



FUTURE LAND USE ATLAS AMENDMENT STAFF REPORT AMENDMENT ROUND 26-B

PLANNING COMMISSION PUBLIC HEARING APRIL 10, 2026

A. Application Summary

I. General Data

Project Name:	Happy Hollow Commerce (LGA 2025-015)
FLUA Summary:	AGR to CMR/AGR
Acres:	5.24 acres
Location:	South side of Happy Hollow Road, approximately 0.44 miles west of Smith Sundry Road
Project Manager:	Imene Haddad, Senior Planner
Applicant:	Ashem Group, LLC (Eric Masse)
Owner:	Ashem Group, LLC (Eric Masse)
Agent:	Insite Studio
Staff Recommendation:	Staff recommends Denial based upon the conclusions contained within this report

II. Assessment & Conclusion

The 5.24-acre subject site is located in the Agricultural Reserve (AGR) Tier, on the south side of Happy Hollow Road, approximately 0.44 miles west of Smith Sundry Road. The Lake Worth Drainage District Whitworth E-1 Canal is adjacent to the west, with State Road 7 located just beyond it. The amendment proposes to change the future land use (FLU) designation from Agricultural Reserve (AGR) to Commerce with an underlying Agricultural Reserve (CMR/AGR) in order to allow a proposed Contractor Storage Yard use. The site currently supports a wholesale nursery with a collocated landscape service.

The CMR designation established in 2022 affords opportunities for low trip generating light industrial and/or employment uses, balancing the overarching objectives of the AGR while responding to increased residential growth and the corresponding needs of support services. Although this site is eligible to apply for the CMR designation, the applicant has failed to demonstrate that the proposed use is not regional in nature and that the proposed development is intended to serve primarily residents and farm workers in the AGR, as directed by the objective of the Tier for non-residential uses.

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

III. Hearing History

Local Planning Agency:

Board of County Commissioners Transmittal Public Hearing:

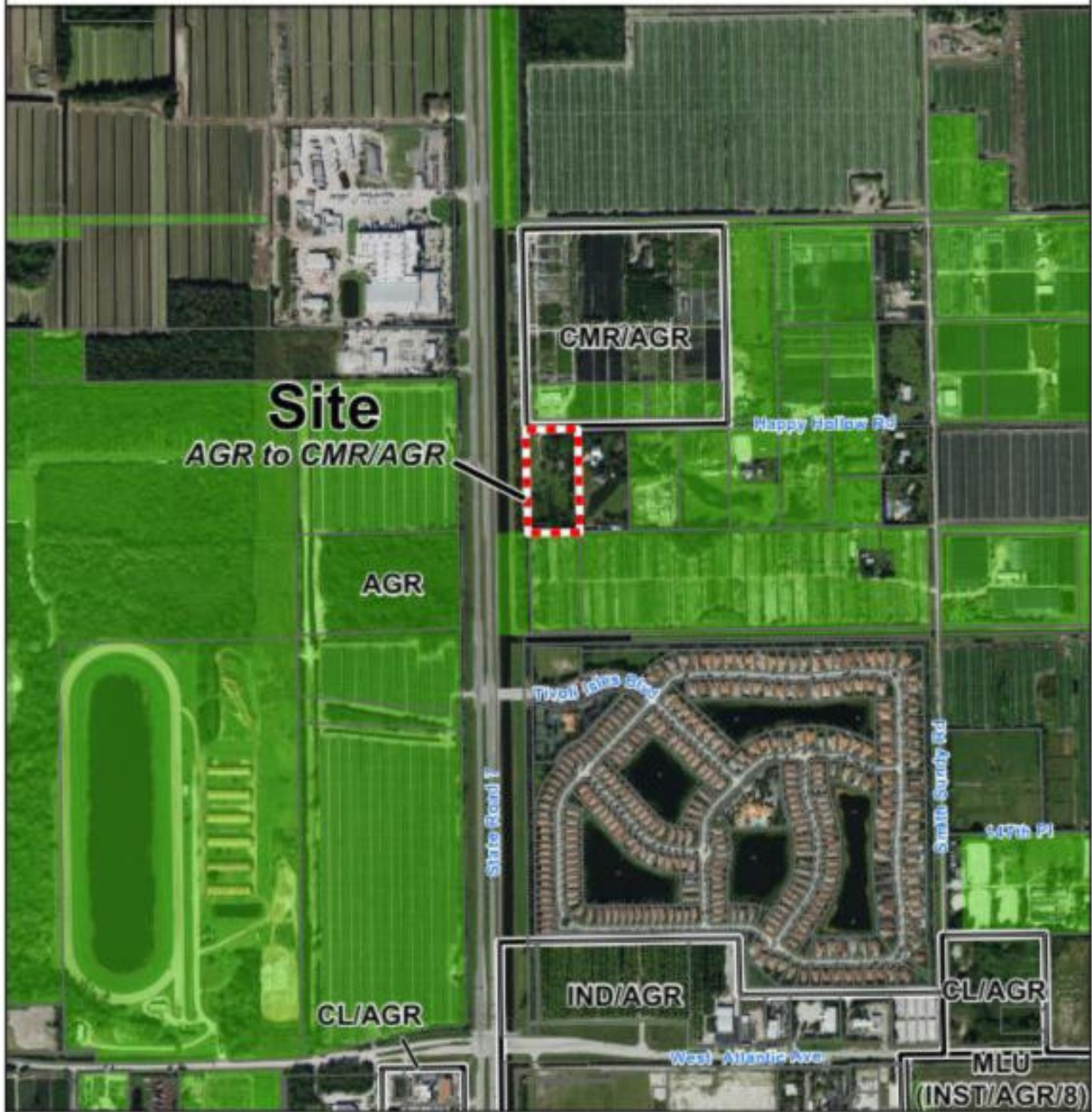
State Review Comments:

Board of County Commissioners Adoption Public Hearing:

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Future Land Use Atlas Amendment

Happy Hollow Commerce (LGA 2025-015)



Site Data

Size: 5.24 acres
 Existing Use: Agricultural/Residential
 Proposed Use: Dispatching Service
 Current FLU: AGR
 Proposed FLU: CMR/AGR

Future Land Use Designations

AGR	Agricultural Reserve
CL/AGR	Commercial Low, underlying AGR
CMR/AGR	Commerce, underlying AGR
IND/AGR	Industrial, underlying AGR
MLU	Multiple Land Use

Date: 6/12/2025
 Contact: PBC Planning
 Filename: T:\Planning\A\25\025-A
 Note: Map is not official, for presentation purposes only.

Site
 AGR Preserves



Planning, Zoning & Building
 2300 N. Jog Rd, WPB, FL 33411
 Phone (352) 233-5300



B. Petition Summary

I. Site Data

Current Future Land Use

Current FLU:	Agricultural Reserve (AGR)
Existing Land Use:	Wholesale Nursery with collocated landscape service
Current Zoning:	Agricultural Reserve (AGR)
Current Dev. Potential Max:	Agricultural uses, up to 34,238 square feet (0.15 FAR)

Proposed Future Land Use Change

Proposed FLU:	Commerce with an underlying Agricultural Reserve (CMR/AGR)
Proposed Use:	Contractor Storage Yard
Proposed Zoning:	Light Industrial (IL)
Dev. Potential Max/Conditioned:	Light Industrial uses, up to 79,889 square feet (0.35 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:	Maria Sachs, District 5

C. Introduction

I. Intent of the Amendment

The 5.24-acre subject site is located in the Agricultural Reserve (AGR) Tier, on the south side of Happy Hollow Road, approximately 0.44 miles west of Smith Sundry Road. The Lake Worth Drainage District Whitworth E-1 Canal is adjacent to the west, with State Road 7 located just beyond it.

Background: The site has not been the subject of a previous land use amendment. According to the applicant, the site currently supports a wholesale nursery with a collocated landscape service approved via Development Review Application DRO-2020-01116. Access to the site is currently provided via Happy Hollow Road.

Future Land Use Amendment. The proposed future land use amendment request is to change the designation from AGR to CMR/AGR. Currently, the site can be utilized for agricultural uses up to 34,238 square feet (0.15 FAR) of agricultural uses. Under the CMR designation the maximum development potential would allow up to 79,889 square feet of light industrial uses (0.35 FAR). The site currently supports a wholesale nursery and a collocated landscape service

Associated Zoning Application. There is a concurrent Zoning application in process (Z/SV-2025-00957) to rezone the subject site from AGR to Light Industrial (IL). The control Number is 2005-00335. The site plan submitted in the zoning application proposes a Contractor Storage Yard with 98,000 square feet of outdoor storage. The Applicant indicates in the zoning application that the site will be developed to allow the property to be utilized for the storage of commercial vehicles and associated mechanical equipment. A conceptual plan is included in Exhibit 3.

II. Background/History

Agricultural Reserve Tier Background

In 1999, the County adopted the Managed Growth Tier system to recognize the County's diverse geographic regions and lifestyles by establishing tiers that have common densities/intensities and public service availability. The subject site is located within the AGR Tier, an area established to support very low residential density, as well as agricultural operations and equestrian uses. The Agricultural Reserve Tier consists of approximately 22,000 acres. The AGR Tier is located in the southern portions of the County between Florida's Turnpike and the Arthur R. Marshall National Wildlife Refuge.

The purpose of the Agricultural Reserve Tier is described in the Comprehensive Plan as Objective 1.5 below:

- **OBJECTIVE 1.5 The Agricultural Reserve Tier.** *Palm Beach County shall preserve the unique farmland and wetlands in order to preserve and enhance agricultural activity, environmental and water resources, and open space within the Agricultural Reserve Tier. This shall be accomplished by limiting uses to agriculture and conservation with residential development restricted to low densities and non-residential development limited to uses serving the needs of farmworkers and residents of the Tier. The Agricultural Reserve Tier shall be preserved primarily for agricultural use, reflecting the unique farmlands and wetlands within it.*

The Tier was formally designated as the Agricultural Reserve in the 1980 Comprehensive Plan with an emphasis on the preservation of agriculture. In 1998, the BCC directed development of a Master Plan for the Agricultural Tier which established a goal to *preserve and enhance agricultural activity and environmental and water resources in the Agricultural Reserve, and produce a master development plan compatible with this goal*. The BCC did not adopt the Master Plan, but adopted amendments to the Comprehensive Plan in Round 01-1 incorporating the majority of the recommendations of the final Master Plan.

