



PRIVATELY INITIATED TEXT AMENDMENT AMENDMENT ROUND 24-A

BOARD OF COUNTY COMMISSIONERS MEETING, MAY 3, 2023

I. General Data

Project Name:	Gold Coast Logistics Text Initiation
Proposed Text Amendment:	<p>This privately proposed text amendment request is to revise Future Land Use Element policies regarding the Commerce (CMR) Future Land Use designation in the Agricultural Reserve Tier specifically to:</p> <ul style="list-style-type: none"> Revise location criteria established in Future Land Use Element (FLUE) Policy 1.5-v to allow the Commerce future land use on eligible sites along State Road 7 located north of La Reina Road.
Proposed FLUA Amendment:	<p>If the text amendment is initiated by the Board, the applicant will submit a future land use amendment on the 6.33-acre site to change the future land use designation of the site from Agricultural Reserve (AGR) to Commerce, with an underlying Agricultural Reserve (CMR/AGR).</p>
Applicant:	Dragos Sprinceana, Manager
Owner:	15445 US 441, LLC (Dragos Sprinceana)
Agent:	George Gentile, 2GHO, Inc.
Project Manager:	Travis Goodson, Senior Planner
Staff Recommendation:	Staff recommends to deny the request for initiation.

II. Item Summary

Initiation Phase I: The item before the Board is to consider the initiation of a privately proposed amendment to the Comprehensive Plan, considered “Phase I”. If the amendment is initiated, staff will accept the associated future land use amendment, and return to the Board with the text and future land use amendments through the public hearing process as part of “Phase II”.

Staff Assessment: Staff recommends the Board deny the request for initiation. The proposed text revision affects an implementing policy regarding the allowable location of the Commerce Future Land Use (FLU) designation in the Agricultural Reserve. The recent adoption of the Commerce FLU designation and its implementing policies were the result of extensive Board discussion and public involvement, and the Board ultimately adopted location criteria in August 2022, which excluded the subject parcel. Should the Board initiate the amendment, however, staff will prepare data and analysis, and present a recommendation on the text and future land use amendment at subsequent public hearings.

III. Meeting History

Local Planning Agency/Planning Commission (LPA/PLC): *To be provided in agenda*

Board of County Commissioners (BCC):

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Future Land Use Text Amendment

Gold Coast Logistics Private Text Amendment



Site Data

Size: 6.33 acres
 Existing Use: Vacant
 Proposed Use: Light Industrial
 Current FLU: AGR
 Proposed FLU: CMR/AGR

Future Land Use Designations

AGR Agricultural Reserve
 CL/AGR Commercial low, underlying AGR
 IND/AGR Industrial, underlying AGR

Date: 3/1/2023
 Contact: PBC Planning
 Filename: T:\Planning\AMEND\24-A\TextPrivate
 Note: Map is not official, for presentation purposes only.



200 0 200 400 Feet



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



IV. Private Text Amendment Request

The intent of the privately proposed text amendment to the Comprehensive Plan and subsequent future land use amendment and rezoning is described below.

Proposed Text Amendment. The privately proposed text amendment request is to revise Future Land Use Element policies regarding Industrial in the Agricultural Reserve Tier specifically to:

- Revise location criteria established in Future Land Use Element (FLUE) Policy 1.5-v to allow the Commerce future land use on eligible sites along State Road 7 located north of La Reina Road.

Associated Future Land Use Amendment. If the Board initiates the text amendment, the applicant would proceed with the request for a future land use amendment on the subject site from Agricultural Reserve (AGR) to Commerce, with an underlying Agricultural Reserve (CMR/AGR). The future land use change would allow the site to develop with light industrial uses.

Associated Zoning Application. The companion zoning application will request a rezoning from Agricultural Reserve (AGR) to either Light Industrial (IL) or Multiple Use Planned Development (MUPD).

V. Policy Background

A. Agricultural Reserve Tier Background

The Agricultural Reserve Tier is 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 these 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.

B. Industrial in the Tier and Commerce (CMR) Future Land Use Designation

Upon the conclusion of the Master Planning effort, the BCC did not concur with the consultant's recommendations on industrial land use, and directed that no new industrial future land use designations be permitted in the Agricultural Reserve. Consequently, the 2001 Comprehensive Plan amendment to adopt policies implementing the Master Plan did not establish any policies for new industrial lands. The only provision was related to the .45 floor area ratio for the 64 acres of land with industrial future land use that predated the Master Plan, and were located along the north and south sides of Atlantic Avenue, east of State Road 7. Since the adoption of the Master Plan, the County has processed several privately proposed future land use amendments for industrial in the Ag Reserve Tier. Staff consistently recommended denial of new Industrial FLU requests as there were no policies in the Comprehensive Plan directing the appropriate uses, locations, and intensity for industrial in the AGR Tier.

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

The new Commerce FLU and implementing policies provide a framework for the location and extent of future light industrial uses within the Agricultural Reserve Tier, for which there were previously no guiding policies in the Comprehensive Plan. The CMR FLU designation affords opportunities for low-trip generating light industrial and/or employment uses, balancing the overarching objectives of the Agricultural Reserve while responding to increased residential growth and the corresponding needs of support services.

