



## COMPREHENSIVE PLAN AMENDMENT STAFF REPORT AMENDMENT ROUND 25-B

### PLANNING COMMISSION PUBLIC HEARING, APRIL 11, 2025

#### A. Application Summary

##### I. General Data

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<b>Project Name:</b>	<b>West Boynton Ranches (LGA 2025-012)</b>
<b>FLUA Summary:</b>	<b>AGR to EH/AGR with conditions</b>
<b>Acres:</b>	32.35 acres total
<b>Location:</b>	<b>Parcel 1-A:</b> South side of Boynton Beach Blvd., approximately 0.25 miles west of Lyons Road (development area & contiguous preserve area), and <b>Parcel 1-B:</b> South side of Happy Hollow Road, between Smith Sundry Road and Lyons Road (offsite preserve area)
<b>Project Manager:</b>	Bryce Van Horn, Senior Planner
<b>Applicant:</b>	West Boynton Ranches Holdings, LP
<b>Owner:</b>	West Boynton Ranches Holdings, LP (Darin Montgomery, VP; West Boynton Ranches GP, Inc.)
<b>Agent:</b>	JMorton Planning & Landscape Architecture
<b>Staff Recommendation:</b>	Staff recommends <b>approval with conditions</b> based upon the conclusions contained within this report

##### II. Assessment & Recommendation

The applicant is proposing a Future Land Use (FLU) amendment on two parcels, one comprised of a proposed development area with contiguous preserve, and the other as a proposed offsite preserve area, that together total 32.35 acres, for a change from the Agricultural Reserve (AGR) to Essential Housing with an underlying Agricultural Reserve (EH/AGR) FLU designation. The EH FLU designation was adopted on August 25, 2022 to allow for a new, higher density FLU option in order to facilitate workforce housing in the Agricultural Reserve Tier. The applicant is proposing the maximum 8 units per acre, or 259 dwelling units with 25% (65) required as on-site workforce housing. The concurrent zoning application is proposing to locate the majority of the required 60% preserve area contiguous to the development area with a smaller offsite preserve.

The vast majority of the built and approved residential units within the Tier are single family or zero lot line developments. The proposed amendment would further the intent of the EH provisions by providing housing diversity within the Tier by allowing multi-family development, consistent with the Master Plan recommendations. In addition, the site's location is consistent with the Board's direction to focus higher densities on major corridors in proximity to the two existing mixed-use centers. The proposed amendment is consistent with the EH FLU criteria in the Comprehensive Plan, allowing for a higher-density residential development with a significant workforce housing requirement, and is compatible with adjacent uses. Staff is recommending conditions of approval to limit the site to a maximum of 259 units with a 25% workforce housing requirement and requiring the consideration of the adoption of the FLUA and zoning application at the same hearing. Staff is recommending approval with conditions.

### **III. Hearing History**

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**Local Planning Agency:**

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

**State Review Comments:**

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

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## B. Petition Summary

### I. Site Data

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#### Current Future Land Use

<b>Current FLU:</b>	Agricultural Reserve (AGR)
<b>Existing Land Use:</b>	Parcel 1-A - Agriculture, Single Family Home, Storage Building Parcel 1-B - Agriculture
<b>Current Zoning:</b>	Parcel 1-A - Agricultural Reserve (AGR) & Residential Estate (RE) Parcel 1-B - Agricultural Reserve (AGR)
<b>Current Dev. Potential Max:</b>	Agricultural uses, up to 211,375 square feet (0.15 FAR)

#### Proposed Future Land Use Change

<b>Proposed FLU:</b>	Essential Housing with an underlying Agricultural Reserve (EH/AGR)
<b>Proposed Use:</b>	Residential and Preserve (Parcel 1-A) & Offsite Preserve (Parcel 1-B)
<b>Proposed Zoning:</b>	Agricultural Reserve Planned Unit Development (AGR-PUD)
<b>Dev. Potential Max/Conditioned:</b>	Residential, up to 259 dwelling units

#### General Area Information for Site

<b>Tier:</b>	Agricultural Reserve Tier – No Change
<b>Utility Service:</b>	Palm Beach County Water Utilities Department
<b>Overlay/Study:</b>	Agricultural Reserve Master Plan
<b>Comm. District:</b>	Commissioner Maria Sachs, District 5

# Future Land Use Atlas Amendment

## West Boynton Ranches (LGA 2025-012)



### Site Data

Size: 29.35 acres  
 Existing Use: Agricultural  
 Proposed Use: Residential & Preserve  
 Current FLU: AGR  
 Proposed FLU: EH/AGR

### Future Land Use Designations

AGR Agricultural Reserve  
 CL/AGR Commercial Low, underlying AGR  
 INST Institutional and Public Facilities  
 INST/AGR Institutional and Public Facilities, underlying AGR

Date: 3/17/2025  
 Contact: PBC Planning  
 Filename: T:Planning/AMEND/25-B  
 Note: Map is not official, for presentation purposes only.

Site  
 AGR Preserves

250 0 250 500 Feet

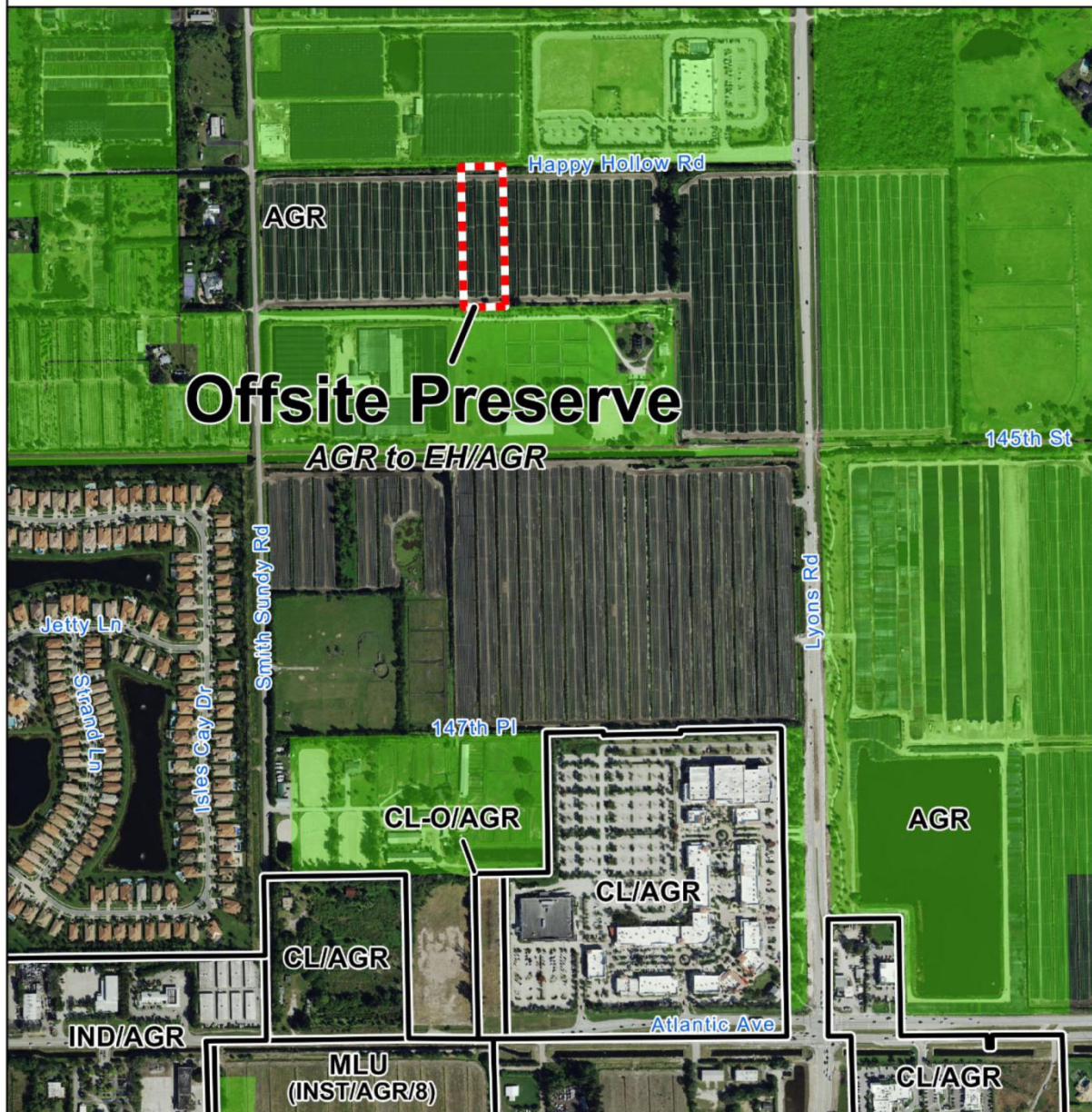
**Planning, Zoning & Building**  
 2300 N. Jog Rd, WPB, FL 33411  
 Phone (561) 233-5300





# Future Land Use Atlas Amendment

## West Boynton Ranches (LGA 2025-012)



### Site Data

Size: 3.00 acres  
 Existing Use: Agricultural  
 Proposed Use: Preserve  
 Current FLU: AGR  
 Proposed FLU: EH/AGR

### Future Land Use Designations

AGR Agricultural Reserve  
 CL-O/AGR Commercial Low Office, underlying AGR  
 CL/AGR Commercial Low, underlying AGR  
 IND/AGR Industrial, underlying AGR  
 MLU Multiple Land Use

Date: 3/17/2025  
 Contact: PBC Planning  
 Filename: T:Planning/AMEND/25-B  
 Note: Map is not official, for presentation purposes only.

Site  
 AGR Preserves

225 0 225 450 Feet



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



## C. Introduction

### I. Intent of the Amendment

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The 32.35 acre site is located in the Agricultural Reserve Tier, and is comprised of two parcels:

- **Parcel 1-A.** This 29.35 acre parcel is intended to serve as the development area with contiguous preserve and is located on the south side of Boynton Beach Blvd. approximately one quarter mile west of Lyons Road. This parcel had a prior nursery operation (agriculture), and a single family home with accessory structures. Under the current AGR FLU designation, the site could develop with up to 6 dwelling units (at 1 dwelling unit per 5 acres). This parcel was not the subject of any prior amendment requests.
- **Parcel 1-B.** This 3 acre parcel is portion of a larger 46-acre parcel located south of Happy Hollow Road between Lyons Road and Smith Sundry Road. It is intended to serve as the offsite preserve. This parcel is currently in agriculture (row crops). Under the current AGR FLU designation, the site is only 3 acres and would not be able to develop on its own with a unit since it does not meet the minimum 5 acres. This parcel was not the subject of any prior amendment requests.

**Future Land Use Amendment.** The proposed amendment requests to change the FLU designation from Agricultural Reserve (AGR) to Essential Housing with an underlying Agricultural Reserve (EH/AGR). The maximum development potential using the gross acreage of all the properties would allow up to 259 dwelling units (8 units per acre), clustered onto a maximum 40% of the site as the development area. This would result in net density of approximately 20.5 units per acre on the development area. A minimum 60% of the gross acreage of the site is required as the preserve area. The amendment is also required to provide 25% of the proposed units as onsite workforce housing which would equate to 65 workforce housing units.

**Zoning Application.** The concurrent zoning application (ZV/PDD-2025-00302) proposes to rezone the subject site from the Agricultural Residential (AR) zoning district to Agricultural Reserve-Planned Unit Development (AGR-PUD), in order to seek approval for 259 multi-family dwelling units. Several building are proposed ranging from two to four stories. The zoning application also includes a variance request for a reduction of an incompatibility buffer width from 50 feet to 25 feet.

