



FUTURE LAND USE ATLAS AMENDMENT STAFF REPORT AMENDMENT ROUND 23-A

BCC ADOPTION PUBLIC HEARING, MARCH 23, 2023

A. Application Summary

I. General Data

Project Name:	LTG Sports Turf (LGA 2023-007)
Request:	AGR to CMR/AGR
Acres:	5.01 acres
Location:	North side of 100 th Street South, approx. 0.13 miles west of State Road 7
Project Manager:	Travis Goodson, Senior Planner
Applicant:	LTG Boynton Beach, LLC (Michael Ryan)
Owner:	LTG Boynton Beach, LLC (Michael Ryan)
Agent:	Bradley Miller, Urban Design Studio
Staff Recommendation:	Staff recommends approval with—conditions based upon the conclusions contained within this report

II. Assessment & Conclusion

The amendment proposes to change the future land use (FLU) designation from Agricultural Reserve (AGR) to Commerce with an underlying Agricultural Reserve (CMR/AGR) in order to allow up to 98,280 square feet of light industrial uses. The site is currently under code enforcement violations for unpermitted structures and use of the property as a contractor storage yard, which is not allowed in the existing future land use designation. The applicant is requesting the CMR designation to allow the existing use to continue.

This amendment was submitted in May 2022 requesting the Industrial (IND) future land use designation. Following the Board's adoption of the newly established Commerce FLU designation on August 25, 2022, the applicant revised their request. The new Commerce FLU and implementing policies provide a framework for the location and extent of future of light industrial uses within the Agricultural Reserve Tier, for which there were previously no guiding policies in the Comprehensive Plan. The CMR FLU designation affords opportunities for low-trip generating light industrial and/or employment generating uses, balancing the overarching objectives of the Agricultural Reserve while responding to increased residential growth and the corresponding needs of support services. The proposed amendment is consistent with the Commerce FLU designation criteria established by the Board, allows for the development of a light industrial use on a parcel located on the north side of 100th Street South adjacent to existing commercial and industrial uses, and is in close proximity to institutional and other nonresidential uses near the intersection of Boynton Beach Boulevard and State Road 7.

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

III. Hearing History

Local Planning Agency: **Approval with modifications**, substitute motion by Dagmar Brahs, seconded by Lori Vinikoor, passed in a 9 to 1 vote (with Penny Pompei dissenting) at the October 14, 2022 public hearing. The modification consisted of an additional condition of approval to limit uses allowed under the proposed Commerce future land use designation to 30,000 square feet. The initial motion of approval with staff's condition was made by Rick Stopek, seconded by Penny Pompei. Board discussion included the location criteria for eligibility of the Commerce future land use and concerns related to the proposed intensity and uses for the site located west of State Road 7. Two members of the public spoke in opposition citing concerns with development west of State Road 7, increased traffic and lighting and loss of agricultural lands.

Subsequent to the Planning Commission public hearing, the map in Exhibit 9 and summary of amendments in process on pages 9 and 10, were updated to reflect the most up to date information.

Board of County Commissioners Transmittal Public Hearing: *Transmit*, substitute motion by Commissioner Bernard, seconded by Commissioner Marino passed in a 7 to 0 vote at the November 28, 2022 public hearing. The initial motion to transmit with a condition limiting development of the site under the Commerce future land use to 30,000 square feet was made by Commissioner Kerner, seconded by Vice Mayor Sachs. Board discussion included questions related to the amount of built and approved industrial uses in the Tier, as well as concerns related to the total intensity of current and future Commerce requests. The Board also provided direction for staff to explore a square footage cap or similar mechanism such as reducing intensity through floor area ratio. Two members of the public spoke in opposition citing concerns with increased traffic and development west of State Road 7. One member of the public spoke in support of the amendment as well as for a reduction in a potential square footage cap or lower floor area ratio for the Commerce future land use.

State Review Comments: The State Land Planning Agency reviewed this amendment under Round 21-05ESR and issued a letter dated January 11, 2023 stating that the Agency had no comment on the proposed amendment. There were no negative comments received from state review agencies.

Changes subsequent to Transmittal: Subsequent to transmittal, the condition in Exhibit 1 requiring concurrent approval of zoning and future land use applications was removed as it is moot with the scheduling of the hearings on the same date. The deletion is shown in ~~strikethrough~~. In addition, the Conceptual Site Plan (CSP) was revised and replaced in Exhibit 9. The revised CSP, dated December 19, 2022, removes the previously proposed self-service storage use, replaces the self-storage use with 48,800 square feet of warehouse with outdoor storage resulting in a decrease of proposed total building square footage, and provides for more site-specific details such as landscape buffers, parking, and a dry detention area. Subsequent to transmittal, the condition in Exhibit 1 requiring concurrent approval of zoning and future land use applications was removed as it is moot with the scheduling of the hearings on the same date. The deletion is shown in ~~strikethrough~~. The map in Exhibit 9 and summary of amendments in process on pages 9 and 10, were updated to reflect the most up to date information.

Board of County Commissioners Adoption Public Hearing:

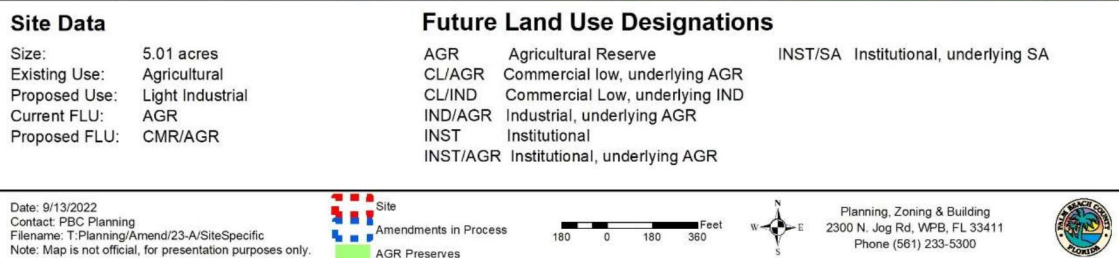
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B. Petition Summary

