through.

The 1.28-acre subject site is located within the Urban/Suburban Tier on the west side of North Jog Road just 0.10 north of Southern Boulevard. The corridor supports a mixture of uses with a prevalence of industrial and commercial uses in the immediate vicinity of the subject site. Uses fronting North Jog Road include a convenience store with fuel sales and car wash, a music instrument retail store, warehouses and light manufacturing.

The proposed CH/IND future land use designation is appropriate for this location as it will reflect the newly proposed and existing commercial uses that have been on this site since 1998. The proposed amendment is consistent with the current land use pattern along the corridor. Since there are no inconsistencies with policies in the Comprehensive Plan or the recommendations of the Jog Road Corridor Study (JRCS), the Palm Beach International Approach Path Conversion Area (PBIA) Overlay, and the Haverhill Neighborhood Plan (HANP), the proposed amendment is appropriate. Pursuant to FLUE Policy 4.3, staff recommends a condition of approval, requiring a cross access easement to the adjacent commercial site to the south.

Therefore, staff is recommending **approval with conditions**.

#### III. Hearing History

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**Local Planning Agency: Approval with Conditions**, motion by Rick Stopek, seconded by Brian Stenberg, passed in an 8 to 0 vote at the May 8, 2026 public hearing. There was minimal discussion regarding the site's projected trip generation and clarification of the proposed condition of approval. There was no public comment.

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

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## B. Petition Summary

### I. Site Data

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#### Current Future Land Use

**Current FLU:** Industrial (IND)  
**Existing Land Use:** Warehouse and Accessory Retail.  
**Current Zoning:** Multiple Use Planned Development (MUPD)  
**Current Dev. Potential Max:** Industrial uses, up to 47,393 square feet (0.85 FAR)

#### Proposed Future Land Use Change

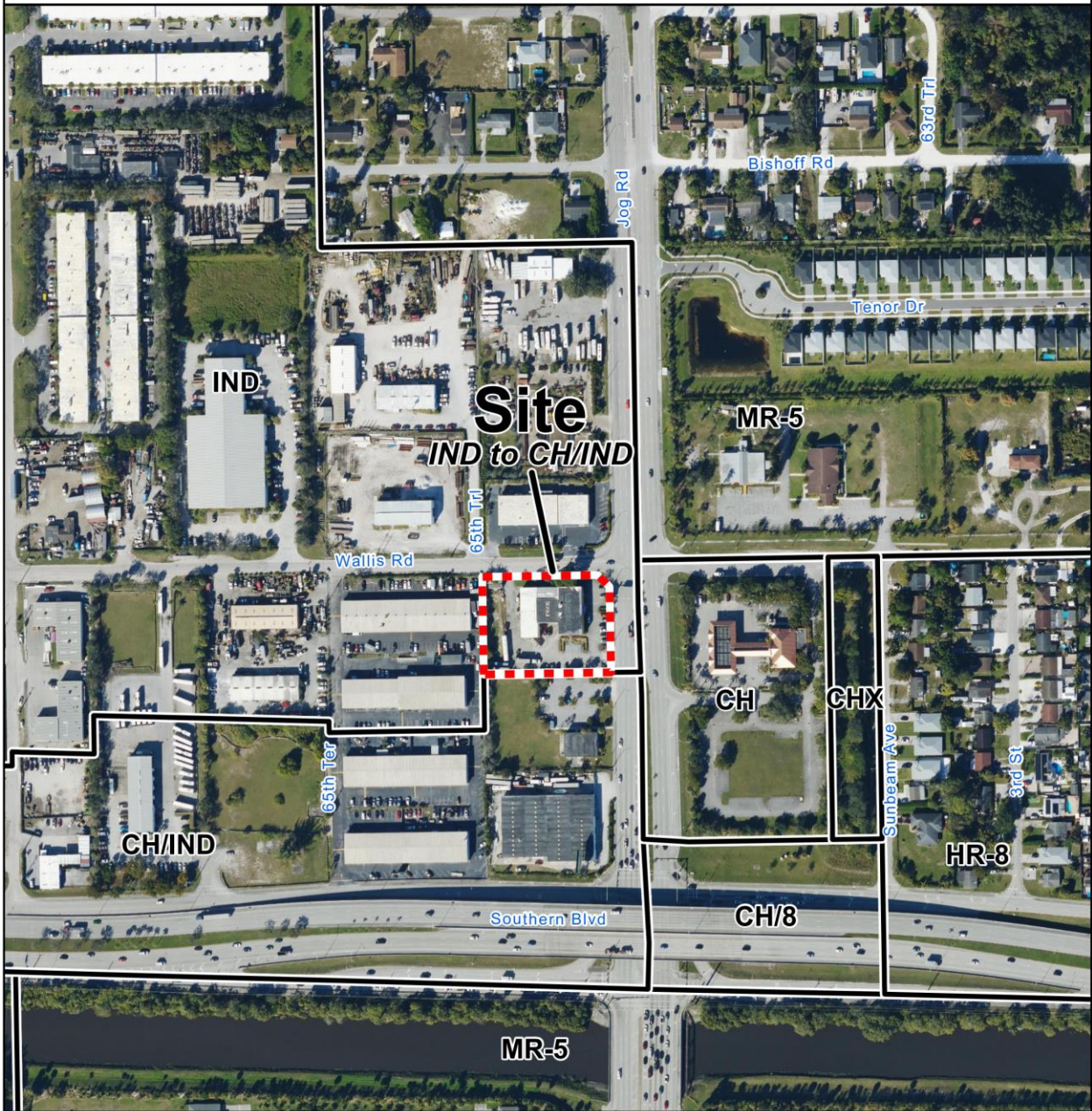
**Proposed FLU:** Commercial High with underlying Industrial (CH/IND)  
**Proposed Use:** Warehouse, Accessory Retail, and Type 1 Restaurant without a Drive-Through.  
**Proposed Zoning:** Multiple Use Planned Development (MUPD) – No change  
**Dev. Potential Max/Conditioned:** Commercial uses, up to 47,393 square feet (0.85 FAR)

#### General Area Information for Site

**Tier/Tier Change:** Urban/Suburban Tier - No change  
**Utility Service:** Palm Beach County Water Utilities Department.  
**Overlay/Study:** Haverhill Neighborhood Plan (HANP), Jog Road Corridor Study (JRCS), Palm Beach International Airport Approach Path Conversion Area (PBIA) Overlay  
**Comm. District:** Commissioner Gregg K. Weiss, District 2

# Future Land Use Atlas Amendment

## Bulk Candy Store (SCA 2026-001)



**Site Data**

Size: 1.28 acres  
 Existing Use: Industrial & Commercial  
 Proposed Use: Industrial & Commercial  
 Current FLU: IND  
 Proposed FLU: CH/IND

**Future Land Use Designations**

CH Commercial High  
 CH/8 Commercial High, underlying HR-8  
 CH/IND Commercial High, underlying IND  
 CHX Commercial High Crosshatching  
 HR-8 High Residential, 8 units/acre

IND Industrial  
 LR-1 Low Residential, 1 unit/acre  
 MR-5 Medium Residential, 5 units/acre

Date: 8/19/2025  
 Contact: PBC Planning  
 Filename: T:Planning/AMEND/26-SCA  
 Note: Map is not official, for presentation purposes only.



Site



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



## C. Introduction

### I. Intent of the Amendment

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This is a privately proposed Future Land Use Amendment (FLUA) for a 1.28-acre site located in the Urban Suburban tier. The intent of the amendment is to change the future land use designation on the subject site from Industrial (IND) to Commercial High with underlying Industrial (CH/IND) to develop a 1,370 square foot expansion for a Type I Restaurant without a drive-through.

**Background:** The amendment is comprised of one parcel located at the west side of Jog Road, approximately 0.1 miles north of Southern Boulevard. The subject property is located on the southwest corner of North Jog Road and Wallis Road. The site is located within the boundaries of the Palm Beach International Airport Approach Path Conversion (PBIA) Overlay, which is identified on the Special Planning Areas Map, LU 3.1 and implemented through the Unified Land Development Code (ULDC). This site is also within the boundaries of the HANP and JRCS (see Exhibit 2, Section D for more information).

**Future Land Use Amendment:** This is a privately proposed future land use amendment for a 1.28-acre site located in the Urban Suburban tier. The intent of the amendment is to change the future land use designation on the subject site from IND to CH/IND to develop a 1,370 square foot expansion for a Type I Restaurant without a drive-through.

