



COMPREHENSIVE PLAN AMENDMENT STAFF REPORT AMENDMENT ROUND 22-A

DEO TRANSMITTAL REPORT, NOVEMBER 3, 2021

A. Application Summary

I. General Data

Project Name:	Las Farms Landscape (LGA 2022-001)
Request:	AGR to IND/AGR
Acres:	6.95 acres
Location:	West side of State Road 7, approx. 0.5 miles north of Boynton Beach Blvd
Project Manager:	Scott Cirino, Planner I
Applicant:	Las Farms of the Palm Beaches, LLC (Andrew & Lois Soowal)
Owner:	Las Farms of the Palm Beaches, LLC (Andrew & Lois Soowal)
Agent:	Lauren McClellan & Jennifer Morton, JMorton Planning & Landscape Architecture
Staff Recommendation:	Staff recommends denial based upon the conclusions contained within this report

II. Assessment & Conclusion

The amendment is proposing to change the future land use from Agricultural Reserve (AGR) to Industrial (IND) in order to allow for industrial uses on the site located on the west side of State Road 7.

The Comprehensive Plan recognizes that, in general, the industrial future land use designation is important to satisfy the need for industrial space and promote economic development. However, the subject site is located within the Agricultural Reserve Tier, and the addition of industrial in the Tier was not supported by the Board of County Commissioners (BCC) at the time the Master Plan was completed. Therefore, unlike commercial future land use, there is no policy guidance in the Plan directing the appropriate locations, extent, intensity, and uses for this designation within the Tier. In addition, due to the sensitive agricultural and environmental considerations in the Tier, and the extensive land use planning in the Agricultural Reserve Tier to date, it is appropriate that new industrial future land use designations be considered only as part of an overall, comprehensive approach for new industrial.

As there is no policy guidance in the Plan, and until such time that staff is able to receive direction from the BCC regarding additional industrial uses in the Agricultural Reserve Tier at the scheduled October 26, 2021 workshop, staff cannot support the request.

III. Hearing History

Local Planning Agency: *Approval with conditions*, motion by Spencer Siegel, seconded by John Carr, passed in a 9 to 4 vote (with Barbara Roth, Dagmar Brahs, Sara Pardue and Cara Capp dissenting) at the October 1, 2021 public hearing. Under discussion, Commission members expressed support for the application due to the need for additional uses, deliberated the existing use and limitations of the subject site, and supported the concept of light industrial. Eight members of the public spoke and twelve comment cards were read into the record in support of the proposed amendment.

Board of County Commissioners Transmittal Public Hearing: *Transmit*, motion by Commissioner McKinlay, seconded by Vice Mayor Weinroth, passed in a 5 to 1 vote with Mayor Kerner dissenting (Commissioner Bernard absent) at the November 3, 2021 public hearing. Under discussion, Commissioners asked about the potential for the colocation of the existing nursery with landscape service, and requested for applicant to meet with the Coalition of Boynton West Residential Association (COBWRA) to discuss the project and have a site plan for the Board to consider at the adoption hearing. Thirteen members of the public and the two property owners spoke in support citing the need for local industrial storage and is a good location for landscape services due to its access on to State Road 7. Two members of the public representing the Sierra Club spoke in opposition, citing the need to maintain agricultural uses and to limit industrial uses west of State Road 7. In addition, a letter from Robert Hartsell representing 1000 Friends and Sierra Club Loxahatchee Group and a letter from Lori Vinikoor representing Alliance of Delray Residential Associations were submitted (see Exhibit 10).

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: Nursery
Current Zoning: Agricultural Reserve (AGR)
Current Dev. Potential Max: Agricultural uses, up to 45,411 SF (.15 FAR)

Proposed Future Land Use Change

Proposed FLU: Industrial with an underlying Agricultural Reserve (IND/AGR)
Proposed Use: Light Industrial
Proposed Zoning: Light Industrial (IL)
Dev. Potential Max/Conditioned: Industrial uses, up to 136,234 sf (.45 FAR)

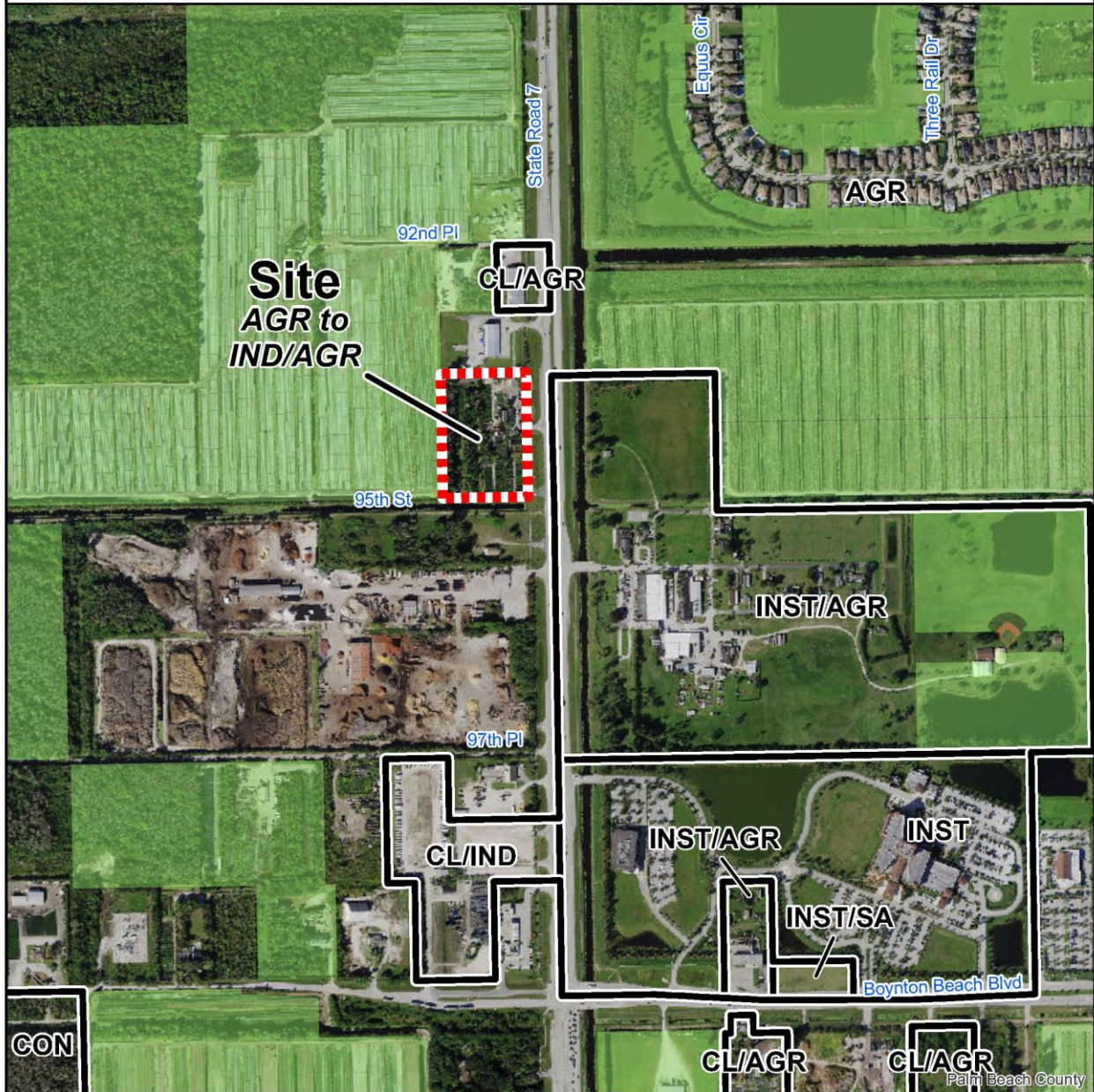
General Area Information for Site

Tier: Agricultural Reserve Tier – No Change
Utility Service: Palm Beach County Water Utilities Department
Overlay/Study: Agricultural Reserve Master Plan
Comm. District: Commission District 6, Melissa McKinlay



Future Land Use Atlas Amendment

Las Farms Landscape (LGA 2022-001)



Site Data

Size: 6.95 acres
 Existing Use: Agriculture/Nursery
 Proposed Use: Light Industrial
 Current FLU: AGR
 Proposed FLU: IND/AGR

Future Land Use Designations

AGR	Agricultural Reserve	INST/SA	Institutional, underlying SA
CON	Conservation		
CL/AGR	Commercial low, underlying AGR		
CL/IND	Commercial Low, underlying IND		
INST	Institutional		
INST/AGR	Institutional, underlying AGR		

Date: 5/14/2021
 Contact: PBC Planning
 Filename: 22-A/Site/22-001
 Note: Map is not official, for presentation purposes only.

Site
 Ag Preserves

230 0 230 460 Feet



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



C. Introduction

I. Intent of the Amendment

The 6.95-acre subject site is located in the Agricultural Reserve Tier, west side of State Road 7, approximately 0.5 miles north of Boynton Beach Boulevard.

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 Industrial with an underlying Agricultural Reserve (IND/AGR). Currently, the site can be utilized for agricultural uses up to 45,411 square feet (.15 FAR), the proposed maximum development potential would allow up to 136,234 square feet of industrial uses (.45 FAR). The applicant proposed conditions of approval matching those adopted by the recent Sunflower Light Industrial (LGA 2021-016) future land use amendment. The conditions prohibit 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 on the site, with the exception of Landscape Service, Self-Service Storage, and accessory uses.

The site operates as a nursery with the current owners purchasing the property in 1994. The subject site contains a 3,713 square feet accessory office building that supports the nursery. In addition, there are several structures scattered throughout the property including shade houses, sheds, pole barn and a storage garage. Based on historical aerials, the site has been involved in some form of agriculture use since at least 1968.

Zoning Application: There is no prior zoning approval or concurrent rezoning application currently in process. The Control Number is 1995-50007. The applicant has indicated they intend to submit an application to rezone the site from the Agricultural Reserve (AGR) zoning district to the Light Industrial (IL) zoning district.

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 goals*. 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.

In 2015, the Agricultural Reserve was the subject of a year-long “Roundtable” process directed by the BCC to consider changes to policies in the Tier. At the March 2015 Workshop, the BCC considered the input received during the Roundtable process and directed staff to proceed with specific actions and Plan amendments. One of the outcomes of the Roundtable was to process County initiated map and text amendments to address inconsistencies and find solutions to existing commercial and non-residential uses and services that pre-dated the Agricultural Reserve’s provisions.

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 Industrial 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, 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, and were located along the north and south sides of Atlantic Avenue, east of SR-7.