### II. Background/History

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#### A. Agricultural Reserve Tier Introduction

The Agricultural Reserve is a unique area of the County, encompassing approximately 22,000 acres, located west of the suburban unincorporated communities of West Boca, West Delray, West Boynton, and east of the Loxahatchee Wildlife Refuge. The purpose of the Agricultural Reserve is to preserve unique farmland and wetlands in order to enhance agricultural activity, environmental and water resources, and open space, by limiting uses to agriculture, conservation, generally low-density residential development, and non-residential uses, which serve the needs of farmworkers and residents of the Agricultural Reserve Tier. The area has been designated primarily for agricultural preservation and limited development options for the past 40 years, and was established as an individual tier as part of the Managed Growth Tier System adoption in 1999. The Agricultural Reserve Tier was the subject of a Master Plan in the late 1990s, which

was concluded with the adoption of policies in the Comprehensive Plan in 2001 that implemented Board direction at the time. Subsequent to the completion of the Master Plan (dated October 2000), the Tier has largely been developed as anticipated and is home to approximately 27,000 residents. The Agricultural Reserve Tier policies are uniquely independent of the other policies in the Comprehensive Plan and largely implement the Agricultural Tier Objective 1.5:

***OBJECTIVE 1.5, The Agricultural Reserve Tier.*** *Palm Beach County shall preserve the unique farmland and wetlands in order to preserve and enhance agricultural activity, environmental and water resources, and open space within the Agricultural Reserve Tier. This shall be accomplished by limiting uses to agriculture and conservation with residential development restricted to primarily 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.*

## **B. Residential Use in the Agricultural Reserve Tier**

Prior to 2021, residential development in the Ag Reserve Tier, excluding farmworker housing and grooms quarters, was limited to one of the following:

- 1 dwelling unit per 5 acres, or
- Two residential development options that are unique to this area of the County:

**80/20 AGR Planned Unit Development.** 1 dwelling unit per 1 acre, with a minimum of 40 contiguous acres. Units are to be clustered onto 20% of the land area, and the balance preserved as agriculture, passive recreation, or other open space use.

**60/40 AGR Planned Unit Development.** This residential option was added to the Comprehensive Plan in 1995 as 1 dwelling unit per acre, with a minimum of 250 acres. Units are clustered onto 40% of the land area, and the balance preserved as agriculture, passive recreation, or other open space use. The preserved portion can be provided in multiple parcels, which need not be contiguous to one another nor to the development area; the development area must be located east of State Road 7.

The majority of the residential development that has occurred in the Tier since 1995 and has been through 60/40 AGR-PUDs, consisting of approximately 11,000 approved units. The preserve areas resulting from these developments total nearly 7,500 acres. The resulting net density of the development areas of the 60/40 AGR-PUDs is typically 2.5 to 3 units per acre and constructed as zero lot line and single-family housing types. The two mixed-use commercial developments approved at the commercial nodes of the Tier have approvals for residential multi-family development. The Delray Marketplace and the Canyon Town Center mixed-use projects allow for 73 and 93 multi-family units, respectively, with 59 of the Canyon Town Center units allocated to the County owned civic pod of the development. Inclusion of these multi-family units was intended to provide the opportunity for diversity in housing types and prices, but the units are not required to be income-restricted as workforce housing. To date, all of these units remain unbuilt, including the 59 units allocated for use by the County in the Canyon Town Center.

## **C. Higher Density Amendment Requests in the Tier**

Since the adoption of the Master Plan implementing policies in 2001, several privately proposed text and FLUA amendments included multi-family components have been proposed. Other sites

have been the subject of additional density proposals as well. A more detailed summary of these amendment applications is located in Exhibit 9.

The **Reserve at Atlantic (LGA 2022-006)** site was the only density increase amendment initiated by the Board in 2021 in the Agricultural Reserve. In 2022, a private text and FLU amendment requested to change the land use on 59.46 acres from AGR to Multiple Land Use, with Institutional and Public Facilities, AGR, and High Residential, 8 units per acre (MLU with INST/AGR/8). The applicant proposed to develop a day care center and up to 480 residential rental units, with a minimum of 25% of the units to be workforce housing on site and with development on 40% of the total project acreage, and preservation on the remaining 60%. The development area is located at the southeast corner of Atlantic Avenue and Half Mile Road. The offsite preserve comprises one parcel located on Lyons Road, approximately one-half mile north of Atlantic Avenue. The amendment was adopted concurrent with the zoning hearing for the project on July 28, 2022 and was the first density increase in the Tier not part of an 80/20 or 60/40 AGR PUD.

### **C. Essential Housing (EH) Future Land Use Designation**

During multiple public hearings where applications requesting higher densities in the Agricultural Reserve Tier were discussed, the Board expressed interest in considering amendments for multi-family development with a significant workforce housing component. During a Board workshop regarding the Agricultural Reserve Tier on October 26 and November 3, 2021, the Board discussed the potential of creating a new FLU for multi-family as well as light industrial uses in the Tier. On February 2, 2022, the Board formally initiated a text amendment to the Comprehensive Plan for staff to proceed with the review and analysis of the proposed amendment.

Following Board direction, staff proposed changes to the Comprehensive Plan to develop a new, higher density FLU option in order to facilitate workforce housing in the Agricultural Reserve Tier. On August 25, 2022, the Board adopted the EH FLU designation to provide a higher-density category with both a workforce-housing requirement and preserve requirement. Eligible sites for this FLU must include: a minimum of 30 acres; frontage on Atlantic Avenue from the Florida's Turnpike to ½ mile west of Lyons Rd or Boynton Beach Boulevard from the Florida's Turnpike to ½ mile west of Lyons Road; a minimum of 25% of all units to be provided as workforce housing units onsite (60-140% of area median income); and a minimum of 60% preserve area with no more than 10% of the preserve area to be utilized for storm water management purposes that is designed with enhanced environmental features.

Subsequently, the Board adopted the first EH project. In 2023, **Logan Ranch Residential (LGA 2023-014)** was submitted for a FLU amendment to change the land use on 39.24 acres from AGR to Essential Housing with an underlying Agricultural Reserve (EH/AGR). The site is located at the southeast corner of Boynton Beach Boulevard and Acme Dairy Road. The amendment was for a maximum 314 dwelling units with 79 units (25%) required as workforce housing units on site. The Board adopted the amendment on August 24, 2023. The approved preliminary site plan indicated 6 four-story buildings that included 44 units in each building and seven two-story buildings which were a mix of six and eight units in each building. Subsequently in 2024, the property owner submitted a DRO application which was approved for an administrative modification to reduce the density by 134 units for a total of 180 dwelling units and reducing the required workforce housing from 79 to 45 units, reduce the height of buildings (from four story to two story), and relocate buildings and parking. The Final Site Plan indicates 35 two-story multi-family buildings with of mix of four, five, six or seven units per building.

This proposed amendment is now the second request for the EH FLU designation.



### III. Data and Analysis Summary

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

**Overview of the Area.** The subject site is within the Agricultural Reserve Tier with the development area located on the south side of Boynton Beach Boulevard approximately one quarter mile west of Lyons Road and west of and adjacent to Valencia Reserve (60/40 AGR-PUD). In general, the area consists of a variety of low density and intensity uses consistent with the recommendations of the Agricultural Master Plan and corresponding policies within the Comprehensive Plan. Currently, there are no additional amendments in process in the immediate area. However, there are two amendments that were adopted in 2023 that were in process at the same time as Logan Ranch Residential:

- **Erickson Senior Living (LGA 2023-018).** Directly to the east of Logan Ranch Residential was an amendment for a 92.49 acre site. At the August 25, 2022 public hearing, the Board initiated a privately proposed text amendment to the Comprehensive Plan to add an additional location to be eligible for the Congregate Living Residential (CLR) FLU designation in the Agricultural Reserve in order to develop a congregate living facility. This amendment adopted by the BCC on October 26, 2023.
- **BC Commerce Center (LGA 2023-003).** North of the Logan Ranch Residential and Erickson Senior Living sites, at the northeast corner of Boynton Beach Boulevard and Acme Dairy Road was an amendment to change 47.21 acres of land from Agricultural Reserve (AGR) to Commerce with underlying AGR (CMR/AGR) in order to develop up to 719,764 square feet of light industrial uses. This amendment was adopted by the BCC on August 24, 2023.

**Appropriateness of the FLU.** The applicant proposes that amending the subject site to EH would help promote a sustainable land use pattern in the Agricultural Reserve Tier. Although a major focus of the policies adopted to implement the Agricultural Reserve Master Plan focused on the mechanics of residential Planned Developments with their required preserve areas, and the mixed use form and limitations on commercial land uses so as not to exceed the demand in the Tier, the underlying theme of the Master Plan was to ensure that non-agricultural uses all be developed in a sustainable pattern. The vision in the Master Plan Phase II was to foster sustainable development that would *“serve area residents with respect to providing employment, shopping, recreation, services, and quality of life. Reducing the necessity for area residents to travel outside the area to receive services lessens the impact on surrounding area services and roads.”* This mixed-use, sustainable development was envisioned to promote an efficient pattern of development that would minimize infrastructure costs to reduce impacts on County taxpayers. The Master Plan consultants recommended a wide range of housing types and residential institutional uses, including nursing homes, assisted living facilities, and multi-family housing. Specifically, the Master Plan anticipated that 20% of residential units in the vicinity of the mixed use centers would be multi-family. In addition, the Board adopted the EH FLU subject to location criteria in order to support sustainable development in the Tier by allowing higher densities on major corridors in proximity to existing commercial nodes, which reduces trips.

**Workforce Housing Requirement.** The Agricultural Reserve Tier has been exempt from the County's Workforce Housing Program (WHP) since the program was established in 2006. As a result, there were no required workforce housing units in the Tier. However since 2022 there

have been two higher density amendments sites that have been adopted with concurrent Zoning applications that require workforce housing units to be built onsite. One is the Reserve at Atlantic (LGA-2022-006) and the other Logan Ranch Residential (LGA-2023-014). As previously noted, the two marketplace developments included approvals of 166 multi-family units, but to date, these have not been built, and are not required to be income restricted. The applicant is required by the EH FLU to restrict 25% (65 units) of the proposed 259 total units as on-site workforce housing.

**Preserve Requirement.** The Comprehensive Plan requires that residential development in the Agricultural Reserve Tier is developed at either one unit per five acres or at one unit per acre within planned unit developments (PUD) and include a minimum of a 60% preserve area. With the adoption of the EH FLU, the Board maintained the preserve requirement of 60% while also allowing for no more than 10% of the preserve area for stormwater management purposes with enhanced environmental features. For a 32.35 acre site, a 60% preserve requirement would result in a 19.41 acre preserve area requirement, of which 1.94 acres (10%) could be for stormwater management purposes designed with enhanced environmental features. The required preserve area will be calculated during review of the concurrent zoning application and finalized upon site plan approval as the required preserve area is based on the overall acreage of the site less right-of-way identified on the Thoroughfare Identification Map. In addition, the applicant is proposing most of the preserve area to be contiguous to the development area with the remainder as off-site preserve.

**Compatibility.** This portion of the Boynton Beach Boulevard corridor contains a variety of non-residential uses including agricultural, commercial, and institutional uses such as schools and district parks. Therefore, the diversity of existing uses surrounding the site contributes to the compatibility of the proposed amendment to EH for multi-family development. The EH FLU designation was created specifically to offer a higher density development option within the Tier while contributing to the objectives of the Tier through preserve requirements and by allowing sites to be eligible for higher density, compact development on major corridors in proximity to the marketplaces which reduces trips. As the proposed development is consistent with the existing and proposed development pattern of the surrounding area, staff finds the request compatible.

**Assessment and Recommendation.** The applicant is proposing a FLUA amendment on two parcels, one comprised of a proposed development area with contiguous preserve, and the other as a proposed offsite preserve area, that together total 32.35 acres, for a change from the Agricultural Reserve (AGR) to Essential Housing with an underlying Agricultural Reserve (EH/AGR) FLU designation. The applicant is proposing the maximum 8 units per acre, or 259 dwelling units with 25% (65) required as on-site workforce housing. The concurrent zoning application is proposing to locate the majority of the required 60% preserve area contiguous to the development area with a smaller offsite preserve.

The vast majority of the built and approved residential units within the Tier are single family or zero lot line developments. The proposed amendment would further the intent of the EH provisions by providing housing diversity within the Tier by allowing multi-family development, consistent with the Master Plan recommendations. In addition, the site's location is consistent with the Board's direction to focus higher densities on major corridors in proximity to the two existing mixed-use centers. The proposed amendment is consistent with the EH FLU criteria in the Comprehensive Plan, allowing for a higher-density residential development with a significant workforce housing requirement, and is compatible with adjacent uses. Staff is recommending conditions of approval to limit the site to a maximum of 259 units with a 25% workforce housing requirement and requiring the consideration of the adoption of the FLUA and zoning application at the same hearing. Staff is recommending approval with conditions.