A. Pre-Agricultural Reserve Master Plan

There are approximately 64 acres of industrially designated properties fronting the north and south sides of Atlantic Avenue east of State Road 7 that pre-date the Master Plan.

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 (EDC) future land use designation. The consultants identified two locations, within 1/4 mile of the Florida's 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 as the Traditional Marketplace (TMD), which had locations identified at the intersections of Lyons Road with Boynton Beach Boulevard and Atlantic Avenue. The Master Plan Phase II Report recommended that two employment centers shared a maximum of 330,000 square feet of industrial development between the two locations, and that there be an additional 245,000 square feet of office park uses in the Tier. Master Plan Phase II, Section 4.3.4.5 Economic Centers, states that allowing employment centers in the Tier would provide the following:

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

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

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

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

C. Agricultural Reserve Policies – Board Direction

Upon the conclusion of the Master Planning effort, the BCC did not concur with the consultant's recommendations on industrial land use and directed that no new industrial future land use designations be permitted in the Agricultural Reserve. Consequently, the 2001 Comprehensive Plan amendment to adopt policies implementing the Master Plan did not establish any policies for new industrial lands. The only provision was related to the 0.45 floor area ratio for the 64 acres of land with industrial future land use that predated the Master Plan, located along the north and south sides of Atlantic Avenue, east of State Road 7.

Since 2016, there have been many requests for text and/or Future Land Use Amendments (FLUA) seeking an industrial type future land use designation in the AGR Tier, which are summarized (in Exhibit 9). On May 5, 2021, the BCC transmitted a FLUA request for industrial in the Tier, known as Sunflower Light Industrial (LGA 2021-016). Staff consistently recommended denial of new Industrial FLU requests as there were no policies in the Comprehensive Plan directing the appropriate uses, locations, and intensity for industrial in the AGR Tier. Under discussion of the item, the BCC directed staff to explore the concept of a new light industrial future land use designation and to return for a workshop to discuss additional industrial future land uses in the Tier. Subsequently, the Board adopted the Sunflower amendment on July 28, 2021 with additional conditions limiting the uses to light industrial.

D. County-Initiated Text Amendment for the Commerce Future Land Use

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 AGR Tier. The discussion of a new industrial future land use was one of many topics discussed that day. At the workshop, the Board expressed support for the CMR FLU 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 CMR FLU designation. Subsequently, staff returned on May 4, 2022, with proposed text amendments that included policy guidance for future industrial requests to define the appropriate site attributes for requests to CMR FLU and to add a preserve requirement. The text amendment was transmitted by the Board and subsequently adopted on August 25, 2022. Since the adoption of the CMR FLU in August 2022, there have been several Board discussions concerning the square footage potential of light industrial uses within the Agricultural Reserve. Based on Board direction, a County-initiated amendment is in process to modify the maximum allowable floor area ratio within the Tier from 0.45 to 0.35 and includes further clarification of existing location criteria. The amendment was transmitted by the Board on May 3, 2023, in a 5 to 2 vote. Subsequently, on August 30, 2023, the Board adopted the revised policies, and the 0.35 maximum FAR will apply to new applications requesting the CMR FLU designation.

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 eastern side of State Road 7 primarily supports many agricultural and residential uses along its entire stretch through the Agricultural Reserve.

Uses include landscape services, nurseries, row crops, single-family homes and preservation parcels associated with development as AGR-PUDs, and other uses allowable in the Agricultural Reserve future land use designation. Additional sites with Commercial, Institutional, and Industrial uses predating the adoption of the 1989 Comprehensive Plan also exist in the vicinity of the State Road 7 and Atlantic Avenue corridors. More specifically, the subject site is adjacent to AGR preserve parcels supporting agricultural uses in all four cardinal directions, and is located approximately three quarters of a mile north of commercial and industrial designated sites at the intersection of Atlantic Avenue and State Road 7.

- **SR7 Business Plaza (LGA-2023-006).** Directly north of the subject site is the 40.00-acre **SR7 Business Plaza** development. On May 25, 2023, the Palm Beach County Board of County Commissioners approved a FLUA changing the designation from AGR to CMR/AGR. The amendment allows for the development of up to 763,000 square feet of warehouse and accessory office uses.

- B. Appropriateness of the Amendment.** The CMR FLU designation and implementing policies provide a framework guiding the extent and location of light industrial uses within the AGR Tier. While the designation allows certain non-residential uses, these policies are intended to ensure such uses are appropriately located and compatible with the surrounding agricultural and preservation landscape.

The subject site is located within a predominantly agricultural area characterized by active crop production, lands encumbered by agricultural conservation easements, and residential uses. Much of the surrounding area consists of preservation parcels intended to maintain the agricultural character and long-term land conservation objectives of the AGR Tier. Introducing a light industrial use in this location would alter the established agricultural pattern and is inconsistent with the preservation-oriented framework that the Tier is intended to support.

- C. Compatibility.** The subject site is located east of State Road 7, but currently lacks direct access to State Road 7, and is surrounded primarily by parcels designated as AGR, including multiple AGR preserve parcels. The surrounding area is characterized by active agricultural operations, preservation lands, and limited residential uses consistent with the intent of the AGR FLU designation. Parcels directly abutting the site to the west and south are preserve areas that support agricultural uses, to the east is a residential parcel.

Immediately north of the subject site is the SR7 Business Plaza development. The northern 31.06 acres of that development area carry a CMR/AGR and MUPD zoning. However, the southern 8.94-acre portion of the development, directly adjacent to the subject site, is designated AGR/PUD preserve. This preserve area contains a water management tract and wetland preserve and does not function as developed industrial or commercial land contiguous to Happy Hollow Road and the subject property.

While the SR7 Business Plaza development exists to the north, the circumstances of that approval do not establish a similar development pattern adjacent to the subject site. The portion of the Business Plaza, immediately abutting the subject property, is designated preserve land and functions as a buffer between the industrial development and the surrounding agricultural area. As such, the subject site is not directly adjacent to developed industrial uses, and the approval of SR7 Business Plaza does not establish a continuous industrial corridor along this portion of State Road 7.

The applicant proposes to utilize the site for a light industrial use. While the CMR FLU designation and its implementing policies establish criteria related to parcel size, frontage, access, and conceptual site planning, eligibility to request the designation does not, in itself, establish land use compatibility. Although the SR7 Business Plaza development exists to the north, the portion immediately adjacent to the subject property consists of preserve land rather than developed industrial property.

As a result, approval of the amendment would introduce an industrial use that is not contiguous with existing industrial or commercial development. The site would be bordered by preserve area to the north and south and by an AGR-designated parcel containing a residential use to the east. The proposed industrial use would therefore be inconsistent with the immediate surrounding land use pattern and the established agricultural character of the area.

- D. Assessment and Recommendation.** The 5.24-acre subject site is located within the Agricultural Reserve Tier on the south side of Happy Hollow Road, approximately 0.44 miles west of Smith Sundry Road. The applicant proposes to amend the Future Land Use designation from AGR to CMR/AGR to allow up to 79,983 square feet of light industrial uses (0.35 FAR). Concurrently, the applicant proposes to rezone the property from AGR to IL. The proposed use is a contractor storage yard without structures.

Although the site meets the eligibility criteria to apply for the CMR FLU designation, approval would introduce a 5.24-acre industrial use in an area that is not part of an established industrial or commercial node within the AGR Tier. As such, the amendment would introduce a new industrial use that is isolated from other developed industrial areas and would contribute to an inconsistent development pattern along this portion of the State Road 7 corridor.

Furthermore, the applicant has not demonstrated that the proposed use is limited in scale and function to primarily serve residents of the AGR Tier. The record does not establish that the proposed contractor storage yard is non-regional in nature, as contemplated by the objectives of the Tier, which direct that non-residential uses primarily serve the local Agricultural Reserve community.

Approval of the requested amendment would also have broader implications for the development pattern within this portion of the AGR Tier. The Comprehensive Plan establishes the Agricultural Reserve to preserve large contiguous areas of agricultural production and conservation lands while allowing only limited and carefully located non-residential uses. Approving an isolated industrial designation in this location could incrementally encourage similar requests on nearby AGR-designated parcels along the State Road 7 corridor. Over time, such incremental conversions have the potential to erode the agricultural and preservation framework that the Tier is intended to maintain.

The Comprehensive Plan establishes the AGR Tier as a unique planning area where agricultural production, preservation lands, and limited residential uses form the predominant development pattern. While the Plan allows certain non-residential uses under specific circumstances, those allowances are intended to occur in locations that do not undermine the broader agricultural and conservation framework of the Tier. In this case, the requested amendment would introduce an isolated industrial use within an area that remains largely agricultural and preservation-oriented. Maintaining the existing FLU designation is therefore consistent with the long-term planning framework established for the Agricultural Reserve.

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

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-14
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5. Palm Beach County Traffic Division Letter	E-25
6. Water & Wastewater Provider LOS Letter	E-27
7. Applicant's Disclosure of Ownership Interests	E-28
8. Urban Sprawl Analysis	E-32
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Exhibit 1

Amendment No:	Happy Hollow Commerce (LGA 2025-015)
FLUA Page No:	98
Amendment:	From Agricultural Reserve (AGR) to Commerce with an underlying Agricultural Reserve (CMR/AGR)
Location:	Southeast corner of Atlantic Avenue and Persimmon Avenue
Size:	5.24 acres approximately
Property No:	00-42-46-18-01-000-0480

Conditions:

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

1. Construction access to the site shall be provided exclusively from State Road 7. An exception is permitted solely for construction activities directly associated with the construction of the bridge connecting this site to State Road 7 over the Lake Worth Drainage District Canal. Such access shall be limited to the minimum necessary to construct the bridge and shall not be used for general site construction, staging, or material deliveries unrelated to the bridge work.
2. The use of the property shall be limited to a contractor storage yard as defined in the Unified Land Development Code (ULDC).
3. The easternmost 110 feet shall be limited to water retention, landscape and/or drainage.