More recently, the BCC on May 5, 2021 transmitted a land use amendment request for industrial in the Tier, known as Sunflower Light Industrial (LGA 2021-016). 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. The workshop is currently scheduled for October 26, 2021. Subsequently, the Board adopted the Sunflower amendment on July 28, 2021 with additional conditions as summarized on page 8 under section II.D (Industrial FLUA Amendments in the Agricultural Reserve) of Background/History.

D. Industrial FLUA Amendments in the Agricultural Reserve

Since the adoption of the Master Plan implementing policies in 2001, the County has processed several privately proposed future land use amendments for industrial in addition to 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.
- **West Atlantic Industrial (LGA 2017-017).** The West Atlantic Industrial amendment was privately proposed, but withdrew prior to the July, 26 2017 BCC transmittal hearing. The request proposed changing the future land use designation on a 2.51 acres parcel from AGR future land use to IND/AGR. The site was 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 10-1 vote.
- **Morning Star (LGA 2017-008).** This privately proposed text and future land use amendment withdrew prior to the July 26, 2017 BCC transmittal hearing. The applicant, Morningside Partners VI, LLC, a contract purchaser, proposed a text amendment and a

future land use change from AGR to Multiple Land Use, with Commercial Low and High Residential, 8 units per acre (MLU with CL & HR-8). The proposed uses included mixed uses with: Commercial retail up to 155,000 sf, and a 73,000 sf/130 room hotel; Residential up to 360 dwelling units; and 115 Congregate Living Facility (CLF) beds. Staff recommended denial. The PLC recommended approval with modifications in a 5-4 vote. The modifications to the conditions of approval were to reduce the commercial cap (excluding the hotel) from the proposed 155,000 sq. ft. to 75,000 sq. ft., and to increase the preserve area from a minimum 5 acres off-site to a minimum 15 acres off-site.

- **Star Key Industrial (LGA 2021-015).** This currently active privately proposed future land use amendment is for the same Morning Star property. The request is 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) is requesting Planned Industrial Park (PIPD) zoning and was submitted in 2021. The public hearings are not scheduled at this time since it has not yet demonstrated that the request will meet the traffic requirements of Comprehensive Plan Policy 3.5-d.
- **Sunflower Light Industrial (LGA 2021-016).** A future land use amendment request 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 .25 miles south of Atlantic Ave. The Board adopted the amendment on July 28, 2021 with conditions of approval limiting the site to light industrial uses only and the only commercial uses allowed are self-storage, landscape service and accessory uses.

E. Uses Allowed in Industrial Future Land Use Designations

Since there are no guiding policies in the Comprehensive Plan specifying the allowable uses in the industrial future land use designation within the Agricultural Reserve Tier versus the Urban Suburban Tier, the uses allowed are the same for both. The complete list of allowable uses in the zoning districts allowed in the industrial future land use designation is provided in Exhibit 9. The applicant is proposing conditions of approval limiting the uses on the site to 'light industrial' uses and prohibiting commercial uses as with the Sunflower amendment. See Exhibit 2 (pages E-3-4, 7-9) for discussion.

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 intense uses allowable in the Agricultural Reserve future land use designation, and some sites with Commercial future land use designations. It is likely that the property owners selected these sites due to their direct access onto this major thoroughfare as most of

these heavy agricultural and other non-residential uses are vehicular based. Specifically, the subject site is located along a corridor just north of an area with commercial, industrial and institutional designated sites at the intersection of Boynton Beach Boulevard and State Road 7.

- B. Appropriateness of the Amendment.** The introduction of additional sites for non-residential future land use designations within the Ag Reserve Tier may be warranted to provide the ability of additional non-residential uses that may be compatible with surrounding development. However, due to the goal of the Tier to preserve agriculture, the sensitivity of the water resources west of the Tier, to ensure that the additional uses are intended to serve the local area and to ensure that decisions are not made in a piecemeal fashion, the entire corridor needs to be considered with this amendment.

Currently, there is no language in the Plan to establish the parameters for new industrial development, thereby creating a gap, which allows new industrial future land use amendment requests to proceed without guidance or direction. Due to the sensitive agricultural and environmental considerations in the Tier, and the extensive land use planning in the Ag Reserve Tier to date, it is appropriate for new industrial future land use designations be considered only as part of an overall, comprehensive approach and the incorporation of text amendments to establish the locations, extent, uses, and intensities for new industrial. The applicant's proposed conditions of approval (see Exhibit 1) limits uses on the sites to 'light industrial' and prohibits commercial uses excluding landscape service and self-storage.

- C. Compatibility.** The area surrounding the subject site consists of primarily agricultural uses to the north and west with an Agricultural Reserve (AGR) future land use. At the northeast corner of Boynton Beach and SR-7 are Institutional and Public Facilities (INST) future land uses including Bethesda Hospital West and Faith Farm Ministries. At the northwest corner is the Homrich property which received a land use amendment in 2016 for Commercial Low with an underlying Industrial (CL/IND) future land use. Two parcels south of Boynton Beach, PF at West Boynton and Three Amigos, are sites that had commercial uses which pre-existed the Ag Reserve Master Plan and now have a Commercial Low (CL) future land use.

There is no concurrent zoning application or proposed use for the site. As such, the introduction of an industrial future land use designation can open the site to a long list of allowable uses, including very intense industrial uses as provided in Exhibit 9. The applicant does propose conditions of approval to limit the site to 'light industrial' and prohibits commercial uses excluding landscape service and self-storage. However, when considering the lack of a concurrent zoning application, the lack of policy constraints for new industrial future land uses in the Tier, and the sites location on the west side of State Road 7, staff cannot conclude that the proposed amendment will result in uses that are compatible with surrounding land uses.

- D. Assessment and Recommendation.** The amendment is proposing to change the future land use from Agricultural Reserve (AGR) to Industrial (IND) in order to allow for industrial uses on the site located on the west side of SR-7.

The Comprehensive Plan recognizes that, in general, the industrial future land use is important to satisfy the need for industrial space and promote economic development. However, the subject site is located within the Agricultural Reserve Tier, and the addition of industrial in the Tier was not supported by the BCC at the time the Master Plan was

completed. Therefore, unlike commercial future land use, there is no policy guidance in the Plan directing the appropriate locations, extent, intensity, and uses for this designation within the Tier. In addition, due to the sensitive agricultural and environmental considerations in the Tier, and the extensive land use planning in the Ag Reserve Tier to date, it is appropriate for new industrial future land use designations be considered only as part of an overall, comprehensive approach for new industrial.

Although the proposed conditions of approval mitigate some staff concerns regarding the uses on the site, there is no policy guidance in the Plan and until such time that staff is able to receive direction from the BCC regarding additional industrial uses in the Agricultural Reserve Tier at the scheduled October 26 workshop, staff cannot support the request.

Therefore, staff is recommending **denial**.

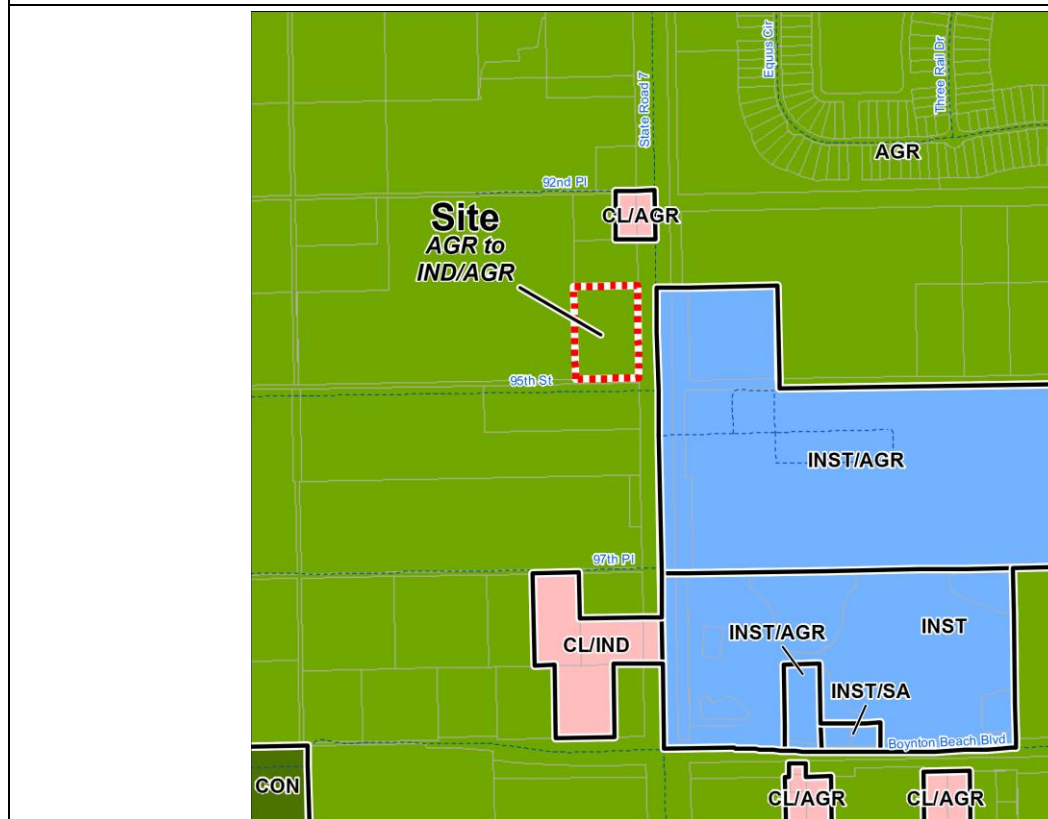
Exhibits	Page
1. Future Land Use Map & Legal Description	E-1
2. Consistency with Comprehensive Plan	E-3
3. Applicant's Justification/Consistency with Comprehensive Plan & Florida Statutes	E-13
4. Applicant's Public Facility Impacts Table	E-23
5. Palm Beach County Traffic Division Letter	E-25
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9. Industrial Uses	E-34
10. Correspondence	E-37

Exhibit 1

Amendment No:	Las Farms Landscape (LGA 2022-001)
FLUA Page No:	88
Amendment:	From Agricultural Reserve (AGR) to Industrial with an underlying Agricultural Reserve (IND/AGR)
Location:	West side of State Road 7, approx. 0.5 miles north of Boynton Beach Blvd
Size:	6.95 acres
Property No:	00-42-43-27-05-052-0240

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

1. 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
2. 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.