<b>Exhibits</b>	<b>Page</b>
1. Future Land Use Map & Legal Description	E-1
2. Consistency with Comprehensive Plan	E-5
3. Applicant's Justification and Consistency with Comprehensive Plan	E-16
4. Applicant's Public Facility Impacts Table	E-27
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11. Applicant's Environmental Statement	E-42
12. Correspondence	E-43

## Exhibit 1-A

<b>Amendment No:</b>	<b>West Boynton Ranches (LGA 2025-012) – Parcel 1-A</b>
<b>FLUA Page No:</b>	89
<b>Amendment:</b>	From Agricultural Reserve (AGR) to Essential Housing with underlying Agricultural Reserve (EH/AGR) with conditions
<b>Location:</b>	South side of Boynton Beach Boulevard, approximately 0.25 miles west of Lyons Road
<b>Size:</b>	29.35 acres approximately
<b>Property No:</b>	00-42-43-27-05-053-0050, 00-42-43-27-05-053-0290 00-42-43-27-05-053-0440

**Conditions:** Development of the site under the EH FLU is subject to the following:

1. The subject site shall be limited to a maximum of 259 dwelling units.
2. The zoning development order shall require a minimum of 25% of the total dwelling units to be built as onsite workforce housing units. These workforce housing units shall be evenly distributed among four income categories for households ranging from 60 to 140% of area median income, and subject to the requirements of Article 5.G.1 of the Unified Land Development Code.
3. The proposed future land use amendment and the proposed rezoning shall be considered for adoption by the Board of County Commissioners at the same public hearing.





## Legal Description

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TRACT 5, LESS THE NORTH 77.88 FEET; TRACT 6, LESS THE NORTH 77.88 FEET; AND TRACTS 19 AND 20, BLOCK 53 OF PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

TRACT 29, BLOCK 53, OF PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

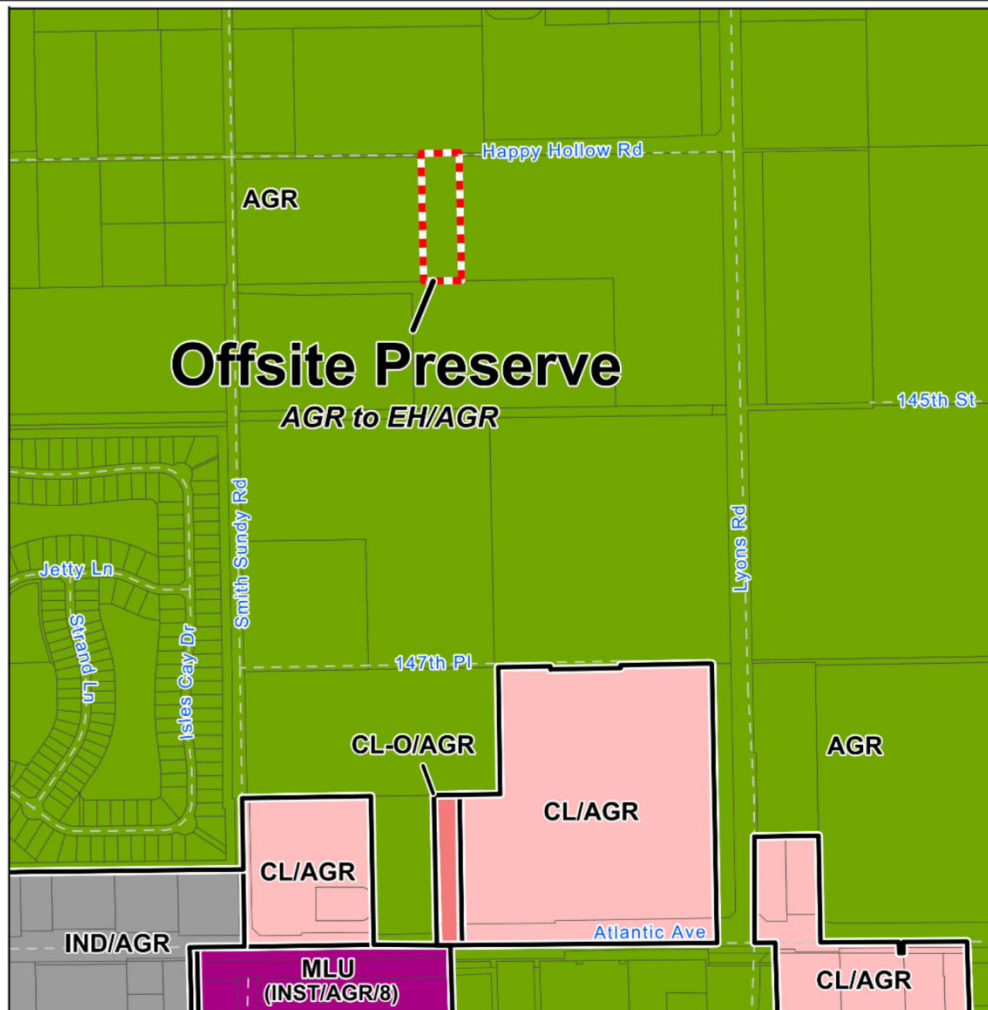
TRACT 44, BLOCK 53, OF PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 29.346 ACRES, MORE OR LESS.

## Exhibit 1-B

<b>Amendment No:</b>	<b>West Boynton Ranches (LGA 2025-012) – Parcel 1-B</b>
<b>FLUA Page No:</b>	98
<b>Amendment:</b>	From Agricultural Reserve (AGR) to Essential Housing with underlying Agricultural Reserve (EH/AGR) with conditions
<b>Location:</b>	South side of Happy Hollow Road, approximately 0.25 miles west of Lyons Road
<b>Size:</b>	3.00 acres
<b>Property No:</b>	00-42-46-18-01-000-0330, a portion

**Conditions:** This site is designated as the offsite preserve area for the development area within Parcel 1-A of West Boynton Ranches (LGA 2025-012). The exchange of this preserve area in whole or in part with any other parcel is prohibited. All density associated with this preserve area shall be clustered onto to the development area parcel within Parcel 1-A and shall thereafter be extinguished from this preserve area regardless of the whether the maximum density is used within the development area.



## Legal Description

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THE WEST 197.10 FEET OF TRACT 37, BLOCK 18 OF THE PALM BEACH FARMS CO. PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 26, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID LANDS LYING IN SECTION 18, TOWNSHIP 46 SOUTH, RANGE 42 EAST, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 18; THENCE SOUTH 00° 30' 35" WEST, ALONG THE EAST LINE OF SAID SECTION 18 A DISTANCE OF 1349.47 FEET TO A POINT OF INTERSECTION WITH THE CENTERLINE OF A 30.00 FEET WIDE EASEMENT FOR ROAD RIGHT-OF-WAY PURPOSES, SAID LINE BEING THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID TRACT 37; THENCE SOUTH 89° 02' 09" WEST ALONG SAID LINE, A DISTANCE OF 1326.52 FEET TO A POINT OF INTERSECTION WITH A LINE THAT MEASURES 197.10 FEET EAST OF AND PARALLEL TO THE WEST LINE OF SAID TRACT 37, SAID POINT BEING THE POINT OF BEGINNING; THENCE SOUTH 01° 06' 56" EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 662.75 FEET TO THE SOUTH LINE OF SAID TRACT 37; THENCE SOUTH 88° 53' 54" WEST ALONG SAID LINE, A DISTANCE OF 197.10 FEET TO THE SOUTHWEST CORNER OF SAID TRACT 37; THENCE NORTH 01° 06' 56" WEST ALONG THE WEST LINE OF SAID TRACT 37, A DISTANCE OF 663.22 FEET TO THE NORTHWEST CORNER OF SAID TRACT 37; THENCE NORTH 89° 02' 09" EAST ALONG THE NORTH LINE OF SAID TRACT 37, SAID LINE BEING THE CENTERLINE OF A 30.00 FEET WIDE EASEMENT FOR ROAD RIGHT-OF-WAY PURPOSES, A DISTANCE OF 197.10 FEET TO THE POINT OF BEGINNING.

CONTAINING 130,674 SQUARE FEET/3.000 ACRES, MORE OR LESS.

## Exhibit 2

### Consistency with Comprehensive Plan

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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 amendment is justified on the basis of changes in the characteristics of the area that have occurred since the adoption of the County's Comprehensive Plan and subsequent policies that implemented the recommendations of Agricultural Reserve Master Plan. The applicant provides further justification to support the request and is summarized as follows:

- Approval of the proposed future land use will allow for the development of a housing product that will add a diverse and affordable housing option for the workers within the Agricultural Reserve.
- The Essential Housing Future Land Use Designation creates a higher-density category with a significant workforce housing requirement and a preserve requirement, helping to create livable communities while recognizing the unique characteristics of the area. The higher density development will be located on major corridors with proximity to the marketplaces limiting trips and facilitating transit access.

**Staff Analysis:** This policy is the umbrella policy over the entire FLUA amendment analysis and many of the items are addressed elsewhere in this report as identified above.

The subject site currently has a future land use designation of Agricultural Reserve and has a maximum development potential of 6 residential dwelling units or up to 211,375 (0.15 FAR) square feet of agricultural uses over both sites. The applicant proposes to change the future land use designation from Agricultural Reserve (AGR) to Essential



Housing with an underlying Agricultural Reserve (EH/AGR) in order to develop a maximum 259 multi-family dwelling units (8 units per acre).

This application proposes that the amendment would help promote a sustainable land use pattern in the Agricultural Reserve Tier. Although a major focus of the policies adopted to implement the Agricultural Reserve Master Plan focused on the mechanics of residential Planned Developments with their required preserve areas, and the mixed use form and limitations on commercial land uses, the underlying theme of the Master Plan was to ensure that non-agricultural uses all be developed in a sustainable pattern. The vision in the Master Plan Phase II was to foster sustainable development that would “*serve area residents with respect to providing employment, shopping, recreation, services, and quality of life. Reducing the necessity for area residents to travel outside the area to receive services lessens the impact on surrounding area services and roads.*” This mixed-use, sustainable development was envisioned to promote an efficient pattern of development that would minimize infrastructure costs to reduce impacts on County taxpayers. The Master Plan consultants recommended a wide range of housing types and residential institutional uses, including nursing homes, assisted living facilities, and multi-family housing. Specifically, the Master Plan anticipated that 20% of residential units in the vicinity of the mixed use centers would be multi-family.

In addition, the Board adopted the EH FLU subject to location criteria in order to support sustainable development in the Tier by allowing higher densities on major corridors in proximity to existing commercial nodes, which reduces trips and facilitates transit access. The policies guiding the EH FLU designation contain specific criteria relating to location criteria, preserve requirements and workforce housing, among other requirements which are discussed later in this report. Staff concurs with the applicant that this amendment will allow for housing diversity within the Tier and supports sustainability of the Tier by providing workforce housing in close proximity to places of employment. Therefore, the applicant has provided an adequate justification.

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 7. Housing Opportunity.** *Ensure that housing opportunities are compatible with the County's economic opportunities by providing an adequate distribution of low, moderate, and middle income housing, Countywide, through the Workforce Housing Program.*

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

**Staff Analysis:** The proposed amendment furthers **Direction 1, Livable Communities**, by fostering additional housing opportunities for existing and future residents of the Agricultural Reserve Tier. A Livable Community, as stated in the Future Land Use Element of the Comprehensive Plan under **1.D. Characteristics of a Livable Community**, comprises certain characteristics including a diverse mix of housing for a wide range of family and household types. With regards to **Direction 7. Housing Opportunity**, as further discussed under Workforce Housing, this proposed amendment requires a minimum percentage of workforce housing which can increase housing diversity in the Agricultural Reserve Tier. Regarding **Direction 15. Agricultural and Equestrian Services**, this amendment is requesting the recently adopted EH FLU designation. A core concept of the Agricultural Reserve Tier is that all planned developments have an associated preserve requirement. The EH FLU designation requires 60% of the total acreage of the proposed project to be dedicated as a preserve area. EH preserve areas are restricted to agricultural and limited water management uses, which makes this request consistent with Direction 15.

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 other parcels under the same or related ownership adjacent to the subject site that are not included in the proposed amendment. Specifically there are parcels in preserve status that are adjacent to the proposed preserve area of the subject site. However, given these other adjacent parcels have approvals as preserve already, this does not create a situation whereby residual parcels would be created. Therefore, the proposed amendment would not constitute piecemeal development.

## **B. Consistency with Agricultural Tier Requirements**

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**

1. **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 primarily 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, directing the location and density of development. Prior to the adoption of the EH FLU designation, residential development in the Agricultural Reserve Tier was limited to 1 unit per 5 acres for properties with the AGR FLU designation, or property owners had the option of pursuing one of four planned development districts which allow 1 unit per acre. Each of these options allows for increased density on the overall development area in exchange for a percentage of the land area being dedicated as preserve, which allows specific uses intended to preserve and support the unique farmlands and wetlands within the tier. Implementing preserve requirements for residential developments in the tier is the primary method used to meet the intent of this objective. The applicant is proposing 60% to be dedicated as preserve area which will be confirmed through the concurrent Zoning application. Therefore, the amendment will be required to meet the intent of this objective.