Legal Description

TRACT 48, PALM BEACH FARMS CO. PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE(S) 26, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 5.236 ACRES, 228,071 SQUARE FEET 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:

- The current FLUA designation is inappropriate due to the surrounding land use changes, changing economic trends and conditions, incompatibility with the surrounding development, lack of agricultural viability, and transportation infrastructure considerations. The site directly north of the subject property recently underwent a FLUA Amendment and a Zoning District change, from Agricultural Reserve (AGR) to Commerce FLU with an Underlying Agricultural Reserve (CMR/AGR), which allows for light industrial uses.
- The proximity of State Road 7, a major arterial road which will provide direct access via a new bridge connection, further reinforces the area's suitability for light industrial uses. The AGR designation, which is intended to preserve agricultural lands, is not aligned with the more industrial and commercial character that is rapidly developing along the State Road 7 corridor.
- The subject property's proposed change to the Commerce FLU with an Underlying Agricultural Reserve (CMR/AGR) FLU would make it more compatible with the surrounding area, particularly the northern adjacent property that has already been designated for light industrial uses. The Commerce (CMR) FLU designation allows for a range of commercial and industrial activities to support existing services in the region.

- The growth in industrial and commercial uses in the area, including the BBX Park, communication towers, and other industrial developments, requires improved transportation infrastructure to accommodate the increased traffic and logistics are needed. The subject site's proximity to State Road 7 and its potential to contribute to the State Road 7 business corridor support the need for a Commerce with an Underlying Agricultural Reserve (CMR/AGR) FLU designation. The existing AGR FLU designation restricts the site's potential for development that would align with the broader transportation network and the region's economic needs.
- A Future Land Use Amendment to Commerce with an Underlying Agricultural Reserve (CMR/AGR) is needed to align the property with the surrounding industrial and commercial developments, support economic development and industrial growth along the State Road 7 corridor, allow for the development of light industrial uses, such as a Contractor Storage Yard use, which is consistent with the evolving regional land use context.

Staff Analysis: This policy is the umbrella policy over the entire FLUA analysis and many of the items are addressed elsewhere in this report as identified above. With regards to justification, there are several themes presented by this amendment that are discussed individually.

The subject site has a current development potential of a maximum 34,238 square feet (0.15 FAR) of non-residential uses allowed in the AGR FLU designation. The applicant proposes to change the land use designation to CMR/AGR to allow contractor storage yard use up to 79,983 total square feet or equivalent trips. The conceptual site plan demonstrates the applicant's intent to develop the Contractor Storage yard with no structures and no proposed square footage.

With regard to the justification, the applicant states that a FLUA CMR/AGR is needed to align the property with the surrounding industrial and commercial developments, support economic development and industrial growth along the State Road 7 corridor, allow for the development of light industrial uses, such as a Contractor Storage Yard use, which is consistent with the evolving regional land use context. The applicant also indicates the increased industrial activity in the vicinity, including the development of a large warehouse park, making continued agricultural use on the subject site both incompatible and economically unfeasible.

As discussed in the Background, the newly established CMR FLU designation and implementing policies provide a framework for the future of light industrial uses within the AGR Tier, for which there were previously no guiding policies in the Comprehensive Plan. However, as discussed later in this report, while the subject site is eligible to request the CMR designation, the location of the sites presents concerns regarding compatibility with lands to the south and east that have been long established agricultural preserve areas, which have recorded Agricultural Conservation easements for which Palm Beach County is a grantee, and residential and equestrian uses. The County holds an interest in these properties through the conservation easements (OR Bk 28376 PG 0961) and their continued activities to support, preserve and perpetuate bona fide agricultural use, open space uses, and to preserve any environmentally significant upland or wetland.

The subject sites are located along a corridor of State Road 7 in the central portion of the Agricultural Reserve which primarily supports agricultural lands in preserve, accessory uses to agriculture. Considering the aforementioned information, the applicant has not provided sufficient justification to support why the Commerce FLU designation is suitable

and appropriate for the subject location and adjacent lands in preserve. The fact that the BCC has adopted other amendments for CMR including the SR7 Business Plaza does not provide a justification that this specific site is entitled to a change to the CMR nor has the applicant demonstrated that there is an additional need in the Agricultural Reserve for additional light industrial uses that necessitate changing the future land use designation on these sites from AGR to CMR.

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

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

objectives of the Ag Reserve while responding to increased residential growth and the corresponding needs of support services. Although the proposed amendment will allow for the development of a light industrial use, the 5.24 acre property is located in a predominately agricultural area of the Ag Reserve, with adjacency and proximity to preserve areas and lands under active agriculture, and a residential AGR-PUD further to the south. The compatibility concerns and potential for disruption of the current development in the surrounding area are counter to County Directions 2 and 4, and have the potential to negatively impact surrounding agricultural uses and preservation intended for the Tier.

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

Staff Analysis: There are no parcels under the same or related ownership and no residual parcels that would be created. This proposed amendment would not encourage piecemeal development as defined in the Introduction and Administration Element of the Comprehensive Plan which describes ‘piecemeal’ as the development of “small portions of a larger, undeveloped property is developed in a sequential manner, such that land use decisions are being made for individual sub-areas of the original parent tract independent from the whole.”

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 additional parcels under the same or related ownership that are not included in this amendment. Therefore, the amendment is consistent with this policy.

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

1. **Industrial.** *The Industrial (IND) future land use designation allows the full range of industrial activities ranging from light to heavy industry.*
2. **Economic Development Center.** *The Economic Development Center (EDC) future land use designation is intended to accommodate employment*

opportunities, research parks, and Employment Centers (as defined by the Introduction and Administration Element). Properties with an EDC designation are intended to be developed as planned developments in order to promote internal circulation and buffering from surrounding land uses. Industrial uses allowed shall be limited to those that demonstrate Light Industrial characteristics.

3. **Commerce.** *The Commerce (CMR) future land use designation is intended to accommodate light industrial uses to provide an option for low-trip generating non-residential and/or employment generating uses on arterial roadways. Industrial uses allowed shall be limited to those that demonstrate Light Industrial characteristics.*

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

Furthermore, if the requested Future Land Use Amendment and rezoning to Light Industrial (IL) are approved without use limitations, the subject property could be developed with a range of industrial uses permitted by right or subject to administrative approval under the Unified Land Development Code (ULDC). Given the site's size, frontage on State Road 7, and configuration, a reasonable development scenario could include a warehouse or distribution facility with associated loading areas, fleet parking, and outdoor storage.

Such a development could involve regular truck traffic, including deliveries and dispatch operations, outdoor storage of materials and equipment, and extended hours of operation typical of industrial uses. In addition, accessory uses such as office space, maintenance areas, and staging areas could be incorporated into the site without further public hearing. While the applicant has proposed a contractor storage yard with no structures, the ULDC does not limit development to that specific use once the IL zoning district is applied. As a result, the intensity and operational characteristics of the site could exceed those associated with the proposed use, subject only to compliance with applicable development standards and any conditions of approval.

While this proposed amendment is eligible to request Commerce, it has the potential to negatively impact adjacent and surrounding agricultural uses, and disrupt the established development pattern of the surrounding area, regardless of the industrial category.

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

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

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

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

B. Consistency with Agricultural Tier Policies

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

OBJECTIVE 1.5 The Agricultural Reserve Tier

- 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 objective of the Agricultural Reserve Tier. The CMR FLU and implementing policies adopted by the Board further refine the various types of allowable industrial uses, and guide the location and extent of future industrial uses within the Agricultural Reserve Tier. The site is located along an urban principal arterial roadway and in close proximity to existing nonresidential uses, consistent with the development pattern of the corridor.

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

1. *Limited to the Commerce (CMR) future land use designation;*
2. *Located with frontage and access on State Road 7 (north of Rio Grande Avenue), Atlantic Avenue, Boynton Beach Boulevard or have access to these roadways through an existing commercial or industrial site. Sites located west of State Road 7 along the Boynton Beach Boulevard (100th Street South) and Atlantic Avenue corridors 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, subject to the following exceptions:*
 - a. *The preserve area requirements shall be based upon the acreage over 16 acres, shall be a minimum of 40% of the total land area over 16 acres, and allow water management tracts in preserve areas contiguous to the development area that provide enhanced environmental features and improved water quality as demonstrated through the future land use amendment process.*

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

There is a concurrent Zoning application submitted as well as required. The 5.24 acre site is the subject of a zoning application to rezone the site from AGR District to IL District and a subdivision variance to allow access from the higher classification roadway, State Road 7 (SV/Z-2025-00957). A preliminary site plan was not required as part of the Zoning application. However, the Policy requires a conceptual site plan (see Exhibit 11). The conceptual site plan depicts a Contractor Storage Yard with access from State Road 7,

the minimum ULDC required 15 foot incompatibility buffers adjacent to preserve, and a retention area adjacent to the residential lot to the east.

Regarding access, the proposed site is consistent with access requirement currently as proposed with access on SR-7. While the site is eligible to request Commerce future land use, the proposed site-specific amendment with a potential of up to 79,889 square feet of light industrial uses, introduces a use and intensity that, considering the nature of the surrounding area and the context of each of the Zoning applications required to implement the proposed future land use and text amendments, would not further the Objective of the Tier and is not consistent with the access requirement as proposed.

C. Compatibility

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

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

North: To the north, across Happy Hallow Road is the SR7 Business Plaza project (aka the BBX Logistics properties; Control NO 2022-00057). The 40-acre parcel has an MUPD zoning district, approved in 2023 via LGA-2023-006 to change the FLU designation from AGR to CMR/AG) to develop up to 763,000 square feet of warehouse and accessory office.

East: To the east there is a 5-acre parcel with AGR future land use. The parcel is developed with a single-family home and a 260' tall Communications Tower. It has an AGR FLU designation and is within the AGR Zoning District. Further to the east are, 5-acre parcels supporting single family homes and/or agricultural uses including nurseries and equestrian activities.

South: To the south of the subject site is an approximately 40-acre parcel supporting cultivation of row crops and is under preservation as part of the Canyon Springs 60/40 AGR-PUD (Pres 3 Bailey, Control No. 2002-00069). Further south is the residential development of Tivoli Isles (n/k/a Four Seasons) supporting approximately 315 residential dwelling units.

West: To the west is a section of Lake Worth Drainage Canal with AGR FLU designation and is within the AGR Zoning District. Further west across State Road 7 are the northern portions of Preserve 2 for Tivoli Isles (aka 411 Atlantic PUD) AGR-PUD (Control No. 2004-00206). Further west is the eastern boundary of the Arthur R. Marshall Loxahatchee National Wildlife Refuge with a Conservation (CON) future land use designation.