C. Proposed Text Amendment

The amendment language provided in Exhibit 1, proposes to revise the location criteria specified in requirement 2 of FLUE Policy 1.5-v. The referenced policy currently limits the eligible locations of the Commerce FLU along State Road 7 to north of Rio Grande Avenue. The applicant proposes to move this demarcation approximately one-quarter mile south to La Reina Road. This will allow the intended subject site to become eligible to request the Commerce land use designation. If the Board initiates the text amendment, the applicant will submit a future land use amendment in May 2023 for the 6.33-acre subject site from Agricultural Reserve (AGR) to Commerce, with an underlying Agricultural Reserve (CMR/AGR). The future land use change would allow the site to develop with light industrial uses.

The applicant has submitted justification for the amendment (See Exhibit 2), which is primarily based upon the site's location on State Road 7 and being similarly situated to an existing site with Industrial future land use directly to the north. The applicant states that *"the request to move the Commerce Land Use limits one more road south of its current location and including only two more properties is consistent with the non-residential uses on the west side of SR7 to La Reina Road."* The applicant further states that the site's *"immediate access to the SR7 roadway provides*

a better opportunity to develop a low impact light industrial use...as well as providing needed services to the Agricultural Community and jobs to this area.”

D. Unified Land Development Code (ULDC) Implications

No ULDC amendment is necessary to implement the proposed text amendment to the Plan, or the subsequent future land use amendment.

VI. Issues and Implications

The purpose of this Phase I report is to identify potential issues and implications of the concept proposed by the text amendment for the Board to consider when making the policy decision on whether to initiate the privately proposed text amendment. While no major policy implications have been identified at this time, the text amendment proposes a revision to an implementing policy regarding the Commerce future land use designation that is contrary to recent collaborative efforts and Board decisions.

The Commerce FLU and implementing policies were adopted in August 25, 2022 following more than a year of Board discussion, workshops, and public hearings on the topic within the Agricultural Reserve. Staff initially proposed policy language that would have made the subject site eligible to request the Commerce FLU designation. At the transmittal public hearing on May 4, 2022, area residents and neighborhood groups raised concerns regarding the potential for Commerce sites to situate in a predominately-residential corridor along State Road 7 between Atlantic Avenue and Clint Moore Road. The Board directed Staff to work with the interested parties between transmittal and adoption to help address their concerns. Subsequently, at the adoption public hearing, staff presented the revised policy language that included location criteria limiting Commerce along State Road 7 to sites north of Rio Grande Avenue. Representatives for Gold Coast Logistics spoke regarding the location criteria, and requested that the subject site be included as an eligible location. In consideration of the information presented, the Board ultimately adopted policy language limiting the location of requests for Commerce on State Road 7 to be north of Rio Grande Avenue, which excludes the subject site.

The public facilities impact analysis and full policy analysis for consistency with the Comprehensive Plan would proceed with the review of the proposed future land use amendment in Phase II if this text amendment is initiated by the Board. The traffic impacts of this request have not been established (as this is Phase I) and the applicant has not requested an exemption from the future land use amendment requirements in Future Land Use Element Policy 3.5-d.

VII. Staff Recommendation

The item before the Board is to consider the initiation of a privately proposed amendment to the Comprehensive Plan, considered “Phase I”. If the amendment is initiated, staff will accept the associated future land use amendment, and return to the Board with the two amendments through the public hearing process as part of “Phase II”.

The text amendment proposes to revise the location criteria for the Commerce future land use designation in the Agricultural Reserve in order to allow parcels along State Road 7 north of La Reina Road to be eligible to request the CMR FLU designation. The current policy language limits the application of the Commerce designation on State Road 7 to sites north of Rio Grande Avenue, which is approximately one-quarter mile north of La Reina Road. If the Board initiates the text amendment, the applicant would proceed with the request for a future land use amendment on the subject site from Agricultural Reserve (AGR) to Commerce, with an underlying

Agricultural Reserve (CMR/AGR). The future land use change would allow the site to develop with light industrial uses.

Staff recommends the Board deny the request for initiation. The recent adoption of the Commerce FLU designation and its implementing policies were the result of extensive Board discussion and public involvement, and the Board ultimately adopted location criteria in August 2022, which excluded the subject parcel. Should the Board initiate the amendment, however, staff will prepare data and analysis, and present a recommendation on the text and future land use amendment at subsequent public hearings.

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Exhibit 1

Applicant's Proposed Text Amendment

A. Future Land Use Element, Industrial in the Agricultural Reserve Tier

REVISIONS: To revise the location requirements for proposed Commerce Future Land Use requests in the Agricultural Reserve. The revisions are shown below with added text underlined and deleted text shown in ~~striketrough~~.