2. **Policy 1.5-h-1:** *Any future land use amendment requesting the EH FLU shall be accompanied by a concurrent zoning application in order to demonstrate that the proposal meets the requirements of Policy 1.5.1-j and the design, scale, and character requirements of the Tier.*

**Staff Analysis:** This policy requires all proposed FLU amendments requesting the EH FLU designation to be accompanied by a concurrent zoning application, which ensures that the proposed development meets the requirements of Policy 1.5.1-j. The applicant submitted a concurrent zoning application to change the zoning district from Agricultural Reserve to Agricultural Reserve Planned Unit Development (AGR-PUD), and is therefore consistent with this policy.

**3. Policy 1.5.1-j: A 60/40 AGR-PUD with a future land use designation of Essential Housing shall require the following**

1. *a minimum of 30 acres exclusive of right-of-way as shown on the Thoroughfare Identification Map;*
2. *that the development area be contained in one compact area and not exceed 40 percent of the gross acreage less right-of-way as shown on the Thoroughfare Identification Map. The development area shall contain uses normally associated with a PDD such as the street system, water retention areas, water amenity areas, active recreational areas (including golf courses), open space, which is integral to the PDD, and civic center sites;*
3. *the development area and the protected area need not be contiguous;*
4. *that the development area shall be situated with frontage on either: State Road 806 (Atlantic Avenue), extending from ½ mile west of Lyons Road (Half-mile Road), to Florida's Turnpike; or, State Road 804 (Boynton Beach Boulevard), extending from ½ mile west of Lyons Road, to Florida's Turnpike;*
5. *a minimum of 25% of all units to be provided as workforce housing units onsite, evenly distributed among 4 income categories for households ranging from 60% to 140% of area median income, and subject to the requirements of Article 5.G.1 of the Unified Land Development Code.*
6. *that the development have buildings that vary in the number of stories when the number of units exceeds two-hundred.*
7. *that the preserve area shall consist of, at least, 60 percent of the gross acreage less right-of-way identified on the Thoroughfare Identification Map and be maintained in agriculture, passive recreation or other open space use. The preserve area shall:*
  - a) *contain a minimum area of 18 acres; and,*
  - b) *be utilized for crop production, pasture, equestrian purposes, retained as fallow land, or serve water management purposes per one or more of the following:*
    - 1) *designated by the South Florida Water Management District (SFWMD) as either a Water Preserve Area, or certified by SFWMD as serving regional water management purposes; or*
    - 2) *to serve regional water management purposes as certified by the Lake Worth Drainage District (LWDD). Lands owned by LWDD as of May 5, 2021 shall be limited to lands adjacent to existing preserve areas and limited to a maximum 276.509 acres of preserved area identified in Zoning Application PDD/DOA 2021-0122. For the purposes of this provision, adjacent includes lands separated from existing preserves by lands owned by LWDD. Any changes to the LWDD-owned lands provisions above shall require approval by at least five members of the Board of County Commissioners; or*
    - 3) *for water management purposes not directly related to the 60/40 AgR-PUD if approved by the Department of Environmental Resources Management, and managed for environmental resource values.*
    - 4) *for stormwater management purposes directly related to the development area provided that the stormwater management feature:*
      - a) *is located in preserve area located contiguous to the development area;*



- (b) *is limited to no more than 10% of the total project preserve area;*
- (c) *is designed with enhanced environmental features and managed in a manner that promotes sustainability and improved water quality;*
- (d) *is privately maintained; and,*
- (e) *if public access is to be provided:*
  - (1) *any vehicular parking is accommodated in the development area;*
  - (2) *parking is provided in the preserve area only for bicycles and other non-vehicular modes, and for golf carts; and*
  - (3) *an easement is recorded providing for public access.*
- c) *Accessory agricultural structures such as barns and pump structures shall be permitted.*
- d) *Agricultural support uses such as processing facilities, and the like shall not be accommodated in the protected area of an AgR-PUD, unless the parcel meets the criteria provided in Policy 1.5-h; nor shall new residential uses be accommodated thereon except for farm worker quarters as described in Future Land Use Policy 1.5.1-k and Housing Policy 1.4-d or grooms quarters as described in Future Land Use Policy 1.5.1-k; and*
- e) *that in cases of preserve areas that are contiguous to the associated development area, these preserves be held in common ownership and control by an HOA or other party for access by, and on behalf of, residents of the AgR-PUD or agricultural users, and operate under common management of an HOA or third party.*
- f) *Community vegetable gardens, as defined in the Unified Land Development Code, shall be permitted in the preserve area.*
- g) *The exchange of preserve areas shall be prohibited.*
- h) *Implementing provisions may include monitoring requirements for compliance with workforce housing requirements.*

**Staff Analysis:** This policy establishes the requirements for the EH FLU designation. Each criterion is evaluated below:

1. The subject site is 32.35 gross acres and meets the minimum size requirements.
2. The proposed site plan proposes the development area within one compact area no larger than 40% of the total project land area.
3. Although the preserve area does not need to be contiguous to the proposed development area, the applicant is proposing that the majority of the preserve as contiguous preserve.
4. The subject site is fronting Boynton Beach Boulevard and is located between the Florida's Turnpike and one quarter mile west of Lyons Road. Therefore, the site meets the location requirements.
5. The applicant is proposing 25%, or 65, of the 259 multi-family units be provided as onsite workforce housing units. Staff is recommending conditions of approval in Exhibit 1 to ensure the requirement is met thorough the concurrent Zoning development order as required.
6. The proposed development is requesting more than 200 units and is subject to this requirement. The site plan submitted with the concurrent zoning application shows multiple buildings with varied stories. Therefore, this requirement is met.

7. As previously discussed, the applicant is proposing a minimum 60% of site acres as preserve, most of which is contiguous to the development area. In addition, the proposed preserve area is proposed to include no more than 10% of the total preserve area to be utilized for stormwater management purposes with enhanced environmental features as described in Exhibit 11.

### 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.

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

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

- **North** – North of the subject site, across Boynton Beach Boulevard are properties in agriculture (row crops) with AGR FLU and both AGR zoning and AGR-PUD/preserve zoning. Additionally to the northwest is the Somerset Academy Canyons charter school, a use that is allowed east of SR-7 in AGR FLU and AGR Zoning.
- **East** – To the east of the subject site development area and contiguous preserve area is the Valencia Reserve residential development (aka Lyons West 60/40 AGR-PUD), approved in 2005 with 1,096 zero lot line homes at one unit per acre gross density with a net density of 2.5 units per acre in the development area.

Further east across Lyons Road is the Canyons Town Center MUPD with Commercial Low FLU. The site consists of 125.82 acres and was originally approved and developed as one of two mixed used Traditional Marketplace Developments in the Tier (AGR-TMD). The development has since converted to the Multiple Use Planned Development zoning district (AGR-MUPD). The developable area is located at the southeast corner of Boynton Beach Boulevard and Lyons Road and has approvals for several types of uses including retail, general office, medical office, restaurant and a daycare totaling 216,982 square feet. Pod B of the development area is a County owned civic site with a public library. The civic site is also allocated 59 multi-family dwelling units for future development. The MUPD provides 56.33 acres (60%) of preserve areas that were dedicated to the County for development of civic and recreation use (schools and a County public park park). These preserve areas are adjacent to the Canyon Town Center development area to the east and southeast. The preserve to the east includes Palm Beach County School District Schools (Sunset Palms Elementary School & West Boynton Middle School). South of the schools' site, is the 52-acre district park known as Canyon District Park. The park includes lighted multipurpose fields, a fitness trail and a concession building. The park and school sites have AGR FLU with AGR-MUPD/Preserve Zoning.

- **South** – To the south of the subject site's proposed contiguous preserve area is a Lake Worth Drainage District Canal and the Valencia Reserve community (aka Lyons West 60/40 AGR-PUD), approved in 2005 with 1,096 zero lot line homes at one unit per acre gross density with a net density of 2.5 units per acre in the development area. Additionally, to the southwest, there are two 5 acre tracts that are offsite preserve areas (AGR-PUD/preserve zoning) for two different 60/40 residential AGR-PUD's. One is associated with the Monticello 60/40 AGR-PUD and has a single family home designated as a farm residence on the parcel but excluded from the preserve area. The other is entirely in preserve associated with the Whitworth 60/40 AGR-PUD.

**West** – West of the subject site, are two other 5-acre tracts, one with straight AGR Zoning and a single family home converted for a small place of worship. The other tract is preserve area (AGR-PUD/preserve zoning) associated with the Monticello 60/40 AGR-PUD and has a single family home designates as a farm residence excluded from the preserve area. There are three other five-acre tracts further west as well, one of which is a preserve area (AGR-PUD/preserve zoning), and the other two have AGR FLU and AGR Zoning with single family homes. Beyond those parcels is a large preserve area comprising approximately 145 acres with agriculture (row crops) and containing a roughly 14 acre lake excavated for aquaculture.

***Applicant's Comments:***

- “Boynton Beach Boulevard is currently developed with a mix of industrial, commercial, residential, and agricultural uses. The proposed MLU will provide for additional housing opportunities along this important east-west corridor of the Agricultural Reserve and Palm Beach County. On this basis, the proposed development concept at this location is determined to be compatible.”, and
- “The proposed use is compatible with the existing development pattern and adjacent uses that have occurred along the Boynton Beach Boulevard corridor.”

**Staff Analysis:** The proposed 259 unit multi-family development is located on Boynton Beach Boulevard, a major thoroughfare and in proximity to uses which complement higher density developments such as district parks, two schools and employment uses. The site plan is proposing the majority of the proposed preserve contiguous and to the south of the development area. Most of the preserve area is proposed adjacent to the Valencia Reserve development and adjacent to other approved preserve area. The development area with building varying in stories is proposed adjacent to Boynton Beach Boulevard.

The Board adopted the Essential Housing future land use designation with the intent of providing higher density residential development within the tier as a means to provide both a variety of housing types and workforce housing. The location criteria and other policies guiding the EH designation take compatibility into consideration as only a handful of sites are considered eligible for the recently adopted EH designation. For the reasons outlined above and throughout this report, staff finds this proposed EH FLU compatible with the existing and planned development in the area.

**D. Consistency with County Overlays, Plans, and Studies**

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

**Staff Analysis:** The proposed amendment is not located within an overlay or study area. However, in beginning in 1998 and completed in 1999, the County did undertake a master planning effort called the Palm Beach County Agricultural Reserve Master Plan. This effort was led by a consultant, CHM2Hill in association with Dover, Kohl & Partners, and was a cooperative agreement between the County and the South Florida Water Management District. Many of the policies under the Agricultural Reserve Objective 1.5 are the result of recommendations from the Master Plan, including recommendations for multi-family type residential development, that was not initially implemented, but that now has provisions under the EH FLU designation that allow for this type of housing at higher densities within specific areas.

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

**Staff Analysis:** The subject site is within the boundaries of the West Boynton Area Community Plan (WBACP). The plan was received by the BCC in October of 1995. Two subareas were created in the WBACP to address the diverse nature of the areas within the plan boundaries. Subarea 1 covers the region east of the Ag Reserve in the Urban/Suburban Tier. Subarea 2 delineates the northern Ag Reserve which is the area of the Ag Reserve north of the Lake Worth Drainage District (LWDD) L30 Canal.

According to the WBACP, all recommendations in the plan only pertain to subarea 1, which is east of the Ag Reserve (i.e. east of Florida Turnpike), unless specifically noted.

The following recommendation from the WBACP was intended to apply to the Agricultural Reserve (subarea 2, WBACP): “Accept an agricultural future for the Agricultural Reserve.”

The full text of the recommendation states “accept the direction given by the BCC establishing as a primary goal an agricultural future for the Agricultural Reserve area...” As an Agricultural Reserve study, formally the Agricultural Reserve Master Plan, was ongoing at the time the WBACP was being formulated, prior to 1995, and so as not to conflict with the progress of or impede that effort, this is the only recommendation that was included in the plan regarding the Agricultural Reserve. The BCC adopted Agricultural Reserve policies in the Comprehensive Plan subsequent to the 1999 Ag Reserve Master Plan in 2001, which guide the development of residential, commercial, and Institutional and Public Facilities uses while providing for the preservation of agriculture, wetlands and other open space. However, the recommendation in the WBACP is too broad of a statement in order for staff to determine that the proposed FLUA is consistent or inconsistent.

## E. Public Facilities and Services Impacts

The proposed amendment will change the FLU designation from AGR to EH/AGR. Public facilities impacts were reviewed at a maximum density of 259 units. Public facilities impacts are detailed in the table in Exhibit 4.