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

Applicant's Comments: The applicant states that the proposed Commerce with an underlying Agricultural Reserve (CMR/AGR) Future Land Use designation is compatible with the surrounding uses, which consists of light industrial, agricultural, and commercial. There are also neighboring large-scale developments composed of light industrial uses. is a single-family residential property directly east adjacent to the subject site which has a 260' tall Communication Tower and Communication Antenna (Permit No. B-2021-044943) located approximately 100' from the dwelling unit.

Staff Analysis: The site is located on the east side of State Road 7, on the south corner of Happy Hollow Road, a relatively short two-lane private road serving the residential lots along it. As detailed above, the area surrounding the subject site consists primarily of agricultural uses and parcels designated as AGR preserves with an AGR FLU. To the east there is a 5-acre parcel with AGR future land use. The parcel is developed with a single-family home. To the south of the subject site is an approximately 40-acre parcel supporting cultivation of row crops and is under preservation as part of the Canyon Springs 60/40 AGR-PUD and to the west across State Road 7 are the northern portions of Preserve 2 for Tivoli Isles. To the north is the SR7 Business Plaza project (aka the BBX Logistics properties) a development of up to 763,000 square feet of warehouse and accessory office.

The applicant indicates the site will be utilized to support light industrial use. The Commerce FLU and implementing policies establish specific requirements for the size, location, frontage and access, and submittal of a conceptual site plan, thereby providing a framework for where these types of industrial uses may be considered. Although the site is eligible to request the Commerce FLU designation, the addition of an industrial land use adjacent to preserve parcels and active agriculture is not compatible with existing surrounding land uses, given the context of the immediate area, and the overriding objective of the Tier to preserve and enhance agricultural activity, environmental and water resources, and open space within the Agricultural Reserve Tier.

D. Consistency with County Overlays, Plans, and Studies

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

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

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

Staff Analysis: The subject site is not located within a Neighborhood Plan recognized by FLUE Policy 4.1-c of the Comprehensive Plan.

E. Public Facilities and Services Impacts

The proposed amendment will change the future land use designation from AGR to CMR/AGR. The maximum intensity is based on the proposed change to allow up order allow up to 79,983 square feet (0.35 FAR) for light industrial use. 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), Land Development, Potable Water & Wastewater (PBC Water Utilities Dept.), Traffic (Engineering), Historic Resources (PBC Archeologist), Parks and Recreation, Health (PBC Dept. of Health), Community Services (Health & Human Services) and the School District.

Fire Rescue: In a letter dated May 14, 2025 Fire Rescue noted that the estimated response time from Fire-Rescue Station 42 is 8 minutes 50 seconds, and that “*changing the land use of this property will have minimal impact on Fire rescue*”

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

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

Staff Analysis: The Traffic Division reviewed this amendment at a maximum 79,889 square feet of light industrial. According to the County’s Traffic Engineering Department (see letter dated May 19, 2025, in Exhibit 5), the amendment would result in an increase of 157 net daily trips and 53 (47/6) AM and 47 (6/41) PM net peak hour trips. The Traffic letter concludes “*Based on the review, the Traffic Division has determined that the traffic impacts of the proposed amendment meet Policy 3.5-d of the Future Land Use Element of the Palm Beach County Comprehensive Plan at the **maximum potential**...*”

The Traffic Study dated April 3, 2025 was prepared by JFO Group INC. 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 March 20, 2026.
- B. Other Notice:** Public notice by letter was mailed to the owners of properties within 500 feet of the site on March 20, 2026. Correspondence received throughout the process will be added to Exhibit 12.

Exhibit 3 Applicant's Justification

Property Location

The property is located approximately ½ a mile west of the intersection of Happy Hollow Road and Smith Sundry Road. The property consists of 5.24 acres and identified by the Property Control Number (PCN) 00-42-46-18-01-000-0480. Although current access to the site is from Happy Hollow Rd., the site has roughly 672' of frontage along State Road 7 / US 441, abutting a Lake Worth Drainage District (LWDD) canal ROW.

Property History

The subject property is under the jurisdiction of Unincorporated Palm Beach County and does not lie within any Overlay District or Neighborhood Plan. The subject property is within the Agricultural Reserve Tier, within the Agricultural Reserve District (AGR) Zoning District and has an Agricultural Reserve (AGR) Future Land Use (FLU) designation.



Figure 1: Subject Site

In 2021, Palm Beach County staff approved a DRO application which allowed a Wholesale Nursery with a collocated Landscape Service use.

Please see the table below for a comprehensive list of previous zoning approvals for the site.

HISTORICAL ZONING APPROVALS		
<i>App. No.</i>	<i>Status</i>	<i>Description</i>
<i>BTR-2020-01780</i>	<i>Complete</i>	<i>Wholesale Nursery</i>
<i>DRO-2020-01116</i>	<i>Approved with Conditions</i>	<i>To allow a Wholesale Nursery with collocated Landscape Service use.</i>
<i>CONR-2005-00968</i>	<i>Approved</i>	<i>Concurrency for a 5.236 acre wholesale nursery</i>

Application Request

The Petitioner has submitted this application to request an amendment to the Palm Beach County Comprehensive Plan, from an Agricultural Reserve (AGR) FLU designation to the Commerce with an underlying Agricultural Reserve (CMR/AGR) FLU designation.

On June 17th, 2025, a concurrent Zoning application was submitted requesting Rezoning from the Agricultural Reserve (AGR) District to the Light Industrial (IL) Zoning District. Both the Rezoning and Future Land Use Amendment (FLUA) application requests are required in order to accommodate for the development of a Contractor Storage Yard use. Although the development is in the preliminary stages of entitlement, the intended use will allow the property to be utilized for storage of commercial vehicles and associated mechanical equipment. The proposed site plan will be composed of a paved parking lot area with a retention area to accommodate adequate drainage for the site and a preservation area which will preserve a portion of the existing mature native trees. The plan has also proposed access from State Road 7 which requires a Subdivision Variance to allow access from a higher classification of roadway. Per ULDC Section 11.E.2.A.4, a site with double frontages must provide access from the lower classification of roadway (Happy Hollow Rd.).

Surrounding Uses

Below are descriptions of the zoning and land uses of the adjacent properties:

North: Identified by multiple Property Control Numbers (PCNs), the 40-acre site has approved uses of Warehouse with Accessory Office, known as BBX Park MUPD. The property has a Future Land Use (FLU) designation of Commerce with an underlying Agricultural Reserve (CMR/AGR) and is within the Multiple Use Planned Development (MUPD) & Agricultural Reserve - Planned Unit Development with an Underlying Preserve (ARG-PUD/P). The site was the subject of a recent FLU Amendment from Agricultural Reserve (AGR) to Commerce with an Underlying Agricultural Reserve which was approved with conditions (Application No. LGA-2023-6). The site was also subject to a Rezoning from the Agricultural Reserve (AGR) Zoning District to the Multiple Use Planned Development (MUPD) District in order to allow for the industrial uses on the site (Application No. ZV/PDD-2022-1469).

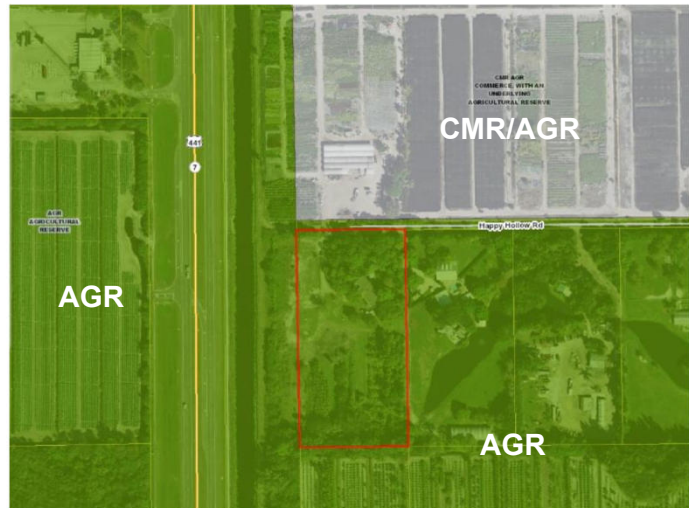


Figure 2: Surrounding FLU Designations

South: Identified by PCN: 00-42-46-18-01-000-049, the property located to the south is known as Bailey Tree Farm nursery and is also located in Unincorporated Palm Beach County. The property has an Agricultural Reserve (AGR) FLU designation and is within the Agricultural Reserve - Planned Unit Development with an underlying Preserve (ARG-PUD/P) Zoning District.

East: Identified by PCN: 00-42-46-18-01-000-0470 and located in Unincorporated Palm Beach County. The property is a single-family residential home and a 260' tall Communications Tower. It has an Agricultural Reserve (AGR) FLU designation and is within the Agricultural Reserve District (AGR) Zoning District.

West: A section of the Lake Worth Drainage Canal and State Road 7 (Urban Principal Arterial, Map TE 3.1). The property has an Agricultural Reserve (AGR) FLU designation and is within the Agricultural Reserve District (AGR) Zoning District.

FLUA Form - Part 4, A. Consistency

Comprehensive Plan Amendment Review Standards

The Petitioner shall indicate how the proposed FLU designation is consistent with the Comprehensive Plan review standards.

Section G.1 Justification

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

The subject property is currently in an area of the Agricultural Reserve that is experiencing substantial change and growth. Specifically, the State Road 7 corridor is experiencing significant transformation as residents relocate to the new residential communities being constructed along the corridor. Industrial and commercial uses have also moved to the area and have expanded along the corridor. Directly north of the site, the State Road 7 Business Plaza, BBX Park at Delray MUPD, was approved for 669,646 square feet of Warehouse and Accessory Office uses (R-2023-00715; ZR-2023-0012). The approved site plan consists of three 45' warehouse-style buildings, a large parking area, retention pond and wetland preserve area. The site was the subject of a recent Future Land Use Atlas (FLUA) Amendment from the Agricultural Reserve (AGR) to Commerce with an Underlying Agricultural Reserve and approved with conditions (Application No. LGA-2023-6) in order to allow for industrial uses on the site (Application No. ZV/PDD-2022-1469).

In the past 20 years, State Road 7 (SR 7) has evolved into a major corridor, as western communities continue to experience extensive growth. State Road 7 is identified as an Urban Principal Arterial (Palm Beach County Comprehensive Plan Map Series, Map TE 3.1). Naturally, the lands directly abutting SR 7 will continue to develop with more intense and dense uses, compared to the agricultural uses that historically existed.