I. Site Data

Current Future Land Use	
Current FLU:	Agricultural Reserve (AGR)
Existing Land Use:	Contractor Storage Yard
Current Zoning:	Agricultural Reserve (AGR)
Current Dev. Potential Max:	Agricultural uses, up to 32,760 square feet (.15 FAR)
Proposed Future Land Use Change	
Proposed FLU:	Commerce with an underlying Agricultural Reserve (CMR/AGR)
Proposed Use:	Light Industrial (Contractor Storage Yard)
Proposed Zoning:	Light Industrial (IL)
Dev. Potential Max/Conditioned:	Light industrial uses, up to 98,280 square feet (.45 FAR)
General Area Information for Site	
Tier:	Agricultural Reserve Tier – No Change
Plans/Overlays:	West Boynton Community Plan
Utility Service:	Palm Beach County Water Utilities Department
Overlay/Study:	Agricultural Reserve Master Plan
Comm. District:	Vice Mayor Maria Sachs, District 5

LTG Sports Turf (LGA 2023-007)



C. Introduction

I. Intent of the Amendment

The 5.01-acre subject site is located in the Agricultural Reserve Tier, on the north side of 100th Street South (Boynton Beach Boulevard), approximately 0.13 miles west of State Road 7.

Future Land Use Amendment: The proposed future land use amendment is a request to change the future land use designation from Agricultural Reserve (AGR) to Industrial with an underlying Agricultural Reserve (IND/AGR). Currently, the site can be utilized for agricultural uses up to 32,760 square feet (.15 FAR). The proposed maximum development potential would allow up to 98,280 square feet of light industrial uses (.45 FAR).

Background: The site has not been the subject of a previous land use amendment. According to the applicant, the site has previously supported an agricultural use for hydroponically grown vegetables and organic fish. Currently, the site supports outdoor storage of equipment and vehicles and a 9,066 square foot pole barn in the northwest portion of the site. The site has two open Code Enforcement cases: C-2020-09170083 created on September 22, 2020 cited the property for a structure without permits, and C-2021-12210002 created on December 22, 2021 cited the property for construction work without permits (fuel tanks and fencing) and use violations (contractor storage yard). As of writing this report, the cases are still open and active.

Zoning Application: There is a concurrent Zoning application in process (Z-2022-0948) to rezone the subject site from Agricultural Reserve (AGR) to Light Industrial (IL). The Control Number is 2010-00028. Although submission of a site plan has not historically been required with an application for a rezoning to a standard zoning district, FLUE Policy 1.5-v requires submittal of a concurrent Zoning application and a conceptual site plan, which has been submitted to the Planning Division and included in Exhibit 10. The applicant indicates the site will continue to support a Contractor Storage Yard for a turf company.

II. Background/History

A. Agricultural Reserve Tier

The subject site is located within the Agricultural Reserve Tier, an area of the County with specific limitations on development options in the Comprehensive Plan that were largely established to implement the Agricultural Reserve Master Plan. The Master Plan was completed in 1999 and implemented through the adoption of Comprehensive Plan policies in 2001. The purpose of the Tier is captured in Objective 1.5.

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

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

B. Agricultural Reserve Master Plan Industrial Recommendations

At the time of the creation of the Agricultural Reserve Master Plan, the consultants recommended that industrial uses be allowed in the Agricultural Reserve, using the Economic Development Center future land use designation. The consultants identified two locations, within 1/4 mile of the Florida Turnpike interchanges with Boynton Beach Boulevard and Atlantic Avenue, as appropriate locations for these Economic Development Centers. The consultants recommended requiring developers set aside preserve areas in the same 60/40 ratio of preserve area to open space as the Traditional Marketplace, which had locations identified at the intersections of Lyons Road with

Boynton Beach Boulevard and Atlantic Avenue. The Master Plan Phase II Report recommended that two employment centers shared a maximum of 330,000 square feet of industrial development between the two locations, and that there be an additional 245,000 square feet of office park uses in the Tier. Master Plan Phase II, Section 4.3.4.5 Economic Centers, states that allowing employment centers in the Tier would provide the following:

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

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

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

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

C. Agricultural Reserve Industrial Policies – Board Direction

Upon the conclusion of the Master Planning effort, the BCC did not concur with the consultant's recommendations on industrial land use, and directed that no new industrial future land use designations be permitted in the Agricultural Reserve. Consequently, the 2001 Comprehensive Plan amendment to adopt policies implementing the Master Plan did not establish any policies for new industrial lands. The only provision was related to the .45 floor area ratio for the 64 acres of land with industrial future land use that predated the Master Plan, located along the north and south sides of Atlantic Avenue, east of State Road 7.

Since 2016, there have been several requests for future land use amendments seeking an industrial future land use designation in the Agricultural Reserve Tier, which are summarized below in Section II.E. More recently, on May 5, 2021, the BCC transmitted a future land use amendment request for industrial in the Tier, known as Sunflower Light Industrial (LGA 2021-016). Staff consistently recommended denial of new Industrial FLU requests as there were no policies in the Comprehensive Plan directing the appropriate uses, locations, and intensity for industrial in the AGR Tier. Under discussion of the item, the BCC directed staff to explore the concept of a new light industrial future land use designation and to return for a workshop to discuss additional industrial future land uses in the Tier. Subsequently, the Board adopted the Sunflower amendment on July 28, 2021 with additional conditions as summarized under Section II.E. (Industrial FLUA Amendments in the Agricultural Reserve). The Board transmitted another amendment request for industrial in the Tier known as Las Farms Landscape (LGA 2022-001) on November 3, 2021. The Las Farms amendment was adopted by the BCC at the February 2, 2022 public hearing subject to the same conditions as the Sunflower amendment.

D. County-Initiated Text Amendments and Commerce (CMR) FLU

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

Therefore, the newly-established policies have been incorporated into this staff report for review and analysis of this site-specific request for Commerce future land use designation.