**Associated Zoning Application:** The concurrent zoning application, a development order amendment, (DOA-2025-01559, Control No. 1995-00004) proposes to reconfigure the approved site plan for the addition of a 1,370 square foot Type I Restaurant without a drive-through. The existing 17,167 square feet of wholesale/warehouse use with accessory retail will remain. Future cross access to the adjacent commercial site to the south is also depicted on the proposed site plan and is a condition of approval pursuant to FLUE Policy 4.3-g.

### II. Background/History

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#### A. History of the Site

This section of the report summarizes the history of the proposed amendment site and the area. The site is currently developed with a 2-story building utilizing 15,450 square feet for the warehouse space and 1,717 square feet for accessory retail. The site has not been the subject of a prior land use amendment. On July 1, 1998, as a result of Zoning Application No. ZZR-1995-00004, the County approved a site plan for a 2-story 10,000 square foot warehouse building, 1-story 2,250 square foot addition and 4,917 square foot storage addition with accessory retail and site improvements, totaling 17,167 square feet.

Some of the current uses on the site (storage and warehousing) utilize the site's Light Industrial (IL) with a Special Exception (SE) for a Planned Industrial Park (PID) zoning. According to the Zoning Division, a PID is now reviewed as a Multiple Use Planned Development (MUPD). This change reflects a modernization of zoning classifications and development standards intended to accommodate a broader range of compatible uses within planned industrial and mixed-use environments. The existing Zoning was approved in 1973 (R-73-812) when the parcel was rezoned from the General Commercial (CG) Zoning district and includes the two parcels to the south of the site, the 3 parcels to the north and the western parcels neighboring that grouping up to 65<sup>th</sup> Terrace North. The intent of the original approval was to promote coordinated site planning, shared infrastructure and compatible uses within a defined boundary.

#### B. Commercial High (CH) Future Land Use (FLU) Designation

The Commercial High future land use designation was established in the 1989 Comprehensive Plan to allow commercial facilities that are intended to serve the needs of both residents and tourists. Sites with these uses that existed at the adoption of the 1989 Plan were assigned with the CH future land use and Comp Plan Policy 2.2.2 outlines the guidelines that allow the County to apply the CH FLU at appropriate locations through the amendment process.

Further, the FLUA Implementation Section of the Plan further outlines the uses that properties assigned with a CH future land use designations.

#### **FLUE, FLUA Implementation, Commercial High Uses.**

*The CH category includes a wide range of uses, intended to serve a community and/or regional commercial demand. CH uses shall include, but not be limited to, establishments primarily engaged in providing a wide variety of service for individuals, business and*

*government establishments and other organizations. Retail uses; hotels and other lodging places; establishments providing personal business, repair and amusement services; health, legal, engineering and other professional services and offices; educational institutions; museums; membership organizations; and other miscellaneous services are permitted. The permitted uses within the CH category are intended to serve areas greater than the adjacent residential areas, and serve a community and/or regional commercial purpose. The CH category shall also permit Flex Space.*

The CH category is a broad, flexible commercial land use intended to serve community-wide and regional demand rather than just adjacent neighborhoods. The language used here is intentionally expansive allowing for administrative flexibility and adaptation to the evolving surrounding conditions. The designation is intended to accommodate higher-intensity commercial activity, typically along major corridors like Jog Road, and also permits Flex Space, which may include hybrid office, warehouse, or light assembly uses. Overall, the CH category supports a diverse, service-oriented commercial environment with regional draw and long-term adaptability.

### **C. Multiple Use Planned Developments (MUPD) in the ULDC**

The Unified Land Development Code outlines the goals for the implementation and provision of zoning standards in unincorporated Palm Beach County. The ULDC defines the purpose of MUPDs in Section 3.A.1 as follows:

*The purpose of an MUPD is to provide for the efficient use of land by the integration of multiple uses, or large single uses, within a unified development. The intent of an MUPD is to provide opportunities for enlightened and imaginative approaches to community planning and site design by: [Ord. 2014-025]*

- a. allowing flexibility from standard PDRs;*
- b. applying PDRs to the entire project rather than individual lots, such as: access, parking, lot dimensions, lot frontage, and landscaping;*
- c. encouraging the creation of a unified image between buildings and signage through architecture and linkages between land uses;*
- d. allowing the use of vertical or horizontal integration with residential and non-residential uses; [Ord. 2021-023]*
- e. promoting the design of a Site Plan which provides for the integration of residential and nonresidential uses; and, [Ord. 2021-023]*
- f. promoting the design of safe and efficient circulation systems for pedestrians, bicycles, and automobiles. [Ord. 2021-023]*

### **III. Data and Analysis Summary**

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This section of the report summarizes the consistency of the amendment with the County's Comprehensive Plan. Exhibit 2 details the consistency of the amendment with Plan policies, including justification, compatibility, public facilities impacts, intergovernmental coordination, and consistency with specific overlays and plans. The substantive factors from Exhibit 2 are summarized below.

**Overview of the Area.** The site is located along the Jog Road corridor and part of the PBLA Overlay. This corridor supports primarily industrial and commercial future land use designations throughout the area. The site is north of Southern Boulevard and located adjacent to existing commercial uses including a gas station (Sunoco) with convenience store (7 Eleven) to the east; and a musical instrument retailer (Music Man) to the south that also amended its Future Land Use (FLU) from IND to CH/IND. The site is within the unincorporated county, and the nearest municipality is the City of Greenacres. The proposed use is located within boundaries of the PBLA Overlay, the JRCS and the HANP.

**Appropriateness of the Amendment.** The current IND FLU designation of the site has a development potential of up to 47,393 square feet of industrial uses. However, as detailed in the background section, the site has continued to support accessory retail in addition to warehouse uses. The amendment request CH/IND would allow the addition of a Type I Restaurant without a Drive-Through, making better use of their space commercially while retaining the site's industrial aspects. The limitations of the IND designation restrict opportunities for developing minor commercial enhancements like the planned restaurant. The proposed amendment is also consistent and compatible with the commercial development pattern in the corridor.

**Compatibility:** As mentioned, the site is located in a predominantly industrial and commercial corridor along North Jog Road, north of Southern Boulevard. All of the properties immediately surrounding the subject site have either CH or IND FLU designations. The property adjacent to the south, in fact, has the same CH/IND FLU designation that is being proposed for the subject site. More specifically, the site currently supports an industrial use for warehouse space and accessory retail. The proposed amendment to CH/IND would complement the established

development pattern and could provide a transition between the commercially designated properties along the Jog Road Corridor and the industrial uses also near the subject site. As such, the proposed amendment is compatible and consistent with the adjacent uses and the character of the corridor.

**Assessment and Recommendation.** This amendment proposes to change the future land use designation of the subject site from IND to CH/IND. The concurrent zoning application proposes to retain the existing 17,167 square feet of warehouse with accessory retail and add a 1,370 square foot restaurant without a drive-through.

The 1.28-acre subject site is located within the Urban/Suburban Tier on the west side of North Jog Road just north of Southern Boulevard. The corridor supports a mixture of uses with a prevalence of industrial and commercial uses in the immediate vicinity of the subject site. Uses fronting North Jog Road include a convenience store with fuel sales and car wash, a music instrument retail store, warehouses and light manufacturing.

The proposed CH/IND future land use designation is appropriate for this location as it will reflect the newly proposed and existing commercial uses that have been on this site since 1998. The proposed amendment is consistent with the current land use pattern along the corridor. Since there are no inconsistencies with policies in the Comprehensive Plan or the recommendations of the JRCS, the PBIA Overlay, and the HANP, the proposed amendment is appropriate. Pursuant to FLUE Policy 4.3-g, staff recommends a condition of approval, requiring a cross access easement to the adjacent commercial site to the south.