1. **REVISED Policy 1.5-v: Industrial.** The County shall foster employment opportunities in the Agricultural Reserve Tier by allowing light industrial uses at appropriate location to provide a balance of land uses for current and new reside of the Tier. All new future land use amendments requesting industrial type uses in the Agricultural Reserve Tier shall meet the following requirements.
 1. Limited to Commerce (CMR) future land use designation;
 2. Located with frontage and access on State Road 7 ~~(north of Rio Grande Avenue)~~ (north of La Reina Road). Atlantic Avenue, Boynton Beach Boulevard or have access to these roadways through an existing commercial or industrial site. sites located west of State Road 7 must share a common border with a property with commercial or industrial future land use;
 3. Be accompanied by a concurrent zoning application and conceptual site plan in order to demonstrate that the proposal meets the design, scale, and character requirements of the Tier;
 4. Have a minimum of 3 acres and a maximum of 50 acres (with the exception of lands dedicated to rights of way); and
 5. Preserve shall be required for Commerce sites utilizing Light Industrial, Multiple Use Planned Development, or Planned Industrial Park Development zoning pursuant to FLUE Policy 1.5.1-q and subject to the following:
 - a. The preserve area requirements shall be based upon the acreage over 16 acres, shall be a minimum of 40% of the total land area over 16 acres, and allow water management tracts in preserve areas contiguous to the development area that provide enhanced environmental features and improved water quality as demonstrated through the future land use amendment process.

Exhibit 2

Applicant's Justification for Text Amendment

On behalf of the property owner/applicant, **15445 US 441 LLC**, 2GHO, Inc., as agent, has prepared and hereby respectfully submits this application for a Privately-Initiated Text Amendment to the Palm Beach County Comprehensive Plan.

The subject site is located in unincorporated Palm Beach County (PBC), situated in the Agricultural Reserve Tier with a Future Land Use Atlas (FLUA) designation of Agricultural Reserve with a Zoning Designation of AR – Agricultural Reserve District. The subject property is located on the northwest corner of the intersection of State Road 7 and La Reina Road on 6.33 acres of land.

Surrounding Property Information:

	EXISTING FLU	EXISTING ZONING	PCN	EXISTING USE	CONTROL NUMBER
Subject Site	AGR	AGR	00-42-43-27-05-067-0281 00-42-43-27-05-067-0283	Vacant	
North	IND/AGR	IL	00-42-43-27-05-067-0150	AGRICULTURAL USE	2021-00166 R2021-1169
South	AGR	AGR	00-42-43-27-05-067-0290	HORSE TRAINING	N/A
East	AGR	AGR-PUD	VARIOUS PCN	RESIDENTIAL	2000-0032 R2016-1235
West	AGR	AGR	00-42-43-27-05-067-0272	PUD	N/A

Project History:

LIST OF PBC APPROVALS		
Petition No.	Application Request	Date of Approval
PLEASE NOTE THE BELOW IS THE LIST OF APPLICATION FOR PCN:00-42-43-27-05-067-0281		
Control No. 2007-00003 CB-2008-01181	Class B Conditional use to allow agriculture, sales and service in the AGR zoning district	RESOLUTION ZR-2008-066 – December 5, 2008
Control No. 2007-00003 DRO 2009-04534	FSP approval for the Class B Conditional use to allow agriculture, sales and service including indoor storage, a wholesale & retail nursery, an accessory use of landscape maintenance and a security caretaker quarter in the AGR zoning district	January 13, 2010
Control No. 2007-00003 CB-2008-01181	Status Report to Revoke the Class B Conditional use to allow agriculture, sales and service in the AGR zoning district	ZR-2017-023 – July 6, 2017
Control No. 2007-00003 ZV/CB 2017-01014	Class B for agricultural sales and service use in a project also containing a retail nursery and landscape service use	Never approved Feb 12, 2018 – letter of withdrawal was submitted to PBC Zoning
NO APPLICATIONS FOR 00-42-43-27-05-067-0283		

G. CONSISTENCY

G.1 – Justification: Text Amendment to Comprehensive Plan:

Pursuant to Policy 2.1-f of the FLUE of the PBC Comprehensive Plan, before approval of a text amendment to the Comprehensive Plan or a Future Land Use Atlas Amendment, the applicant shall provide an adequate justification for the proposed amendment. The proposed text amendment meets the required standards as follows:

1) The proposed use is suitable and appropriate for the subject site; and

Response: The subject site is along a major road corridor, SR7, south of W. Atlantic Avenue where, the use of light industrial exists on another parcel. The owner intends to develop on this property 6.33+ acre parcel an office/warehouse including agricultural/food cold storage and non-refrigerated warehouse. This use is consistent with the property to its north which has an IND/AGR Land Use designation and has an AGR/IND (Agricultural/Industrial) zoning designation. It is logical to move the Commerce Land Use Designation south to La Reina Road to provide opportunities for the smaller properties to develop as the owners are not pursuing residential use in the Agricultural Reserve Tier. Providing a text amendment with this application, to modify Policy 1.5-v.2 of the Comprehensive Plan will allow this use to be developed on the subject property.