E. Industrial FLUA Amendments in the Agricultural Reserve

There are approximately 64 acres of industrially designated properties fronting the north and south sides of Atlantic Avenue east of State Road 7 that pre-date the Master Plan. Since the adoption of the Master Plan implementing policies in 2001, the County has processed several privately proposed future land use amendments for industrial as summarized below:

- **Homrich Commercial (LGA 2016-019).** In 2016, the BCC adopted an amendment to the Future Land Use Atlas on a 13.44-acre site with Agricultural Reserve (AGR) future land use to Commercial Low (CL) with underlying Industrial (IND). A voluntary condition of approval limited development of the site to a maximum of 29,400 square feet of Commercial and 197,100 square feet of Light Industrial uses. Staff recommendation for denial was based in part on a lack of a comprehensive analysis and policy direction considering appropriate locations, uses, extent, and intensity established for new industrial uses in the Tier. At the January 15, 2016 public hearing, the Planning Commission recommended approval of the FLUA in a 7 to 5 vote.
- **West Atlantic Industrial (LGA 2017-017).** The West Atlantic Industrial amendment was privately proposed, and requested to change the future land use designation on a 2.51 acres parcel from AGR future land use to IND/AGR. The site is located on the south side of Atlantic Avenue, approximately 1,100 feet west of Lyons Road. Staff recommended denial due to lack of policy direction for new industrial in the Tier and since the establishment of industrial uses mid-block on a small, isolated parcel would not be compatible with surrounding agricultural uses. At the June 16, 2017 public hearing, the Planning Commission recommended denial in a 10 to 1 vote. The amendment was denied by the BCC at the July 26, 2017 Transmittal Hearing.
- **Boynton Technology Park Text (2020).** This privately proposed text amendment for initiation was requesting to allow the Economic Development Center (EDC) future land use in the Tier as a multiple use commercial, industrial and residential Planned Industrial Park Development (PIPD), increase the commercial cap and to allow for 3 units per acre with no preserve requirement and including a workforce housing requirement. The 140 acre site is located on the north and south sides of Atlantic Avenue, adjacent to the Florida's Turnpike. At the June 12, 2020 public hearing, the Planning Commission recommended denial of initiation in an 11 to 2 vote. The text initiation was withdrawn by the Applicant prior to the June 29, 2020 BCC Transmittal Hearing.
- **Boynton Parc Plaza Text (2021):** This privately proposed text amendment for initiation was requesting to allow the Multiple Land Use future land use designation with Industrial and High Residential, 8 units per acre (MLU, IND/8) in the Tier; provide exemption from preserve requirements; add policy language for a Workplace, Employment & Economic Development in the Tier; and, add a requirement for workforce housing. The associated FLUA requested to change the future land use from Agricultural Reserve (AGR) to Multiple Land Use with underlying Industrial and High Residential, 8 units per acre (MLU, IND/8). The 47.21-acre site is located on the north side of Boynton Beach Boulevard, west of Florida's Turnpike. At the April 9, 2021 public hearing, the Planning Commission recommended denial of initiation in a 13 to 0 vote. The application was withdrawn by the applicant prior to the May 5, 2021 BCC Transmittal Hearing.
- **Star Key Industrial (LGA 2021-015).** This privately proposed text and future land use amendment was withdrawn by the applicant on September 30, 2021 prior to scheduling of a Planning Commission hearing. The applicant proposed to change the future land use designation for 50.99 acres of land to change from the AGR future land use designation to IND/AGR in order to develop industrial uses, with a maximum potential of .45 floor area ratio (999,506 square feet). The site is located on the north side of Atlantic Avenue, between Starkey Road and the Turnpike. The Zoning application (PDD-2021-00445) requested Planned Industrial Park (PIPD) zoning and was submitted in 2021.
- **Sunflower Light Industrial (LGA 2021-016).** The application proposed a future land use amendment for 8.19 acres of land from the AGR future land use designation to IND/AGR in order to develop industrial uses, with a maximum potential of .45 floor area ratio (160,540 square feet). The site is located on the west side of State Road 7, approximately a quarter mile south of Atlantic Avenue. At the April 23, 2021 public hearing, the Planning Commission recommended denial in a 6 to 6 vote. The Board adopted the amendment on July 28, 2021 with conditions of approval limiting the site to:

- Uses shall exclude heavy industrial uses which engage in the basic processing, manufacturing, or storage of flammable, hazardous, or explosive materials or products, or processes which potentially involve hazardous or commonly recognized offensive conditions as described in Future Land Use Element Policy 2.2.4-d of the Palm Beach County Comprehensive Plan; and
- Uses identified as Commercial in Article 4 of the Unified Land Development Code are prohibited on the site, with the exception of Landscape Service, Self-Service Storage, and accessory uses.
- **Las Farms (LGA 2022-001).** On February 2, 2022, the BCC adopted a future land use amendment request for 6.95 acres of land from the AGR future land use designation to IND/AGR in order to develop industrial uses, with a maximum potential of .45 floor area ratio (136,234 square feet). The site is located on the west side of State Road 7, approximately one half mile north of Boynton Beach Boulevard. The amendment includes the same conditions of approval as the Sunflower Light Industrial amendment. At the October 1, 2021 public hearing, the Planning Commission recommended approval in a 9 to 4 vote.
- **West Atlantic Industrial Fina (LGA 2022-018).** The application proposed a future land use amendment for 10.11 acres of land from the AGR future land use designation to IND/AGR in order to develop industrial uses, with a maximum potential of .45 floor area ratio. The site is located on the north side of Atlantic Avenue, approximately one half mile west of State Road 7. The amendment proposed the same conditions of approval as the Sunflower Light Industrial and Las Farms amendments. At the April 8, 2022 public hearing, the Planning Commission recommended denial in an 8 to 1 vote. On May 4, 2022, the BCC denied transmittal of the amendment.

In addition to the subject request, the following FLUA amendment applications were submitted requesting for Industrial FLU in May of 2022, prior to the adoption of the Commerce FLU and related Industrial policies in August of 2022. These applications amended their requests to the Commerce FLU in September 2022 and a map of all these proposed amendments can be found in Exhibit 9. In total, these amendments add up to 114 acres and 2,324,087 square feet of proposed light industrial uses in the Tier.