Legal Description

TRACT 24, BLOCK 52, "PALM BEACH FARMS COMPANY PLAT NO. 3", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2 AT PAGES 45-54, EXCEPTING THEREFROM THAT PORTION OF TRACT 24 WITHIN THE RIGHT-OF-WAY OF STATE ROAD 199, AS SET FORTH ON ROAD PLAT BOOK 1, PAGES 38 AND 39, AND EXCEPTING THEREFROM THE VESTED IN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION BY ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 9927, PAGE 869 AND THE STIPULATED FINAL JUDGEMENT RECORDED IN OFFICIAL RECORDS BOOK 10470, PAGE 1964, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA AND CONTAIN 6.947 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:

- *"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"*
- *"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."*
- *"Approval of this proposed amendment will allow the development of an industrial use that will allow for the additional employment opportunities within an area of the County that has historically only been developed with low density single family residential development."*

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 is an existing nursery use, and the site has a current development potential of a maximum 45,411 square feet (.15 FAR) of non-residential uses allowed in the AGR future land use designation. The applicant proposes to change to the Industrial (IND) future land use designation in order to allow industrial uses up to 136,234 total square feet. The applicant proposes conditions of approval to limit the site to light industrial uses or very limited commercial uses (self-service storage, landscape service and accessory uses).

As discussed in the Background, there is no clear policy guidance on additional Industrial future land use in the Tier, and as discussed under the Policy analysis and Compatibility sections of this report, the types of industrial uses that could be introduced at this location may not be appropriate on this site. The Agricultural Reserve is at a point where it may be appropriate to move towards a corridor analysis approach to land planning, rather than broad policy statements, as discussed in the preliminary corridor analysis under the discussion of FLUE Policy 2.2.4-a. Staff is seeking such direction at the upcoming October 26, 2021 Agricultural Reserve workshop. Although the proposed conditions of approval mitigate some staff concerns regarding the uses on the site, staff cannot support moving forward with this application prior to Board direction. At this time, the applicant has not demonstrated an adequate justification, considering the broader implications of this land use change.

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.*

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 proposed amendment could further the County Direction to balance land uses if the future land use amendment was considered as part of a larger effort to evaluate industrial and other non-residential uses in the Tier. Considering the introduction of industrial uses at this location without looking at the overall corridor of this area will not further the County Directions and Agricultural Reserve Tier specific policies as a whole.

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

Staff Analysis: There are no other parcels under the same or related ownership adjacent to the subject site that are not included in the proposed amendment whereby residual parcels would be created. Therefore, the proposed amendment would not constitute piecemeal development. However, allowing a non-residential future land use designation on the subject site has ‘piecemeal development’ issue on a broader context as discussed in the 2.2.4-a and 2.2.4-d Policy Analysis of this report.

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

Staff Analysis: The Comprehensive Plan's Introduction and Administration Element defines residual parcels as "a property under the same or related ownership that has been left out of a development area, resulting in a parcel which has limited development options and connections to surrounding properties." There are no residual parcel issues with this amendment.

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. However, as discussed in the Background section of this report, there is no specific policy guidance for the locations and amounts of new Industrial future land use within the Tier.

- Agricultural Reserve Tier Policy 1.5.1-a:** *In order to preserve and enhance agricultural activity, environmental and water resources, open space, and sustainable development within the Agricultural Reserve Tier, all new residential, commercial, industrial, and/or mixed use developments shall be developed as an Agricultural Reserve Planned Development that contributes to the fulfillment of these objectives by meeting the preserve area requirements, subject to the provisions of this Element, with the exception of 1) Residential subdivisions predating the Ag Reserve Tier and those that are subdivided at 1 unit per 5 acre density; 2) pre-existing commercial sites identified in Policy 1.5-i which develop at the square footages identified within the Policy; and 3) the sites which received an industrial future land use designation as part of the adoption of the 1989 Comprehensive Plan.*

Staff Analysis: Policy 1.5.1-a establishes that new residential, commercial, industrial, and/or mixed use developments shall be developed as an Agricultural Reserve Planned Development that contributes to the fulfillment of these objectives by meeting the preserve area requirements, subject to the provisions of Future Land Use Element. The few exceptions recognized by this policy are for areas that received non-residential future land use designations or development, and residential subdivisions, that predate the Master

Plan. This policy requires that all new development be consistent with the preserve area requirements of the Tier, including Industrial future land use. There is no specific industrial implementing policy; however, the AGR-PDD options of the Tier require a minimum of 60/40 preserve area for new residential and non-residential development. In 2016, the BCC adopted revisions to Policy 1.5.1-q to allow development on smaller non-residentially designated sites without a preserve area requirement. This policy requires that Agricultural Reserve non-residential developments utilizing the Multiple Use Planned Development zoning set aside a 60% preserve area only for sites greater than 16 acres in size. Since the subject site is less than 16 acres, not requiring a preserve area would be consistent with the Board's intent for non-residential future land uses in the Tier.

Policy 1.5.1-q: AGR-Multiple Use Planned Development. *New Agricultural Reserve Multiple Use Planned Developments (AgR-MUPD) in the Ag Reserve Tier shall meet the following requirements:*

1. *Preserve Areas shall not be required for a property that is 16 acres or less in size as of January 1, 2016. For purposes of this policy, the term 'property' is defined as a property control number as configured on January 1, 2016. The acreage shall be exclusive of right-of-way as shown on the Thoroughfare Right of Way Identification Map;*
3. **Industrial Future Land Use - 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.*

Staff Analysis: As previously stated, there are no adopted policies directing the location and amount of new Industrial future land use in the Tier. This policy references the adoption of Industrial future land use designations in general. The applicant proposes to introduce Industrial future land use on a site located on the west side of State Road 7 in between commercially designated properties. 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 intense uses allowable in the Agricultural Reserve future land use designation, and some sites with Commercial future land use designations. It is likely that the property owners selected these sites due to their direct access onto this major thoroughfare as most of these heavy agricultural and other non-residential uses are vehicular based.

Industrially designated sites within the Agricultural Reserve Tier exist primarily at the intersection of Atlantic Avenue and State Road 7 consisting of approximately 63 acres and predate the Master Plan. However, since the adoption of the Master Plan, the Board has adopted the Industrial FLU for two additional sites:

- **Homrich Commercial (LGA 2016-019).** Located north of Boynton Beach Boulevard and west of State Road 7 adopted with CL/IND FLU and allowable 29,400 square feet of Commercial and 197,100 square feet of Light Industrial uses.

- **Sunflower Light Industrial (LGA 2021-016).** Located south of Atlantic Avenue and west of State Road 7 adopted with IND/AGR and allowable 160,540 square feet of light industrial uses.

As with the current request, Staff recommendation for denial of both amendments 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. The introduction of additional sites for non-residential future land use designations within the Agricultural Reserve Tier may be warranted to provide the ability of additional non-residential uses that may be compatible with surrounding development. However, due to the goal of the Tier to preserve agriculture, the sensitivity of the water resources west of the Tier, to ensure that the additional uses are intended to serve the local area, and to ensure that decisions are not made in a piecemeal fashion, the entire Tier needs to be considered.

The applicant is also proposing an additional a condition of approval to prohibit Commercial uses on the site with the exception of Landscape Service, Self-Storage, and accessory uses. Commercial uses identified in the ULDC Use Matrix allowed in the proposed Light Industrial zoning are identified in the table below. Such uses are not appropriate on the subject site since the site does not have a commercial future land use designation, and the development of these uses would circumvent the cap on commercial uses in the Tier per Future Land Use Element Policy 1.5-n.

Adult Entertainment Auction, Indoor or Outdoor Car Wash Catering Service Dispatching Service	Dog Daycare Electric Vehicle Charging Facility Laundry Service Marina Microbrewery	Repair and Maintenance Repair Services, Limited Vehicle or Eq. Sales & Rental, Heavy Veterinary Clinic Vocational Institution
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4. 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.*

Heavy Industrial. *Heavy industrial development's typical operation may cause or result in the dissemination of dust, smoke, fumes, odor, noise, vibration, or 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 can 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.*

Staff Analysis: The Comprehensive Plan establishes that there are two overall classifications of Industrial uses as provided in Policy 2.2.4-d. The Industrial future land

use designation allows a full range of industrial uses as provided in Exhibit 9. Should the County approve additional Industrial in the Agricultural Reserve, uses should be limited by condition of approval or by the addition of policy statements to only uses with Light Industrial attributes. Since the applicant is seeking a straight rezoning to 'Light Industrial' at this time, there is no ability for the County staff to review a proposed site plan or assess the proposed uses for compatibility and consistency with the surrounding land uses, the Tier, and its location on the west side of State Road 7.

Following the transmittal of the recent Sunflower amendment, staff prepared the following draft list of Industrial uses in the ULDC Use Matrix separated by 'light' and 'heavy' categories based upon language in the Comprehensive Plan and reflecting staff's intent regarding the proposed condition of approval for that application which is also voluntarily proposed for the Las Farms application, as listed below.

Light Industrial	Heavy Industrial
Data and Information Processing	Equestrian Waste Management
Manufacturing & Processing (light)	Gas and Fuel, Wholesale
Medical or Dental Laboratory	Heavy Industry
Multi-Media Production	Machine or Welding Shop
Research & Development	Recycling Center or Plant
Distribution	Manufacturing & Processing (heavy)
Warehouse	Salvage or Junk Yard
Wholesaling	Towing Service or Truck Stop

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 of the subject site are parcels with primarily AGR future land use designation. Directly north is a 3.43-acre site with an approved Special Exception in 1980 to allow Commercial sales and service enterprises including Wholesale Horticultural and Nursery Supply Distribution Warehouse with an AGR future land use. Further north is the County Line Feed store (formerly known as Terra Store) with a Commercial Low (CL) FLU. This site received a land use amendment to CL in 1998.

East: To the east of the subject site across State Road 7 are AGR-PUDs and preserve areas with an AGR FLU. Directly east is the 87.28 acre Faith Farms Ministries site. Faith Farm Ministries is utilized as a church and social services with an INST/AGR FLU. Portions of the Faith Farms site are utilized as a preserve area on the eastern portion of the site. Directly south of Faith Farms is the 45.6-acre Bethesda Hospital West and medical offices with an INST FLU.

West: To the west of the site are parcels with primarily AGR future land use designations. Directly to the west is the Canyon Lakes AGR PUD preserve number 3 (GL/Bruschi) with AGR FLU. Further west of the subject site are other preserve areas such as Sussman AGR PUD preserve 1 (Bruschi), Lyons West AKA Valencia Reserve AR PUD preserve area E (SFWMD 2B) and other preserve areas owned by Palm Beach County.

South: To the south of the subject site across 95th Street South is Atlas Peat and Soil, a Chipping and Mulching facility with AGR FLU. Further South is Homrich Nursery which received a land use amendment to CL/IND in 2016 for the 13.44 acre site. East of Homrich is the preexisting Four Points Market convenience store and gas station on the intersection of State Road 7 and Boynton Beach Boulevard with a AGR FLU

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 several of the uses surrounding the property are industrial in nature such as the chipping and mulching facility to the south as well as agricultural sales, service and warehouse use to the north. Homrich has underlying industrial that is located west of State Road 7 just south of the property. 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 within the vicinity. An industrial use can provide essential services to residents of surrounding neighborhoods, as well as the community at-large. Buffering, screening, setback, height and landscaping requirements can further enhance compatibility, and reduce the potential negative effects of functionally different land uses.