2) There is a basis for the proposed amendment 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 County recognized the need to establish a new FLU (Commerce CMR) category for light industrial uses, as well as establishing consistent zoning districts including methods to review these light industrial projects and insure their compatibility to the surrounding uses. The Master Plan included the CMR designation in the Agricultural Reserve Tier to promote light industrial uses for economic development and job creation. The change in FLU designation in the area north of Rio Grande Avenue has prompted this property owner with property approximately 653 feet south of the current limitation and immediately adjacent to a landscape business to have the same opportunities to provide a service to the Agricultural Community and be consistent with neighbors to the north. The property adjacent to the north of the subject site is 8.19 acres and recently received a FLU amendment to Industrial with an underlying Agricultural Reserve (IND/AGR) with condition (LGA 2021-016/Ordinance 2021-021); this property has a potential for industrial uses of up to 160,540 s.f. (.45 FAR).

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

Response: The County, when working on the Agricultural Reserve Master plan, received a recommendation from their consultants to include industrial uses to balance the economics of the area, support the agricultural community and create jobs. The subject site's request to move the Commerce Land Use limits one more road south of its current location and including only two more properties is consistent with the non-residential uses on the west side of SR7 to La Reina Road. In fact, the property just north of the subject site currently has an IND FLU and AGR zoning designation and should have been included in the original limits. The subject site's immediate

access to the SR7 roadway provides creates a better opportunity to develop a low impact light industrial use, in the Atlantic Avenue area as well as providing needed services to the Agricultural Community and jobs to this area of the County. This is consistent with the intent of Policy 1.5-v.

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

Response: Since the adoption of the CMR FLU, the property owner sees an opportunity to appropriately grow his business by providing his Company office and providing agricultural/food grade refrigerated storage and non-refrigerated storage while creating jobs to the area of his property's location. Additionally, there is a current application north of La Reina Road for a light industrial designation and the project immediately north of the subject site of the this request currently has a FLU of Industrial and is an existing landscape business.

d. Inappropriateness of the adopted FLU designation; or

Response: The adopted FLU designation is not inappropriate for the subject property. However, it is not the most appropriate FLU designation for limiting this SR7 property for developing in a consistent method providing light industrial uses supporting the agricultural community, providing jobs and being more consistent with a property fronting on this County collector road. The CMR FLU will ensure the development of this 6.33± acre property will be reviewed consistent to the goals of the comprehensive plan and concurrent zoning.

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

Response: The current adopted FLU designation was not assigned in error. The County's AGR (Agricultural Reserve) allowed for a range of agricultural business and residential uses. However, the current FLU designation no longer meets the highest and best use of the property which fronts SR 7 and where the character of the area immediately north of the property is changing to meet the development pressures and development patterns established by current actions of the County.

Residential Density Increase – Attached G.2 Not Applicable

Compatibility – Attached G.3

Compatibility is defined in the County's Unified Land Development Code as: "Land uses that are congruous, similar and in harmony with one another because they do not create or foster undesirable health, safety or aesthetic effects arising from direct association of dissimilar, contradictory, incongruous, or discordant activities, including the impacts of intensity of use, traffic, hours of operation, aesthetics, noise, vibration, smoke, hazardous odors, radiation, function and other land use conditions."

Response: The request is for a text amendment to change the location, with frontage and access to SR7, to north of La Reina Road and a future application to request a FLU amendment for the property to CMR. The text amendment request is to move the location of the CMR limitation one road south of the current location in the adopted Comprehensive Plan Policy 1.5-v.2. The intent of this policy is to foster employment opportunities in the Agricultural Reserve Tier through the use of light industrial uses. The uses currently existing from the W. Atlantic Avenue to La Renia Road are non-residential uses including landscape business, EJKJ Industrial located .15 miles south of W. Atlantic Avenue on the west side of State Road 7

which is in process currently to change the FLU from AGR to CMR/AGR with a concurrent Rezoning from AGR to MUPD to allow a warehouse/office project with 111,300 s.f.. Moving the location to north of La Reina Road and changing the FLU designation of the subject site to CMR/AGR will be compatible with a continued progression of the same land use and zoning regulations to the properties to the north up to the W. Atlantic Avenue intersection with SR7. The proposed use of the property will include office/warehouse including agricultural/food cold storage and non-refrigerated warehouse. This use will be compatible with the intent of the Comprehensive Plan and will ensure through the future concurrent zoning application to be reviewed to meet the design, scale and character of the Tier.

Exhibit 3

Applicant's 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

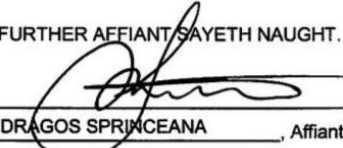
BEFORE ME, the undersigned authority, this day personally appeared DRAGOS SPRINCEANA, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the [] individual or [x] MANAGER *[position - e.g., president, partner, trustee]* of 15445 US 441, LLC *[name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership]* that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
2. Affiant's address is: 17686 CIRCLE POND COURT BOCA RATON FL 33496

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.



DRAGOS SPRINCEANA, Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of [x] physical presence or [] online notarization, this 6TH day of MARCH, 2023 by DRAGOS SPRINCEANA (name of person acknowledging). He/she is personally known to me or has produced ID (type of identification) as identification and did did not take an oath (circle correct response).