- **Boynton Land Commerce (LGA 2023-001).** The application currently in process proposes a future land use amendment on 15 acres of land from AGR to CMR/AGR in order to develop light industrial uses, with a maximum potential of 294,030 square feet (.45 floor area ratio). The site is located on the west side of State Road 7, approximately 1.25 miles south of Hypoluxo Road. ~~As of the writing of this report, this amendment is scheduled for the October 14, 2022 Planning Commission and November 16, 2022 Board of County Commissioners Transmittal public hearings. The BCC denied the transmittal of this amendment on November 28, 2022.~~
- **Morin/Connolly Commerce (LGA 2023-002).** The application currently in process proposes a future land use amendment on 3.41 acres of land from AGR to CMR/AGR in order to develop light industrial uses, with a maximum potential of 66,843 square feet (.45 floor area ratio). The site is located on the west side of State Road 7, approximately 0.20 miles north of Boynton Beach Boulevard. ~~As of the writing of this report, this amendment is scheduled for the October 14, 2022 Planning Commission and November 16, 2022 Board of County Commissioners Transmittal public hearings. The BCC transmittal this amendment on November 28, 2022.~~
- **BC Commerce Center (LGA 2023-003).** The application currently in process proposes a future land use amendment on 42.71 acres of land from AGR to CMR/AGR in order to develop light industrial uses, with a maximum potential of 925,410 square feet (.45 floor area ratio). The site is located on the north side of Boynton Beach Boulevard, between Acme Dairy Road and the Florida's Turnpike. ~~As of the writing of this report, the amendment is tentatively scheduled for the 23-A2 Round (January 2023 PLC and February BCC Transmittal public hearings). The BCC transmittal this amendment on February 1, 2023.~~
- **EJKJ Industrial (LGA 2023-004).** The application currently in process proposes a future land use amendment on 7.93 acres of land from AGR to CMR/AGR in order to develop light industrial uses, with a maximum potential of 155,444 square feet (.45 floor area ratio). The site is located on the west side of State Road 7, approximately 0.15 miles south of Atlantic Avenue. ~~As of the writing of this report, this amendment is scheduled for the October 14, 2022 Planning Commission and November 16, 2022 Board of County~~

~~Commissioners Transmittal public hearings. The BCC transmitted this amendment on November 28, 2022.~~

- **SR 7 Business Plaza (LGA 2023-006).** The application currently in process proposes a future land use amendment on 40 acres of land from AGR to CMR/AGR in order to develop light industrial uses, with a maximum potential of 784,080 square feet (.45 floor area ratio). The site is located on the north side of Happy Hollow Road, fronting State Road 7, approximately 0.3 miles west of Smith Sundry Road. ~~As of the writing of this report, this amendment is scheduled for the November 4, 2022 Planning Commission and November 16, 2022 Board of County Commissioners Transmittal public hearings. The BCC transmitted this amendment on November 28, 2022.~~

III. Data and Analysis Summary

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

- A. Overview of the Area.** The western side of State Road 7 is currently home to many heavy agricultural uses and agri-business facilities along its entire stretch through the Agricultural Reserve. Uses include packing plants, feed stores, the Bedner's farmer's market, transshipment uses, landscape services with nursery, chipping and mulching, and other uses allowable in the Agricultural Reserve future land use designation. Located roughly 700 feet west of the intersection of State Road 7 and Boynton Beach Boulevard, the subject site has frontage and access from Boynton Beach Boulevard, is directly adjacent to existing industrial and agricultural uses, and is in close proximity to institutional, commercial and additional nonresidential land use designations.
- B. Appropriateness of the Amendment.** The Commerce FLU designation and implementing policies provide a framework guiding the extent and location of light industrial uses within the Agricultural Reserve Tier, for which there were previously no guiding policies in the Comprehensive Plan. The subject site meets the minimum requirements of the CMR FLU designation (as discussed further in this report), and allows opportunities for low-trip generating light industrial and/or employment generating uses to operate. The proposed amendment will allow for the development of a light industrial use on a 5.01-acre parcel adjacent to existing industrial and commercial uses, and in proximity to institutional and nonresidential land uses in the vicinity.
- C. Compatibility.** The site is located west of State Road 7, near the intersection of Boynton Beach Boulevard and State Road 7. The immediate vicinity consists of several nonresidential uses, including landscape service, nurseries, FCC Environmental vehicle dispatch and storage, and Atlas Peat & Soil Chipping and Mulching facility. To the east, across State Road 7, are the institutional uses of Bethesda West Hospital and Faith Farm Ministries. Beyond these sites are parcels of land with an AGR FLU that primarily support agricultural uses.

The applicant indicates the site will be utilized to support an existing contractor storage yard. The CMR FLU and implementing policies establish specific policy requirements for the size, location, frontage and access, and submittal of conceptual site plan, thereby providing a framework for where these types of industrial uses may be considered and potentially mitigating negative externalities generated by heavy or intrusive industrial uses. As the site is consistent with the CMR FLU designation policies, and is consistent and compatible with adjacent uses and the development pattern of the surrounding area, staff finds that the subject request is compatible.

- D. Assessment and Recommendation.** The amendment proposes to change the future land use (FLU) designation from Agricultural Reserve (AGR) to Commerce with an underlying Agricultural Reserve (CMR/AGR) in order to allow up to 98,280 square feet of light industrial uses. The site is currently under code enforcement violations for unpermitted structures and use of the property as a contractor storage yard, which is not allowed in the existing future land use designation. The applicant is requesting the CMR designation to allow the existing use to continue.

This amendment was submitted in May 2022 requesting the Industrial (IND) future land use designation. Following the Board's adoption of the newly established Commerce FLU designation on August 25, 2022, the applicant revised their request. The new Commerce FLU and implementing policies provide a framework for the location and extent of future

of light industrial uses within the Agricultural Reserve Tier, for which there were previously no guiding policies in the Comprehensive Plan. The CMR FLU designation affords opportunities for low-trip generating light industrial and/or employment generating uses, balancing the overarching objectives of the Agricultural Reserve while responding to increased residential growth and the corresponding needs of support services. The proposed amendment is consistent with the Commerce FLU designation criteria established by the Board, allows for the development of a light industrial use on a parcel located on the north side of Boynton Beach Boulevard adjacent to existing commercial and industrial uses, and is in close proximity to institutional and other nonresidential uses near the intersection of Boynton Beach Boulevard and State Road 7.