Staff Analysis: The site is located north of the commercial and industrial future land uses around the intersection of Boynton Beach Boulevard and State Road 7, and is currently a nursery. South of the site is the Atlas Peat and Soil chipping and mulching site, along with the 4 Points Market and former Homrich Nursery site. Immediately north is a wholesale and warehouse site and the County Feed store. The Faith Farms Ministry and Bethesda Hospital West is located to the east. West of the site is preserve area for the Canyon Lakes PUD. The introduction of an Industrial future land use designation can open the site to a long list of intense uses as provided in Exhibit 9. Without having a specific use, it is hard to determine compatibility issues with the surrounding uses. Considering the lack of a concurrent zoning application, and the lack of policy constraints for new industrial future land uses in the Tier, and the sites location on the west side of State Road 7, staff cannot conclude that the proposed amendment will result in uses that are compatible with surrounding land uses.

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 Industrial with an underlying Agricultural Reserve (IND/AGR). For the purposes of the public facilities impact analysis, the maximum intensity is based on the proposed change to allow up to 160,540 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.

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 136,234 square feet of light industrial uses or flex space. According to the County's Traffic Engineering Department (see letter dated April 14, 2021 in Exhibit 5).

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 for either the Light Industrial or Flex Space IND FLU or Landscape Services at the **maximum potential**..."*

The Traffic Study dated March 9, 2021 was prepared by Rebecca Mulcahy, 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 14, 2021. 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 site on September 14, 2021. On the same date, several interested parties were notified by mail including Willis Gliderport POA, Alliance of Delray, COBWRA, Bethesda Health, and Equus POA. As of the publication of the Planning Commission staff report, no correspondence has been received. Letters received are added to the Exhibits during the course of the amendment process.
- C. Informational Meeting:** The Planning Division hosted a meeting with area residents and interested parties to relay information regarding the amendment and development approval process on September 21, 2021. No members of the public attended for this application.

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 9437 South State Road 7 ("Property").

I. PROPOSED FLUA MAP AMENDMENT

The Applicant is proposing to amend the Future Land Use designation from Agricultural Reserve to Industrial, with an underlying Agricultural Reserve, subject to the following voluntary condition:

1. 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
2. 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-Storage, and accessory uses.

Description of Site Vicinity

The Property is located on the west side of State Road 7, approximately ½ mile north of Boynton Beach Boulevard at 9437 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, agriculture sales and service, and a significant chipping and mulching facility.

Land uses directly abutting the Property include the following:

Adjacent Property	Land Use Designation	Zoning Designation	Existing Use	Control Number
North	Agricultural Reserve (AGR)	Agricultural Reserve (AGR)	VJ Growers Supply – Commercial Sales & Service including Wholesale Horticultural and Nursery Supply Distribution Warehouse	1980-145
South	Agricultural Reserve (AGR)	Agricultural Reserve (AGR)	Vacant	None
East	Institutional, with underlying Agricultural Reserve (INST/AGR)	Institutional & Public Facilities (IPF)	Faith Farm	1994-073
West	Agricultural Reserve (AGR)	Agricultural Reserve Planned Unit Development (AGR-PUD)	Canyon Lakes Preserve Parcel – Agriculture Uses – Row crops	2002-067

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 Industrial Future Land Use designation is suitable and appropriate for the subject site. Several of the uses surrounding the Property are industrial in nature such as the chipping and mulching facility to the south as well as the agricultural sales, service and warehouse use to the north. Many uses currently allowed within the AGR Future Land Use and Zoning designations are industrial in nature and would not be negatively impacted by the proposed Future Land Use amendment. These uses include: Agriculture, Light Manufacturing; Packing Plant; Agriculture, Transshipment; Potting Soil Manufacturing; and Agriculture, Storage. These uses already exist throughout the Agricultural Reserve on the west side of State Road 7. In 2016, the Board of County Commissioners adopted a Future Land Use amendment for the Homrich Nursery property at the northwest corner of Boynton Beach Boulevard and State Road 7 (just south of the Property) to amend the Future Land Use designation to Commercial Low, with an underlying Industrial (CL/IND) designation.*

The Property is currently utilized as a garden center and nursery. 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 small 6.95 acre property is not large enough to support an agricultural use other than the current small garden center and nursery or one of the uses previously identified that can be classified as industrial in nature. The proposed change would allow an industrial use to provide a needed service to the neighboring residential communities without being directly adjacent to those uses. The Property's location on the west side of State Road 7 prevents the possibility of having a potentially negative impact on the residential use.

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

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

***Response:** The Agricultural Reserve Tier has been the subject of numerous changes recently. The commercial cap has been increased to accommodate new commercial projects along Boynton Beach Boulevard, State Road 7 and Atlantic Avenue. Additionally, as previously mentioned the Future Land Use designation of the Homrich Nursery located approximately 1/4 mile south of the Property on the same side of 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 contractor storage yard for a waste management hauler. Below is a current aerial of the Homrich Nursery property showing the use of the property for waste management hauler purposes. This aerial shows waste management trucks parked along the perimeter of the*

northern parcel as well as a building for the repair and maintenance of those vehicles. Multiple waste management bins and containers are stored outside on the southern parcel. The parcel fronting on State Road 7 has been cleared for the future development of a Landscape Service contractor operation that will have multiple landscape vehicles parked outside, outdoor yard waste storage, and above ground fuel tanks to serve the vehicle fleet. The Future Land Use amendment that was granted for the Homrich Nursery property recognized the changing characteristics of the area and the compatibility concerns for certain agriculture uses that are industrial in nature on adjacent properties.



One of the reasons, the Homrich Nursery property was granted approval for an Industrial designation was due to the impacts of the existing chipping and mulching facility on the agricultural use (wholesale nursery) on that property at the time. That same chipping and mulching facility is located to the south of the subject Property and continues to impact the other properties within the vicinity.

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 just south east of the Property 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. The residential and commercial development that has been constructed within the central part of the Tier along Boynton Beach Boulevard, Atlantic Avenue, and Lyons Road has forced several agricultural operations to relocate. The Alderman Farms Packing Plant relocated from the northeast corner of Boynton Beach Boulevard to the west side of State Road 7 after approval of the CobbleStone Commons retail plaza. The Thomas Packing Plant closed and relocated out of the area after approval of the comprehensive plan amendment removing that property located at the northeast corner of Clint Moore Road and State Road 7 from the Agricultural Reserve Tier and designating it as commercial Low, with an underlying 2 units per acre (CL/2).*

Additionally, 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 and Homrich Commercial (LGA 2016-019) have been approved which

recognize the changed conditions of the Agricultural Reserve. Other Future Land Use amendment applications have been submitted for properties on the west side of State Road 7 including Sunflower Light Industrial (LGA 2021-016) and Jericho Medical Office are currently in review with the County Planning Division. If approved, these changes will allow for a Landscape Service business to continue operations on-site and the addition of medical office to serve the needs of the growing number of residents moving to the Agricultural Reserve.

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

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

***Response:** The consultants that prepared the Agricultural Reserve Master Plan recognized the industrial corridor along Atlantic Avenue between State Road 7 and Smith Sundry Road/Half Mile Road. Furthermore, the consultant recommended 330,000 square feet of additional industrial square footage within the Agricultural Reserve. When the Board of County Commissioners reviewed the Agricultural Reserve Master Plan and directed Staff to prepare additional Comprehensive Plan policies for the Agricultural Reserve Tier, 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 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.

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 side of State Road 7. On this basis, the proposed development concept at this location is determined to be compatible.
- The proposed use is consistent with the existing development pattern and adjacent uses that have occurred along the State Road 7 corridor.

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

G.4 Comprehensive Plan

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

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

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

***Response:** Approval of this proposed FLU amendment will allow for the development of an 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 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 industrial 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 Property is currently developed with a nursery and garden center. A change to the Industrial Future Land Use designation would allow for the development of additional uses to support the growing residential communities within the Agricultural Reserve by providing additional services to the residents within the Tier and without further impacting the roadway network leading to the Urban/Suburban Tier.*

- **FLUE Objective 3.1 Service Areas - General** – “Palm Beach County shall establish graduated service areas to distinguish the levels and types of services needed within a Tier,

consistent with sustaining the characteristics of the Tier. These characteristics shall be based on the land development pattern of the community and services needed to protect the health, safety and welfare of residents and visitors; and, the need to provide cost effective services based on the existing or future land uses.”

Response: *The Property is located within the Agricultural Reserve Tier which is a Limited Urban Service Area (LUSA) with services and public facilities available. Development of an 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 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: *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. No industrial land exists along Boynton Beach Boulevard within a 3 mile radius other than the Homrich Property which was approved approximately 5 years ago when the BCC determined that location to be appropriate for Commercial/Industrial development.*

- **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 Industrial 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 IND with an underlying future land use of AGR for the purpose of providing additional services along the State Road 7 corridor. The amendment does not promote low intensity/density or single-use development.*
- Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.
 - **Response:** *The Property is located within the State Road 7 corridor which is not rural in nature as evidenced by urban services such as police, fire rescue and water/wastewater/drainage utilities are existing in the immediate area. The proposed Industrial 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 a garden center. The Property is surrounded by various commercial, industrial, and institutional development and would be considered infill development within a major north/south transportation corridor.*
- Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.
 - **Response:** *This amendment does not fail to protect and conserve natural resources as the proposed development will have no negative impact on any other significant natural system. The Property does not support any environmentally sensitive areas. No listed species were located on the property and it is located outside of any wellfield protection zone. As required by the ULDC, any native plant material will be addressed during the zoning approval process.*
- Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.
 - **Response:** *The Property is currently utilized as a nursery and garden center. 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 Industrial, no negative impacts to agricultural uses are anticipated with the land use*

change. The small size of the Property will not impact the adjacent larger parcels supporting agriculture operations.