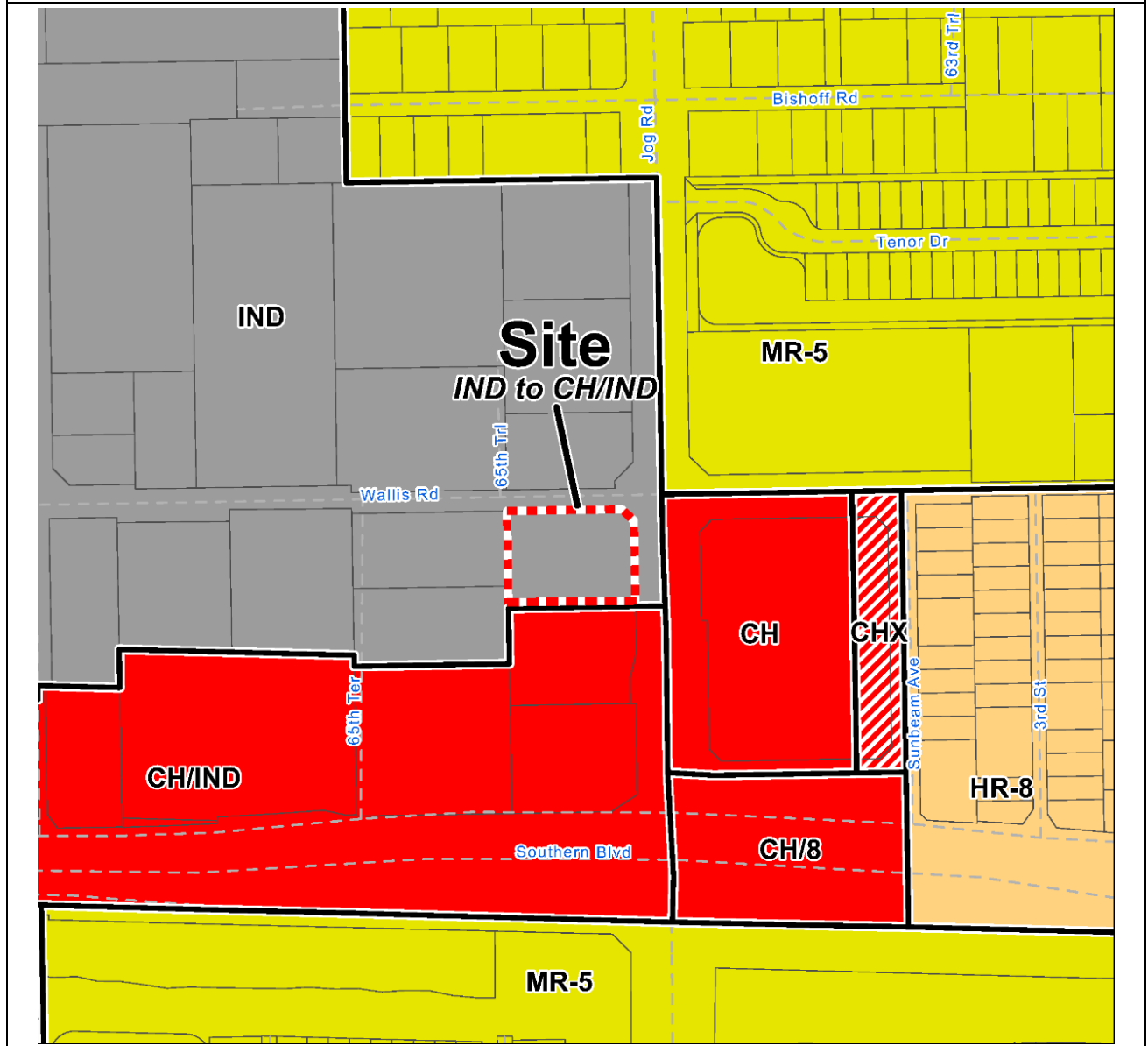
Therefore, staff is recommending ***approval with conditions***.

<b>Exhibits</b>	<b>Page</b>
1. Future Land Use Map & Legal Description	E-1
2. Consistency with Comprehensive Plan	E-3
3. Applicant's Justification/Consistency with Comprehensive Plan	E-11
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### Exhibit 1

<b>Amendment No:</b>	<b>Bulk Candy Store (SCA 2026-001)</b>
<b>FLUA Page No:</b>	64
<b>Amendment:</b>	From Industrial (IND) to Commercial High (CH) with underlying Industrial (CH/IND)
<b>Location:</b>	Southwest corner of N Jog Road and Wallis Road
<b>Size:</b>	1.28 acres approximately
<b>Property No:</b>	00-42-43-27-05-005-1653

**Conditions:** Vehicular cross access shall be provided to the parcel to the South.



## Legal Description

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THE NORTH 207.63 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

THE EAST HALF (1/2) OF TRACT 65, BLOCK 5, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE(S) 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE NORTH 15 FEET THEREOF, LESS THE SOUTH 230.20 FEET THEREOF, AND LESS THE EAST 60 FEET THEREOF, AND ALSO LESS AND EXCEPT THAT PORTION CONVEYED TO PALM BEACH COUNTY FOR RIGHT OF WAY RECORDED IN OFFICIAL RECORDS BOOK 6714, PAGE 889, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA AND CONTAINING 55,747 SQUARE FEET (1.279 ACRES), MORE OR LESS.

## Exhibit 2

### Consistency with Comprehensive Plan

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This Exhibit examines the consistency of the amendment with Palm Beach 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 includes a Justification Statement (Exhibit 3) which provides the following factors as justification:

- *The property is located immediately adjacent to N Jog Road and is approximately 0.10 miles north of Southern Boulevard, another Major Arterial Roadway. The site offers high visibility and convenient access for both vehicular and pedestrian traffic, making it a desirable location for a Type I Restaurant without a Drive-Through. The existing uses are commercial in nature and the proposed use will complement the existing operations onsite.*
- *The property has access to adequate public facilities without straining existing infrastructure.*
- *The surrounding area features a mix of commercial and industrial uses, supporting the compatibility of an additional use: a small-scale Type I Restaurant that does not rely on drive-through traffic. The subject site offers great proximity to residential neighborhoods which can generate consistent patronage and employment opportunities.*

**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.

The current development potential for the subject site is 47,393 square feet of industrial uses. Likewise, the proposed amendment would allow a conditioned potential of up to 47,393 square feet of commercial uses. The concurrent zoning application, a development order amendment, is proposing to reconfigure the approved site plan for the addition of a 1,370 square feet restaurant without a drive-through.

With regards to justification, the proposed CH/IND FLU designation is appropriate as this designation will reflect the commercial uses that exist on this site. Zoning Application No. ZZR-1995-0004 approved a warehouse with accessory retail sales totaling 17,167 square feet. The current proposal, combined with a potential future cross access easement to the adjacent site to the south, would improve circulation for both sites. This proposed change would also be unlikely to strain the existing infrastructure as its access to adequate public facilities has already been established. The site's surrounding land use is a combination of IND and CH uses; with the aforementioned southernmost adjacent site also having gone through the amendment process to redesignate from IND to CH/IND. Therefore, the proposed CH designation is consistent with other commercially designated parcels along this corridor. Staff concurs with the applicant's easement that the FLUA is justified.

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 3. Infill, Redevelopment and Revitalization.** *Address the needs of developed urban areas that lack basic services, and encourage revitalization, redevelopment, and infill development in urban areas to increase efficient use of land and existing public facilities and services.*

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

**Staff Analysis:** The proposed amendment to allow commercial uses would be consistent with the character and development pattern of this particular area, which can be characterized as a mixture of IND and CH. With respect to land use compatibility, which is also addressed elsewhere in this report, the proposed CH/IND designation is appropriate and may serve as a transitional use between the commercial development along the Jog Road Corridor and the industrial uses also surrounding the subject site. The proposed redevelopment and related improvements to the site further Directions 2 and 3 and would not detract from any of the County Directions.

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

**Staff Analysis:** The definition of piecemeal development in the Comprehensive Plan describes “A situation where land, under single ownership or significant legal or equitable interest (by a person as defined in Section 380.0651[4] F.S., is developed on an incremental basis, or one piece at a time, with no coordination or overall planning for the site as a whole.” The proposed amendment is consistent with this policy as there are no adjacent sites under common ownership.

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

**Staff Analysis:** The Comprehensive Plan’s Introduction and Administration Element defines residual parcel as “a property under the same or related ownership that has been left out of a development area, resulting in a parcel which has limited development options

and connections to surrounding properties.” The proposed amendment will not create residual parcels as there are no adjacent sites under common ownership. Therefore, the proposed amendment is consistent with this policy.