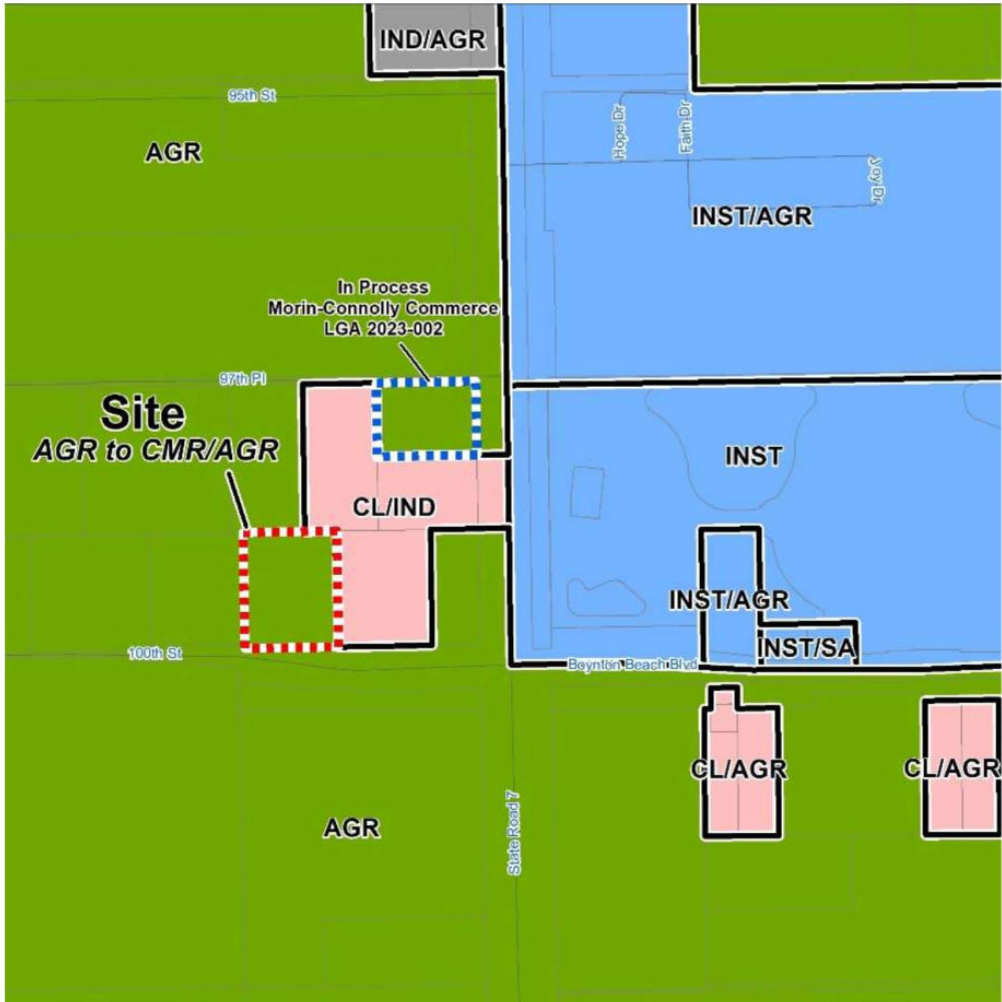
Exhibits	Page
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Exhibit 1

Amendment No:	LTG Sports Turf (LGA 2023-007)
FLUA Page No:	88
Amendment:	From Agricultural Reserve (AGR) to Commerce with an underlying Agricultural Reserve (CMR/AGR)
Location:	North side of 100 th Street South, approx. 0.13 miles west of State Road 7
Size:	5.01 acres
Property No:	00-42-43-27-05-052-0472

Conditions:

1. ~~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

TRACT 47, LESS THE WEST 56.15 FEET AND LESS THE EAST 183.86 FEET THEREOF, BLOCK 52, 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 218,401 SQUARE FEET / 5.0138 ACRES, MORE OR LESS

SAID LANDS SITUATE IN LYING IN SECTION 24, TOWNSHIP 45 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA.

Exhibit 2

Consistency with Comprehensive Plan

This Exhibit examines the consistency of the amendment with the County's Comprehensive Plan, Tier Requirements, applicable Neighborhood or Special Area Plans, and the impacts on public facilities and services.

A. Consistency with the Comprehensive Plan - General

1. **Justification - FLUE Policy 2.1-f:** *Before approval of a future land use amendment, the applicant shall provide an **adequate justification** for the proposed future land use and for residential density increases **demonstrate that the current land use is inappropriate**. In addition, the County shall review and make a determination that the proposed future land use is compatible with existing and planned development in the immediate vicinity and shall evaluate its impacts on:*
 1. *The natural environment, including topography, soils and other natural resources; (see Public Facilities Section)*
 2. *The availability of facilities and services; (see Public Facilities Section)*
 3. *The adjacent and surrounding development; (see Compatibility Section)*
 4. *The future land use balance;*
 5. *The prevention of urban sprawl as defined by 163.3164(51), F.S.; (See Consistency with Florida Statutes)*
 6. *Community Plans and/or Planning Area Special Studies recognized by the Board of County Commissioners; and (see Neighborhood Plans and Overlays Section)*
 7. *Municipalities in accordance with Intergovernmental Coordination Element Objective 1.1. (See Public and Municipal Review Section)*

The applicant provides a Justification Statement (Exhibit 3) which states that:

- *“The purpose of this application is to allow the current owner to operate their business from the site which includes outdoor storage of vehicles and equipment. The business operates in a way that when they are working on a job(s), the majority of the equipment and employees go that job site(s) until the job(s) is (are) completed. Therefore, there are periods of time where there is minimal activity at the subject site.”*
- *“Within the vicinity of the subject site are multiple agricultural, industrial and commercial uses including the Homrich Commercial property, which has been developed with a landscape service business (Dezerata Landscape) and a dispatching center and storage yard for a waste management hauler (FCC Environmental Services) to the east and north; Bona Fide Agriculture to the south and north and a PUD preserve parcel to the west which is approved for Landscape Service and Wholesale Nursery use (Twin States Landscaping).”*
- *“The proposed use has historically been considered a “light industrial” use and is consistent with the existing development pattern and adjacent uses surrounding the subject property and those along the State Road 7 corridor.”*
- *“Adding the industrial land use to this subject property will not be changing the character of the subject site and will be recognizing the existing uses surrounding the site and extending south to the intersection of State Road 7 and W. Atlantic Avenue. This land use designation will further balance the need for additional industrial land in the western areas of the Ag Reserve appropriately located with direct access to the largest roadway in this area, State Road 7.”*

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

With regard to the justification, the applicant states that the current use of the property is consistent and compatible with the existing nonresidential uses and development pattern in the vicinity, such as vehicle dispatch, outdoor storage yard, and landscape service. The contractor storage yard currently operating on the site functions in a manner which minimizes impacts to the surrounding parcels, as the business operations are taken off-site to job locations. The applicant further indicates the recent changes to the Agricultural Reserve acknowledged through recent public hearings and Board discussions, and the

County-initiated text amendment to establish a third Industrial land use designation called Commerce.