MARIA GHIRILA
(Name - type, stamp or print clearly)


(Signature)

My Commission Expires on: 01/17/2024

NOTARY'S SEAL OR STAMP

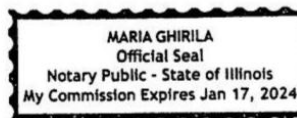


EXHIBIT "A"**PROPERTY****EXHIBIT A****LEGAL DESCRIPTION**

THE EAST 582 FEET OF THE NORTH 378 FEET OF TRACT 28, BLOCK 67 PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND NOT INCLUDING THE RIGHT OF WAY FOR STATE ROAD 7, AS SET FORTH AND MORE PATRICIANLY DESCRIBED IN SPECIAL WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 12959, PAGE 1655, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA.

TOGETHER WITH:

THE EAST 582 FEET OF TRACT 28, LESS THE NORTH 378 FEET IN BLOCK 67 OF PALM BEACH FARMS CO. PLAT NO. 3, LESS THE RIGHT OF WAY FOR U.S. 441, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT ALL THE FOLLOWING DESCRIBED REAL PROPERTY: A PORTION OF TRACT 28, BLOCK 67, OF THE PALM BEACH FARMS CO., PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 24, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT A FOUND PALM BEACH COUNTY BRASS CAP MARKING THE NORTHWEST CORNER OF SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST; THENCE SOUTH 88°44'06" WEST ALONG THE NORTH LINE OF SAID SECTION 24, A DISTANCE OF 2.063 METERS (6.77 FEET) TO A POINT ON THE BASELINE OF SURVEY FOR STAT ROAD 7 (U.S. 441) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93210-2515; THENCE SOUTH 00°18'44" EAST ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 0.786 METERS (2.58 FEET); THENCE SOUTH 00°39'54" EAST CONTINUING ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 841.554 METERS (2,761.00 FEET) THENCE SOUTH 89°20'06" WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 22.860 METERS (75.00 FEET) TO A POINT ON THE WESTERLY EXISTING RIGHT OF WAY LINE FOR SAID STATE ROAD 7 (U.S. 44) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93210-2516 AND THE POINT OF BEGINNING; THENCE SOUTH 89°36'37" WEST ALONG THE SOUTH LINE OF SAID TRACT 28, A DISTANCE OF 49.982 METERS (163.98 FEET); THENCE NORTH 00°34'56" WEST, A DISTANCE OF 85.559 METERS (280.71 FEET); THENCE NORTH 89°35'33" EAST, A DISTANCE OF 49.858 METERS (163.58 FEET) TO A POINT ON SAID WESTERLY EXISTING RIGHT OF WAY LINE; THENCE SOUTH 00°39'54" EAST ALONG SAID WESTERLY EXISTING RIGHT OF WAY LINE AND A LINE 22.860 METERS (85 FEET) WEST OF AN PARALLEL WITH SAID BASELINE OF SURVEY, A DISTANCE OF 85.575 METERS (280.76 FEET) TO THE POINT OF BEGINNING

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

[illegible]

Exhibit 4

Correspondence

Alliance of Delray Residential Associations, Inc.

10290 West Atlantic Avenue #480504
Delray Beach, FL 33448
Phone: 561.495.4694
www.allianceofdelray.com

- *Serving more than 100 Communities between the Everglades and the Ocean in south Palm Beach County.*
- *Working Toward Sustainable Development*
- *Applying Resilience Thinking to Our Natural Resources*



March 19, 2023

Palm Beach County Planning Division
Att: Kevin Fischer, Planning Director
Vista Center Building
2300 N. Jog Road, 2nd Floor
West Palm Beach, Florida 33411

**Re: Gold Coast Logistics
Control No. 2007-00003**

Dear Mr. Fischer:

Regarding Gold Coast Logistics Application, Control No. 2007-00003 for a Future Land Use Atlas Amendment, this correspondence is written to strenuously oppose the initiation of the proposed amendment.

If this application is approved, it would bring a potential 95,000 square feet of use. According to the application, the proposed use is for warehouse/office for agricultural uses, however, last year a Logistics Center was proposed by the owner (see attached pdf). Whether a logistics distribution center or agricultural warehouse with distribution were to be constructed, this would bring a significant amount of large truck traffic to the front of Tierra Del Rey and the 441 corridor. Making a U-Turn at the Rio POCO/Saturnia Isles signal to head up to the Atlantic Avenue Turnpike entrance would bring significant truck activity to those communities. Further, waiting at the signal at Atlantic, the backup of truck traffic could reach beyond the entrance of Dakota.

The Alliance demonstrated the residential nature of the corridor south of Atlantic Avenue to the Board of County Commissioners (BCC) at the August 25, 2022 BCC Zoning meeting. The Commissioners concurred with the Alliance and Staff's recommendations and voted to not allow the CMR future land use designation south of Rio Grande Avenue.

The subject site is located fronting on the west side of State Road 7/441 close to environmentally sensitive lands, south of Rio Grande Avenue, and immediately adjacent to the Tierra Del Rey community. A 95,000 square foot warehouse would have devastating effects on the nature of this agricultural enclave.