- Fails to maximize use of existing public facilities and services.
 - **Response:** *This amendment will maximize the use of existing facilities. 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 an Industrial 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 allow for the additional employment opportunities within an area of the County that has historically only been developed with low density single family residential development. In order to meet the growing demand, additional industrial land is needed in this area. Therefore, the proposed amendment would contribute to livable communities and help balance the land uses within the Agricultural Reserve while maintaining the character of the community.*

Conclusion

As described above, the proposed FLU amendment from Agricultural Reserve (AGR) to Industrial (IND) is consistent with the Goals, Objectives, and Policies of Palm Beach County's Comprehensive Plan and the Florida State Statutes. The proposed amendment is also compatible with the surrounding area. The proposed amendment does not contribute to urban sprawl. The amendment 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) code 817. Daily: 108.1 trips/acre AM: 2.82 trips/acre PM: 8.06 trips/acre	Light Industrial code 110, or Flex Space IND FLU, or Landscape Services. Maximum trip rates: Daily: 7.86 trips/1000 SF AM: 34.4 trips/acre PM: 1.21 trips/1000 SF
Maximum Trip Generation	Daily: 751 AM: 20 PM: 56	Daily: 964 AM: 239 PM: 148
Net Daily Trips:	<u>213</u> (maximum minus current) <u>N/A</u> (proposed minus current)	
Net PH Trips:	<u>219</u> AM, <u>92</u> PM (maximum) <u>N/A</u> AM, <u>N/A</u> PM (proposed)	
Significantly impacted roadway segments that fail Long Range	None.	None.
Significantly impacted roadway segments for Test 2	None.	None.
Traffic Consultant	Pinder Troutman Consulting, Inc.	
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 ½ mile away)	
Nearest Tri Rail Connection	Boynton Beach Tri-Rail Station (Gateway Boulevard) Via Route 73	
C. Portable Water & Wastewater Information		
Potable Water & Wastewater Providers	Palm Beach County Water Utilities Department. Sufficient capacity is available for the proposed development. Connection to sewer will require a lift station and force main extension. See Application Attachment I for letter from Palm Beach County Water Utilities Department.	

Nearest Water & Wastewater Facility, type/size	A 16" potable water main is located adjacent to the Property within State Road 7 right-of-way. An 8" wastewater forcemain is located on the east side of State Road 7 approximately 2,900 feet to the south and east of the Property.
D. Drainage Information	
There is an existing 18" outfall from the site into the LWDD L-23W Canal which runs along the southern property line. This outfall pipe will continue to serve as legal positive outfalls for the site. Onsite attenuation is provided via existing swales/ditches which are to remain. The Property is within the SFWMD C-16 Basin, and the site will comply with the C-16 basin criteria.	
E. Fire Rescue	
Nearest Station	Station # 47 – 7950 Enterprise Center Circle
Distance to Site	Approximately 3 miles
Response Time	8:30 minutes
Effect on Resp. Time	The proposed change will have some impact on Fire-Rescue facilities. See Application 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 an agricultural nursery. An aerial and several pictures of the Property are provided as Application Attachment L.
Flood Zone*	The Property is located in Special Flood Zone AE. See Flood Zone Map as Application Attachment M.
Wellfield Zone*	The Property is not located within a Wellfield Protect Zone. See Wellfield Map as Application Attachment N.
G. Historic Resources	
There are no significant historic resources on the Property or within 500 feet of the Property. See Application 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

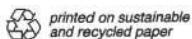
**Palm Beach County
Board of County
Commissioners**

Dave Kerner, Mayor
Robert S. Weinroth, Vice Mayor

Maria G. Marino
Gregg K. Weiss
Maria Sachs
Melissa McKinlay
Mack Bernard

County Administrator
Verdenia C. Baker

"An Equal Opportunity
Affirmative Action Employer"



April 14, 2021

Rebecca J. Mulcahy, P.E.
Pinder Troutman Consulting, Inc.
2005 Vista Parkway, Suite 111
West Palm Beach, FL 33411

**RE: Las Farms
FLUA Amendment Policy 3.5-d Review
Round 2020-22-A**

Dear Ms. Mulcahy:

Palm Beach County Traffic Division has reviewed the Land Use Plan Amendment Application Transportation Analysis for the proposed Future Land Use Amendment for the above referenced project, dated March 9, 2021, 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 ½ mile north of Boynton Beach Boulevard	
PCN:	00-42-43-27-05-052-0240	
Acres:	6.95 acres	
	Current FLU	Proposed FLU
FLU:	Agricultural Reserve (AGR)	Industrial (IND)/Agricultural Reserve (AGR)
Zoning:	Agricultural Reserve (AGR)	Light Industrial (IL)
Density/ Intensity:	0.15 FAR	0.45 FAR
Maximum Potential:	Nursery (Garden Center) = 6.95 Acres	Light Industrial = 136,234 SF OR Flex Space IND FLU = 136,234 SF OR Landscape Services = 6.95 Acres
Proposed Potential:	None	None
Net Daily Trips:	-143 (maximum – current) as Light Industrial OR 213 (maximum – current) as Flex Space OR 95 (maximum – current) as Landscape Services	
Net PH Trips:	65 (66/-1) AM, 21 (-18/39) PM (maximum) as Light Industrial OR 167 (110/57) AM, 92 (31/61) PM (maximum) as Flex Space OR 219 (86/133) AM, 49 (33/16) PM (maximum) as Landscape Services	
<i>* Maximum indicates typical FAR and maximum trip generator. Proposed indicates the specific uses and intensities/densities anticipated in the zoning application.</i>		



Rebecca J. Mulcahy, P.E.
April 14, 2021
Page 2

Based on the review, the Traffic Division has determined 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 for either the Light Industrial or Flex Space IND FLU or Landscape Services land use at the **maximum potential** shown above.

Please note the proposed change will have no significant impact for both long range and Test 2 analyses.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "DS", is written over the printed name.

Dominique Simeus, P.E.
Professional Engineer
Traffic Division

DS/rb

cc: Addressee
Quazi Bari, P.E., PTOE – Manager – Growth Management, Traffic Division
Steve Bohovsky – Technical Assistant III, Traffic Division
Lisa Amara – Senior Planner, Planning Division
Khurshid Mohyuddin – Principal Planner, Planning Division
Jorge Perez – Senior Planner, Planning Division

File: General - TPS – Unincorporated - Traffic Study Review
N:\TRAFFIC\Development Review\Comp Plan\22-A\Las Farms.docx

Exhibit 6

Water & Wastewater Provider LOS Letter



**Water Utilities Department
Engineering**

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



**Palm Beach County
Board of County
Commissioners**

Dave Kerner, Mayor
Robert S. Weinroth, Vice Mayor

Maria G. Marino

Gregg K. Weiss

Maria Sachs

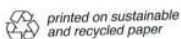
Melissa McKinlay

Mack Bernard

County Administrator

Verdenia C. Baker

*"An Equal Opportunity
Affirmative Action Employer"*



April 2, 2021

Morton
3910 RCA Boulevard
Palm Beach Gardens, FL 33410

RE: West of State Road 7 and approximately ½ mile north of Boynton Beach Blvd.
PCN 00-42-43-27-05-052-0240
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. PBCWUD has the capacity to provide the level of service required for the proposed land use change from Agricultural Reserve (AGR) to Industrial (IND) with a maximum development of 136,234 SF of industrial uses.

The nearest point of connection to potable water is a 16" potable water main located within State Road 7 adjacent to the subject property. The nearest point of connection to sanitary sewer is a 8" sanitary sewer forcemain located east of SR7 approximately 2900 feet south and east of the subject property. This connection will require a lift station and forcemain extension.

Please note that this letter does not constitute a final commitment for service until the final design has been approved by PBCWUD.

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.,
Plan Review 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
Lois Soowal, 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 ☒ Manager Las Farms of the Palm Beaches, LC *[position - e.g., president, partner, trustee]* *[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: 820 Se 16th Street
Deerfield Beach, FL 33441
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.

Lois Soowal
Lois Soowal, 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 19th day of March, 2021 by Lois Soowal (name of person acknowledging). He/she is personally known to me or has produced Florida Driver License (type of identification) as identification and did take an oath (circle correct response).

Mamarah Joseph
(Name - type, stamp or print clearly)

[Signature]
(Signature)

My Commission Expires on: 10/15/22

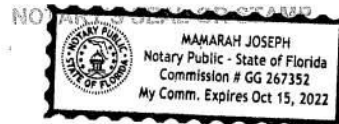


EXHIBIT "A"

PROPERTY

TRACT 24, BLOCK 52, "PALM BEACH FARMS COMPANY PLAT NO. 3", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2 AT PAGES 45-54, EXCEPTING THEREFROM THAT PORTION OF TRACT 24 WITHIN THE RIGHT-OF-WAY OF STATE ROAD 199, AS SET FORTH ON ROAD PLAT BOOK 1, PAGES 38 AND 39, AND EXCEPTING THEREFROM THE VESTED IN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION BY ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 9927, PAGE 869 AND THE STIPULATED FINAL JUDGEMENT RECORDED IN OFFICIAL RECORDS BOOK 10470, PAGE 1964, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA AND CONTAIN 6.947 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. The site is currently a Nursery operation.	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 adequate buffering through the zoning process, significant adverse impact could 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 stubbed out at the northeast corner of SR-7 and Boynton Beach Boulevard.	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 Industrial Uses

	AGR	IL	IG	IND/ MUPD	EDC	PIPD/ IL Pod	PIPD/ IG Pod	PIPD/ Com Pod
Agricultural uses								
Agriculture, bona fide	P	A	A					
Agriculture, Light Manufacturing	D	P	P					
Agriculture, Packing Plant	D	D	D					
Agriculture, Research/Development	D	P	P	P	P	P	P	
Agriculture, Sales & Service	B							P
Agriculture, Storage	P	P	P					
Agriculture, Transshipment	D	D	P	P	P	P	P	
Aviculture, Hobby Breeder	P	P	P					
Community vegetable garden	P	P	P					
Equestrian arena, commercial	D	B	B					
Farmer's Market	D	P	P			P	P	P
Nursery, retail	P	B	B					P
Nursery, wholesale	P	P	P			P	P	
Potting soil manufacturing	D	B	D					
Produce Stand	S	S	S					
Shadehouse	P	P	P					
Stable, commercial	D	D	D					
Stable, private	P							
Sugar mill or refinery			A				P	
Commercial uses								
Adult entertainment		D	D			D		D
Auction, indoor	P	P	P	P		P	P	P
Auction, outdoor	P	P	P	A		P	P	A
Car wash		D		P		P	P	P
Catering Service		P	P	P		D	D	P
Dispatching office		P	P	P		P	P	A
Dog day-care		P		P		P		D
Electric Vehicle Charging Station		D	D	D		D	D	D
Kennel, Commercial	B							D
Landscape maintenance service		P	P	P	D	P	P	P
Laundry services		A	A	A		A	A	P
Marina		P	P					A
Microbrewery		D	D	D	D	D	D	A
Repair and maintenance, Heavy		P	P	P		P	P	A
Repair and maintenance, Light		P	P	P		D	D	P
Repair services, limited		P		P		P		P