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

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

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

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

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

**Staff Analysis:** The Traffic Division reviewed this amendment at the maximum development potential of 259 multi-family dwelling units. According to the County’s Traffic Division (see letter dated March 24, 2025 in Exhibit 5) the amendment would result in a net increase of 672 trips per day.

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** density shown above.”*

The Traffic Study dated March 19, 2025 was prepared by Christopher W Heggen, P.E of Kimley-Horn and Associates, Inc. Traffic studies and other additional supplementary materials for site-specific amendments are available to the public on the PBC Planning website at: <http://discover.pbcgov.org/pzb/planning/Pages/Active-Amendments.aspx>

## II. Public and Municipal Review

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The Comprehensive Plan Intergovernmental Coordination Element **Policy 1.1-c** states *“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, 2025. Correspondence is added to Exhibit 12 as it is received during the course of the amendment process.
- B. Other Notice:** Public notice by letter was mailed to the owners of properties within 500' of the perimeter of the site on March 20, 2025. In addition, interested parties were notified by mail including the Coalition of Boynton West Residential Associations and several homeowner associations (Valencia Reserve, Canyon Lakes, and Cobblestone Creek). Notification of this amendment, and other amendments related to the Ag Reserve Tier, was provided to the Agricultural Reserve email list of interested parties on March 7, 2025. Correspondence is added to Exhibit 12 as it is received during the course of the amendment process.



## Exhibit 3

### Applicant's Justification

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#### **Introduction**

On behalf of the Applicant, JMorton Planning & Landscape Architecture is requesting a Comprehensive Plan Future Land Use Atlas amendment for the 29.35 acre property located on the south side of Boynton Beach Boulevard, approximately ¼ mile west of Lyons Road ("Property") to amend the future land use designation from Agricultural Reserve (AGR) to Essential Housing, with an underlying Agricultural Reserve (EH/AGR). The Property is located within the Agricultural Reserve Tier and is currently utilized for agriculture row crops and former single-family home. In addition, three (3) acres of the +/- 42-acre property located between Smith Sundry Road and Lyons Road, South of Happy Hollow Road will be included in the project area as an off-site preserve parcel ("Off-site Preserve"). Together, the properties total 32.35 acres.

#### **I. PROPOSED FLUA MAP AMENDMENT**

The Applicant is requesting a Future Land Use Atlas Amendment from Agricultural Reserve (AGR) to Essential Housing, with an underlying Agricultural Reserve (EH/AGR). The current future land use designation would allow for maximum of six (6) dwelling units on the entire (0.2 du/ac x 32.35 ac.). The proposed future land use designation will allow for a maximum of 259 residential units (8 du/acre x 32.35 ac.). The Applicant is proposing to pursue a rezoning to Planned Unit Development (PUD), which will allow for the development of a multi-family residential project.

#### **Description of Site Vicinity**

The Property is located along the south side of Boynton Beach Boulevard, ¼ mile west of Lyons Road within the Agricultural Reserve. To the north, across Boynton Beach Boulevard, are agriculture uses, and to the south, east and west are single family homes.

Land uses directly abutting the Property include the following:

<b>Adjacent Property</b>	<b>Land Use Designation</b>	<b>Zoning Designation</b>	<b>Existing Use</b>	<b>Control Number</b>	<b>Resolution Number</b>
<b>North</b>	AGR	AGR	Agriculture Uses	2005-0162	R-2018-1703, R-2018-1704
<b>South</b>	AGR	AGR-PUD/ PUD-P	Single Family Residential – Valencia Reserve PUD	2005-0003	R-2011-1846
<b>East</b>	AGR	AGR-PUD	Single Family Residential – Valencia Reserve PUD	2005-0003	R-2011-1846
<b>West</b>	AGR	AGR/ PUD-P	Single Family Residential & Place of Worship	2005-0162	R-2018-1703, R-2018-1704

#### **History**

The Agricultural Reserve Master Plan was originally developed to preserve and enhance agricultural activity and environmental and water resources in the Ag Reserve. Since the adoption of the Ag Reserve related Comprehensive Plan policies, numerous residential developments have been built and the number of residents living within the boundaries of the Ag Reserve has significantly increased. The needs of those residents, as well as good planning practices, have spurred additional changes in the Ag Reserve. These changes included increasing the commercial square footage cap to allow for additional smaller commercial projects, allowing 5-acre standalone preserve parcels, and allowing smaller commercial projects to develop

without the need to provide preserve acreage. Additional changes have been approved to allow the development of congregate living facilities and self-storage facilities within the Ag Reserve. Finally, the Reserve at Atlantic project, a private text and future land use amendment, spurred the review by the County Board of Commissioners to consider a Future Land Use Designation of Essential Housing in the Agricultural Reserve. The Reserve at Atlantic project was adopted on July 28, 2022, by the County Board of Commissioners and the Logan Ranch Residential applied the following year with adoption of an Essential Housing designation on August 24, 2023. The Future Land Use Designation of Essential Housing expands the ability to develop multi-family housing options to serve the needs of nearby uses such as the commercial plazas, hospital, congregate living facility, schools and agricultural facilities.

### **Compliance with Comprehensive Plan Requirements**

This application is being submitted in compliance with the requirements of the Essential Housing designation as well as the standards required in the future land use amendment application as specified below:

#### **G.1 Justification**

Each proposed FLUA amendment must be found to be consistent with the Goals, Objectives, and Policies (GOPs) of the Comprehensive Plan. Future Land Use Element Policy 2.1.f requires that adequate justification for the proposed future land use be provided. Further, the justification statement must demonstrate that a change is warranted and demonstrate the following two factors:

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

**Response:** The proposed future land use designation of EH to allow for workforce housing in a PUD with density exceeding 1 dwelling unit per acre is suitable and appropriate for the Property. The Property is located along Boynton Beach Boulevard, which is a major east/west right-of-way that provides easy access to Florida's Turnpike as well as State Road 7 and I-95. Further, recent and future approved development near the Property includes a hospital, schools, light industrial, congregate living facility, commercial centers and the Logan Ranch Residential development on Acme Dairy Road. Locating higher-density, compact development on major corridors in proximity to the commercial plazas limits trips and facilitates transit access. Workforce housing in the Tier also furthers the County objectives of dispersing workforce housing and addressing the housing needs of lower income households where currently only high-income households exist.

Allowing additional housing opportunities within the Agricultural Reserve will encourage balanced growth. The Agricultural Reserve is comprised of single-family homes, most of which are planned gated communities. This is a homogeneous development pattern with little to no economic diversity. The recent changes to the Agricultural Reserve Master Plan have allowed increased services to be developed to support the increasing amount of residential development. However, no accommodation of workforce housing for those working in the service, education, and healthcare industries has been provided. The Property is well suited for increased density and workforce housing due to its location between the institutional uses to the north and west and the commercial and institutional uses to the east. The proposed multi-family project will provide a transition between those intense uses on Boynton Beach Boulevard and the existing single-family uses to the south and east.

The Master Plan envisioned the development of 2,520 multi-family units and 4,200 townhouse units. To date no townhouses or multi-family units have been constructed, and the Agricultural Reserve continues to be developed with large single-family homes generally priced above \$880,000. The consultants that prepared the Agricultural Reserve Master Plan recommended that the County allow density increases as a means of encouraging multi-family development and varied residential product types as well as encouraging integration between residential and non-residential uses. The development pattern of the Agricultural Reserve is segregated and lacks connectivity, as commercial uses are

concentrated at the intersection of Boynton Beach Boulevard and Lyons Road, institutional uses are located along the Boynton Beach Boulevard corridor and the gated single family residential developments have primarily been developed with frontage/access on Lyons and Acme Dairy Roads. This type of development pattern requires residents to drive to and from the various services that they need. The Project will locate residential uses in proximity to services and encourage alternative modes of transportation. Additionally, the workforce of those various commercial businesses will have additional options for housing within these residential developments. Approval of the proposed future land use will allow for the development of a housing product that will add a diverse and affordable housing option for the workers within the Agricultural Reserve.

The density increase to 8 units per acre is necessary to accommodate the development of multi-family units. Higher density already exists in the Tier with the “In The Pines” development that serves some of the farmworkers of the Tier. Additionally, the Reserve at Atlantic and Logan Ranch Residential has been approved at 8 units per acre. The Congregate Living Facility designation, recently approved for Erikson CCRC and Poet’s Walk CLF, allows for density at 8 dwelling units per acre. The Preserve area is still required and that additional density increase is needed to offset the cost of acquiring preserve land and providing workforce housing.

The creation of additional housing options within the Agricultural Reserve will allow the workforce in the area the opportunity to live close to their place of employment. By adding more housing options to the Agricultural Reserve, travel distance and time is reduced. This reduction would lessen the impacts on the major rights-of-way in the Tier, thus decreasing the burden for service provision on County taxpayers. Water and sewer lines have been installed along Boynton Beach Boulevard to serve the various residential projects being developed within the Agricultural Reserve. Allowing development of the Property with a workforce housing project would be an efficient use of these existing public facilities.

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

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

**Response:** As previously mentioned, significant changes to the original master plan have been approved within the Agricultural Reserve. Most recently on July 28, 2022, the Board of County Commissioners approved Reserve at Atlantic, for development of 476 multi-family residential units and a daycare for 120 children. The Reserve at Atlantic Project was also the catalyst for the Board of County Commissioners to direct staff to initiate the Future Land Use Amendment for Essential Housing. The Essential Housing Future Land Use Designation has been approved for Logan Ranch Residential at the corner of Acme Dairy Rd. and Boynton Beach Blvd. for a total of 314 units (since approval, the Logan Ranch Residential project has decreased the density to 180 units). With the approval of these two projects, workforce housing residential projects are beginning to proposed and developed within the Tier.

Continued residential growth has created a need for additional services within the Agricultural Reserve. The additional services that have been approved and developed along Boynton Beach Boulevard and in the immediate area, requires a workforce, and can benefit from housing options. The employees of these retail, restaurant, and other essential services that cater to the growing single family residential development are sometimes priced out of the single-family housing options that are currently available and being developed in the Agricultural Reserve. The employees and workforce of the existing nearby commercial, industrial and institutional uses would benefit

from a more diverse housing option including multi-family or townhome developments. The increased density allows for a more affordable option of housing for these employees.

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

**Response:** The characteristics of the area have changed significantly since the 1989 Comprehensive Plan was adopted. The Agricultural Reserve Master Plan originally intended that more intense uses and development would occur along the major roadways and at nodes within the Tier. The Master Plan further intended for lower density residential to develop outside of the higher intensity core and eventually transition to the Agricultural Preserve parcels. This development pattern has not occurred, rather development is disconnected. Contributing factors to this development pattern that were not anticipated include, several large farming families ceasing operations and no longer farming, including Whitworth, Winsberg, Mazzonni, Amestoy, and Dubois. Over the past 20 years, these large tracts of farmland have been converted into single family residential planned developments, thus significantly impacting the development pattern of the Tier. A majority of the residential developments in the Agricultural Reserve are comprised of single-family homes. As housing prices increase, the affordability of housing to the workforce of the nearby commercial is reduced. Previously, this Tier was exempted from the County's mandatory workforce housing program and has limited density of 1 dwelling unit per acre thus, therefore the area had become very homogeneous and cost prohibitive to workforce employees.

In the twenty years that have passed since the creation of the Agricultural Reserve Master Plan, the population has significantly increased. The 2020 population for Palm Beach County is 1,466,494 which represents a 30% population increase from 2000. The projected 2030 population will be 1,649,079, an increase of 15% over the period of 10 years. The Board of County Commissioners and the County Administrator have stated that Palm Beach County has a housing crisis due to a lack of workforce housing. The County's Workforce Housing Program was recently revised, in an attempt to provide more on-site construction of workforce housing and to ensure that units are being constructed and will meet the needs of the workforce population. The average home price in the Agricultural Reserve is approximately \$880,000 which is nearly double Palm Beach County's \$526,000 median single-family sales price (January 2020) and affordable only to households earning above the County's Moderate Household Income. The need for workforce housing is only being met by those developments within the Urban/Suburban Tier and being further exacerbated by the current development pattern and density limitations within the Agricultural Reserve.

Other changes to the Agricultural Reserve include increases to the commercial square footage cap in order to meet the demand for retail, restaurants and other services by the residents of the Agricultural Reserve. This has allowed for more commercial parcels to be developed in addition to the originally designated Traditional Marketplace Developments (TMDs) located at Boynton Beach Boulevard and Lyons Road and Atlantic Avenue and Lyons Road. Other non-residential uses have been developed in the area to support the residents of the Tier. A large regional hospital campus including approximately 170,000 square feet of medical office, several public and charter schools have been approved and developed along the Boynton Beach Boulevard corridor. These institutional uses have numerous employees that would benefit from workforce housing in proximity to their places of employment thereby reducing travel times.