The newly established Commerce FLU designation and implementing policies provide a framework for the location and extent of light industrial uses within the Agricultural Reserve Tier, for which there were previously no guiding policies in the Comprehensive Plan. The CMR FLU allows for low-trip generating uses to locate within the Tier in order to provide services and employment opportunities for local residents. The subject site and proposal for a light industrial use meets the criteria for the CMR FLU designation, shares adjacency to other nonresidential uses, including vehicle dispatch, landscape service, and a chipping & mulching facility, and is in proximity to institutional and other nonresidential uses in the corridor. Given the site's location, information provided, and recent policy changes to the Comprehensive Plan, the applicant has provided sufficient 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 4. Land Use Compatibility. *Ensure that the densities and intensities of land uses are not in conflict with those of surrounding areas, whether incorporated or unincorporated.*

Direction 8. Economic Activity Centers. *Encourage the development of Planned Industrial Developments primarily designed to accommodate and promote manufacturing industry and other value-added activities.*

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

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

The introduction of the Industrial (IND) future land use designation can open up a site to a long list of allowable uses, including very intense industrial uses. In addition, within the Urban/Suburban Tier, the Economic Development Center (EDC) future land use designation is intended for larger, "campus" like industrial users. The newly established CMR FLU, however, is intended to allow opportunities for low-trip generating light industrial and/or employment generating uses, balancing the objectives of the Agricultural Reserve while responding to increased residential growth and the corresponding needs

of support services. The proposed amendment will allow for the development of a light industrial use adjacent to existing industrial and non-residential land uses, less than one-quarter mile west of a major intersection within the Agricultural Reserve.

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

Staff Analysis: There are no other parcels under the same or related ownership adjacent to the subject site that are not included in the proposed amendment whereby residual parcels would be created. Therefore, the proposed amendment would not constitute piecemeal development.

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

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

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

1. **Industrial.** *The Industrial (IND) future land use designation allows the full range of industrial activities ranging from light to heavy industry.*
2. **Economic Development Center.** *The Economic Development Center (EDC) future land use designation is intended to accommodate employment opportunities, research parks, and Employment Centers (as defined by the Introduction and Administration Element). Properties with an EDC designation are intended to be developed as planned developments in order to promote internal circulation and buffering from surrounding land uses. Industrial uses allowed shall be limited to those that demonstrate Light Industrial characteristics.*
3. **Commerce.** *The Commerce (CMR) future land use designation is intended to accommodate light industrial uses to provide an option for low-trip generating non-residential and/or employment generating uses on arterial roadways. Industrial uses allowed shall be limited to those that demonstrate Light Industrial characteristics.*

Staff Analysis: Until the recent adoption of the Commerce future land use designation, the Comprehensive Plan recognized two Industrial land use designations – Industrial (IND) and Economic Development Center (EDC). The IND FLU allows for a full range of Industrial uses, and the EDC FLU is intended for larger, campus-like industrial uses as part of a planned development. While the EDC FLU is limited to the Urban Suburban Tier and uses that exhibit Light Industrial characteristics, the IND FLU was the only allowable Industrial FLU in the Agricultural Reserve. As previously detailed, the County has processed several requests for IND FLU within the past few years in the Agricultural Reserve. As there were no specific policies to guide the location and intensity of Industrial uses, applications seeking the IND FLU could open up a site to a wide array of industrial uses, including heavy, intense uses that may not be appropriate for the location, or commercial uses allowed under the IND FLU and corresponding zoning that would circumvent the commercial cap within the Tier. With the addition of the CMR FLU, the Comprehensive Plan now provides a land use designation that allows opportunities for light industrial and limited nonresidential uses to locate, subject to criteria intended to minimize potential negative externalities.

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

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

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

Staff Analysis: The Comprehensive Plan establishes that there are two overall classifications of Industrial uses as provided in Policy 2.2.4-d – Light Industrial and Heavy Industrial. However, only the Industrial future land use designation, which allows the full range of industrial uses, was previously allowed within the Agricultural Reserve Tier. Through the recent text amendment, this policy now includes specific examples of each Industrial category, further refining what is Light Industrial versus Heavy Industrial. As the CMR FLU is limited to specific nonresidential uses and/or Industrial uses which can only be classified as Light Industrial defined by FLUE Policy 2.2.4-c, the proposed site-specific amendment for a contractor storage yard is consistent with this policy. Amendments to the Unified Land Development Code (ULDC) to incorporate the new CMR FLU and corresponding relevant policies will be forthcoming.

B. Consistency with Agricultural Tier Policies

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

OBJECTIVE 1.5 The Agricultural Reserve Tier

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 low densities and non-residential development limited to uses serving the needs of farmworkers and residents of the Tier. The Agricultural Reserve Tier shall be preserved primarily for agricultural use, reflecting the unique farmlands and wetlands within it.*

Staff Analysis: The primary objective of the Agricultural Reserve Tier is the preservation of agricultural and environmental lands, while allowing for development in a planned manner that is consistent with the Master Plan and associated policies within the Comprehensive Plan that direct the locations and amounts of allowable development. However, until recently and as discussed in the Background section of this report, there were no specific policy guidance for the location and extent of new Industrial future land uses in the Tier. The Commerce FLU and implementing policies recently adopted by the Board further refine the various types of industrial uses, and guide the location and extent of future development of industrial within the Agricultural Reserve.

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

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

Staff Analysis: Policy 1.5-v, which was adopted by the Board as part of the Commerce text amendment, establishes specific criteria for new industrial future land use requests within the Agricultural Reserve Tier. Although the applicant's request for IND was submitted in May 2022, prior to the adoption of the CMR FLU, the applicant has chosen to amend their request to CMR with an underlying AGR. The subject site is a 5.01-acre parcel with frontage and access on Boynton Beach Boulevard, west of State Road 7 and shares a common border with a property with commercial or industrial future land use. Therefore, the site meets the locational criteria. There is a concurrent Zoning application in process (Z-2022-1116), requesting to rezone the site from AGR to IL, and a conceptual site plan was submitted to the Planning Division on September 14, 2022 (Exhibit 10). The conceptual site plan depicts a near maximum buildout potential of 97,500 sq. ft. of light industrial uses, including 90,000 sq. ft. of self-service storage and 7,500 sq. ft. of warehouse. A contractor storage yard area is delineated in the rear of the site, but is not counted towards FAR as it will be outdoor storage of equipment and vehicles. The two buildings are placed near the front half of the property fronting Boynton Beach Boulevard, with the contractor storage yard located at the rear of the property. Since the site is less than 16 total acres, a preserve is not required. Considering the aforementioned, the proposed site-specific amendment meets the requirements on this policy.