The Tierra Del Rey community is deserving of the same protections that Staff recommended and the Planning Commission approved on January 13, 2023 for Heritage Farms Rural Overlay Text and on March 10, 2023 for Biltmore Acres Lantana Rural Enclave Overlay, to wit: support the preservation of the current character of these areas, encourage lower densities, and continue agricultural and equestrian-based uses. Further, as with those Staff Recommended Amendments, the Alliance is requesting a requirement of an enhanced level of Board approval (affirmative vote of at least 5 members of the Board of County Commissioners) to approve any Planning or Zoning request for the 6.31 acres as well as the 15.61 acres to the south of the subject parcel which currently is in violation of Palm Beach County Zoning Code.

The Alliance requests that Staff recommends Denial of the initiation of this proposed amendment and initiate an Overlay to protect the agricultural character of this unique enclave of Tierra Del Rey.

THANK YOU!

Sincerely,

Annie Katz

Executive Vice President for the Board of directors

Cc: Kevin Fischer, Planning Division Director: KFischer@pbcgov.org; Jeff Gagnon, Deputy Planning Director: JGagnon@pbcgov.org; Stephanie Gregory, Principal Planner: SGregori@pbcgov.org; Ramsay Bulkeley, Esq., Executive Director PZB: RBulkeley@pbcgov.org; Whitney Carroll, Deputy Director PZB: WCarroll@pbcgov.org; Mayor Gregg Weiss (District 2): gweiss@pbcgov.org; Vice Mayor Maria Sachs (District 5): msachs@pbcgov.org; Commissioner Maria Marino (District 1): mmarino@pbcgov.org; Commissioner Michael Barnett (District 3): mbarnett@pbcgov.org; Commissioner Marci Woodward (District 4): mwoodward@pbcgov.org; Commissioner Sara Baxter (District 6): sbaxter@pbcgov.org; Commissioner Mack Bernard (District 7): mbernard@pbcgov.org; County Administrator Verdenia Baker: vbaker@pbcgov.org; Assistant County Administrator Patrick Rutter: prutter@pbcgov.org



March 19, 2023

Palm Beach County Planning Division
Attention: Mr. Kevin Fischer, Planning
Director Vista Center Building
2300 N. Jog Road, 2nd Floor West
Palm Beach, Florida 33411

Subject: **Gold Coast logistics control# 2007-00003**

Dear Mr. Fischer:

Regarding Gold Coast Logistics Application, Control No. 2007-00003 for a Future Land Use Atlas Amendment, this correspondence is written to passionately oppose the initiation of the proposed amendment.

If this application is approved, it would bring a potential 95,000 square feet of use. According to the application, the proposed use is for warehouse/office for agricultural uses, however, last year a 24x7 Logistics Center was proposed by the application owner. I represented our seventy-two (72) equestrian and agricultural community Tierra del Rey during the public forum on August 25th opposing their previous plan. Last year, our community met with Goldcoast and his hired planners. We supported the staff's recommendation to not develop south of the Rio Grande Avenue. The Commissioners concurred with Staff's recommendations and voted to not allow the CMR future land use designation south of Rio Grande Avenue.

Whether a logistics distribution center or agricultural warehouse-distribution and office space plan, the large trucks and potential staff workers automobiles would be burdensome to the traffic flow on the 441 roadways. U-turns would be needed both north of Tierra del Rey at Atlantic Avenue and South of Tierra del Rey in front of Rio POCO a neighboring residential community. Furthermore, there would be NO interest or ability to access the southern portion of the property from La Reina Road which is our private community road that we maintain and own. La Reina Road is the entry to our equestrian and agricultural community and high-density traffic, trucks, automobiles and traffic are a prescription for disaster when neighbors are riding their horses. Furthermore, this application is South of the Rio Grande, that was already restricted by the prior commissioners. Tierra del Rey is approximately 5000 feet from the Everglades and the applicant's contiguous property borders our community entry.

The Tierra Del Rey community is deserving of the same protections that Staff recommended and the Planning Commission approved on January 13, 2023, for Heritage Farms Rural Overlay Text and on March 10, 2023, for Biltmore Acres Lantana Rural Enclave Overlay, to wit: support the preservation of the current character of these areas, encourage lower densities, and continue agricultural and equestrian-based uses. Lastly, given the reemergence of this application, we are also requesting a requirement of an enhanced level of Board approval (affirmative vote of at least 5 members of the Board of County Commissioners) to approve any Planning or Zoning request for the 6.31 acres as well as the 15.61 acres to the south of the subject parcel which currently is in violation of Palm Beach County Zoning Code.

Tierra del Rey respectfully requests that Staff recommends Denial of the initiation of this proposed amendment and initiate an Overlay to protect the agricultural character of this unique enclave of Tierra Del Rey.
We appreciate your consideration.

Sincerely,

Board of Directors

Tierra del Rey Property Owners Associations, Inc.