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

**Response:** The Agricultural Reserve Master Plan recognized the need for workforce housing within the Tier by allowing and encouraging vertical and horizontal integration of residential units within the TMDs. However, this type of forced design was not affordable, feasible or marketable, especially at a density of 1 dwelling unit per acre. The Consultant recommended that the County

permit density bonuses as a means of encouraging vertical integration and ensuring a greater diversity of housing types.

The Master Plan originally intended for development to be concentrated and radiate outward from two nodes (Boynton Beach Boulevard and Lyons Road and Atlantic Avenue and Lyons Road). Preservation parcels were anticipated to be located west of State Road 7 and within the core of the Agricultural Reserve. The proposed text amendment will allow for development to occur along Boynton Beach Boulevard in an area originally designated by the Master Plan as a location for multi-family development.

Recently, the Board of County Commissioners approved a multi-family development, Reserve at Atlantic, with a density of 8 dwelling units to the acre providing for a total of 476 residential dwelling units; and a daycare for 120 children. This project is seen as a catalyst for the County Board of Commissioner's direction to staff to initiate a Future Land Use Amendment that would provide an Essential Housing designation within the Agricultural Reserve. The Essential Housing Future Land Use Designation creates a higher-density category with a significant workforce housing requirement and a preserve requirement, helping to create livable communities while recognizing the unique characteristics of the area. The higher density development will be located on major corridors with proximity to the marketplaces limiting trips and facilitating transit access.

Initially, multi-family was intended to locate within the two approved TMDs. The residential units have yet to be constructed within these two projects. The proposed project will provide additional housing options within the Tier that were originally contemplated but were never developed. These units will be located within proximity of the TMDs to ensure the intent of the Agricultural Reserve Master Plan is realized.

***d. Inappropriateness of the adopted FLU designation.***

**Response:** AGR is not the most appropriate FLUA designation for the Property to create an appropriate balance of land uses within the Agricultural Reserve. Allowing an increase in density will allow for the original intent of the Master Plan which included a variety of housing types including multi-family to be realized. The existing density of 1 du/acre will not allow for the development of multi-family housing in the Agriculture Reserve. Many municipalities across the Country have recently begun to eliminate single family zoning and future land use designations as these categories have been determined by planners and government officials to be discriminatory to those residents with lower incomes. The EH Future Land Use category that allows multi-family development in addition to single family development would be more appropriate to ensure a diverse and economically strong locality.

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

**Response:** N/A

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

Per Future Land Use Element Policy 2.4-b, the proposed request for a density increase is consistent with the following criteria:

- 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.

**a. Demonstrate a Need for the Amendment**

**Response:** As discussed above, Palm Beach County is in the middle of a Workforce Housing crisis. There is a significant deficit of workforce housing options available to working professionals such as teachers, police, nurses, etc. in Palm Beach County. The Density Bonus and Transfer of Development Rights as a means to increase density is not appropriate for this site as it is not permitted in the AGR. However, the Project will be increasing density through the requested amendment to the Future Land Use Designation of EH. As mentioned earlier, a requirement of the EH designation is to provide workforce housing. In addition, the amendment provides for market rate multi-family housing which is a needed option for so many of Palm Beach County's workforce. The Agricultural Reserve has been exempted from the mandatory Workforce Housing Program that has been in place since the early 2000's. This exemption has allowed the development of very expensive residential development within a 22,000-acre portion of Palm Beach County without any contributions to the housing crisis occurring throughout the County. This continued exclusive development has only exacerbated the divide between the "haves" and the "have nots" in Palm Beach County. The average home price of \$880,000 is not affordable for many workers within the Agricultural Reserve including the nurses, hospital staff, retail workers, restaurant workers, teachers, and future County Parks and Library Staff.

**b. Demonstrate that the Current FLUA Designation is Inappropriate**

**Response:** As discussed above, the development of multi-family residential units will not occur in the Agricultural Reserve unless density rates are increased. With the adoption of the Essential Housing Future Land Use designation, increased density will be permitted in the AGR allowing development of multi-family housing and requiring workforce housing. Initially, multi-family was intended to locate within the two approved TMDs. The residential units have yet to be constructed within these two projects. The proposed project will provide additional housing options within the Tier that were originally contemplated but were never able to be developed. These units will be located within close proximity of the TMDs to ensure the intent of the Agricultural Reserve Master Plan is realized.

**c. Explanation of Why TDR, WHP and AHP Cannot be Utilized to Increase Density on the Property**

**Response:** The Agricultural Reserve is a sending area for the Transfer of Development Rights (TDR) Program. The recently adopted Future Land Use Designation (EH), will provide the desired density 8 dwelling units per acre; and will set aside 25% of the proposed dwelling units for workforce housing units. Therefore, the proposed amendment is the appropriate means for providing these units.

**G.3 Compatibility**

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

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



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

- Access is available from Boynton Beach Boulevard, a right-of-way designated as an arterial road, thus directing traffic away from local roads in the vicinity.
- Boynton Beach Boulevard is currently developed with a mix of institutional, commercial, residential, and agricultural uses. The proposed MLU will provide for additional housing opportunities along this important east-west corridor of the Agricultural Reserve and Palm Beach County. On this basis, the proposed development concept at this location is determined to be compatible.
- The proposed use is compatible with the existing development pattern and adjacent uses that have occurred along the Boynton Beach Boulevard corridor.

The above factors, coupled with setbacks, buffers and landscaping requirements will dictate that on-site structure(s) will be compatible with the neighboring properties and not create or foster undesirable health, safety, or aesthetic effects.

#### **G.4 Comprehensive Plan**

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

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

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

***Response:** Approval of this proposed FLU amendment will allow for the development of multi-family residential units. Single-family residential development in the Agricultural Reserve has been growing substantially without any alternative housing options provided. Workers within the Agricultural Reserve continue to travel from outside of the Tier to work at various businesses, schools, and medical facilities. The proposed FLU amendment will bring additional housing opportunities to the Agricultural Reserve catering to the current workers and future residents of the Tier thus enhancing the quality of life for those that have chosen to live within the western Boynton Beach area.*

- **Land Planning** – “...to create and maintain livable communities, promote the quality of life, provide for a distribution of land uses of various types, and at a range of densities and intensities, and to balance the physical, social, cultural, and environmental and economic needs of the current and projected residents and visitor populations. This shall be accomplished in a manner that protects and maintains a diversity of lifestyle choices, and provides for the timely, cost-effective provision of public facilities.”

***Response:** Allowing additional housing options within the Agricultural Reserve will encourage balanced growth. The Agricultural Reserve is comprised of single family homes, most of which are planned gated communities out of the reach of workforce incomes. This is a homogeneous development pattern with little to no economic diversity. The recent changes to the Agricultural Reserve Master Plan have allowed increased services to be developed to support the increasing amount of residential development. However, no accommodation of housing for those working in the service, education, and healthcare industries has been provided.*

**Objectives** – The proposed FLUA amendment furthers the County’s objectives as further described below.

- **FLUE Objective 1.5 Agricultural Reserve Tier** – “Development areas should be concentrated east of SR7 (in the vicinity of Boynton Beach Boulevard and in the vicinity and south of Atlantic

Avenue) in order to protect the environmentally sensitive lands within and surrounding the Loxahatchee National Wildlife Refuge, foster the preservation of agriculture in the center of the Tier, and to reduce infrastructure costs and impacts on taxpayers.”

**Response:** *As mentioned above, if additional housing options were available within the Agricultural Reserve, much of the workforce would have the opportunity to live close to their place of employment. By adding more housing options to the Agricultural Reserve, travel distance and time is reduced. This reduction would lessen the impacts on the major rights-of-way in the Tier, thus decreasing the burden for service provision on County taxpayers. Water and sewer lines have been installed along Boynton Beach Boulevard to serve the various residential projects being developed within the Agricultural Reserve. All property owners with frontage along Boynton Beach Boulevard were required to pay assessments for the extension of these water and sewer lines. Allowing development of the Property with a workforce housing project would be an efficient use of these existing public facilities. Another contribution to a sustainable development pattern would be the reduction of carbon dioxide gas emissions as travel times are reduced.*

- **FLUE Objective 3.1 Service Areas - General** – “Palm Beach County shall establish graduated service areas to distinguish the levels and types of services needed within a Tier, consistent with sustaining the characteristics of the Tier. These characteristics shall be based on the land development pattern of the community and services needed to protect the health, safety and welfare of residents and visitors; and the need to provide cost effective services based on the existing or future land uses.”

**Response:** *The Property is located within the Agricultural Reserve which is a Limited Urban Service Area (LUSA) where services and public facilities are already available. The Property’s location at a major transportation route with access/frontage on Boynton Beach Boulevard, within a mile of State Road 7 and Florida Turnpike contribute to timely, cost-effective service provision. The proposed project will better serve the immediate and future needs of the community as it will provide additional housing opportunities for those working for the existing retail, restaurant, and industrial businesses. Traffic on the east-west roadways in the Agricultural Reserve is caused by the number of residents leaving the Tier in the mornings for work and service providers traveling into the area. This proposed amendment will allow for the creation of additional housing opportunities thus keeping workers west of the Florida Turnpike and off the major east-west roadways and ultimately having a positive impact on the safety and welfare of the existing residents.*

**Policies** – The proposed FLUA amendment furthers the County’s policies as further described below.

- **FLUE Policy 1.5.1-b:** “A residential AgR-PDD shall require the following:
  1. That the development area be compact, contiguous, and arranged as a unified whole and appropriately buffered so as not to interfere with the continued or future function of the preserve area.
  2. That the development area be situated adjacent to other existing, planned, or projected development areas.
  5. That preserve areas be used only for agriculture or open space uses.”

**Response:** *The proposed development will provide the appropriate percentage of preserve area similar to other planned developments within the Tier. The proposed project is located on Boynton Beach Boulevard.*

### **G.5 Florida Statutes**

Data and analysis demonstrating that the proposed development can be supplied by necessary services without violating adopted LOS standards are presented in Traffic Letter and Study, Drainage Statement, Fire Rescue Letter, and Water and Wastewater Provider Letter. Data and analysis discussing environmental

and historical resources impacts are presented in Drainage Statement, Wellfield Zone Map, Natural Features Inventory and Map and Historic Resource Evaluation Letter. No negative environmental impacts are identified.

The primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below along with the applicant's descriptions. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment discourages urban sprawl.

- Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single use development or uses.

**Response:** *The applicant is requesting to change the FLU of the Property from AGR to EH which will provide additional housing opportunities within the Agricultural Reserve. The Agricultural Reserve is an existing area of low intensity/density and single-use development. The proposed amendment will provide housing options not currently in existence within the Boynton Beach Boulevard corridor of the Agricultural Reserve. The proposed text change will allow for the development of multi-family residential units that will counteract the urban sprawl that has been occurring since the creation of the Agricultural Reserve Master Plan.*

- Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.

**Response:** *The Property is located in the Agricultural Reserve which is a Limited Urban Service Area (LUSA) and along the Boynton Beach Boulevard corridor which is not rural in nature. Urban services such as police, fire rescue and water/wastewater/drainage utilities exist in the immediate area.*

- Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.

**Response:** *The development is not isolated in nature as development surrounds the Property along the Boynton Beach corridor. Specifically, commercial uses have been approved and developed at the intersection of Boynton Beach Boulevard and Lyons Road just to the east of the Property. The proposed development would be considered infill development at a major intersection and transportation node between the intense commercial/industrial projects along a rapidly changing roadway corridor.*

- Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.

**Response:** *This amendment does not fail to protect and conserve natural resources as the proposed development will have no negative impact on any other significant natural system. The Property does not support any environmentally sensitive areas. No listed species were located on the property, and it is located outside of any wellfield protection zone. As required by the ULDC, any native plant material will be addressed during the zoning approval process.*

- Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.

**Response:** *The Property is located within the Agricultural Reserve. Although it is currently utilized as agriculture row crops, the Property is not designated as a preserve parcel. The Property's location along a major right-of-way, bordered by development to the east and south is not an optimal location for agricultural uses. The overall development pattern for this corridor has been determined by the recent County approvals and existing uses (commercial, institutional, and residential).*

- Fails to maximize use of existing public facilities and services.

**Response:** Reports and letters are provided with this application to show the availability of roadway capacity, water/sewer service, drainage outfall and fire response. It is anticipated that the proposed residential development will not negatively impact public facilities and services.

- Fails to maximize use of future public facilities and services.