Concurrent to this application is a Rezoning request from the Agricultural Reserve (AGR) District to the Light Industrial (IL) District to allow light industrial uses, specifically a Contractor Storage Yard use that will support the uses along the corridor including the Light Industrial warehouses to the north, and the agricultural and industrial uses located within the Agricultural Reserve. The proposed use will allow the overnight storage of commercial vehicles and mechanical equipment for individual users and/or companies which require larger storage parking areas. Some of the operators of such a company may include by not limited to landscape services, pressure cleaning businesses or contractors, etc. Due to land use and zoning restrictions in the County, specifically with the AGR District, the overnight storage of these vehicles has become difficult and site opportunities are sparse. The designated parking spaces or storage areas will be leased on an individual basis rather than one operation leasing the entire site.

Additionally, due to the ongoing growth in the surrounding area, there is a demand for low impact industrial uses areas located in close proximity to neighboring established uses and services. Areas within the County, specifically near SR7/US 441, have become a major center for large scale medical, residential and commercial uses, in addition to the large-scale agricultural operations that continue to thrive in the area. The site consists of approximately 5.24 acres, allowing adequate capacity for a light Contractor Storage Yard use. The proposed Commerce with an underlying Agricultural Reserve FLU change will allow the Contractor Storage Yard development, which will be consistent with the surrounding industrial and agricultural use make-up of the area.

Notably, proposed access to the site and use is off State Road 7 to serve along the corridor, and to prevent any traffic impacts on Happy Hollow Road. As detailed further below, a conceptual approval has been issued by Florida Department of Transportation (FDOT).

2) *There is a basis for the proposed amendment for the particular subject site based upon one or more of the following:*

- Changes in FLU designations on adjacent properties or properties in the immediate area and associated impacts on the subject site;***
- Changes in the access or characteristics of the general area and associated impacts on the on the subject site;***
- New information or change in circumstances which affect the subject site;***

- *Inappropriateness of the adopted FLU designation; or*
- *Whether the adopted FLU designation was assigned in error.*

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

In 2022, the site directly north of the subject property was the subject of a Future Land Use Amendment and Rezoning application. The Future Land Use amendment from Agricultural Reserve (AGR) to Commerce with an Underlying Agricultural Reserve was approved. This amendment allowed for industrial uses on the site, and the development of over 669,646 square feet of Warehouse and Accessory Office uses which are known as the State Road 7 Business Plaza - BBX Park at Delray. Due to this development, the frontage of the subject site along Happy Hollow Road will have views of the future warehouse buildings and parking areas which are currently under construction. The approval of this development changed the trajectory of compatible uses for the area, especially properties along State Road 7. The site subject to this request is directly affected by this development pattern and therefore the property owner has made the decision for the property to be consistent with the adjacent property to the north.

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

The properties directly abutting the subject site, along with the characteristics of the general area have changed over the recent past in a way that is more aligned with commerce and light industrial uses. The property to the east currently has a 260' tall Communication Tower and Communication Antenna which is prominently visible from the subject site (B-2021-044943). The approved BBX Park referenced above, brings large-scale warehouse buildings to the area which is among other recent changes in development in the Agricultural Reserve. Within a 5-mile radius of the site, there are several other industrial developments including the Bedner Farms Industrial approved in 2023, Atlantic Ave Industrial Corridor, Solid Waste Authority facility approved on November 28, 2005 and Sunflower Industrial approved on July 28, 2021.

Notably, the BBX Park development will access State Road 7 via a bridge connection and the subject site has also proposed access from State Road 7 via a future bridge / culvert. On November 24, 2024, Florida Department of Transportation (FDOT) issued a conceptual approval for the proposed access from State Road 7. Included within the issuance were the following conditions:

- *A minimum driveway length of 50 feet, as measured from the ultimate right-of-way line to the first conflict point shall be provided. If a gate is installed, a vehicular turn around area is required*
- *The proposed right turn lane shall meet the minimum requirements in the Florida Design Manual (FDM) and shall provide space for a buffered bicycle lane.*
- *Confirm U-Turn feasibility at the intersection of SR 7 and Tivoli Isles Boulevard for southbound traffic attempting to access the property.*

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

Given the changing conditions of the area and rising costs of labor and materials, the continued use of the property for agricultural uses is uncertain. The site is no longer in a location where the agricultural industry is thriving and the operation of a whole-sale nursery is incompatible with broader land-use trends for the long term trajectory of the area. As industrial and residential uses encroach on the surrounding properties in the Agricultural Reserve, the viability of maintaining agricultural activities on the property becomes increasingly limited.

Additionally, the property was approved to utilize Landscape Services, however, the viability of the property for this use and associated site restrictions and improvements required make the use unviable. With frontage and potential access to SR7, this site is unique in that it can be developed in a more consistent manner with the adjacent BBX industrial development and also reduce the impacts to adjacent neighbors on Happy Hollow rd. from the operations of the approved Landscape Services use.

- **Inappropriateness of the adopted FLU designation; or**

The current Agricultural Reserve (AGR) Future Land Use designation is increasingly incompatible with the surrounding and emerging land uses, which are more commercial and industrial in nature. The adoption of the Commerce with an Underlying Agricultural Reserve (CMR/AGR) designation for the subject site will allow for the development of light industrial uses, which is consistent with the adjacent properties to the north and surrounding area along State Road 7. Approval of the FLUA will promote compatibility with the BBX Park development and other nearby industrial activities. The FLUA will Facilitate the integration of the subject property into the growing State Road 7 business corridor and support economic growth and job creation. Given these changes in the surrounding area and the growing demand for light industrial and commercial uses, the proposed Future Land Use amendment is deemed necessary and appropriate for the site.

Section G.2 Residential Density Increases

Per Future Land Use Element Policy 2.4-b, provide a written analysis of the following:

- ***Demonstrate a need for the amendment.***
- ***Demonstrate that the current FLUA designation is inappropriate.***
- ***Provide a written explanation of why the Transfer of Development Rights, Workforce Housing, and Affordable Housing Programs cannot be utilized to increase density on the site.***

Demonstrate a need for the amendment.

Apart from the changing conditions in the area, there is a need for more Light Industrial development in South Florida. The Future Land Use change from Agriculture (AGR) to Commerce with an underlying Agricultural Reserve (CMR/AGR) will allow for Light Industrial uses which is in demand in Florida. According to the 2020 census, Palm Beach County has experienced a 14.2% increase in population from the 2010 census. With a larger population, there is an increased demand for consumer goods and e-commerce, which creates a need for Light Industrial development including warehouses, distribution centers and dispatch services to support the increased demand. Additionally, Industrial occupancy within the Delray market area is at 97%, and in strong demand. This unique site location adjacent to a significant warehouse use and with access to SR 7 provides an opportunity to serve the community with the in demand commerce use.

Demonstrate that the current FLUA designation is inappropriate.

The current FLUA designation is inappropriate due to the surrounding land use changes, changing economic trends and conditions, incompatibility with the surrounding development, lack of agricultural viability, and transportation infrastructure considerations. The site directly north of the subject property recently underwent a FLUA Amendment and a Zoning District change, from Agricultural Reserve (AGR) to Commerce FLU with an Underlying Agricultural Reserve (CMR/AGR), which allows for light industrial uses. This change was made to facilitate the development of BBX Park—a large-scale industrial park comprising over 669,646 square feet of warehouse and office space. These developments are fundamentally different from the current agricultural uses envisioned under the AGR designation and are more aligned with commercial and industrial activities. The subject property is now surrounded by more urbanized and industrial developments, including a communication tower, large-scale warehouse facilities, and business parks. As such, the Agricultural Reserve (AGR) FLU designation does not align with the existing or

anticipated uses of neighboring properties, and the site is no longer in a location suited for agricultural activities.

The approved BBX Park, which will bring extensive warehouse and industrial office space, is a significant indicator of the region's evolving land use. Once developed, this site will feature large warehouse buildings, a retention area, and a wetland area, transforming the visual and functional characteristics of the area. The subject property will now be adjacent to this industrial development, making its current Agricultural Reserve (AGR) designation incompatible with its surroundings.

The proximity of State Road 7, a major arterial road which will provide direct access to the BBX Park via a new bridge connection, further reinforces the area's suitability for light industrial uses. The AGR designation, which is intended to preserve agricultural lands, is not aligned with the more industrial and commercial character that is rapidly developing along the State Road 7 corridor. The subject property's proposed change to the Commerce FLU with an Underlying Agricultural Reserve (CMR/AGR) FLU would make it more compatible with the surrounding area, particularly the northern adjacent property that has already been designated for light industrial uses. The Commerce (CMR) FLU designation allows for a range of commercial and industrial activities to support existing services in the region.

The Agricultural Reserve zoning and land use designation typically apply to areas where farming, ranching, or other agricultural uses are still sustainable. In this case, the increased industrial activity in the vicinity, including the development of a large warehouse park, makes continued agricultural use on the subject site both incompatible and economically unfeasible.

The growth in industrial and commercial uses in the area, including the BBX Park, communication towers, and other industrial developments, require improved transportation infrastructure to accommodate the increased traffic and logistics are needed. The subject site's proximity to State Road 7 and its potential to contribute to the State Road 7 business corridor support the need for a Commerce with an Underlying Agricultural Reserve (CMR/AGR) FLU designation. The existing AGR FLU designation restricts the site's potential for development that would align with the broader transportation network and the region's economic needs.

In light of the above factors, changing land use patterns, the regional shift towards industrial and commercial development, and the incompatibility of the existing AGR designation with the current and future uses in the area, it is evident that the Agricultural Reserve (AGR) FLU designation for the subject property is no longer appropriate. A Future Land Use Amendment to Commerce with an Underlying Agricultural Reserve (CMR/AGR) is needed to align the property with the surrounding industrial and commercial developments, support economic development and industrial growth along the State Road 7 corridor, allow for the development of light industrial uses, such as a Contractor Storage Yard use, which is consistent with the evolving regional land use context.

Provide a written explanation of why the Transfer of Development Rights, Workforce Housing, and Affordable Housing Programs cannot be utilized to increase density on the site.

The proposed development will not be utilizing the Transfer of Development Rights, Workforce Housing, or Affordable Housing Programs to increase density on the site as the use request does not include any residential uses.

Section G.3 Compatibility

Provide written data and analysis to demonstrate compatibility with the surrounding and adjacent land uses.