C. Compatibility

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

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

North: To the north of the subject site are parcels with AGR and CL/IND future land use designation. One of the parcels directly abutting the site has an AGR FLU and currently supports miscellaneous agriculture including the growing of plants. The second abutting parcel is a 5-acre parcel making up a portion of a 13.4-acre project known as Homrich Commercial (aka Homrich Nursery, Control No. 2015-00133), which was the subject of prior land use amendment (LGA 2016-019, Ord. 2016-030) that amended the land use on 13.4 acres from AGR to CL/IND subject to square footage conditions. The overall site has concurrency reservations for landscape service, outdoor vehicle storage, dispatch service, and office and warehouse buildings. Further north, across 97th Place South, is a 62.80-acre chipping and mulching facility known as Atlas Peat and Soil (Control No. 1979-00120).

East: To the east is another 5-acre parcel of the overall Homrich Commercial development referenced above, which is owned and occupied by FCC Environmental for outdoor vehicle storage and dispatch. Further east, at the NW corner of State Road 7 and Boynton Beach Boulevard, is the Four Points Market Convenience Store and gas station (Control No. 1997-00102) with an AGR FLU and AGR Zoning, and is one of the pre-existing commercial sites within the AGR Tier identified by FLUE Policy 1.5-I as conforming. Further east, across State Road 7 on the north side of Boynton Beach Boulevard, are parcels supporting Institutional and Public Facility uses such as Bethesda West Hospital (Control No. 2006-00011) and Faith Farm Ministries (Control No. 1994-0073).

South: To the south of the subject site, across 100th Street South (Boynton Beach Boulevard), are large parcels with an AGR future land use designation. Directly south are preserve parcels for Acme East (aka Trails at Canyon) 60/40 AGR-PUD (Control No. 2006-00550) and currently support the cultivation of row crops. Further south are additional, large swaths of land owned by Palm Beach County for preservation, which also support row crop cultivation.

West: To the west of the site are parcels with AGR future land use designations. Directly to the west is a 4.85-acre parcel supporting Twin States Landscape Service and Wholesale Nursery, which is a preserve parcel for Canyon Lakes 60/40 AGR-PUD (Control No. 2002-00067). Further west are additional parcels with an AGR future land use supporting agricultural uses, including nurseries and ornamental sales and preserve parcels for Ascot (aka Tivoli Isles 60/40 AGR-PUD, Control No. 2004-00206) and Valencia Cove 60/40 AGR-PUD (Control No. 2004-00369), and a parcel supporting an FPL Substation Facility (Control No. 2004-00640).

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

Applicant’s Comments: The applicant states that the request for a Commerce future land use designation is consistent and compatible with adjacent and surrounding uses. The site is located near the northwest corner of the intersection of Boynton Beach Boulevard and State Road 7, which supports a variety of nonresidential uses including vehicle dispatch and outdoor storage, landscape service, and preexisting commercial corner store with gas sales. The site has frontage and access onto Boynton Beach Boulevard, and is directly adjacent to the Homrich Commercial development, which has a CL/IND future land use. The current use of the site operates in a manner which minimizes impacts to adjacent and surrounding parcels due to the off-site operations of the business.

Staff Analysis: The site is located on west of State Road 7, near the intersection of Boynton Beach Boulevard and State Road 7. The immediate vicinity consists of several nonresidential uses, including landscape service, nurseries, FCC Environmental vehicle dispatch and storage, and Atlas Peat & Soil Chipping and Mulching facility. To the south and west are parcels with AGR FLU supporting primarily agricultural uses and several preserve parcels for various AGR-PUDs. To the east, across State Road 7, are the institutional uses of Bethesda West Hospital and Faith Farm Ministries.

The applicant indicates the site will be utilized to support an existing contractor storage yard. The CMR FLU and implementing policies establish specific policy requirements for the size, location, frontage and access, and submittal of conceptual site plan, thereby providing a framework for where these types of industrial uses may be considered and potentially mitigating negative externalities generated by heavy or intrusive industrial uses. As the site is consistent with the CMR FLU designation policies, and is consistent and compatible with adjacent uses and the development pattern of the surrounding area, staff finds that the subject request is compatible.

D. Consistency with County Overlays, Plans, and Studies

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

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

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

Staff Analysis: The subject site is within the boundaries of the West Boynton Area Community Plan (WBACP). The plan was received by the BCC in October of 1995. Two subareas were created in the WBACP to address the diverse nature of the areas within the plan boundaries. Subarea 1 covers the region east of the Agricultural Reserve. Subarea 2 delineates the northern Agricultural Reserve which is the area of the Agricultural Reserve north of the Lake Worth Drainage District (LWDD) L-30 Canal.

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

The following recommendation from the WBACP was intended to apply to the Agricultural Reserve (sub area 2, WBACP):

Recommendation 3 (Summary) - “Accept an agricultural future for the Agricultural Reserve.”

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

E. Public Facilities and Services Impacts

The proposed amendment will change the future land use designation from Agricultural Reserve to Commerce with an underlying Agricultural Reserve (CMR/AGR). For the purposes of the public facilities impact analysis, the maximum intensity is based on the proposed change to allow up to 98,280 square feet. Public facilities impacts are detailed in the table in Exhibit 4.

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

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

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

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

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

Staff Analysis: The Traffic Division reviewed this amendment at a maximum potential of 98,284 square feet of industrial uses, flex space, or 5.014 acre Landscape Service. According to the County’s Traffic Engineering Department (see letter dated June 16, 2022 in Exhibit 5), the amendment at the proposed potential would result in an increase of 154 net daily trips over the current maximum potential of a 5.014-acre Nursery Garden Center.