	AGR	IL	IG	IND/ MUPD	EDC	PIPD/ IL Pod	PIPD/ IG Pod	PIPD/ Com Pod
Self-service storage, Limited		D		D		D		D
Self-service storage, Multi-access		D		D		D		A
Vehicle Equip. sales & rental, Heavy		A		A		A		
Veterinary clinic	A	P						P
Vocational school		P	P	P	P	P		P
Industrial uses								
Contractor's storage yard		D	P	P	D	P	P	
Data Information Processing		P	P	P	P	P	P	P
Distribution Facility		D	D	P	P	P	P	D
Equestrian Waste Management		A	A	A				
Gas and fuel, wholesale		A	D	A			P	
Heavy industry		A	D	A		R	P	
Machine or welding shop		P	P	P		P	P	
Manufacturing and processing		P	P	P	A	P	P	D
Medical or dental laboratory		P	P	P	P	P		P
Multi-media production		P	P	P	P	P		P
Recycling center		A	P	A	D	P	P	A
Recycling plant		A	D	A		P	P	
Research & Development		P	P	P	P			A
Salvage or junk yard			A	A			R	
Towing service and storage		P	P	P		P		
Truck stop		A	A	A		R	R	
Warehousing		P	P	P	P	P	P	D
Wholesaling, general		P	P	P	P	P	P	D
Institutional, Public and civic uses								
Animal Shelter		A	D					
Assembly, nonprofit institutional	A							A
College or university				A				A
Crematory		A	A	A				A
Day care center, limited	D							D
Day care center, general	A							A
Funeral home		D	D	D				P
Government services	D	P	P	P	P	P	P	P
Homeless Resource Center		A		A				
Place of worship	D	D	D					D
School, elementary or secondary	A	A						A
Recreational uses								
Golf course		D		A		P	P	A
Park, Neighborhood infill		P	P					
Park, passive	P	P	P	P	P	P	P	P

	AGR	IL	IG	IND/ MUPD	EDC	PIPD/ IL Pod	PIPD/ IG Pod	PIPD/ Com Pod
Park, public		D	D	P				P
Shooting range, indoor		D	P	A		P	P	A
Transportation								
Airport			A	A	A	A	A	
Heliport or helipad		D	D	A	A	A	A	A
Landing strip			A	A	A	A	A	
Seaplane Facility			A	A	A	A	A	
Utility								
Chipping and mulching	D	B	D	B		B	D	
Composting facility	D	D	D	P		P	P	
Electric Distribution Substation	D	D	D	D	D	D	D	D
Electric power plant		A	A	A		A	A	A
Electric Transmission Substation	A	A	A	A	A	A	A	A
Utility, minor	D	D	D	D	D	D	D	D
Renewable Energy Solar Facility	D	D	D	D	D	D	D	D
Renewable Energy Wind Facility	A	A	A	A	A	A	A	A
Solid waste transfer station		A	B	A		P	P	A
Water or wastewater treat. plant		D	D	A		P	P	
Excavation								
Agricultural Excavation	A	A	A					
Type 1A Excavation	P							
Type 1B Excavation	D							
Type 2 Excavation	A	A	A	A	A	A	A	A
Type 3A Excavation		A	A					
Type 3B Excavation		A	A					

Key:

P – Permitted by Right

S – Subject to Special Permit Approval

D – Subject to DRO Approval

B – Conditional Use Class B, Subject to Zoning Commission Approval

A – Conditional Use Class A, Subject to BCC Approval

Blank – Prohibited use, unless stated otherwise within Supplementary Use Standards

Exhibit 10

Correspondence

Correspondence Provided to the BCC at the Transmittal Hearing – November 3, 2021

Items: 2, 3.A.5, 4.A.1, 5.C.1, 5.C.2



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November 2, 2021

Palm Beach County Commissioners
301 N. Olive Avenue
West Palm Beach, 33401

Submitted via email:

DKerner@pbcgov.org; RWeinroth@pbcgov.org; MMarino@pbcgov.org; GWeiss@pbcgov.org;
MSachs@pbcgov.org; MMcKinlay@pbcgov.org; MBernard@pbcgov.org; PBehn@pbcgov.org;
KFischer@pbcgov.org; RBulkeley@pbcgov.org; RBanks@pbcgov.org;
PZB-PlanPOC@pbcgov.org

Re: November 3, 2021, Commissioner Meeting Agenda Items 2; 3.A.5; 4.A.1; 5.C.1; 5.C.2

Dear Mayor Kerner and Commissioners of Palm Beach County:

On behalf of our clients, 1000 Friends of Florida ("1000 Friends") and Sierra Club Loxahatchee Group ("Sierra Club"), please kindly accept these comments and recommendations regarding the November 3, 2021, Commissioner Meeting Agenda Items: 2, *BCC WORKSHOP (Agricultural Reserve) – Continuation from October 26, 2021*; 3.A.5, *LWDD AGR Preserve Areas*; 4.A.1, *Final Adoption Unified Land Development Code Amendment for LWDD Canals as Preserve Areas*; 5.C.1, *Las Farms (LGA 2022-001)*; and 5.C.2, *Reserve at Atlantic (LGA 2022-006)*, and please include these comments in the public record.

1000 Friends is a statewide 501(c)(3) smart growth advocacy nonprofit organization with a substantial number of members that live and work in Palm Beach County. Similarly, Sierra Club is a national 501(c)(3) grassroots environmental organization with the Loxahatchee Group comprised of a substantial number of members that live and work in Palm Beach County. The members of both non-profit environmental organizations advocate for preservation of agricultural resources that are a much-needed buffer for the environmental vitality of the communities without encroachment of increased high-density residential, commercial, mixed-uses, and industrial uses. All members of these organizations residing within Palm Beach County are afforded the protections of the Palm Beach County Comprehensive Plan and will be directly affected by any amendments passed altering the Agricultural Reserve Tier.

Agenda Item 2: BCC WORKSHOP (Agricultural Reserve) – Continuation from October 26, 2021

On October 26, 2021, this Commission, County staff, and interested citizens dedicated the day to discussing the Agricultural Reserve Tier, its original intention and vast benefits to the County as a whole of preserving agricultural, environmental and water resources, and open space. The discussion also centralized around requested amendments for altering the Tier to allow for additional industrial uses not contemplated by the Comprehensive Plan and increased residential densities that would reduce the requirements for preserved areas in exchange for “workforce housing” not required within this unique Tier.

As was fully detailed in our comment letter dated October 25, 2021, and incorporated by reference herein, 1000 Friends and Sierra Club requested that the Commissioners “Stick with the Plan” and look to the Comprehensive Plan goals, policies, and objectives that govern the Ag Reserve for guidance on the issues at hand.

It is important to note, that there are no “vacant” lands in the Ag Reserve necessitating development. Open space has value to Palm Beach County above and beyond the fruits of its agricultural labors, to wit: (1) preserving agricultural lands, environmental and water resources, and open space, (2) buffering detrimental impacts from development on water quality, (3) improving flood control, (4) engaging in highly beneficial carbon sequestration that reduces air pollution and mitigates climate change, (5) providing wildlife habitat for native flora and fauna, as well as threatened and endangered species, and a safe haven for transient and migratory wildlife, especially those in the adjacent Arthur R. Marshall Loxahatchee National Wildlife Refuge.

Palm Beach County Board of Commissioners has the unique opportunity and responsibility of preserving the vast majority of remaining natural resources and open space in the tri-counties. This Commission has always had the foresight to protect the County’s resources that not only provide ecological economic benefits today, but also protect the environmentally sensitive areas for generations to come. Remaining steadfast in growth management guided by these principles is of the utmost importance in protecting the original intent of Ag Reserve.

Please accept the following comments in response to issues raised by Commissioners at the October 26, 2021, Workshop to be taken into consideration when directing Staff on proposed amendments that may seem minor to resolve immediate issues, but have the potential to result in a cumulative impact that will shape the future landscape of the Ag Reserve Tier to its demise.

Industrial Uses

Staff reiterated many times that allowing for industrial uses would take the review process out of the hands of the Commissioners and directly into the permitting department to ensure that a checklist of requirements had been completed. This carte blanche permitting process will remove the consideration of environmental impacts and sensitive lands that may surround proposed industrial uses in the Ag Reserve where the Comprehensive Plan did not anticipate any additional industrial uses be incorporated.

1000 Friends and Sierra Club concur with the Treasure Coast Regional Planning Council that expressed valid concerns in relation to the Sunflower Industrial application that the allowance of light industrial into the Ag Reserve could reduce the potential for agricultural related uses and “degrades the integrity of the process used to guide development activity in the Agricultural Reserve by creating yet another ‘special case’ revision to the general rules.”

To this end, additional industrial uses have no place in the Ag Reserve, and County Staff should be directed to determine a more appropriate solution of how to incorporate landscape services in the Tier without opening up a light industrial designation and maintaining the review of proposals by the commission with public participation.

Higher Densities / “Workforce Housing”

A resounding concern during the Ag Reserve Workshop was a need for more affordable housing. However, there was very limited discussion regarding the already approved 166 multi-family units approved but not yet built in the Ag Reserve that were intended to provide the opportunity for diversity in housing types and prices. A resolution to the housing crisis must not result in inconsistent density bonuses in the Ag Reserve that would make it more like the Urban / Suburban Tier. So long as the multi-family units can be built within the preserve area requirements, the County should focus on incentivizing those units being constructed, rather than holding the Ag Reserve hostage in a housing crisis in exchange for density bonuses by implementing a workforce housing requirement.

There is a very specific reason why the development restrictions in the Ag Reserve Tier are distinct from those of the Urban/Suburban Tier, which allows for 12 units per acre and density bonuses such as Transfer of Development Rights and Workforce Housing programs: The purpose of the Ag Reserve is to *preserve unique farmland and wetlands in order to enhance agricultural activity, environmental and water resources, and open space, by limiting uses to agriculture, conservation, low density residential development, and non-residential uses which serve the needs of farmworkers and residents of the Ag Reserve Tier.*

Palm Beach County does need more affordable housing, but a workforce housing program is simply inappropriate for the Ag Reserve as it does not fall in line with the bond referendum for purchasing preserve space as it created an inconsistent and unreliable pattern of density bonuses. The County would be better served focusing on public transportation for workers to come into the Ag Reserve rather than altering the Ag Reserve to accommodate incompatible residential densities.

The Ag Reserve Tier has achieved the preservation of acreage that would otherwise have been overdeveloped and the environmental benefits forever lost. There is still a need to maintain the integrity of the Tier to ensure that all that has been preserved is not degraded by increased densities and intensities of uses inappropriate for this unique agricultural area endowed with environmental and water resources and open spaces to act as a rural “safe haven” and environmental buffer from the urban and suburban tiers. Developers should not look to the Ag Reserve for exemptions from the fundamental preserve and density requirements unique to this Tier. “Balanced growth” does not mandate that the guiding policies and objectives of the Comprehensive Plan be displaced; rather, smarter, and more sustainable, development must be achieved in conformity with the regulations already set forth to protect the Ag Reserve Tier.