The proposed Commerce with an underlying Agricultural Reserve (CMR/AGR) Future Land Use designation is compatible with the surrounding uses, which consists of light industrial, agricultural, and commercial. There are also neighboring large-scale developments composed of light industrial uses. The

property across from the subject site along Happy Hollow Road has a Commerce with an underlying Agricultural Reserve (CMR/AGR) FLU designation and is composed of 669,646 square feet warehouse and accessory office uses. There is a single-family residential property directly east adjacent to the subject site which has a 260' tall Communication Tower and Communication Antenna (Permit No. B-2021-044943) located approximately 100' from the dwelling unit. In order to ensure compatibility with the east property, the proposed development has located a 70' retention area and a 0.25 acre tree preservation area towards the eastern portion of the property, aligned with a 15' Type 2 Incompatibility buffer along the property line.

Section G.4 Consistency with Comprehensive Plan

The applicant has the option of including written data and analysis to demonstrate consistency with specific objectives and policies in the Comprehensive Plan, and Special Plans or Overlays identified in the Future Land Use Element (see the Special Planning Areas Map, LU 3.1).

The Comprehensive Plan has outlined specific policies in relation to sites within the Agricultural Reserve Tier that have a Commerce Future Land Use designation, of which the site complies with all of the criteria, as shown below. Per Policy 1.5-v, the County shall foster employment opportunities in the Agricultural Reserve Tier by allowing light industrial uses at appropriate locations adjacent to specified roadways to provide a balance of land uses for current and new residents of the Tier. All new future land use amendments requesting industrial type uses in the Agricultural Reserve Tier shall meet the following requirements:

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

The proposed FLUA is requesting an amendment to the Commerce (CMR) FLU designation. This transition will allow light industrial uses in conjunct with the Rezoning request submitting in June 2025.

2. *Located with frontage and access on State Road 7 (north of Rio Grande Avenue), Atlantic Avenue, Boynton Beach Boulevard or have access to these roadways through an existing commercial or industrial site. Sites located west of State Road 7 along the Boynton Beach Boulevard (100th Street South) and Atlantic Avenue corridors must share a common border with a property with commercial or industrial future land use;*

The subject site has approximately 665' of frontage along State Road 7 and has proposed access via culvert from the roadway.

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;*

A concurrent Rezoning request the Light Industrial (IL) District will be submitted in June 2025 which will include a conceptual site plan accommodating a Dispatch Services. The site plan itself is basic and includes a parking area, retention area and preserve area.

4. *Have a minimum of 3 acres and a maximum of 50 acres (with the exception of lands dedicated to rights of way); and*

The subject site is 5 acres.

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 exceptions: 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. (Ord. 2022-024, Ord. 2023-032)

The subject site is less than 16 acres and therefore a preservation area is not required per the Policy above.

The proposed FLUA is also consistent with Policy 2.2.4-c.3. which states, the Commerce (CMR) future land use designation is intended to accommodate light industrial uses to provide an option for low-trip generating nonresidential and/or employment generating uses on arterial roadways. Industrial uses allowed shall be limited to those that demonstrate Light Industrial characteristics. The proposed use of the site will be a Contractor Storage Yard which is considered a light industrial use and other than the parking area, will have minimal impact to the land. Since the proposed access is from State Road 7, the traffic generated from the use will not impact any properties to the east of the site.

Section G.5 Consistency with Florida Statutes

The applicant has the option of including written data and analysis to demonstrate consistency with Chapter 163.3177, F.S.

Florida Statute Chapter 163.3177 outlines required and optional elements of a comprehensive plan; studies and surveys. The relevant Comprehensive Plan Policies within the County's Plan are outlined in the section above. The subject application also provides various elements to support the amendment process including an vegetation assessment, traffic analysis, survey and a conceptual site plan.

Exhibit 4
Applicant's Public Facilities Table

A. Traffic Information		
	Current	Proposed
Max Trip Generator	ITE 817 Nursery (Garden Center): 108.10 Trips/Acre ITE 818 Nursery (Wholesale): 19.50 Trips/Acre	ITE 110 General Light Industrial 4.87 Trips/1000 SF
Maximum Trip Generation	546	350
Net Daily Trips:	-196 (maximum minus current) -196 (proposed minus current)	
Net PH Trips:	39 (40 In/-1 Out) AM, 7 (-14 In/21 Out) PM (maximum) 39 (40 In/-1 Out) AM, 7 (-14 In/21 Out) PM (proposed)	
Significantly impacted roadway segments that fail Long Range	None	None
Significantly impacted roadway segments for Test 2	None	None
Traffic Consultant	JFO GROUP INC.	
B. Mass Transit Information		
Nearest Palm Tran Route (s)	The nearest Palm Tran Route is 88	
Nearest Palm Tran Stop	Gateway Rd. at Oriole Huntington LA 3.4 miles	
Nearest Tri Rail Connection	Delray Beach Tri Rail Station 8.3 miles	
C. Potable Water & Wastewater Information		
Potable Water & Wastewater Providers	Palm Beach County Water Utilities Department	

Nearest Water & Wastewater Facility, type/size	The nearest point of connection is a 12” potable water main and an 8” sanitary sewer force main located within State Road 7 adjacent to the subject property. The property is located within a Mandatory Reclaimed area however the closest connection to reclaimed is on Lyons Rd. approx.. 5000’ east of the subject property.
D. Drainage Information	
<p>The project site consists of approximately 5.00 acres of contiguous land and is located on the east side of the Lake Worth Drainage District (LWDD) E-1 canal, south side of Happy Hollow Road and is approximately 3,500 feet north of Atlantic Avenue in unincorporated Palm Beach County. Legal, positive outfall presently exists via an existing ditch on the property’s southern portion with a culvert connection to the adjacent LWDD E-1 canal. The E-1 Canal flows south to the L-38 Canal which flows east and becomes the SFWMD C-15 Canal. Ultimate discharge is to the intracoastal waterway from the C-15 Canal via the SFWMD S-40 control structure.</p> <p>The site is located in flood zone X with no specified minimum elevations.</p>	
E. Fire Rescue	
Nearest Station	Fire Station 49, 12555 Lyons Road
Distance to Site	3 miles
Response Time	8 minutes and 50 seconds
Effect on Resp. Time	Changing the land use of this property will have minimal impact on Fire Rescue.
F. Environmental	
Significant habitats or species	<p>The 5 acre project site is utilized as a landscape nursery, office, equipment storage, and operations location for a commercial landscape installation and maintenance company (Ashem). The vast majority of the project site has been significantly altered (vegetation removal, filling, grading) from its natural condition. A small remnant pine flatwood area (0.75 acres) remains at the north-east corner of the project site. A few live oaks are located around the south side of the residence/office as landscaping.</p> <p>The north-west section of the project site was utilized for equipment storage and employee parking, while the remaining south section of the project site is a combination of field grown palms, open field, equipment storage, and perimeter buffers of mostly planted ornamentals, a few native trees, and exotic invasive plant species.</p> <p>There do not appear to be any wetlands or surface waters on the project site.</p>
Flood Zone*	The site is located in flood zone X with no specified minimum elevations

Wellfield Zone*	The property is not located in a wellfield protection zone.
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G. Historic Resources

Staff review of the County's map of known archaeological sites has identified no known archaeological resources located on or within 500 feet of the above referenced property.

H. Parks and Recreation - Residential Only (Including CLF)

Park Type	Name & Location	Level of Svc. (ac. per person)	Population Change	Change in Demand
Regional	Indicate the name and location of the park.	0.00339		
Beach	Indicate the name and location of the park.	0.00035		
District	Indicate the name and location of the park.	0.00138		

Exhibit 5

Traffic Division Letter



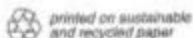
**Engineering and
Public Works Department**
P.O. Box 21229
West Palm Beach, FL 33416-1229
(561) 684-4000
FAX: (561) 684-4050
www.pbc.gov

■
**Palm Beach County
Board of County
Commissioners**

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

County Administrator
Verdenia C. Baker

*"An Equal Opportunity
Affirmative Action Employer"*



May 19, 2025

Dr. Juan F. Ortega, P.E.
JFO Group, Inc.
6671 W Indiantown Road, Suite 50-324
Jupiter, FL 33458

**RE: 9924 Happy Hollow
FLUA Amendment Policy 3.5-d Review
Round 2024-26-A**

Dear Dr. Ortega:

Palm Beach County Traffic Division has reviewed the Land Use Plan Amendment Application Traffic Study for the proposed Future Land Use Amendment for the above-referenced project, dated April 3, 2025, pursuant to Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan. The project is summarized as follows:

Location:	South side of Happy Hollow Rd., approximately 1/2 mile west of Smith Sundry Road	
PCN:	00-42-46-18-01-000-0480	
Acres:	5.24 acres	
	Current FLU	Proposed FLU
FLU:	Agriculture Reserve (AGR)	Commerce (CMR) with underlying Agricultural Reserve (CMR/AGR)
Zoning:	Agricultural Reserve District (AGR)	Multiple Use Planned Development (MUPD)
Density/Intensity:	0.15 FAR	0.35 FAR
Maximum Potential:	Nursery (Garden Center) = 5 acres Nursery (Wholesale) = 0.24 acres	General Light Industrial = 79,889 SF
Proposed Potential:	None	Warehouse = 71,900 SF Small Office Building = 7,989 SF
Net Daily Trips:	-196 (maximum – current) -353 (proposed – current)	
Net PH Trips:	53 (47/6) AM, 47 (6/41) PM (maximum) 23 (18/5) AM, 25 (8/17) PM (proposed)	
* <i>Maximum</i> indicates typical FAR and maximum trip generator. <i>Proposed</i> indicates the specific uses and intensities/densities anticipated in the zoning application.		



Dr. Juan F. Ortega, P.E.
May 19, 2025
Page 2

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

Please do not hesitate to reach out with any questions or concerns at 561-684-4030 or DSimeus@pbc.gov.