**Response:** Reports and letters are provided with this application to show the availability of roadway capacity, water/sewer service, drainage outfall and fire response. In comparison to other uses that are allowed in the 1 du/ac planned unit developments, it is anticipated that the proposed residential development will not negatively impact public facilities and services.

- Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.

**Response:** Public services and facilities are already available in the immediate vicinity. The proposed amendment will provide for infill development and fit in with the existing land use pattern.

- Fails to provide a clear separation between rural and urban uses.

**Response:** The Property is located within the Agricultural Reserve which is a Limited Urban Service Area (LUSA). The Property is not adjacent to the Rural Tier therefore, the proposal discourages the proliferation of Urban Sprawl by locating goods, services employment, and alternative housing options in close proximity to where people live.

- Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.

**Response:** This amendment will allow for infill development as development surrounds the Property. The proposed project will serve the current and future needs for the surrounding communities and will also provide a much needed alternative housing option.

- Fails to encourage a functional mix of uses.

**Response:** Approval of the proposed amendments will allow for a mix of uses. The proposed amendment will allow for the development of an alternative housing type within an area of the County that has historically only been developed with low intensity/density residential development. The proposed project will contribute to a functional mix of uses along the Boynton Beach Boulevard corridor which has been relatively homogeneous in the past.

- Results in poor accessibility among linked or related land uses.

**Response:** The proposed development will be designed with pedestrian connections as required through the zoning process.

- Results in the loss of significant amounts of functional open space.

**Response:** This amendment does not result in a loss of any functional open space as the subject property is currently not utilized as functional open space. The development will still provide for the required preservation land.

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

- Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.

**Response:** This amendment does not fail to protect and conserve natural resources as the property is vacant of natural resources. The site is undeveloped and it is located outside of any wellfield protection zone. As required by the ULDC, any native plant material will be addressed during the zoning approval process.

- Promotes the efficient and cost-effective provision or extension of public infrastructure and services.

**Response:** The request for a FLUA amendment will maximize the use of future public facilities and services existing and within a relatively urban corridor. No facilities would be required to be

*installed in rural or sparsely populated areas, thereby maximizing the use of the existing facilities. Therefore, the proposal discourages the proliferation of Urban Sprawl by locating residential development near goods, services and employment adjacent to existing public infrastructure.*

- Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.

***Response:*** *The development will be designed meeting the requirements for a planned development (PDD) project which includes pedestrian connections, bike racks, multi-use paths, and other elements that support a compact development.*

- Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.

***Response:*** *Approval of this proposed amendment will allow the development of multi-family residential within an area of the County that has historically only been developed with low intensity/density residential development. The proposed project will contribute to a functional mix of uses within the Agricultural Reserve which has been relatively homogeneous in the past. The proposed uses will better serve the surrounding residential community as well as provide a much needed housing option for the workers within the Agricultural Reserve.*

### **Conclusion**

As described above, the proposed future land use amendment from Agricultural Reserve (AGR) to Essential Housing (EH) to allow increased density is consistent with the Goals, Objectives, and Policies of Palm Beach County's Comprehensive Plan and the Florida State Statutes. The proposed amendment is also compatible with the surrounding area. The proposed amendment does not contribute to urban sprawl. The amendment is consistent with the Agricultural Reserve Master Plan as well as provide a much needed service and alternative housing option to the area residents and workers that will not negatively impact service provision.

## Exhibit 4

### Applicant's Public Facilities Table

<b>A. Traffic Information</b>	
See Exhibit 5	
<b>B. Mass Transit Information</b>	
<b>Nearest Palm Tran Route (s)</b>	Route 73 – Boynton Beach Crosstown via Boynton Beach
<b>Nearest Palm Tran Stop</b>	Stop #6795 – Boynton Beach Blvd at 102 <sup>nd</sup> Place South, south side of Boynton Beach Boulevard approximately 0.026 miles west of 102 <sup>nd</sup> Place South
<b>Nearest Tri Rail Connection</b>	Boynton Beach station
<b>C. Potable Water &amp; Wastewater Information</b>	
<b>Potable Water &amp; Wastewater Providers</b>	The nearest point of connection is a 16 inch potable water main located within Boynton Beach Boulevard adjacent to the property
<b>Nearest Water &amp; Wastewater Facility, type/size</b>	The nearest point of connection is a 12 inch sanitary sewer forcemain located within Boynton Beach Boulevard adjacent to the property
<b>D. Drainage Information</b>	
<p>The site is situated in South Florida Water Management District's (SFWMD) C-16 Drainage Basin and within the Lake Worth Drainage District (LWDD) service area. The project will meet the requirements set forth by SFWMD, LWDD and Palm Beach County. The proposed stormwater management improvements may include but are not limited to storm sewer systems, swales, lakes, dry detention areas, and underground detention areas. Wet or dry detention areas will be utilized for water quality treatment and required storage prior to offsite discharge. The offsite connection will occur to the north via the existing LWDD Lateral No. 24 on the south side of Boynton Beach Boulevard.</p>	
<b>E. Fire Rescue</b>	
<b>Nearest Station</b>	Palm Beach County Fire-Rescue Station # 47, located at 7950 Enterprise Center Circle
<b>Distance to Site</b>	2.50 miles
<b>Response Time</b>	Average response time is 7:44
<b>Effect on Resp. Time</b>	The proposed amendment will have some impact on the response time for Station # 47



## F. Environmental

<b>Significant habitats or species</b>	The Property has previously been cleared and utilized for agriculture purposes. Per the Environmental Statement, no significant habitats or species were observed on the Property
<b>Flood Zone*</b>	The Property is located in Zone X, which is not a flood zone
<b>Wellfield Zone*</b>	The Property is not located within a Wellfield Protection Zone

## G. Historic Resources

There are no significant historic resources present on the Property

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

Park Type	Name & Location	Level of Svc. (ac. per person)	Population Change	Change in Demand
<b>Regional</b>	John Prince Park 2700 6 <sup>th</sup> Avenue South Lake Worth, FL 33461	0.00339	+619	+2.10 ac.
<b>Beach</b>	Ocean Ridge Hammock Park 6620 North Ocean Boulevard Ocean Ridge, FL 33435	0.00035	+619	+0.22 ac.
<b>District</b>	Canyon District Park 8802 Boynton Beach Blvd. Boynton Beach, FL 33472	0.00138	+619	+0.85 ac.

## I. Libraries - Residential Only (Including CLF)

<b>Library Name</b>	West Boynton Branch			
<b>Address</b>	9451 Jog Road			
<b>City, State, Zip</b>	Boynton Beach, FL 33437			
<b>Distance</b>	2.8 miles			
Component	Level of Service	Population Change	Change in Demand	
<b>Collection</b>	2 holdings per person	+619	+1,238 holdings	
<b>All staff</b>	0.6 FTE per 1,000 persons	+619	+0.37 FTE staff	
<b>Library facilities</b>	0.6 square feet per person	+619	+371.4 sq. ft.	

## J. Public Schools - Residential Only (Not Including CLF)

	Elementary	Middle	High
<b>Name</b>	Sunset Palms Elementary	Woodlands Middle School	Olympic Heights Community High School
<b>Address</b>	8650 Boynton Beach Blvd.	5200 Lyons Road	20101 Lyons Road
<b>City, State, Zip</b>	Boynton Beach, FL 33472	Lake Worth, FL 33467	Boca Raton, FL 33434
<b>Distance</b>	0.5 miles	6.6 miles	14.1 miles

## 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**

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

**County Administrator**  
Verdenia C. Baker

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and recycled paper

March 24, 2025

Christopher W. Heggen, P.E.  
477 S Rosemary Avenue, Suite 215  
West Palm Beach, FL 33401

**RE: West Boynton Ranches - Revised  
FLUA Amendment Policy 3.5-d Review  
Round 2024-25-B**

Dear Mr. Heggen:

Palm Beach County Traffic Division has reviewed the Land Use Plan Amendment Application Traffic Statement for the proposed Future Land Use Amendment for the above-referenced project, revised on March 21, 2025, pursuant to Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan. The project is summarized as follows:

<b>Location:</b>	South side of Boynton Beach Boulevard, approximately 0.2 mile west of Lyons Road, and south side of Happy Hollow Road approximately 0.10 mile east of SR-7 (Offsite Preserve)	
<b>PCN:</b>	00-42-43-27-05-053-0050 ( <i>others on-file</i> ); 00-42-46-18-01-000-0470 ( <i>Offsite Preserve</i> )	
<b>Acres:</b>	32.35 +/- acres	
	<b>Current FLU</b>	<b>Proposed FLU</b>
<b>FLU:</b>	Agriculture Reserve (AGR)	Essential Housing (EH)/Agricultural Reserve (AGR)
<b>Zoning:</b>	Residential Estate (RE) and Agricultural Residential (AR)	Planned Unit Development (PUD) or Multiple Use Planned Development (MUPD)
<b>Density/ Intensity:</b>	0.15 FAR	8 units per acre
<b>Maximum Potential:</b>	Nursery (Garden Center) = 5 acres Nursery (Wholesale) = 27.35 acres	Multifamily Mid-Rise = 259 DUs
<b>Proposed Potential:</b>	None	None
<b>Net Daily Trips:</b>	672 (maximum – current)	
<b>Net PH Trips:</b>	104 (25/79) AM, 132 (83/49) PM (maximum)	
<i>* Maximum indicates typical FAR and maximum trip generator. <b>Proposed</b> indicates the specific uses and intensities/densities anticipated in the zoning application.</i>		



Christopher W. Heggen, P.E.  
March 24, 2025  
Page 2

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** density shown above.

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

Sincerely,

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

Dominique Simeus, P.E.  
Professional Engineer  
Traffic Division

DS:ep

cc:

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

File: General - TPS – Unincorporated - Traffic Study Review  
N:\TRAFFIC\Development Review\Comp Plan\25-B\West Boynton Ranches - Revised.docx

## Exhibit 6

### Water & Wastewater Provider LOS Letter

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



**Palm Beach County  
Board of County  
Commissioners**

Gregg K. Weiss, Mayor  
Maria Sachs, Vice Mayor  
Maria G. Marino  
Michael A. Barnett  
Marci Woodward  
Sara Baxter  
Mack Bernard

**County Administrator**

Verdenia C. Baker

*"An Equal Opportunity  
Affirmative Action Employer"*



October 9, 2024

Morton  
3910 RCA Boulevard  
Palm Beach Gardens, FL 33410

RE West Boynton ranches  
PCN 00-42-43-27-05-053-0050, 00-42-43-27-05-053-0290, 00-42-43-27-05-053-0440 & 00-42-46-18-01-000-0470 (Offsite Preserve).  
Service Availability Letter

Dear Maryori,

This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area. Based on a review of current PBCWUD infrastructure and existing customers within the general vicinity of the referenced property, PBCWUD currently has the capacity to provide the level of service required for the proposed Essential housing (EH). The proposed change will allow for +/- 280 multifamily units.

The nearest point of connection is a 16" potable water main and a 12" sanitary sewer forcemain located within Boynton Beach Blvd. adjacent to the subject property. There is a 12" reclaimed water main located within Lyons Road approximately 1500 feet from 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 School District Letter



THE SCHOOL DISTRICT OF  
PALM BEACH COUNTY, FL

KRISTIN K. GARRISON, AICP  
DIRECTOR

MICHAEL J. BURKE  
SUPERINTENDENT

PLANNING & INTERGOVERNMENTAL RELATIONS  
3661 INTERSTATE PARK ROAD NORTH, 200  
RIVIERA BEACH, FL 33404

JOSEPH M. SANCHES, MBA  
CHIEF OPERATING OFFICER

PHONE: 561-434-8020 / FAX: 561-434-8942  
[WWW.PALMBEACHSCHOOLS.ORG](http://WWW.PALMBEACHSCHOOLS.ORG)

## SCHOOL CAPACITY AVAILABILITY DETERMINATION (SCAD)

Application	Submittal Date	11/12/2024		
	SCAD No.	24111201F - FLU		
	FLU /Rezoning/D.O. No.	Not Provided – Unincorporated Palm Beach County		
	PCN No. / Address	00-42-43-27-05-053-0050, 0290, 0440, 00-42-46-18-01-000-0470/ 9344 Boynton Beach Boulevard & 9281 105 <sup>th</sup> Street S.		
	Development Name	West Boynton Ranches		
	Owner / Agent Name	West Boynton Ranches Holdings LP/JMorton Planning & L.A.		
	SAC No.	259A		
	Proposed Amendment	Maximum 259 Residential Units		
Impact Review		Sunset Palms Elementary School	West Boynton Middle School	Park Vista High School
	New Students Generated	41	21	30
	Capacity Available	-58	107	-145
	Utilization Percentage	106%	92%	105%
School District Staff's Recommendation	Based on the findings and evaluation of the proposed development, there will be a negative impact on the public-school system. Given the recent increases in school impact fees, effective January 1, 2023, much of these impacts will be mitigated. The impact fees, however, will not fully cover impacts to the school system. Therefore, if the proposed development is approved by Palm Beach County government and if the Developer voluntarily agrees, School District staff recommends the following condition to mitigate such impacts.			
	In order to address the school capacity deficiency generated by this proposed development at the District elementary and high school level, the property owner shall contribute a total of \$522,675.00 to the School District of Palm Beach County prior to the issuance of first building permit.  This voluntary school capacity contribution is intended to supplement the required school impact fee (impact fee credit has already been applied). The contribution amount may be adjusted to reflect the actual unit number and type during the Development Order process.  Please note that the school impact fee credit is calculated based on the Net Impact Cost per Student, as calculated in the County's latest Impact Fee Ordinance, which was adopted on September 13, 2022.			
Validation Period	1) This determination is valid from 11/15/2024 to 11/14/2025 or the expiration date of the site-specific development order approved during the validation period. 2) A copy of the approved D.O. must be submitted to the School District Planning Dept. prior to 11/14/2025 or this determination will expire automatically on 11/14/2025.			
Notice	School age children may not necessarily be assigned to the public school closest to their residences. Students in Palm Beach County are assigned annually to schools under the authority of the School Board and by direction of the Superintendent, public school attendance zones are subject to change.			