To this end, County Staff should be directed to review and determine incentives to building out the already approved 166 multi-family units rather than fundamentally altering the Ag Reserve Tier by introducing a work force housing – density bonus program.

Agenda Item 3.A.5: LWDD AGR Preserve Areas

As stated in a public comment letter in opposition, dated May 4, 2021, 1000 Friends and Sierra Club have long raised concerns to the Commissioners regarding the allowance of developmental overreach in the Ag Reserve that summarily reduces, segregates, or altogether eliminates agriculture, conservation, and very low-density residential development in favor of higher density developments that are in direct contradiction to the spirit of the Ag Reserve. The very purpose of this Tier, composed of unique farmlands and wetlands, is to ensure preservation primarily for agricultural use. The 60/40 requirement is an incentive to preserve land in the Ag Reserve *that otherwise would be developed*, while allowing low-density residential development to serve the needs of the community. This land development systematic plan ensures balance as conservation easements on these preserve areas are set in place to “support, preserve, perpetuate bona-fide agricultural and open space uses of the Property, and to preserve any environmentally significant upland or wetland habitats.”

1000 Friends and Sierra Club maintain the belief that the Comprehensive Plan never intended for canal rights-of-ways to be utilized as a setoff due to the very nature of a canal as one for water management and not for the displacement of large areas of preserved lands. The request to remove restrictions on large parcels of preserved areas in exchange for preserving canal rights-of-way from future development negates these very principles. Objective 1.5, as written, specifically and unambiguously prohibits the removal of 276.127 acres of AGR-PUD preserve (row crops) and replacement with 63 segments of LWDD owned canal rights-of-way totaling 281.96 acres which are utilized for right-of-way purposes. Despite that belief, the additional language of the text amendment reiterating the obvious protections for preserve areas is not objectionable.

However, the amendment language exempting canal rights-of-way contemplated specifically in application PDD/DOA-2021-0122 creates an internal inconsistency within the Comprehensive Plan and subverts the 60/40 requirement for clustered development within the AGR-PUD. The existing Comprehensive Plan language requires the County to *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 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 farm workers and residents of the Tier*. Creating an exemption for PDD/DOA-2021-0122 violates that language, results in an internal inconsistency, and violates years of precedent denying such applications.

Accordingly, 1000 Friends and Sierra Club respectfully request that the Motion to adopt an ordinance for the LWDD AGR Preserve Areas amendment be denied, or in the alternative, amended to remove the exemption for PDD/DOA-2021-0122 and reiterate that canal rights-of-way are not to be used as preserve areas for density purposes, with a required unanimous vote of commissioners if any changes were to be made in the future to this provision.

***Agenda Item 4.A.1: Final Adoption Unified Land Development Code Amendment for LWDD
Canals as Preserve Areas***

As reiterated above, 1000 Friends and Sierra Club oppose the use of canal rights-of-way as preserve areas, and respectfully request that *Motion to adopt an ordinance be denied, or in the alternative, amended to remove the exemption for FDD/DOA-2021-0122 and reiterate that canal rights-of-way are not to be used as preserve areas for density purposes, with a required unanimous vote of commissioners if any changes were to be made in the future to this provision.*

Agenda Item 5.C.1 Las Farms (LGA 2022-001)

The requested FLUA Amendment to deviate from an AGR designation to Industrial with an underlying Agricultural Reserve may be site specific, yet it has the potential to open a Pandora's box for the incorporation of industrial uses into a Tier that has been set aside from the rest to preserve the agricultural integrity of the County. Such an intrusion was never contemplated by the Master Plan in order to uphold the Goals and Objectives of the Ag Reserve, and should not be entertained now. A light industrial use designation in the Ag Reserve will create another special case revision to the long-standing principles set in place to distinguish this unique Tier from the urbanized tiers and surrounding counties, and will remove such applications out of the commissioners and public hearing sphere for a mere checklist of requirements that can result in unintended degradation of the Ag Reserve.

Simply stated, *the death of the Ag Reserve by a thousand cuts must cease.* To allow for the continued increase of density and intensity beyond the original intention of the Comprehensive Plan will nullify the very spirit of the Ag Reserve and will mutate the environmentally sensitive and rural lands into an urbanized area indistinguishable from the rest of Palm Beach County.

The appropriate resolution for this issue is not to introduce an industrial light designation into the Ag Reserve, despite a conditional overlay zone, but rather to take the time and consideration of resolving a more overreaching issue of the appropriate location for a landscape service operation.

Accordingly, 1000 Friends and Sierra Club respectfully request that the Commissioners second and pass the Motion to deny the Las Farms amendment.

Agenda Item 5.C.2 Reserve at Atlantic (LGA 2022-006)

Objective 1.5 of the Comprehensive Plan was enacted to protect the Ag Reserve Tier by promoting an agricultural and low-density residential lifestyle and discouraging growth that does not serve this unique community. Despite its name, Reserve at Atlantic, is not suitable for the Ag Reserve Tier. The proposed changes of the FLU designation will drastically alter the intensity and density of use on the property, to wit: *the current FLU allows for 8 units, whereas the proposed FLU will cluster 480 units onto the same parcel, and construct a 120-student daycare, thereby raising the population estimate of 19 people to 1,148 people.* This will nearly triple the daily trips onto the parcel and through the surrounding communities.

The Reserve at Atlantic proposal has been before this Commission before and comes once again with modifications, but still attempting to reduce preserve acreage and allow for higher density on smaller parcels in exchange for an allocated twenty-five (25) percent of the development to be set aside for "workforce housing." As previously stated, the Ag Reserve does not require allocations for workforce housing, but rather has allowed for 166 multi-family units within mixed use projects "intended to provide the opportunity for diversity in housing types and prices" without the income restrictions defining the units as "workforce housing," unlike units designed in the Urban/Suburban Tier.

"Workforce housing" at a cost of 180 acres reduction of the minimum acreage required for an AgR-PUD designation and a severe 110 acres reduction of the Preserve Area minimum acreage will not provide for a unique need or current demand of the Ag Reserve residents, and there is no evidence to suggest that it will not draw new developers seeking the same higher densities and reduced parcels or reduced preserve acreage by current landowners. As such, approval of this application will undoubtedly create permanent and unanticipated consequences that will alter the purposes and policies of the Ag Reserve Tier.

To allow for an incompatible increase of density and intensity will nullify the very spirit of the Ag Reserve and, as stated by County Staff, "represent major departures from nearly all of the fundamental policy concepts directed by the Board of County Commissioners, and adopted into the Comprehensive Plan, including requiring preserve area and limiting development in the Tier."


The proposed Essential Housing Residential Option and FLUA Amendments are inappropriate for the Ag Reserve Tier as they severely reduce preserve acreage requirements, increase density up to 12 units per acre on the development area and on-site preserve, and revise uses allowed in the 60% Preserve to include open space, park, and water features.

As noted by County Staff, the proposal "acts as an incentive for a developer to gain a higher density for land used for open space, water features, and buffers rather than the actual preserve uses of agriculture and environmentally sensitive lands," thus reducing the 60/40 preserve requirements of the Ag Reserve. Approval of this application would undoubtedly lead to further degradation of the Ag Reserve, encourage similar applications to chip away at future preserved areas and, as noted by County Staff, "bring into question the future of the approximately 4,698 acres in AGR-PDD preserve areas that are currently in private ownership," and in all essence "alter the foundation of the Tier."

Accordingly, 1000 Friends and Sierra Club respectfully request that the Commissioners second and pass the Motion to deny the Reserve at Atlantic amendment.

Thank you for your time and consideration of these comments.

Respectfully,


Heidi Mehaffey, Esq.
Robert N. Hartsell, P.A.
Fla. Bar No. 118806

CC: 1000 Friends of Florida
Sierra Club Loxahatchee Group

Alliance of Delray Residential Associations, Inc.

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November 1, 2021

Palm Beach County Board of County Commissioners
301 North Olive Avenue
Delray Beach, Florida 33401

Re: Follow up to Agricultural Reserve Workshop & Las Farms Landscape (LGA 2022-001)

Dear Commissioners:

Thank you for an excellent review of the history of the Agricultural Reserve and the issues pertaining to the future use of lands in the Tier. Your passion for service to the residents is appreciated. Thank you also, for allowing the public to speak at the October 26, 2021 Agricultural Reserve Workshop.

The Applicant for Las Farms Landscape requested the Alliance to provide support for the application which concerns a similar request to that which was granted to Sunflower Landscaping a few months ago.

Following a review of the application, it appears that it would be reasonable to grant Las Farms the same land designation, conditions of approval, and zoning overlay that Sunflower received.

The Alliance understands that Staff will be given direction regarding possible changes in some policies and amendments to the Comprehensive Plan for the Agricultural Reserve. Please see the Alliance's September 13, 2021 letter which is attached. It contains suggestions regarding issues that continue to challenge the County and which may benefit from further research.

Thank you for all the work that you and County Staff continue to do to make Palm Beach County a thriving family-friendly community and visitor-welcoming destination.

Sincerely,

Lori Vinikoor

Dr. Lori Vinikoor
President

Cc: Board of County Commissioners, Admin. Baker, Assist. Admin. Rutter, Dep. Dir. PZB Carroll, Planning Dir. Behn, Dep. Planning Dir. Fischer, Zoning Dir. Amara, Dep. Zoning Dir. Hernandez

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Legal Counsel: Joshua Gerstin

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September 13, 2021

Ramsay Bulkeley, Esq. Executive Director Planning, Zoning, & Building
2300 North Jog Road
West Palm Beach, Florida 33411
Re: Agricultural Reserve Workshop October 26, 2021

Dear Executive Director Bulkeley:

The Alliance is looking forward to the October 26, 2021 Agricultural Reserve Workshop and asks that Staff consider these comments and suggestions:

1. **Size of a PUD:** The large acreages for PUD's of 60/40 (150 acre preserve and 100 acre development) have been exhausted. A 60 acre PUD may be acceptable for remaining parcels with 36 acres for preserve and 24 acres for development with a design that should protect the skyline. CLF's would generate less traffic and should be considered along the major corridors in addition to Lyons Road.
2. **Density:** 6 units per acre could be considered with a 25 % **on site** Workforce Housing bonus.
3. **Commercial:** A "use it or lose it" amendment would be beneficial for future developments. If a site plan is presented the developer could have a delineated amount of time to either use any square footage or it can go back into a "pool." Example: The recent Hospital approval resulted in 60,000 square feet that probably will never be used for neighborhood commercial. Both TMD's have additional commercial that have not been used. A Study of commercial acreage might be undertaken for the major east/west corridors to possibly use an "acreage" model rather than a "square footage" model for determining maximum development and using adopted location criteria in Policy 2.2.2 Commercial as a guide.
4. **Light Industrial Zoning:** Please see attached Alliance letters regarding the Homrich parcel from January 22, 2016 and April 26, 2016 delineating criteria for a Light Industrial designation.
5. **Disenfranchised property owners:** The Alliance is aware of five property owners that indicate they have not been treated fairly. The policies proposed above should assist these landowners. The Morningstar property at the northwest corner of Atlantic Avenue and the FL Tpk has potential however, Starkey Road and Persimmon Avenue must be aligned for any quality development to be realized.