Sincerely,

Dominique Simeus, P.E.
Professional Engineer
Traffic Division

DS:ep

cc:

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

File: General - TPS - Unincorporated - Traffic Study Review
N:\TRAFFIC\Development Review\Comp Plan\26-A\9924 Happy Hollow.docx

Exhibit 6
Water & Wastewater Provider LOS Letter



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



Palm Beach County
Board of County
Commissioners

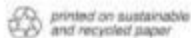
Gregg K. Weiss, Mayor
Maria Sachs, Vice Mayor

Maria G. Marmo
Michael A. Barnett
Marci Woodward

Sara Baxter
Mack Bernard

County Administrator
Verdenia C. Baker

*"An Equal Opportunity
Affirmative Action Employer"*



November 18, 2024

Civil Design, Inc.
1400 Centrepark Boulevard Suite 906
West Palm Beach, FL 33401

Attn: Jeff Trompeter

RE: 9924 Happy Hollow Road
Service Availability Letter

Dear Jeff,

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

The nearest point of connection is a 12" potable water main and an 8" sanitary sewer force main located within State Road 7 adjacent to the subject property. The property is located within a Mandatory Reclaimed area however the closest connection to reclaimed is on Lyons Road approximately 5000' east of the subject property.

Please note that this letter does not constitute a final commitment for service until the final design has been approved by PBCWUD. In addition, the addition of new developments/customers prior to service initiation to the property may affect the available capacity. PBCWUD does not make any representations as to the availability of capacity as of the future service initiation date.

If you have any questions, please give me a call at (561)493-6116.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jackie Michels".

Jackie Michels, P.E.
Project Manager

Exhibit 7

Disclosure of Ownership Interests

PALM BEACH COUNTY - ZONING DIVISION

FORM # 9

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

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

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

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

- Affiant is the individual or MGMR _____ [position - e.g., president, partner, trustee] of Ashem Group 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.
- Affiant's address is: 9924 Happy Hollow Rd.
Delray Beach, FL 33446
- 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.
- 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.
- 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.
- 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.


Eric Maise, 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 7th day of May, 2020 by Eric Maise (name of person acknowledging). He/she is personally known to me or has produced _____ (type of identification) as identification and did/did not take an oath (circle correct response).

Megan Harris
(Name - type, stamp or print clearly)


(Signature)

My Commission Expires on: 6/26/26



EXHIBIT "A"

PROPERTY

TRACT 48, PALM BEACH FARMS CO. PLAT NO. 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE(S) 26, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 5.238 ACRES, 228, 071 SQUARE FEET 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 light 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.	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 available along Atlantic Avenue adjacent to the subject site.	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. The subject site would maximize the use of future public facilities available in the area and are going to connect to water and sewer service.	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, allows for urban levels of service to 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 and Commerce Amendment History

Since the adoption of the Master Plan implementing polices in 2001 and the Commerce future land use in 2022, the County has processed several privately proposed future land use amendments for industrial type future land use designations, including the subject request, as summarized below:

Requests for Industrial or Economic Development Center Future Land Use

- **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 with an underlying Industrial (CL/IND). The site is located north of Boynton Beach Boulevard, west of State Road 7 (US HWY. 441). A voluntary condition of approval limited development of the site to a maximum of 29,400 square feet of commercial and 197,100 square feet of light industrial uses. Staff recommendation for denial was based in part on a lack of a comprehensive analysis and policy direction considering appropriate locations, uses, extent, and intensity established for new industrial uses in the Tier. At the January 15, 2016 public hearing, the Planning Commission recommended approval of the FLUA in a 7 to 5 vote.
- **West Atlantic Industrial (LGA 2017-017).** In 2017, the BCC denied an amendment to the Future Land Use Atlas on a 2.51 acres parcel from AGR future land use to IND/AGR. The site is located on the south side of Atlantic Avenue, approximately 1,100 feet west of Lyons Road in order to develop up to 47,000 square feet of industrial use. Staff recommended denial due to lack of policy direction for new industrial requests in the Tier and since the establishment of industrial uses mid-block on a small, isolated parcel would not be compatible with surrounding agricultural uses. At the June 16, 2017 public hearing, the Planning Commission recommended denial in a 10 to 1 vote. The amendment was denied by the BCC at the July 26, 2017 Transmittal Hearing.
- **Boynton Technology Park Text (2020).** This privately proposed text amendment for initiation was requesting to allow the Economic Development Center (EDC) future land use in the Tier as a multiple use commercial, industrial and residential Planned Industrial Park Development (PIPD), increase the commercial cap and to allow for 3 units per acre with no preserve requirement and including a workforce housing requirement. The 140 acre site is located on the north and south sides of Boynton Beach Boulevard, adjacent to the Florida's Turnpike. Which also proposed a FLU Amendment to change the Ag Reserve (AGR) future land use designation to Economic Development Center with an underlying 3 units per acre (EDC/3). The 140 acre site is located on the north and south sides of Boynton Beach Boulevard, west of the Florida Turnpike. The site is proposed to include 185,000 square feet of commercial, a 140 room hotel commercial, industrial, and residential pods with the 420 units clustered. At the June 12, 2020 public hearing, the Planning Commission recommended denial of initiation in an 11 to 2 vote. The text initiation was withdrawn by the applicant prior to the June 29, 2020 BCC Transmittal Hearing.
- **Boynton Parc Plaza Text (2021):** This privately proposed text amendment for initiation was requesting to allow the Multiple Land Use future land use designation with Industrial and High Residential, 8 units per acre (MLU, IND/8) in the Tier; provide exemption from preserve requirements; add policy language for a Workplace, Employment & Economic

Development in the Tier; and, add a requirement for workforce housing. The associated FLUA requested to change the future land use from Agricultural Reserve (AGR) to Multiple Land Use with underlying Industrial and High Residential, 8 units per acre (MLU, IND/8). The 47.21-acre site is located on the north side of Boynton Beach Boulevard, west of Florida's Turnpike. At the April 9, 2021 public hearing, the Planning Commission recommended denial of initiation in a 13 to 0 vote. The application was withdrawn by the applicant prior to the May 5, 2021 BCC Transmittal Hearing.

- **Star Key Industrial (LGA 2021-015).** This privately proposed future land use amendment was withdrawn by the applicant on September 30, 2021 prior to scheduling of a Planning Commission hearing. The applicant proposed to change the future land use designation for 50.99 acres of land to change from the AGR future land use designation to IND/AGR in order to develop industrial uses, with a maximum potential of 999,506 square feet (.45 FAR). The site is located on the north side of Atlantic Avenue, between Starkey Road and the Florida's Turnpike.
- **Sunflower Light Industrial (LGA 2021-016).** The application proposed a future land use amendment for 8.19 acres of land from the AGR future land use designation to IND/AGR in order to develop industrial uses, with a maximum potential of 0.45 floor area ratio (160,540 square feet). The site is located on the west side of State Road 7, approximately a quarter mile south of Atlantic Avenue. At the April 23, 2021 public hearing, the Planning Commission recommended denial in a 6 to 6 vote. The Board adopted the amendment on July 28, 2021 with conditions of approval limiting the site to:
 - Uses shall exclude heavy industrial uses which engage in the basic processing, manufacturing, or storage of flammable, hazardous, or explosive materials or products, or processes which potentially involve hazardous or commonly recognized offensive conditions as described in Future Land Use Element Policy 2.2.4-d of the Palm Beach County Comprehensive Plan; and
 - Uses identified as Commercial in Article 4 of the Unified Land Development Code are prohibited on the site, with the exception of Landscape Service, Self-Service Storage, and accessory uses.
- **Las Farms (LGA 2022-001).** On February 2, 2022, the BCC adopted a future land use amendment request for 6.95 acres of land from the AGR future land use designation to IND/AGR in order to develop industrial uses, with a maximum potential of 136,234 square feet (0.45 FAR). The site is located on the west side of State Road 7, approximately one half mile north of Boynton Beach Boulevard. The amendment was adopted with the same conditions of approval as the Sunflower Light Industrial amendment. At the October 1, 2021 public hearing, the Planning Commission recommended approval in a 9 to 4 vote. At the November 3, 2021 BCC Transmittal public meeting, the board transmitted the amendment. At the February 2, 2023 BCC public hearing, the Board adopted the amendment in a 7 to 0 vote.
- **West Atlantic Industrial Fina (LGA 2022-018).** The application proposed a future land use amendment for 10.11 acres of land from the AGR future land use designation to IND/AGR in order to develop industrial uses, with a maximum potential of 198,176 square feet (0.45 FAR). The site is located on the north side of Atlantic Avenue, approximately one half mile west of State Road 7. The amendment proposed the same conditions of approval as the Sunflower Light Industrial and Las Farms amendments. At the April 8, 2022 public hearing, the Planning Commission recommended denial in an 8 to 1 vote. On May 4, 2022, the BCC denied transmittal of the amendment.

Requests for Commerce Future Land Use (see Exhibit 10 for map)

- **Boynton Land Commerce (LGA 2023-001).** The application proposed a future land use amendment on 15 acres of land from AGR to CMR/AGR in order to develop light industrial uses, with a maximum potential of 294,030 square feet (0.45 floor area ratio). The site is located on the west side of State Road 7, approximately 1.25 miles south of Hypoluxo Road. The Planning Commission recommended denial in a 10 to 0 vote at the October 14, 2022 Planning Commission Hearing. At the November 28, 2022 BCC Transmittal public hearing, the Board denied transmittal of the amendment in a 4 to 3 vote.
- **Morin/Connolly Commerce (LGA 2023-002).** The application proposed a future land use amendment on 3.41 acres of land from AGR to CMR/AGR in order to develop light industrial uses, with a maximum potential of 66,843 square feet (.45 floor area ratio). The site is located on the west side of State Road 7, approximately 0.20 miles north of Boynton Beach Boulevard. The Planning Commission recommended approval with modifications (limiting site to 30,000 square feet) with a vote of 9 to 0 at the October 14, 2022 public hearing. At the November 28, 2022 BCC Transmittal public hearing, the Board transmitted the amendment in a 7 to 0 vote. At the March 23, 2023 BCC zoning public hearing, the Board adopted the amendment in a 6 to 1 vote.
- **BC Commerce Center (LGA 2023-003).** The application proposed a future land use amendment on 42.71 acres of land from AGR to CMR/AGR in order to develop light industrial uses, with a maximum potential of 925,410 square feet (0.45 floor area ratio). The site is located on the north side of Boynton Beach Boulevard, between Acme Dairy Road and the Florida's Turnpike. The Planning Commission recommended approval with modifications (limiting site to 0.35 floor area ratio) with a vote of 9 to 0 at the January 13, 2023 public hearing. The BCC transmitted this amendment on February 1, 2023 with a condition limiting the site to 719,764 square feet (0.35 floor area ratio). At the August 24, 2023 BCC Zoning public hearing, the Board adopted the amendment in a 7 to 0 vote.
- **EJKJ Industrial (LGA 2023-004).** The application proposed a future land use amendment on 7.93 acres of land from AGR to CMR/AGR in order to develop light industrial uses, with a maximum potential of 155,444 square feet (0.45 floor area ratio). The site is located on the west side of State Road 7, approximately 0.15 miles south of Atlantic Avenue. The Planning Commission recommended approval with modifications with a vote of 8 to 2 at the October 14, 2022 Planning Commission Hearing. At the November 28, 2022 BCC Transmittal public hearing, the Board transmitted the amendment in a 7 to 0 vote. At the August 24, 2023 BCC Zoning public hearing, the Board adopted the amendment in a 6 to 1 vote.
- **SR 7 Business Plaza (LGA 2023-006).** The application proposed a future land use amendment on 40 acres of land from AGR to CMR/AGR in order to develop light industrial uses, with a maximum potential of 784,080 square feet (0.45 floor area ratio). The site is located on the north side of Happy Hollow Road, fronting State Road 7, approximately 0.3 miles west of Smith Sundry Road. The Planning Commission recommended approval with conditions with a vote of 7 to 3 at the November 4, 2022 Planning Commission Hearing. At the November 28, 2022 BCC Transmittal public hearing, the Board transmitted the amendment in a 6 to 1 vote. At the May 25, 2023 BCC Zoning public hearing, the Board adopted the amendment in a 6 to 1 vote with a condition limiting the site to 700,000 square feet of warehouse and 63,000 square feet of general office.