CC: Bruce Isaker, Planning Division Director isakerb@palmbeach.net, Will Gagne, Deputy Planning Director gagnew@palmbeach.net, Stephanie Gargano, Principal Planner gargano@palmbeach.net, Anthony Polatny, Eng., Transition Director polatny@palmbeach.net, Whitney Carroll, Deputy Director carrollw@palmbeach.net, Megan Gargano-Winters (District 2) garganow@palmbeach.net, Ward Major, Maria Sacks (District 3) sacks@palmbeach.net, Commissioners Maria Martinez (District 1) martinez@palmbeach.net, Commissioner Michael Carroll (District 2) carrollm@palmbeach.net, Commissioner Mario Webb (District 4) webbm@palmbeach.net, Commissioner Sara Barber (District 6) barbers@palmbeach.net, Commissioner Mark Broad (District 7) broadm@palmbeach.net, General Administrator Veronica Barber barberv@palmbeach.net, Assistant General Administrator Patrick Butler butlerp@palmbeach.net



March 21, 2023

Palm Beach County Planning Division

Attention: Mr. Kevin Fischer, Planning
Director Vista Center Building
2300 N. Jog Road, 2nd Floor West
Palm Beach, Florida 33411

RECEIVED
MAR 27 2023
PLANNING DIVISION

Subject: **Gold Coast Logistics control# 2007-00003**

Dear Mr. Fischer:

Regarding Gold Coast Logistics Application, Control No. 2007-00003 for a Future Land Use Atlas Amendment, this correspondence is written to passionately oppose the initiation of the proposed amendment.

If this application is approved, it would bring a potential 95,000 square feet of use. According to the application, the proposed use is for warehouse/office for agricultural uses, however, last year a 24x7 Logistics Center was proposed by the application owner.

Whether a logistics distribution center or agricultural warehouse-distribution and office space plan, the large trucks and potential staff workers automobiles would be burdensome to the traffic flow on the 441 roadways. Traffic lights and high traffic flow of the Dakota entrance/exit on 441 is already a concern.

The Dakota community is deserving of the same protections that Staff recommended and the Planning Commission approved on January 13, 2023, for Heritage Farms Rural Overlay Text and on March 10, 2023, for Biltmore Acres Lantana Rural Enclave Overlay, to wit: support the preservation of the current character of these areas and encourage lower densities. Lastly, given the reemergence of this application, we are also requesting a requirement of an enhanced level of Board approval (affirmative vote of at least 5 members of the Board of County Commissioners) to approve any Planning or Zoning request for the 6.31 acres as well as the 15.61 acres to the south of the subject parcel which currently is in violation of Palm Beach County Zoning Code.

Dakota respectfully requests that Staff recommends Denial of the initiation of this proposed amendment and initiate an Overlay to protect the character of Dakota. We appreciate your consideration.

Sincerely,

Lauren D. Alara, president
Board of Directors

Dakota Homeowners Associations, Inc.

CC: Kevin Fischer, Planning Division Director: KFischer@pbccgov.org; Jeff Gagnon, Deputy Planning Director: JGagnon@pbccgov.org; Stephanie Gregory, Principal Planner: SGregory@pbccgov.org; Ramsay Bulkeley, Esq., Executive Director PZB: RBulkeley@pbccgov.org; Whitney Carroll, Deputy Director PZB: WCarroll@pbccgov.org; Mayor Gregg Weiss (District 2): gweiss@pbccgov.org; Vice Mayor Maria Sachs (District 5): msachs@pbccgov.org; Commissioner Maria Marino (District 1): mmarino@pbccgov.org; Commissioner Michael Barnett (District 3): mbarnett@pbccgov.org; Commissioner Marci Woodward (District 4): mwoodward@pbccgov.org; Commissioner Sara Baxter (District 6): sbaxter@pbccgov.org; Commissioner Mack Bernard (District 7): mbernard@pbccgov.org; County Administrator Verdenia Baker: vbaker@pbccgov.org; Assistant County Administrator Patrick Rutter: prutter@pbccgov.org

Travis Goodson

From: Stephanie Gregory
Sent: Sunday, March 19, 2023 11:02 AM
To: Travis Goodson; Darren Leiser
Cc: Kevin Fischer; Jeff Gagnon
Subject: FW: Letter from the Alliance Regarding April 14th Planning Commission Agenda Item
Attachments: Alliance Letter to Planning Division Director Re Gold Coast Logistics Control No. 2007-00003.pdf

Please see attached.

From: vinikoor@bellsouth.net <vinikoor@bellsouth.net>
Sent: Sunday, March 19, 2023 10:49 AM
To: Kevin Fischer <KFischer@pbcgov.org>
Subject: Letter from the Alliance Regarding April 14th Planning Commission Agenda Item

This Message Is From an External Sender

This message came from outside your organization.

Hello Planning Director Fischer!
Please see attached letter from the Alliance of Delray Residential Associations regarding Gold Coast Logistics Control No. 2007-00003 Application which is scheduled to be presented to the Planning Commission on April 14, 2023. Alliance Executive Vice President Arnie Katz signed this letter and will be representing the Alliance at that meeting. I will be recusing myself from the discussion and vote on this application because I am an officer in the corporation, Paradiso Trovato LLC, that owns the farm adjacent to the subject parcel. My name does not appear on the enclosed letter and I will be sending in Form 8B (Voting Conflict).