5. **Strip Commercial – FLUE Policy 2.2.2-d:** *The County shall not designate additional commercial areas on the Future Land Use Atlas that would result in or encourage the proliferation of strip commercial development.* Strip Commercial Development is defined in the Comprehensive Plan Introduction and Administration Element as follows:

*STRIP COMMERCIAL DEVELOPMENT - A form of development that is designed primarily for vehicular access and is hazardous or inconvenient for pedestrians to use. Strip commercial development may include any of the following:*

1. *Intense, largely non-residential development, which is shallow in depth, and lies along a length of roadway*
2. *Poorly coordinated site plan, with buildings organized in a linear pattern or in isolated “islands”*
3. *Separate driveways or curb cuts from adjacent properties*
4. *Separate parking lots from adjacent properties*
5. *Inadequate accessibility and circulation for pedestrians and bicycles*

**Staff Analysis:** The proposed amendment does not exhibit any of the characteristics of strip commercial development as defined in the Introduction and Administration Element of the Comprehensive Plan. The site is located on an established industrial/commercial corridor, and the concurrent site plan depicts a coordinated development that employs interconnectivity techniques. To address these policy guidelines and ensure that strip development does not occur, the applicant has provided cross access to the parcel adjacent to the south. As a result, the subject request would not result in an isolated island, separate parking lots, or the other substantial characteristics of strip commercial development identified in this FLUE policy. Therefore, the proposed amendment is in agreement with this policy.

6. **FLUE Industrial - 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.

**Staff Analysis:** The applicant proposes a Future Land Use designation of CH/IND. This designation retains the site’s light industrial functions, including storage and warehouse uses, which are permitted under the CH/IND designation. As a result, the proposal does not eliminate or diminish the site’s industrial capacity. Instead, it preserves industrially designated land while introducing commercial land use suited to the site’s current and proposed operations. Accordingly, the amendment is consistent with FLUE Industrial Policy 2.2.4-a, as it supports the continued retention of industrial activities, maintains employment-generating uses, and does not result in the loss of industrial land.

7. **Community Design - Policy 4.3-g:** Where appropriate, similar and/or complementary neighboring land uses shall employ access management techniques such as shared entrances (to reduce the number of curb cuts) and vehicular and/or pedestrian cross access between like development projects (to encourage inter-connectivity both within and between sites, and reduce the need to use the primary street system to access adjacent sites).

**Policy 4.3-k:** The County shall require, where feasible, that commercial land uses employ access management techniques, such as shared entrances and vehicular cross access, between adjacent existing and proposed commercial land uses.

**Staff Analysis:** Being that the southernmost adjacent site is Music Man, which has a CH/IND FLU designation, the applicant has provided cross access between each parking lot on the preliminary site plan. This is consistent with the policies above and will promote interconnectivity between both CH/IND sites. Music Man is also a part of the same Planned Industrial Park Development (PID) so with the newly provided cross access, the site is continuing to foster interconnectivity in the area. This approach also helps preserve the functional integrity of the PID by reinforcing a unified development pattern, rather than treating individual parcels as standalone sites.

8. **Multiple Use Planned Development - Policy 4.4.7-a:** The purpose of a MUPD is to provide for the efficient use of land by the integration of multiple uses, or large single uses, within a unified development in order to provide opportunities for enlightened and imaginative approaches to community planning and site design. Buffering between the different uses within an MUPD may be reduced or eliminated to foster interconnectivity between the uses.

**Staff Analysis:** The applicant's site is within the parameters of a MUPD. The goals of this zoning district are directly represented in this project as the expansion of the site plan to include a Type I Restaurant without a Drive-through in addition to its other uses of warehouse/wholesale and accessory retail, showcase multiple uses effectively utilizing the space. Consistent with the policy above, buffering between the neighboring parcel to the south is minimized as cross access will be provided connecting two sites in the same MUPD. This approach reduces internal barriers and supports shared infrastructure. By facilitating shared access, the proposal promotes efficient land use, enhancing site functionality.

**B. Consistency with Urban/Suburban Tier Requirements for the Specific FLU**

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.....”*

1. **Policy 1.2-a:** *Within the Urban/Suburban Tier, Palm Beach County shall protect the character of its urban and suburban communities by:*

1. *Allowing services and facilities consistent with the needs of urban and suburban development;*
2. *Providing for affordable housing and employment opportunities;*
3. *Providing for open space and recreational opportunities;*
4. *Protecting historic, and cultural resources;*
5. *Preserving and enhancing natural resources and environmental systems; and,*
6. *Ensuring development is compatible with the scale, mass, intensity of use, height, and character of urban or suburban communities.*

**Staff Analysis:** The proposed amendment will allow for additional commercial uses consistent with the needs of urban and suburban development as Jog Road is a six-lane major thoroughfare consisting of commercial and industrial developments. The proposed development is compatible with the scale, mass, intensity of use, height, and character of the neighboring communities considering the proposed site design and the requested amendment to CH/IND, which can serve as a catalyst for positive development. The applicant's justification citing “it is anticipated that additional small-scale development will continue to occur as the corridor evolves to support a variety of compatible uses in response to market demand” is consistent with this objective. This proposed change is compatible with the development trends seen in the area.

2. **Policy 2.2.2-a:** *In order to discourage strip commercial development, to limit commercial development to nodes, to foster interconnectivity, and to promote the development of innovative mixed use projects inside the Urban Service Area, all new commercial future land use designations shall meet one of the following location requirements:*

- *Intersection Location:*
  - *Commercial Low, High Office, or High future land use designations shall have frontage on built roadway segments identified as an arterial road and a collector road, or two arterial roads.*
- *Contiguous Location – All new commercial future land use designations shall be contiguous to a lot(s) with a commercial future land use designation. Contiguous is defined as lot(s) that share a common border. Lots that touch point-to-point, and lots which are separated by waterways, streets, or major easements are not considered contiguous.; or*
- *Flexible Location – Mixed-use development patterns identified in the Future Land Use Element (e.g. LCC, TMD, TND) or Commercial Low-Office future land use designations may be allowed in any location along all arterial or collector roads.*

*Roadway classifications are listed in Figure TE 3.1, Functional Classification of Roads.*

**Staff Analysis:** As stated in the preface of the above FLUE policy, the location criteria standards were established in an effort to discourage strip commercial development in the

Urban Service Area, which are oftentimes characterized by shallow individual lots with linear-style buildings, poor interconnectivity and inadequate parking and/or pedestrian facilities. The subject site is located at the Southwest corner of North Jog Road, a major arterial road and Wallis Road, a collector, and therefore is consistent with this policy. This is well-suited, as it allows for easy access to the site and a controlled takeaway of traffic from that corridor.

The subject site is also found in a contiguous location as the adjacent parcel to the south of the site has a Commercial High (CH) designation. Combatting the issue of shallow lots and poor interconnectivity, the inclusion of cross access between Music Man to the south, enables for the discouragement of strip commercial development.

Through consideration of the applicant's request and research of the site's development history, the development pattern of the corridor, and the uses and site design proposed in the zoning application, staff have determined that the request for Commercial High meets the policy's objective and intent. With staff's conditions, the proposed request would not result in strip commercial development; fosters adaptive reuse and infill development intended for the Tier; and compliments the commercial nature of the corridor.

### 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:** Immediately north of the site (across Wallis Road) is a 0.97-acre lot supporting a 3,965 square foot office warehouse and 7,625 square foot light manufacturing space. To the north and west of this site are parcels being utilized for warehousing and manufacturing purposes. All of these sites have an IND future land use designation.

**South:** Neighboring the site to the south, is 1.26-acre lot supporting a 5,100 square foot Music Man Inc. The building is split up into 1,275 square foot segments utilized for professional space, personal services, repair and maintenance, limited retail sales and general retail spaces. The site below Music Man is a 1.39-acre lot with a 24,707 square foot warehouse. Both sites have CH/IND future land use designations. Subsequently, this site has been the subject of a Future Land Use Amendment as well, as it was redesignated from IND to CH/IND. Southern Boulevard is further south past this site and the L-4 Canal.

**East:** Immediately east of the site (across Jog Road) is the Holloway Plaza subdivision, a 4.62-acre lot supporting a 4,998 square foot Sunoco gas station with a vacant space in the southern portion of the lot. This property is made up of 16 fueling positions and a 2,242 square foot 7 Eleven Inc. convenience store as well as a 756 square foot car wash. The site has a CH FLU designation and was previously designated as High Residential, 8 units per acre (HR-8).