- **LTG Sports Turf (LGA 2023-007).** The application proposed a future land use amendment on 40 acres of land from AGR to CMR/AGR in order to develop light industrial uses, with a maximum potential of 98,280 square feet (0.45 floor area ratio). The site is located on the north side of 100th Street S (Boynton Beach Boulevard), approximately 0.13 miles west of State Road 7. The Planning Commission recommended approval with modifications consisted of an additional condition of approval to limit uses allowed under the proposed Commerce future land use designation to 30,000 square feet, with a vote of 9 to 1 at the October 14, 2022 Planning Commission Hearing. At the November 28, 2022 BCC Transmittal public hearing, the Board transmitted the amendment in a 7 to 0 vote. At the March 23, 2023 BCC zoning public hearing, the Board adopted the amendment in a 6 to 1 vote.
- **Bedner’s Market (LGA 2024-003) and Text.** This privately proposed future land amendment requested to change the future land use designation from Agricultural Reserve (AGR) to Commerce with an underlying Agricultural Reserve (CMR/AGR) in order to develop light industrial uses with up to 213,444 square feet (0.35 FAR) of warehouse office uses on two sites located west of State Road 7 on the north and south sides of Lee Road. This amendment also requested a text amendment to revise the Comprehensive Plan to define Agriculture Marketplace and allow the use within the preserve area of an AGR-MUPD for Agriculture Marketplaces approved prior to May 31, 2013. The planning commission recommended denial with a vote of 7 to 4 vote at the October 13, 2023. At the August 22, 2024 BCC public hearing, the Board adopted the amendment in a 5 to 1 vote.
- **Olympus MUPD f.k.a Gold Coast Logistics (LGA 2024-04) and Text.** In 2023, the applicant submitted a privately proposed text amendment requesting to revise a Future Land Use Element policy 1.5-v to allow sites north of La Reina Road (instead of Rio Grande Avenue) on State Road 7 in the Agricultural Reserve Tier to be eligible for the Commerce future land use designation. The text amendment was initiated by the Board of County Commissioners on May 3, 2023. Subsequently, the property owner submitted a FLUA amendment request for a change from AGR to CMR/AGR in order to develop light industrial uses, with a maximum potential of 96,507 square feet (0.35 FAR). The Planning Commission recommended denial of the FLUA and text amendment with a vote of 12 to 0 at the September 8, 2023 hearing. The applicant ultimately withdrew the request at the November 1, 2023 BCC Transmittal Hearing.

In addition, there are three new applications requesting the Commerce future land use. These applications were subsequently submitted in November 13, 2024 and November 12, 2025. These amendments are shown in green on Exhibit 10.

- **Park West Commerce North (LGA 2025-010) –** Directly North of the subject site, at the northeast corner of Atlantic Avenue and Starkey is an amendment in process to change 50.99 acre land from Agricultural Reserve (AGR) to Commerce with underlying AGR (CMR/AGR) in order to develop up to 777,394 square feet of light industrial uses. The Planning Commission recommended denial of the FLUA (with a failed motion to approve by a 3-5 vote) at the April 11, 2025 Planning Commission hearing. At the May 13, 2025 BCC Transmittal Hearing, the Board voted to transmit with a 5 to 1 vote. As part of the motion, the Board gave direction to staff and the applicant to continue coordination with FDOT regarding a traffic signal at Starkey Road/Persimmon Avenue and turn lane from Atlantic Avenue, limiting hours of operations, reducing the size of the proposal and to continue meeting with the community. Due to issues related to the concurrent Zoning

application, the FLUA application was delayed and is scheduled for adoption at the April 23, 2026 BCC Zoning Hearing along with the Zoning application.

- **Park West Commerce South (LGA 2025-011).** Directly south of the subject site, at the southeast corner of Atlantic Avenue and Persimmon Avenue is an amendment in process to change 9.59 acres of land from Agricultural Reserve (AGR) to Commerce with underlying AGR (CMR/AGR) in order to develop up to 146,209 square feet of light industrial uses. The Planning Commission recommended approval of the FLUA with a 6-2 vote subject to a condition of approval limiting the site to the proposed use and compatibility to the surrounding area. At the May 13, 2025 BCC Transmittal Hearing, the Board voted to transmit with a 5 to 1 vote. Due to issues related to the concurrent Zoning application, the FLUA application was delayed and is scheduled for adoption at the April 23, 2026 BCC Zoning Hearing along with the Zoning application.
- **Amerigrow Commerce (LGA 2026-003).** This privately proposed future land amendment for 29.93 acres of land is requesting to change the future land use designation from Agricultural Reserve (AGR) to Commerce with an underlying Agricultural Reserve (CMR/AGR) in order to develop light industrial uses with up to 456,313 square feet (0.35 FAR) located on the South side of Atlantic Ave approximately 0.4 miles west of State Road 7. This amendment is anticipated to be heard by the BCC in late 2026 for transmittal to the State.

Exhibit 10
Agricultural Reserve Commerce FLUA Amendments Map

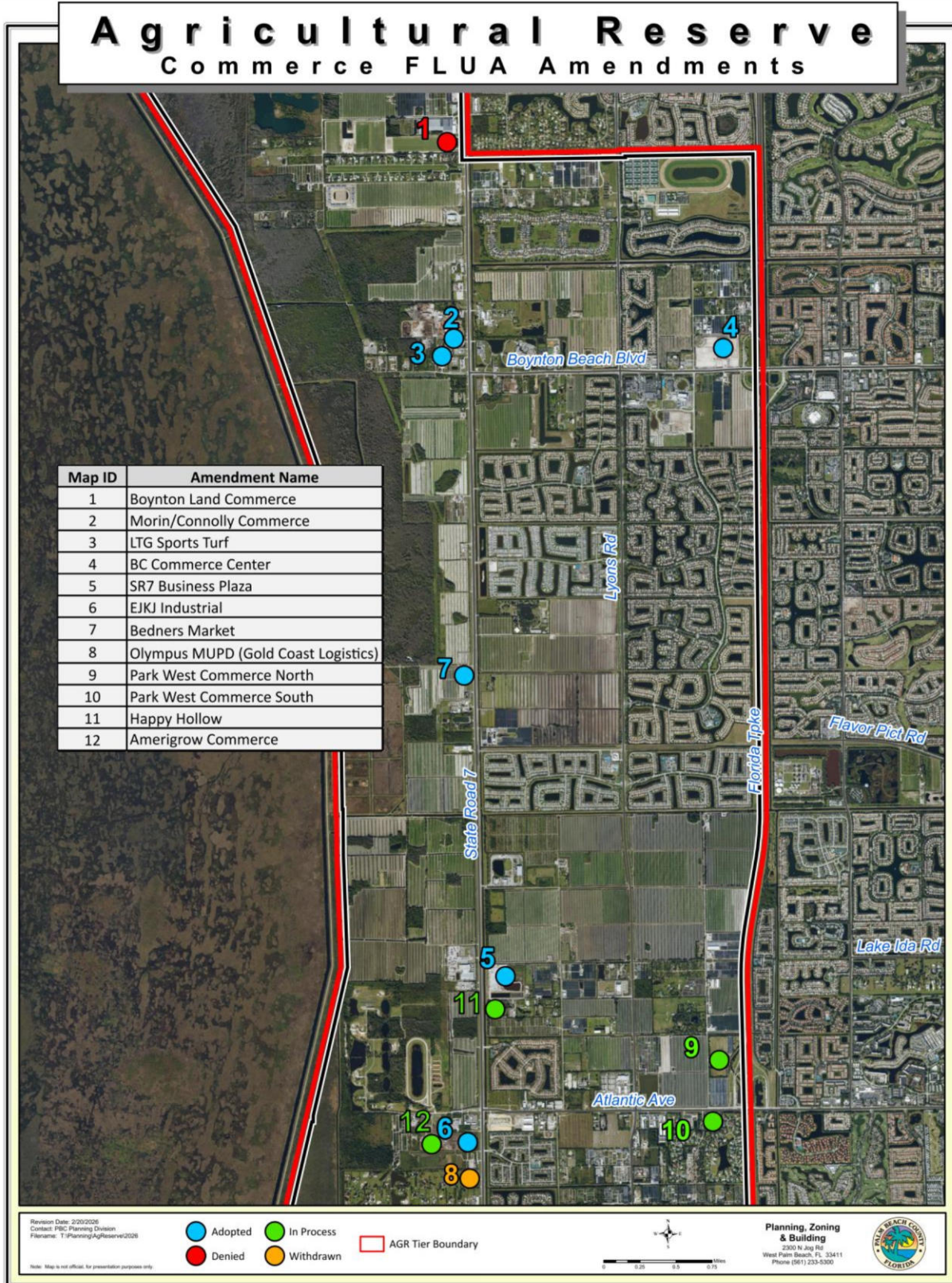


Exhibit 12
Correspondence