THANK YOU!

-Lori

FROM:
Dr. Lori Vinikoor, President
Alliance of Delray Residential Associations, Inc.
10290 W Atlantic Ave. #480504
Delray Beach, Florida 33448
vinikoor@bellsouth.net
Mobile: (561)715-1530
allianceofdelray@bellsouth.net
www.allianceofdelray.com [allianceofdelray.com]

Travis Goodson

From: Jeff Gagnon
Sent: Thursday, March 16, 2023 8:00 AM
To: Travis Goodson
Subject: FW: Gold Coast Logistics Land Use Change

Good morning Travis,

Please see below:

From: Brian Goldmark <brian.goldmark@gmail.com>
Sent: Wednesday, March 15, 2023 5:07 PM
Subject: Gold Coast Logistics Land Use Change

This Message Is From an Untrusted Sender

You have not previously corresponded with this sender.

I write this email to formerly request that land change use is not granted to Gold Coast Logistics in the 441 corridor next to Tierra Del Rey.

West Delray and the 441 corridor is Exquisitely preserved as an agricultural area with low volume of activity and peace and quiet. Please do not allow commercial interests to ruin this beautiful area. The residents in this area live here specifically for the nature, wildlife and isolation from more fast paced areas.

I strongly encourage you to consider that the loss of this land will undermine the future tranquility of this city and the residents therein.

Regards

Brian Goldmark
10850 Avenida Del Rio, Delray Beach, FL 33446

Travis Goodson

From: Stephanie Gregory
Sent: Saturday, March 18, 2023 2:39 PM
To: Travis Goodson
Subject: FW: Land Use Amendment Proposed Which Could Impact Dakota/Rio Poco/Saturnia Isles/Tierra Del Rey & the 441 corridor

From: Antonella Nardi <antonella.nardi@gmail.com>
Sent: Friday, March 17, 2023 9:14 AM
Subject: Land Use Amendment Proposed Which Could Impact Dakota/Rio Poco/Saturnia Isles/Tierra Del Rey & the 441 corridor

This Message Is From an Untrusted Sender

You have not previously corresponded with this sender.

Hello & Good Morning -

To Whom it May Concern;

I'm emailing in regards to the land use north of Tierra Del Rey. We are unfortunately not in favor of this change. Please kindly take into consideration, as a new resident of Rio Poco who recently moved to this area for quiet, less traffic, and to start and grow our family - we would truly like to keep this area as is for as long as possible.

Thank you very much for this consideration,

Antonella Nardi Goldmark

Travis Goodson

From: Jeff Gagnon
Sent: Friday, March 17, 2023 8:41 AM
To: Travis Goodson
Subject: FW: Land use on 441 south of Atlantic Blvd

Good morning Travis,

Please see below:

From: Yuda Raz <yudaraz@gmail.com>
Sent: Thursday, March 16, 2023 4:32 PM
To: Yuda Raz <yudaraz@gmail.com>
Subject: Land use on 441 south of Atlantic Blvd

This Message Is From an Untrusted Sender

You have not previously corresponded with this sender.

Hello,

My name is Yuda Raz and I am a resident of Rio POCO since 2014.

I wanted to express my objection to Gold Coast Logistics' attempt to change the land use from Agricultural Reserve (AGR) to Commerce Land Use (CMR) on 6.31 acres just north of La Reina Road.

If approved, this would bring a potential 95,000 square feet of commercial use with traffic of large trucks to an area which is agricultural and residential in nature. Please vote against this change.

Respectfully,
Yuda Raz

Travis Goodson

From: Jeff Gagnon
Sent: Wednesday, March 15, 2023 2:35 PM
To: Travis Goodson
Cc: Stephanie Gregory; Kevin Fischer
Subject: FW: Against

Hi Travis,

Please see below:

From: Jim Workman <jworkman@gmail.com>
Sent: Wednesday, March 15, 2023 1:01 PM
To: Kevin Fischer <KFischer@pbcgov.org>; Jeff Gagnon <JGagnon@pbcgov.org>; Stephanie Gregory <SGregor1@pbcgov.org>; Ramsay Bulkeley <RBulkeley@pbcgov.org>; Whitney Carroll <WCarroll@pbcgov.org>; Gregg Weiss <GWeiss@pbcgov.org>; Maria Sachs <MSachs@pbcgov.org>; Maria Marino G. <MMarino@pbcgov.org>; Michael A. Barnett <MBarnett@pbcgov.org>; Mardi Woodward <MWoodward@pbcgov.org>; Sara Baxter <SBaxter@pbcgov.org>; Mack Bernard <MBernard@pbcgov.org>; Verdenia Baker <VBaker@pbcgov.org>; Patrick Rutter <PRutter@pbcgov.org>
Subject: Against

This Message Is From an Untrusted Sender

You have not previously corresponded with this sender.

The application is for a parcel located north of Rio POCO next to Tierra Del Rey. I am against the submission by Gold Coast Logistics to change the land use