**West:** Neighboring the site to the west are three parcels (from north to south): 1.21 acres, 1.25 acres, and 2.42 acres in size. These sites house multiple warehouse properties totaling 64,944 square feet. The two northernmost sites fall under the IND FLU designation. The 2.42-acre site has a CH/IND FLU designation.

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

**Applicant's Comments:** The applicant lists the surrounding uses and future land use designations in Exhibit 3. The applicant indicates that *“the Property is located at a major transportation node (N Jog Road and Southern Boulevard). N Jog Road is currently developed with a mix of industrial, commercial, and residential uses.”*

**Staff Analysis:** The site is located in a predominantly commercial and industrial corridor along Jog Road north of Southern Boulevard. The properties surrounding the site support a mix of warehouse, light manufacturing, and commercial service uses, with IND and

CH/IND throughout. The proposed amendment would be consistent with this established pattern of industrial and commercial development and would reinforce the corridor's long-standing functional character. Because no residential uses are located adjacent to the site, the proposal also upholds FLUE policies requiring protection of residential areas from incompatible non-residential activities. The proposed amendment to Commercial High would complement the established development pattern and could continue the combination of the commercially designated properties along the Jog Road Corridor and Industrial properties throughout the Haverhill 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 property is located within the Palm Beach International Airport Approach Path Conversion Area (PBIA) Overlay as shown on Special Planning Areas Map, LU 3.1. However, the specific requirements of the PBIA Overlay are implemented through the Unified Land Development Code (ULDC) and the development proposal is reviewed for consistency with the Overlay through the concurrent zoning application.

2. **Palm Beach International Airport Approach Path Conversion Area (PBIA) Overlay**

**SUB-OBJECTIVE 1.2.4:** *The purpose of the Palm Beach International Airport Approach Path Conversion Area (PBIA) Overlay is to provide for future land uses that are compatible with existing neighborhoods and the future operations of PBIA. The unique future land use provisions of the Overlay are designed to: 1) protect viable, existing neighborhoods from incompatible uses; 2) provide opportunities for property owners to initiate conversion of their properties to non-residential uses*

**Staff Analysis:** This site is located within the PBIA Overlay. The purpose of the PBIA Overlay is to “provide for future land uses that are compatible with existing neighborhoods and the future operations of PBIA.” The existing surrounding properties feature a mixture of commercial and industrial land use, with the closest parcel being designated as CH/IND. In this context, the proposed development is consistent with the established development pattern and does not introduce land uses that would be incompatible with adjacent properties or nearby neighborhoods. The Overlay aims to preserve the nature of the area based on the surrounding land uses. The proposed request site is compatible with its adjacent neighbors.

3. **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 proposed amendment is located within the boundaries of the HANP and the JRCS.

**The Haverhill Area Neighborhood Plan** - The HANP was completed in 1992 by the PBC Planning Division and Haverhill representatives. The BCC adopted the plan via Resolution R-92-1622 as a policy guide. The intent of this neighborhood plan was to address land use issues, airport noise, code enforcement issues and transportation in the Haverhill area. This site is within Sub-Area 5 of the neighborhood plan which is an area identified as mostly industrial. There are no recommendations in the plan related to the redesignation of IND to CH. Therefore, this proposal is not inconsistent with the recommendations of the HANP.

**The Jog Road Corridor Study** - The Jog Road Corridor Study (JRCS) was completed in 1995 by the PBC Planning Division following the expansion and extension in 1994 of Jog Road north from Southern Boulevard to Okeechobee Boulevard. The purpose of the study was “to investigate and determine appropriate FLUA designations for properties within the study area, given the expansion/extension of Jog Road”. The subject site is within Sub-Area II which encompasses an area on the west side of Jog Road between Southern Boulevard. and the L-4 canal. There were three recommendations for this area. The recommendation that applies to the subject site states “retain the current FLUA designation of CH/IND, for those parcels along Southern Boulevard and Jog Road”. While the site is only currently designated under IND, this directly points out that many of its

surrounding areas are under the same proposed CH/IND designation. Since the site is on Jog Road and the property is already designated IND, amending the FLU to better utilize the space would be consistent with the recommendation in the JRCS.

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

The proposed amendment will change the future land use designation from IND to CH/IND on the entire site. For the purposes of public facilities impact analysis, the maximum intensity is based on 47,393 square feet (0.85 FAR) of general commercial uses. Currently, the maximum development potential of the site is 47,393 square feet (0.85 FAR) of industrial uses. Public facilities impacts are detailed in the table in Exhibit 4.

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

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

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

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

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

**Staff Analysis:** The Traffic Division reviewed this amendment at a maximum of 47,393 square feet of General Commercial, as well as the proposed potential contained within the concurrent zoning application, a development order amendment, to reconfigure the approved site plan for the addition of a 1,370 square feet restaurant without a drive-through. According to the County’s Traffic Engineering Department, (see letter dated August 15, 2025, in Exhibit 5) the amendment would generate 747 net trips at the maximum conditional potential.

The Traffic letter concludes *“Based on the review, the Traffic Division has determined that the proposed amendment meet Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan proposed maximum potential density shown above.”*

The Traffic Study was prepared by Bryan G. Kelley, P.E. of Simmons & White. Traffic studies and other supplementary materials for site-specific amendments are available to the public on the PBC Planning web page at:  
<http://www.pbcgov.org/pzb/planning/Pages/Active-Amendments.aspx>

## II. Public and Municipal Review

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

- A. Intergovernmental Coordination:** Notification of this amendment was sent to the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC) for review on April 24, 2026. On the same date, a notification letter was sent to the City of Greenacres regarding the amendment. To date, no comments have been received.
- B. Other Notice:** Public notice by letter was mailed to the owners of properties within 500' of the perimeters of the site and interested parties on April 24, 2026. Correspondence received will be added to Exhibit 8 throughout the public hearing process.

## Exhibit 3 Applicant's Justification

### Request

The 1.28-acre subject property (PCN 00-42-43-27-05-005-1653) is located on the southwest corner of N Jog Road and Wallis Road. Currently, the subject property supports a Future Land Use (FLU) Designation of Industrial (IND). The subject site currently has a zoning designation of Multiple Use Planned Development (MUPD).

Kenneth Shenkman, President, Pops Real Estate Holdings LLC, herein referred to as the "Property Owner," requests a Small-Scale FLUA from Industrial (IND) to Commercial High with an Underlying Industrial (CH/IND) for the purposes of adding a Type I Restaurant without a Drive-Through to the existing warehouse/wholesale facility.

Currently, the subject property is located in the Jog Road Corridor Study (JRCS) and the Palm Beach International Airport Approach Path Conversion Area (PBIAC) Overlay.



*Site Aerial*

Below is a summary of surrounding properties:

Adjacent Lands	Uses	FLU	Zoning
<b>Subject Property (Proposed)</b>	<b>Accessory Retail, Wholesale Warehouse, and Type I Restaurant without Drive-Through</b>	<b>CH/IND</b>	<b>IL</b>
<b>North</b>	Light Manufacturing	IND	IL
<b>South</b>	Office, Business and Professional, Personal Services, Repair and Maintenance, Limited, Retail Sales, General	CH/IND	IL
<b>East</b>	Convenience Store & Car Wash	CH	MUPD
<b>West</b>	Warehouse	IND	IL