*Michael C. Owens*

School District Representative Signature

Michael C. Owens, Senior Planner

Print Name & Title

November 15, 2024

Date

michael.owens.1@palmbeachschools.org

Email Address

CC: Kathleen Chang, Senior Planner, Palm Beach County  
Joyell Shaw, PIR Manager, School District of Palm Beach County

The School District of Palm Beach County, Florida  
A High-Performing School District  
An Equal Opportunity Education Provider and Employer



## Exhibit 8

### Disclosure of Ownership Interests

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PALM BEACH COUNTY - ZONING DIVISION

FORM # 9

#### DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

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

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

STATE OF FLORIDA  
COUNTY OF PALM BEACH

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

1. Affiant is the ☐ individual or ☒ Vice President *[position - e.g., president, partner, trustee]* of West Boynton Ranches GP Inc. for West Boynton Ranches Holdings *[name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership]* that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
2. Affiant's address is: 5292 John Lucas Drive  
Burlington, Ontario L7L 5-Z9-CA
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief, it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

Darin Montgomery, 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 16<sup>th</sup> day of October, 2024 by Darin Montgomery (name of person acknowledging). He/she is personally known to me or has produced Identification (type of identification) as identification and did/did not take an oath (circle correct response).

Lauren McClellan  
(Name - type, stamp or print clearly)

Lauren L. McClellan  
(Signature)

My Commission Expires on: 4/28/25

NOTARY'S SEAL OR STAMP



**EXHIBIT "A"**

**PROPERTY**

**DESCRIPTION:**

TRACT 5, LESS THE NORTH 77.88 FEET; TRACT 6, LESS THE NORTH 77.88 FEET; AND TRACTS 19 AND 20, BLOCK 53 OF PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

**TOGETHER WITH:**

TRACT 29, BLOCK 53, OF PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

**TOGETHER WITH:**

TRACT 44, BLOCK 53, OF PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.  
CONTAINING 29.346 ACRES, MORE OR LESS.

**EXHIBIT "B"****DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY**

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

<b>Name</b>	<b>Address</b>
Darin Montgomery	5594 Lago Del Sol Drive, Lake Worth, FL 33449
Douglas DeBruin	5292 John Lucas Drive, Burlington, ON L7L 5-Z9 Canada
Chet Raley	9075 Tresmore Court, Boynton Beach, FL 33472

## Exhibit 9

### Previously Proposed Residential Amendments in the AGR Tier

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Since the adoption of the Master Plan implementing policies in 2001, several privately proposed future land use amendments have included multi-family residential components, as summarized below:

- **Morning Star Multiple Land Use (LGA 2017-008).** In 2017, this private text and future land use amendment proposed to change the future land use designation for 50.99 acres of land from AGR to Multiple Land Use with Commercial Low and High Residential, 8 Units per Acre (MLU with CL & HR-8). The site is located on the north side of Atlantic Avenue, between Starkey Road and the Turnpike. The text amendment included increasing the commercial cap, eliminating the requirement that commercial be central to the Tier, add a new mixed use center, all MLU designation and Urban/Suburban Tier densities if 40% of the units are workforce housing, eliminating preserve requirement and exempting the amendment from 3.5-d. The applicant proposed to develop the site with retail uses, a hotel, a congregate living facility, and 360 residential units with 40% provided as workforce housing. The proposal included no preserve area. This amendment was withdrawn by the applicant on December 20, 2017 prior to the Board considering the item at a transmittal hearing.
- **Boynton Technology Park Text.** In 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 subject site consisted of 140 acres located on the north and south sides of Atlantic Avenue, adjacent to the Florida's Turnpike. The applicant proposed 185,000 square feet of commercial and industrial uses, a 140 room hotel and up to 420 units. 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.
- **Agricultural Reserve Multiple Land Use.** In 2020, the site was the subject of a request for initiation of a text amendment: to allow additional commercial and residential mixed-use centers to be exempt from the commercial cap, to allow Transfer of Density Rights and Workforce Housing Program bonus density with reduced preserve area acreage, to allow the addition of new preserve area uses, and to allow residential units located above mixed-use developments to be exempt from density calculations. If initiated by the Board, the applicant was proposing a future land use amendment from AGR to Multiple Land Use with Commercial Low and Medium Residential, 5 units per acre (MLU with CL and MR-5) with density bonuses available through the Transfer of Development Rights and Workforce Housing Programs, for 432 dwelling units, 261,360 square feet of commercial uses including retail, restaurant, grocer, office, theater, hotel, light industrial and fitness center. The Planning Commission on June 12, 2020, recommended to deny the initiation of the text amendment in a vote of 11 to 2. On June 29, 2020, the Board of County Commissioners unanimously denied the initiation of the text amendment in a vote of 7 to 0. Therefore, the text and FLUA amendment did not proceed.
- **Boynton Parc Plaza Text.** In 2021, this privately proposed text amendment for initiation for the 47.21 acre site located north of Boynton Beach Boulevard, between the Florida's Turnpike

and Acme Dairy requested 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. If initiated, the associated FLUA would request 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 applicant proposed 300,000 square feet of industrial uses and up to 376 multi-family units. 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.

- **Agricultural Reserve Multiple Land Use - Jade.** In 2021, the site was the subject of a request for initiation of a text amendment for the same request as the 2020 text and FLUA application. The Planning Commission on April 9, 2021, recommended to deny the initiation in a vote of 13 to 0. On May 5, 2021, the Board denied the initiation of the text amendment in a vote of 7 to 0 stating that the proposal was too intense but would consider other development options for the property in the future. Therefore, the text and FLUA amendment did not proceed.
- **Reserve at Atlantic (LGA 2022-006).** In 2022, a private text and future land use amendment was adopted by the Board in Amendment Round 22-A, to change the land use on 59.46 acres from AGR to Multiple Land Use, with Institutional and Public Facilities, AGR, and High Residential, 8 units per acre (MLU with INST/AGR/8). The applicant proposed to develop a day care center and up to 480 residential rental units, with a minimum of 25% of the units to be workforce housing on site and with development on 40% of the total project acreage, and preservation of 60%. The development area is located at the southeast corner of Atlantic Avenue and Half Mile Road. The offsite preserve comprises one parcel located on Lyons Road, approximately one-half mile north of Atlantic Avenue. The amendment was transmitted on November 3, 2021, and adopted concurrent with the zoning hearing for the project on July 28, 2022.
- **Logan Ranch Residential (LGA 2023-014).** In 2023, the first future land use amendment for EH was adopted by the Board in Amendment Round 23-A2, to change the land use on 39.24 acres from AGR to Essential Housing with an underlying Agricultural Reserve (EH/AGR). The amendment was for a maximum 314 dwelling units with 79 units (25%) required as workforce housing units on site. The concurrent required Zoning application was approved with 314 multi-family units. The BCC Preliminary Site Plan indicated 6 four-story buildings that included 44 units in each building and seven two-story buildings which were a mix of six and eight units in each building. Subsequently in 2024 the property owner submitted a DRO application which was approved for an administrative modification to reduce the density (-134 units) to 180 dwelling units and reducing the required workforce housing from 79 to 45 units, reduce the height of buildings (four story to 2 story), relocate buildings and parking, modify the circulation, and reduce the amount of recreation. The Final Site Plan was modified to indicate 35 two-story multi-family buildings with of mix of four, five, six or seven units per building.

## Exhibit 10

### Urban Sprawl Analysis

Primary Indicators that an amendment does not discourage urban sprawl	Staff Assessment	Sprawl Indicated?
<b>Criteria Related to Land Use Patterns</b>		
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.	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 new housing opportunities in the Ag Reserve.	No
Results in poor accessibility among linked or related land uses.	The proposed amendment does not result in poor accessibility among related land uses.	No
Results in the loss of significant amounts of functional open space.	The proposed amendment on this site will not result in the loss of significant amounts of functional open space.	No
<b>Criteria related to sites located outside or at the edge of the Urban Service Area</b>		
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 adequately to 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 amendment will not impact 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. The ULDC provides for regulations that are intended to allow for continuation of agriculture and implement the provisions in the Plan for the Tier.	No
<b>Criteria Related to Public Facilities</b>		
Fails to maximize use of existing public facilities and services.	Public facilities and services will be provided and water and wastewater will be available.	No
Fails to maximize use of future public facilities and services.	The AGR Tier allows for a mix of urban and rural levels of service. Future development east of State Road 7 would be expected to utilize public facilities and services. The subject site would maximize the use of future public facilities available in the area.	No
Allows for land use patterns or timing which disproportionately increase the cost in time, money and energy, of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.	The site is within the AGR Tier, which intends that urban levels of service serve development. There are no adverse impacts to public facilities and services as indicated by service providers through department review.	No
<b>Overall Assessment:</b> 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 11

## Applicant's Environmental Statement

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**ENGINEER'S ENVIRONMENTAL STATEMENT  
WEST BOYNTON ESSENTIAL HOUSING  
PCN: 00-42-43-27-05-053-0050, 00-42-43-27-05-053-0290  
and 00-42-43-27-05-053-0440  
PALM BEACH COUNTY, FLORIDA**

### **EXISTING SITE CONDITIONS**

The +/- 29.35-acre subject property is located on the south side of Boynton Beach Blvd approximately 1,200 feet west of Lyons Road in unincorporated Palm Beach County, Florida. The parcel control numbers (PCNs) of the property are 00-42-43-27-05-053-0050, 00-42-43-27-05-053-0290 and 00-42-43-27-05-053-0440. The existing project site is currently used for agricultural purposes and as single family homes.

### **PROJECT DESCRIPTION**

The project will consist of the construction of multi-story residential buildings. The project also includes a gatehouse, a pool, enhanced landscaping, stormwater management facilities, ancillary drive aisles, and associated surface parking within the developed area.

A preserve area will be provided within the property. A portion of the preserve area will be considered active with paths and gathering areas for the community and the public. The preserve area will include lakes.

All of the lakes, including the lakes within the preserve area, will include a variety of habitat types, such as upland open grassed areas, lakes and upland forested areas. The proposed stormwater management facilities will include littoral planting areas to enhance the water quality and environmental aspects to promote natural habitat conditions. Therefore, this natural area will provide suitable habitat for a variety of wildlife species including listed species, such as wood stork, Florida sandhill crane, American kestrels, and others. The natural area will be planted with native trees, shrubs and groundcovers, again which will provide habitat for wildlife.

In addition, this site lies within the South Florida Water Management District (SFWMD) C16 Drainage Basin, which is listed as an Impaired Water Body. In accordance with SFWMD requirements, the site will provide additional water quality treatment prior to discharge which will provide an additional layer of water quality treatment prior to discharge to the adjacent Lake Worth Drainage District Canal.



*Michael F. Schwartz, P.E.*  
**Florida Registration # 56200**  
Kimley-Horn and Associates, Inc.  
1920 Wekiva Way, Suite 201  
West Palm Beach, Florida 33411  
Phone: 561-404-7247

Authorization No. CA 00000696

**This item has been digitally signed and sealed by Michael F. Schwartz on the date adjacent to the seal. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.**

## **Exhibit 12**

### **Correspondence**

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