Thank you.

Sincerely,

Bob Schulbaum

Bob Schulbaum, President

Lori Vinikoor

Lori Vinikoor, Executive Vice President

Cc: Board of County Commissioners, Admin. Baker, Assist. Admin. Rutter, Dep. Dir. PZB Carroll, Planning Dir. Behn, Dep. Planning Dir. Fischer, Zoning Dir. MacGillis, Dep. Zoning Dir. Hernandez, Sr. Planner Amara

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Casabella
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Coco Wood Lakes
Country Lake
Crosswinds of Delray
Deauville Village
DeSire Country Club
Delray Harbor Club
Delray Lakes Estates
Delray Villas Flat 1
Delray Villas Flat 4/5
Delray West Townhouses
Emerald Pointe
Evergreen 1
Floral Lakes
Four Seasons
Glenesles Country Club
Grand Orchid Estates
Greenwood Village I
Hamilton House
Hanlet Country Club
High Point of Delray East 1
High Point of Delray East 2
High Point of Delray West 1
High Point of Delray West 2
High Point of Delray West 4
Huntington Lakes Sec 2
Huntington Lakes Sec 3
Huntington Lakes Sec 4
Huntington Lakes Sec 5
Hunters Run Country
Huntington Pointe
Huntington Towers
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Las Verdes
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Lexington Club
Mizner Country Club
Monterey Lakes
Newport Cove
Oliveleaf
Palm Beach Bath & Tennis
Palm Greens
Pelican Harbor
Pines of Delray
Pine Ridge
Pinewood Cove
Polo Trace Country Club
Rainberry Bay
Rio POCO
Saturnia Isles
Shadywoods
Spanish Wells
Stone Creek Ranch
Tierra Del Rey
Tierra Verde
Tropic Bay
Tropic Isle
Valencia Falls
Valencia Palms
Villa Borghese
Village at Swinton Square
Vizcaya
Waterways
Whisper Walk
Woodlake

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April 26, 2016

Board of County Commissioners
301 North Olive Avenue Suite 1201
West Palm Beach, FL 33401

Re: April 27, 2016 AGENDA item #3.C.4 Homrich Commercial (LGA 2016-019)

Dear Mayor Berger, Vice-Mayor Valeche, and Commissioners:

The Alliance respectfully requests that, if you approve the land use change requested in agenda item #3.C.4 Homrich Commercial (LGA 2016-019) using the conditions Staff listed, **additional language be included which will protect the sensitive lands located west of State Road 7/441.** Any activity which has the potential of adversely affecting the environment or the lakes or ground water should be prohibited on this light industrial site. **The industrial uses that should be prohibited and are particularly detrimental to the environment and to neighboring populated communities include manure processing and recycling plants or transfer stations, composting, chipping, mulching, and soil production.**

The Alliance of Delray's letter dated January 22, 2016 which was written specifically for the January 27, 2016 Transmittal Hearing for this item is more detailed indicating suggested prohibited uses from the Use Matrix. *However, of primary importance are those listed above which could have a catastrophic impact on the flora, fauna, and residents of the Agricultural Reserve.*

These past two years have been a pivotal time for the Agricultural Reserve; thank you for the immense effort you and Staff have invested in carefully shaping the direction of development in the area.

Sincerely,

Bob Schulbaum

Bob Schulbaum, President

Lori Vinikoor

Dr. Lori Vinikoor, Executive Vice President

Copies to: Mayor Berger; Vice Mayor Valeche; Commissioners Abrams, Burdick, McKinlay, Taylor, Vana; County Administrator Baker; Assistant County Administrator Outlaw; PZB Exec. Dir. Caldwell; Planning Dir. Aghemo; Zoning Dir. MacGillis; L. Amara; B. VanHorn; M. Bello; P. Rutter; W. Cross; M. Kwok

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Legal Counsel: Joshua Gestin

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 Coco Wood Lakes
 Country Lake
 Crosswinds of Delray
 Deauville Village
 Delaire Country Club
 Delray Harbor Club
 Delray Lakes Estates
 Delray Villas Plat 1
 Delray Villas Plat 4/5
 Delray West Townhouses
 Emerald Pointe
 Evergreen 1
 Floral Lakes
 Four Seasons
 Gleneagles Country Club
 Grand Orchid Estates
 Greensward Village I
 Hamilton House
 Hamlet Country Club
 High Point of Delray East 1
 High Point of Delray East 2
 High Point of Delray West 1
 High Point of Delray West 2
 High Point of Delray West 4
 Huntington Lakes Sec 2
 Huntington Lakes Sec 3
 Huntington Lakes Sec 4
 Huntington Lakes Sec 5
 Hunters Run Country
 Huntington Pointe
 Huntington Towers
 International Club
 Kings Point
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 Las Verdes
 Legacy at Sherwood Forest
 Lexington Club
 Mizner Country Club
 Monterey Lakes
 Newport Cove
 Oliveleaf
 Palm Beach Bath & Tennis
 Palm Greens
 Pelican Harbor
 Pines of Delray
 Pine Ridge
 Pinewood Cove
 Pdo Trace Country Club
 Rainberry Bay
 Rio Poco
 Saturnia Isles
 Shadywoods
 Spanish Wells
 Stone Creek Ranch
 Tierra Del Rey
 Tierra Verde
 Tropic Bay
 Tropic Isle
 Valencia Falls
 Valencia Palms
 Villa Borghese
 Village at Swinton Square
 Vizcaya
 Waterways
 Whisper Walk
 Woodlake

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January 22, 2016

Board of County Commissioners
 301 North Olive Avenue Suite 1201
 West Palm Beach, FL 33401

Re: January 27, 2016 AGENDA item # 4.C.5 (Project LGA 2016-019)

Dear Mayor Berger, Vice-Mayor Valeche, and Commissioners:

The Alliance of Delray has been following the progression of the most recent Agricultural Reserve policy review where it was determined by the Board of County Commissioners that certain parcels in the Agricultural Reserve could use some corrective measures including text amendments and expansion of uses. Since the inception of the process, the Alliance has been a proponent of the site-specific approach to land use and development changes in the Agricultural Reserve in order to assure full public participation.

One such parcel which the Alliance requests use conditions be applied as a part of the land use amendment is the portion of a parcel recently approved by the Planning Commission to be developed as Light Industrial (IL). The subject parcel is located west of State Road 7/441 and near the northwest corner of Boynton Beach Blvd. and appears as Agenda Item #4.C.5 (project LGA 2016-019). Understanding that the Agricultural Reserve and other Planned Development Districts have their own categories with permitted and prohibited uses contained in the ULDC Use Matrices, please see attached IL uses that the Alliance requests specifically be prohibited on the site. These uses either do not fit in the context of bona fide agriculture, include noxious activities or substances which should not be allowed near preservation/conservation lands existing near the site, or do not function in the spirit of the Master Plan of the Agricultural Reserve. *If these use conditions are not applied, the Alliance cannot support the proposed future land use change to IL on the site.*

The Alliance respectfully requests that, if you approve this land use change using the conditions Staff listed, the protections (attached list of prohibited uses on the site) be included for this property which is located west of State Road 7/441.

Thank you for the immense amount of effort and time that you and County Staff have devoted to this Agricultural Reserve Amendment process and to making Palm Beach County "Major League."

Sincerely,

Bob Schulbaum

Bob Schulbaum, President

Lori Vinikoor

Dr. Lori Vinikoor, Executive Vice President

Copies to: Mayor Berger; Vice Mayor Valeche; Commissioners Abrams, Burdick, McKinlay, Taylor, Vana; County Administrator Baker; PZB Exec. Dir. Caldwell; Planning Dir. Aghemo; Zoning Dir. MacGillis; L. Amara; B. VanHorn; M. Bello; P. Rutter

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Legal Counsel: Joshua Gestin

PROHIBITED USES: IL (LIGHT INDUSTRIAL)

Adult Entertainment	Parking Lot, Commercial	Excavation, Agriculture
Auction, Outdoor	Vocational School	Excavation, Type II
Auto Paint or Body Shop	Kennel, Type IV (Animal Shelter)	Excavation, Type IIIA
Butcher Shop, Wholesale	Helipad	Excavation, Type IIIB
Catering Service	Homeless Resource Center	Recycling Center
Contractor Storage Yard	School, Elementary or Secondary	Recycling Drop-Off Bin
Crematory	Entertainment, Indoor	Recycling Plant
Day Labor Employment Service	Entertainment, Outdoor	Renewable Energy Facility, Wind
Dispatching Office	Fitness Center	Solid Waste Transfer Station
Dog Daycare	Golf Course	Utility, Minor
Funeral Home	Gun Club, Enclosed	Water or Treatment Plant
Gas and Fuel, Retail	Marine Facility	Asphalt or Concrete Plant
Kennel Type II (Commercial)	Potting Soil Manufacturing	Film Production Studio
Kennel, Type III (Commercial Enclosed)	Air Curtain Incinerator	Gas and Fuel, Wholesale
Laundry Services	Air Stripper, Remedial	Heavy Industry
Monument Sales Retail	Chipping and Mulching	Laboratory, Industrial Research
Parking Garage, Commercial	Composting Facility	Transportation Facility
		Truck Stop

ALLOWED USES: IL (Light Industrial)

Security or Caretaker	Park, Passive	Produce Stand
Quarters	Park, Public	Shadehouse
Building Supplies	Park, Neighborhood	Stable, Commercial
Kiosk	Special Event	Communication Cell Sites on
Landscape Service	Agriculture, Bona Fide	Wheels
Printing and Copying	Agriculture, Light	(COW) Tower, Mobile
Services	Manufacturing	Communication Panels, or
Repair and Maintenance,	Agriculture, Packing Plant	Antennas,
General	Agriculture,	Commercial
Repair Services, Limited	Research/Development	Communication Tower,
Retail Sales, Mobile or	Agriculture, Storage	Commercial
Temporary	Agriculture, Transshipment	Electric Power Facility
Self-Service Storage	Community Vegetable Garde	Electric Transmission Facility
Towing Services and Storage	Equestrian Arena, Commercial	Renewable Energy Facility,
Vehicle Sales and Rental	Farmers Market	Solar
Veterinary Clinic	Groom's Quarters	Data Information Processing
Day Care, General	Nursery, Retail	Medical or Dental Laboratory
Day Care, Limited	Nursery, Wholesale	Warehouse
Government Services		Wholesaling, General