### **Site History:**

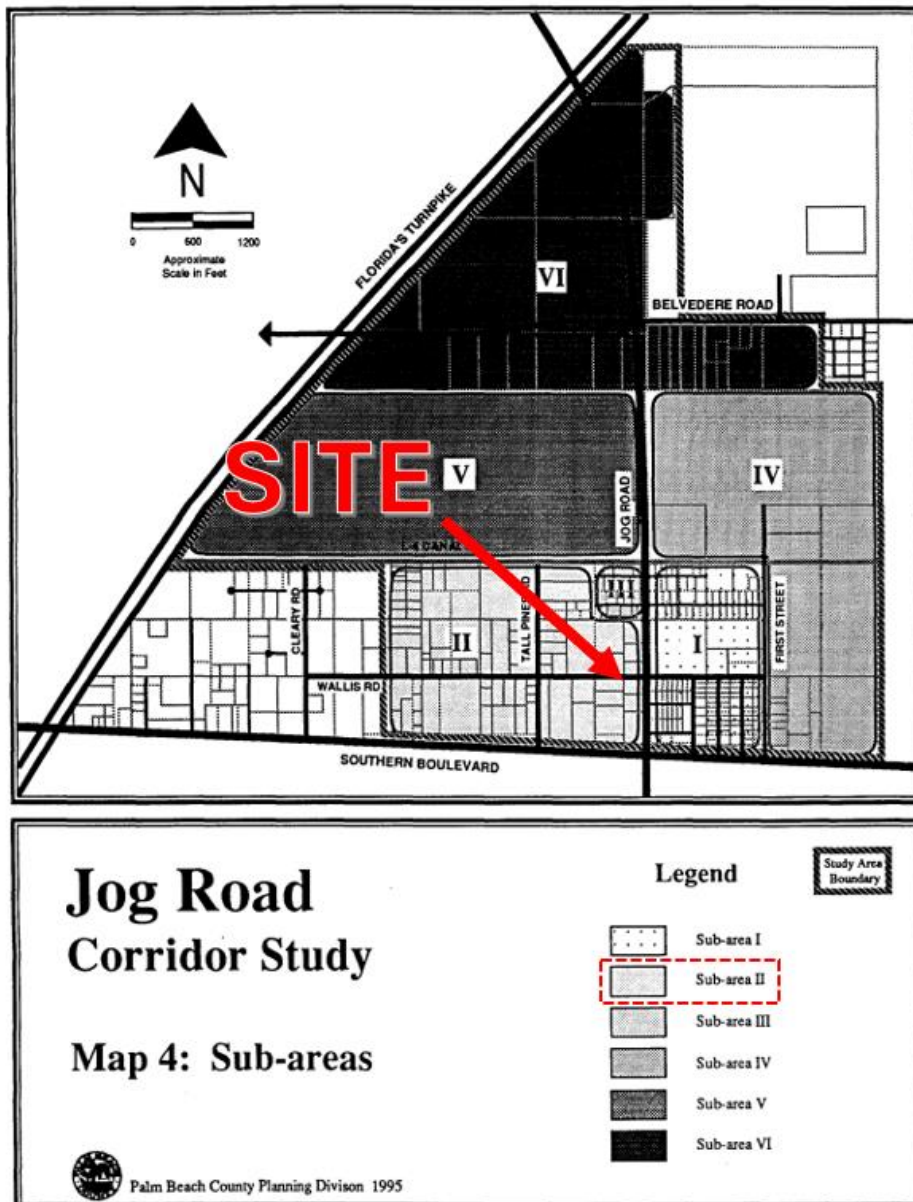
- **On July 1, 1998**, the County approved a site plan for a 2-story 10,000 s.f. warehouse building, 1-story warehouse 2,250 s.f. addition and 4,917 s.f. storage addition with accessory retail and site improvements. Total approved s.f. equated to 17,167 s.f.

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

The proposed use is located within boundaries of the Palm Beach International Airport (PBIA) Approach Path Conversion Area Overlay and the Jog Road Corridor Study (JRCS). Based on previous approvals and the proposed dynamics of the site, the proposal is consistent with each of the overlays. The overlays applicable to the property include:

**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.”

- **Palm Beach International Airport (PBIA) Approach Path Conversion Area Overlay:** The PBIA Overlay was developed to address the land use issues in neighborhoods/communities within the approach path of PBIA. The Overlay covers the area west of the airport to the Turnpike, north to Belvedere Road and south to Southern Boulevard. Several established neighborhoods in this area are excluded, but the subject site is not among those excluded. The Comprehensive Plan provisions in Sub-Objective 1.2.4 PBIA Approach Path Conversion Area Overlay protects existing neighborhoods from incompatible uses and promotes conversion to industrial uses when parcels meet the proper size, site design and location requirements. As part of this proposed application, the applicant is protecting neighborhoods surrounding the PBIA from incompatible land development, protecting airport operations from incompatible land development. The proposed development will be compatible with the commercial and industrial uses in the surrounding area.
- **Jog Road Corridor Study (JRCS):** The JRCS was completed in 1995 by the PBC Planning Division to investigate and determine the appropriate FLUA designations within the study area, given the expansion of Jog Road. The study recognizes that the majority of Sub-Area II of the study, which the subject site is located in (see graphic below), is predominately Commercial and Industrial. As stated in the study, it was also voiced by the majority of the property owners within the area petitioned to retain an industrial/commercial future land use designation. This design of the subject site is consistent with this study and retains an underlying Industrial Future Land Use.



**Justification, Consistency & Compatibility:**

**G.1- Justification:** Each proposed FLUA Amendment must be found consistent with the Goals, Objectives, and Policies (GOPs) and 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 factors:

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

**Response:** The subject property is located within the Urban/Suburban Tier and has direct frontage along N Jog Road, a designated Major Arterial roadway. Given its location, the property is well-suited to accommodate an additional use, a Type I Restaurant without a Drive-Through, operating in conjunction with the existing Accessory Retail and Wholesale Warehouse. The proposed use is compatible with the surrounding development pattern and is beneficial to the area as follows:

- o The property is located immediately adjacent to N Jog Road and is approximately 0.10 miles north of Southern Boulevard, another Major Arterial Roadway. The site offers high visibility and convenient access for both vehicular and pedestrian traffic, making it a desirable location for a Type I Restaurant without a Drive-Through. The existing uses are commercial in nature and the proposed use will complement the existing operations onsite.

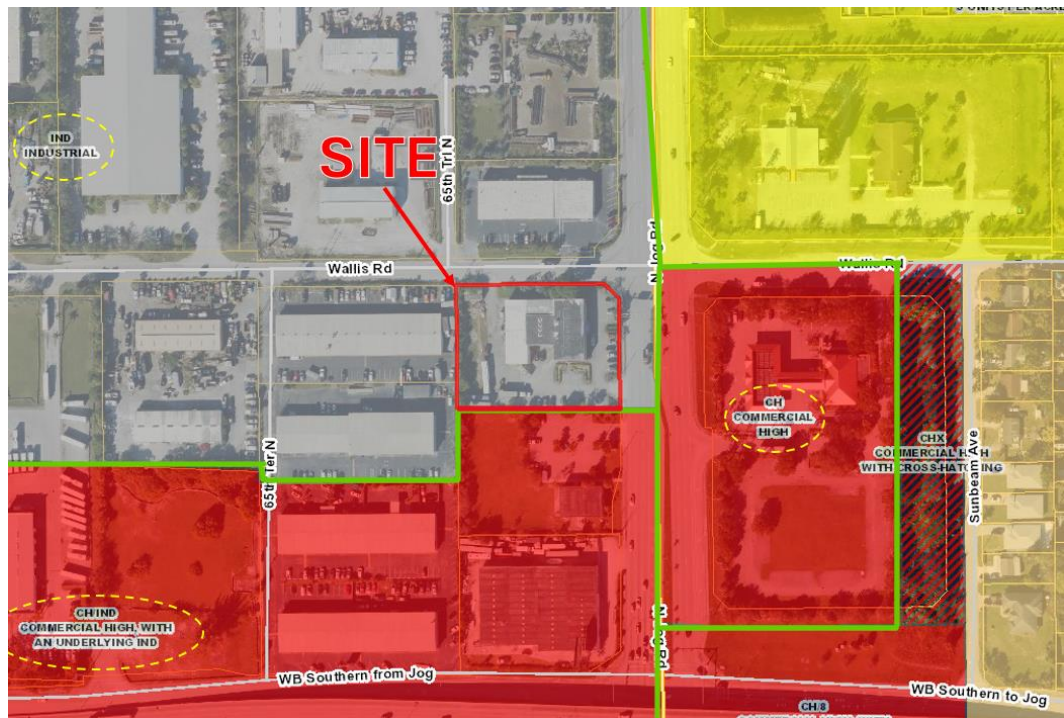
- The property has access to adequate public facilities without straining existing infrastructure.
  - The surrounding area features a mix of commercial and industrial uses, supporting the compatibility of an additional use: a small-scale Type I Restaurant that does not rely on drive-through traffic. The subject site offers great proximity to residential neighborhoods which can generate consistent patronage and employment opportunities.
- 2) There is a basis for the proposed amendment for the particular subject site based upon one or more of the following:

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

**Response:** There have been changes in Future Land Use designations on properties in the immediate area that reflect a gradual shift toward accommodating a broader mix of commercial and light industrial uses along key arterial corridors such as N Jog Road. These changes demonstrate a pattern of compatible intensification that supports a range of low impact uses. The purpose of this application is to amend the Future Land Use designation to Commercial High with an Underlying Industrial (CH/IND) to allow for the addition of a Type I Restaurant without a Drive-Thru in conjunction with the existing Accessory Retail and Wholesale Warehouse. The proposed change is consistent with the existing development pattern in the area. It is anticipated that additional small-scale development will continue to occur as the corridor evolves to support a variety of compatible uses in response to market demand.

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

**Response:** The subject property is located along North Jog Road, a designated Major Arterial Road, making it well suited for the additional development of a Type I Restaurant without a Drive-Thru. Retaining the underlying Industrial Future Land Use designation will preserve the principal use of Wholesale Warehouse and accessory retail while maintaining consistency with the industrial corridor located to the northwest. Additionally, the subject site is adjacent to a Commercial High (CH) designated area to the east, and it is evident that the CH/IND designation has extended along Southern Boulevard, immediately south of the subject site, reflecting a clear pattern of compatible FLU transitions in the surrounding area.



The subject site is also located in the Palm Beach International Airport Approach Path Conversion Area (PBIA) Overlay. The subject site is consistent with the intent of the Overlay. The purpose of the Palm Beach International Airport Approach Path Conversion Area (PBIA) Overlay is to provide for future land uses that are compatible with existing neighborhoods and the future operations of PBIA. The subject site is located within an area that is intended for industrial and non-residential uses, which aligns with the scope of development.



**Subject site in PBIAO Overlay**

- *New Information or change in circumstances which affect the subject site;*

**Response:** The subject site currently includes warehousing and wholesale operations, consistent with the Industrial Future Land Use designation. In recent years, there has been a noticeable shift in the surrounding area, with new Commercial High (CH) and CH/IND designations expanding along key corridors such as Southern Boulevard and North Jog Road. This trend reflects a change in circumstances, signaling increased compatibility between low-impact commercial uses and existing industrial operations. The introduction of a Type I Restaurant without a Drive-Thru is intended to

complement the existing industrial use on site, without diminishing its function, and aligns with the evolving land use pattern in the area.

- *Inappropriateness of the adopted FLU designation; or*

**Response:** While the adopted Industrial (IND) Future Land Use designation accurately reflects a portion of the existing operation including the warehousing/wholesale, however, it does not fully support the introduction of a complementary use such as a Type I Restaurant without a Drive-Thru. The limitations of the IND designation restrict opportunities for minor commercial enhancements that can enhance not only the site, but the surrounding area without undermining its industrial character. Given the site's frontage along N Jog Road and its proximity to existing Commercial High (CH) designations, maintaining the Industrial FLU without the adoption of CH limits the site's flexibility and responsiveness to current development trends. Therefore, the standalone IND designation is no longer fully appropriate for this location.

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

**Response:** No errors are associated with the subject site. The adopted Industrial (IND) Future Land Use designation accurately reflects the site's historical and existing use as a wholesale warehouse with accessory retail. However, the surrounding development pattern has evolved, and the current request acknowledges this shift. The proposed amendment seeks to allow for an appropriate and modest expansion of the site's use through the addition of a Commercial High (CH) designation, while maintaining the underlying Industrial designation to preserve the site's core function.

**Note:** This amendment will not include a Text change.

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

The proposed FLU Amendment is not a request to increase residential density.

## **G.3 - Compatibility with Surrounding and Adjacent Uses:**

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

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 FLU designation will be compatible with neighboring uses.

- Primary access is available from N Jog Road, a right-of-way designated as an Urban Arterial road, thus directing traffic away from local roads in the vicinity.
- The Property is located at a major transportation node (N Jog Road and Southern Boulevard). N Jog Road is currently developed with a mix of industrial, commercial, and residential uses. The proposed Commercial High with Underlying Industrial (CH/IND) use will provide additional services along this important north-south corridor of Palm Beach County. On this basis, the proposed development concept at this location is determined to be compatible.

The proposed use is consistent with the existing development pattern and adjacent uses that have occurred along the N Jog Road corridor.

**G.4 - Consistency with Policies in the Comprehensive Plan:** The proposed FLUA amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan as follows:

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

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

*Response: Approval of this proposed FLU amendment will allow for the development of a Type I Restaurant without a Drive-Thru. CH/IND designations are typically employment generators and encourage economic development opportunities.*

- **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 to allow a Type I Restaurant without a Drive-Thru in conjunction with the existing Wholesale Warehouse & Accessory Retail aligns with the Comprehensive Plan’s goal of creating and maintaining livable communities by supporting a balanced mix of compatible land uses. This modest expansion reflects the evolving character of the surrounding area, enhances lifestyle choices for nearby workers and visitors, and utilizes existing infrastructure efficiently, without burdening public facilities or disrupting the established development pattern.*

- **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 subject site is located within the Urban/Suburban Tier, where Palm Beach County directs the provision of services to support a more intensive and diverse development pattern. The proposed CH/IND designation, allowing for the addition of a small-scale Type I Restaurant without a Drive-Through, is*

*consistent with the intent of this Tier and does not require additional service demands beyond what is already in place. This amendment aligns with the County's goal of providing cost effective services while sustaining the planned character of the Tier.*

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

**Response:** *The proposed amendment maintains the underlying Industrial Future Land Use designation, ensuring continued support for the existing Wholesale Warehouse & Accessory Retail operation while allowing a minor commercial component. This aligns with the County's economic development goals by preserving industrial land for employment-generating uses while allowing for flexibility to adapt to evolving market conditions. The request does not result in the loss of industrially designated land and is therefore consistent with the Comprehensive Plan's goal of protecting industrial space.*

#### **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 Traffic Letter and Study, Drainage Statement, Fire Rescue Letter, and Water and Wastewater Provider Letter. Data and analysis discussing environmental and historical resources impacts are presented in Drainage Statement, Wellfield Zone Map, Natural Features Inventory and Map and 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 IND to CH/IND. The proposed amendment does not promote or result in low-intensity, low-density, or single-use development. The project introduces a complementary commercial use, a small-scale Type I Restaurant without a Drive-Through, within an already developed site that includes a wholesale warehouse and accessory retail.*

- Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.
  - **Response:** *The proposed amendment does not promote radial, strip, isolated, or ribbon development. The subject site is located along N Jog Road and is part of an already developed industrial corridor. The proposed use is consistent with the surrounding development pattern and does not represent an inefficient or disconnected expansion of urban 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:** *The subject site is already developed and does not contain wetlands, or environmentally sensitive areas. The proposed FLUA amendment will not result in adverse impacts to any natural resources and remains consistent with the goals of the Comprehensive Plan to protect and conserve significant natural systems.*
- Fails to maximize use of existing public facilities and services.
  - **Response:** *Reports and letters are provided with this application to show the availability of roadway capacity, water/sewer service, drainage outfall and fire response. In comparison to other uses that are allowed, it is anticipated that the proposed addition of a Type I Restaurant without a Drive-Through will not negatively impact public facilities and services.*
- Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.
  - **Response:** *Public services and facilities are already available in the immediate vicinity. The proposed amendment will fit in with the existing land use pattern.*
- Fails to encourage a functional mix of uses.
  - **Response:** *The addition of a Type I Restaurant without a Drive-Through supports a functional mix of uses consistent with the evolving development pattern along the Jog Road corridor, complementing the residential uses to the north and the surrounding commercial and industrial designations.”*
- Results in poor accessibility among linked or related land uses.
  - **Response:** *The proposed FLU amendment does not result in poor accessibility among related land uses. The addition of a Type I Restaurant without a Drive-Through enhances internal compatibility and accessibility by supporting the existing wholesale/accessory retail function of the site and offering a complementary use that aligns with surrounding development. The site's location ensures strong connectivity with nearby commercial, industrial, and residential areas.*
- 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. As required by the ULDC, any native plant material will be addressed during the zoning approval process.*

- Promotes the efficient and cost-effective provision or extension of public infrastructure and services.
  - **Response:** *The request for a FLUA amendment will maximize the use of future public facilities and services existing and within a relatively urban corridor. No facilities would be required to be installed in rural or sparsely populated areas, thereby maximizing the use of the existing facilities. Therefore, the proposal discourages the proliferation of Urban Sprawl by locating goods, services and employment adjacent to existing public infrastructure.*
- Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.
  - **Response:** *The addition of a Type I Restaurant without a Drive-Through encourages a functional mix of uses that align with the evolving development along N Jog Road. It enhances connectivity and access by multiple modes of transportation, including vehicular, pedestrian, and transit where available.*
- Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.
  - **Response:** *This FLUA amendment supports a balanced land use pattern by responding to the everyday needs of the surrounding residential population, providing convenient access to food services in close proximity to existing neighborhoods.*

**Conclusion:**

The proposed Future Land Use Atlas (FLUA) amendment from Industrial (IND) to Commercial High with an underlying Industrial (CH/IND) is both appropriate and consistent with the surrounding development pattern, existing infrastructure, and the intent of the Comprehensive Plan. The request maintains the industrial foundation of the site while allowing for a modest, complementary expansion through the addition of a Type I Restaurant without a Drive-Through. This mixed-use approach supports evolving land use trends in the Urban/Suburban Tier, aligns with County planning objectives, and enhances compatibility with nearby residential, commercial, and industrial designations along the Jog Road corridor. Approval of this amendment will allow for continued, responsible growth that respects the character of the area while responding to current land use needs.

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

<b>A. Traffic Information</b> – See Traffic Letter in Exhibit 5	
<b>Traffic Consultant</b>	Bryan G. Kelley, P.E.   Simmons & White
<b>B. Mass Transit Information</b>	
<b>Nearest Palm Tran Route (s)</b>	40 (Southern Boulevard)
<b>Nearest Palm Tran Stop</b>	Stop 4053 (North side of Belvedere Road approximately 1 miles east of the subject site's frontage on N Jog Road)
<b>Nearest Tri Rail Connection</b>	West Palm Beach, 209 S Tamarind Avenue
<b>C. Potable Water &amp; Wastewater Information</b>	
<b>Potable Water &amp; Wastewater Providers</b>	Palm Beach County Water Utilities Department
<b>Nearest Water &amp; Wastewater Facility, type/size</b>	The nearest point of connection to potable water is an 8" water main located along the west side of North Jog Road approximately 20 feet east of the property. The nearest point of connection to sanitary sewer is a 6" force main located along the north side of Wallis Road approximately 25 ft north of the property.
<b>D. Drainage Information</b>	
The site is located within the boundaries of the Lake Worth Drainage District and South Florida Water Management District C-51 Drainage Basin. Legal positive outfall is available via discharge to the Wallis Road drainage system along the north side of the subject parcel.	
<b>E. Fire Rescue</b>	
<b>Nearest Station</b>	Station #34, 231 S Benoist Farms Road
<b>Distance to Site</b>	Station #34 is 2.50 miles from the subject site.
<b>Response Time</b>	Based on the information provided by PBC Fire-Rescue, the estimated response time is 7 minutes 30 seconds.
<b>Effect on Resp. Time</b>	PBC Fire-Rescue has determined that the proposed amendment will have minimal impact on fire rescue response time.
<b>F. Environmental</b>	
<b>Significant habitats or species</b>	There are native trees and palms scattered throughout the project site. The applicant will utilize their best efforts to preserve the existing vegetation if the site is developed as intended.
<b>Flood Zone*</b>	The subject parcel is located in Flood Zone X.
<b>Wellfield Zone*</b>	The subject property is not located within any Wellfield Protection Zones.
<b>G. Historic Resources</b>	

The subject parcels do not contain any historic or architecturally significant resources located on or within 500 feet of the site.

# Exhibit 5

## Palm Beach County Traffic Division Letter



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

■

**Palm Beach County  
Board of County  
Commissioners**

Maria G. Marino, Mayor  
Sara Baxter, Vice Mayor  
Gregg K. Weiss  
Joel Flores  
Marcí Woodward  
Maria Sachs  
Bobby Powell, Jr.

**County Administrator**

Verdenia C. Baker

*"An Equal Opportunity  
Affirmative Action Employer"*



August 15, 2025

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

**RE: Bulk Candy Store  
FLUA Amendment Policy 3.5-d  
Round 2025-26-A2**

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 August 12, 2025, pursuant to Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan. The project is summarized as follows:

<b>Location:</b>	West side of Jog Road, approximately 0.1 mile North of Southern Boulevard.	
<b>PCN:</b>	00-42-43-27-05-005-1653	
<b>Acres:</b>	1.28 acres	
	<b>Current FLU</b>	<b>Proposed FLU</b>
<b>FLU:</b>	Industrial (IND)	Commercial High/Industrial (CH/IND)
<b>Zoning:</b>	Multiple Use Planned Development (MUPD)	Same
<b>Density/ Intensity:</b>	0.85 FAR	Same
<b>Maximum Potential:</b>	Light Industrial = 47,393 SF	Strip Retail Plaza (<40ksf) = 47,393 SF
<b>Net Daily Trips:</b>	747 (maximum – current)	
<b>Net PH Trips:</b>	41 (25/16) AM, 115 (58/57) PM (maximum)	
<i>* Maximum indicates typical FAR and maximum trip generator. Proposed indicates the specific uses and intensities/densities anticipated in the zoning application.</i>		

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



Bryan G. Kelley, P.E.  
August 15, 2025  
Page 2

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

Sincerely,

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

Dominique Simeus, P.E.  
Professional Engineer  
Traffic Division

DS:ep

cc:

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

File: General - TPS – Unincorporated - Traffic Study Review  
N:\TRAFFIC\Development Review\Comp Plan\26-A2\Bulk Candy Store.docx

**Exhibit 6**  
**Water & Wastewater Provider LOS Letter**

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**Water Utilities Department  
Engineering**

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

■

**Palm Beach County  
Board of County  
Commissioners**

Maria G. Marino, Mayor  
Sara Baxter, Vice Mayor  
Greg K. Weiss  
Joel G. Flores  
Marci Woodward  
Maria Sachs  
Bobby Powell Jr.

**Interim County Administrator**

Todd Bonalarron

*"An Equal Opportunity  
Affirmative Action Employee"*

June 26, 2025

Schmidt Nichols  
1551 N Flagler Dr, Ste 102  
West Palm Beach, FL 33401

Re: Service Availability  
235 N Jog Road, West Palm Beach, FL 33413  
PCN 00-42-43-27-05-005-1653

To Whom It May Concern,

This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area.

The nearest point of connection to potable water is an 8" water main located along the west side of N. Jog Rd. approximately 20 ft east of the property. The nearest point of connection to sanitary sewer is a 6" force main located along the north side of Wallis Rd. approximately 25 ft north of the property.

Please note that this letter does not constitute a final commitment for service until the final design has been approved by PBCWUD. 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 do not hesitate to contact me at (561) 493-6030.

Sincerely,

A handwritten signature in blue ink that reads "Katherine Caricchio".

Katherine Caricchio, P.E.  
Senior Professional Engineer

# Exhibit 7

## Disclosure of Ownership Interests

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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

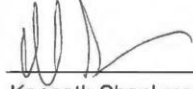
STATE OF FLORIDA  
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Kenneth Shenkman, 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  President *[position - e.g., president, partner, trustee]* of Pops Real Estate Holdings, LLC *[name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership]* that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
  
2. Affiant's address is: 235 N Jog Road  
West Palm Beach, FL 33413
  
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.



\_\_\_\_\_  
Kenneth Shenkman, 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 24 day of June, 2025 by Kenneth Shenkman (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).

Camille DeFilippo-Schinina  
(Name - type, stamp or print clearly)

  
(Signature)

My Commission Expires on: 3/3/2025

NOTARY'S SEAL OR STAMP



**EXHIBIT "A"**

**PROPERTY**

THE NORTH 207.63 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

THE EAST HALF (1/2) OF TRACT 65, BLOCK 5, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE(S) 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE NORTH 15 FEET THEREOF, LESS THE SOUTH 230.20 FEET THEREOF, AND LESS THE EAST 60 FEET THEREOF, AND ALSO LESS AND EXCEPT THAT PORTION CONVEYED TO PALM BEACH COUNTY FOR RIGHT OF WAY RECORDED IN OFFICIAL RECORDS BOOK 6714, PAGE 889, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA AND CONTAINING 55,747 SQUARE FEET (1.279 ACRES), MORE OR LESS.



**Exhibit 8**  
**Correspondence**

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