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

The Traffic Study dated April 1, 2022 was prepared by Anna Lai, P.E. of Simmons & White. Traffic studies and other additional supplementary materials for site-specific amendments are available to the public on the PBC Planning web page at:
<http://discover.pbcgov.org/pzb/planning/Pages/Active-Amendments.aspx>

II. Public and Municipal Review

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

- A. Intergovernmental Coordination:** Notification of this amendment was sent to the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC) for review on September 23, 2022. To date, no comments have been received.
- B. Other Notice:** Public notice by letter was mailed to the owners of properties within 500 feet of the site on September 23, 2022. On the same date, several interested parties were also notified by mail including COBWRA, Equus POA, and Valencia Reserve HOA. Notification of this amendment, and other amendments related to the Agricultural Reserve Tier, was provided to the Agricultural Reserve email list of interested parties. Letters received are added to Exhibit 11 during the course of the amendment process.

Exhibit 3

Applicant's Justification/Consistency with Comprehensive Plan

APPLICATION REQUEST:

The 5.01-acre property is located in the Agricultural Reserve Tier, on the north side of 100th Street S (aka Boynton Beach Boulevard), approximately 0.13 miles west of State Road 7 in unincorporated Palm Beach County ("subject site"). The subject site has a physical address of 10270 100th Street S and is identified by Parcel Control Number 00-42-43-27-05-052-0472.

The proposed future land use amendment is a request to change the future land use designation from Agricultural Reserve ("AGR") to Commerce ("CMR") with an underlying future land use designation of Agricultural Reserve ("CMR/AGR"). Currently, the site can be utilized for agricultural uses up to 32,760 square feet (0.15 FAR), the proposed maximum development potential would allow up to 98,280 square feet (0.45 FAR) of industrial type uses. The application proposes two voluntary conditions of approval that are the same as those adopted by the recent Sunflower Light Industrial (LGA 2021-016) and Las Farms Landscape (LGA 2022-001) future land use amendments. These conditions are as follows: 1) Uses shall exclude heavy industrial uses which engage in the basic processing, manufacturing, or storage of flammable, hazardous, or explosive materials or products, or processes which potentially involve hazardous or commonly recognized offensive conditions as described in Future Land Use Element Policy 2.2.4-d of the Palm Beach County Comprehensive Plan; and 2) Uses identified as Commercial in Article 4 of the Unified Land Development Code are prohibited on the site, with the exception of Self-Service Storage (allowed with a 0.65 FAR), Landscape Service and accessory uses.

The subject site has historically been used as Miscellaneous Agriculture with a Zoning Confirmation Letter provided in 2009, confirming use of Organic Nutrition, LLC which cultivated hydroponically grown vegetables and organic fish which classified as AGR Research and Development. The subject property is located within the Community Association boundary of the Coalition of Boynton West Residential Associations ("COBWRA") and the West Boynton Community (Neighborhood) Plan. The subject site contains an approximate 9,000 square foot pole barn located within the northwest portion of the site and the remainder of the site is cleared. There is no previous zoning approval history on the subject site, nor is the site regulated by an approved Site Plan, however the subject site has an assigned Control Number of 2010-00028.

The current owner, since 2019, is LTG Boynton Beach, LLC which is affiliated with LTG Sports Turf. LTG Sports Turf is a turnkey construction company specializing in the design, construction and maintenance of athletic facilities throughout the state of Florida. High temperatures and humidity levels make Florida a unique landscape for athletic field design and sports construction. With over 1,000 installations to date, LTG Sports Turf has become the industry standard for synthetic sports turf installation providing services from professional sports teams to private community organizations and everyone in between. Some notable Clients include, but are not limited to:



Along with local Clients within Palm Beach County such as Wellington High School Sports Complex, Lynn University, Cardinal Newman Highschool, Roger Dean Stadium, Canyon Town Center Soccer Field and American Heritage School, to name a few. The purpose of this application is to allow the current owner to operate their business from the site which includes outdoor storage of vehicles and equipment. The business operates in a way that when they are working on a job(s), the majority of the equipment and employees go that job site(s) until the job(s) is (are) completed. Therefore, there are periods of time where there is minimal activity at the subject site. As the Applicant has indicated, "if the equipment is at the yard (i.e. subject site), I'm not making money". Adoption of this application will allow the Applicant the opportunity to continue with current services as well as the opportunity to provide additional permitted uses.

A follow up application to the Palm Beach County Zoning Division for an Official Zoning Map Amendment from the AGR zoning district to the Light Industrial ("IL") zoning district has been

submitted concurrently with this application. The IL zoning district is consistent with CMR future land use designation and compatible with the surrounding uses described below. The proposed land use amendment and corresponding rezoning will resolve a Notice of Violation (C-2020-09170083 and C-2021-12210002) and allow the continued use as a Contractor’s Storage Yard plus other allowed uses.

SURROUNDING USES:

The property has a future land use designation of AGR. Within the vicinity of the subject site are multiple agricultural, industrial and commercial uses including Bona Fide Agriculture to the south and north; a PUD preserve parcel to the west which is approved for Landscape Service and Wholesale Nursery use; and to the east and north is the Homrich Commercial property which has been developed with a landscape service business (Dezerata Landscape) and a dispatching center and storage yard for a waste management hauler (FCC Environmental Services).

Below is a summary of the surrounding properties directly abutting the subject site:

Adjacent Lands	Future Land Use Designation	Zoning	Existing Use	Control Number
North	CL/IND	IL	Dispatching Center and Storage Yard & Landscape Services	2015-00133
	AGR	AGR	Miscellaneous Agriculture	None
South	AGR	AGR	Vacant; followed by Agriculture Use (Row Crops)	None
East	CL/IND	IL	Dispatching Center and Storage Yard & Landscape Services	2015-00133
West	AGR-PUD	AGR	Canyon Lakes Preserve Parcel - Twin States Landscape Services & Wholesale Nursery	2002-00067

In addition to the properties immediately abutting the subject site as listed above, it should be noted that there are a number of non-residential uses to the north and south of this site along SR7 as depicted in the graphic below.



JUSTIFICATION, CONSISTENCY & COMPATIBILITY:

G.1 – Justification: The Applicant is requesting to amend the FLUA designation for the subject property from AGR to CMR/AGR. Per Policy 2.1.f of the Future Land Use Element of the Comprehensive Plan, the Applicant must provide adequate justification for the proposed future land use. To be considered adequate, the justification statement must demonstrate consistency with the following factors 1 and 2.

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

Response: The proposed CMR future land use designation is suitable and appropriate for the subject site. The property is located on an arterial roadway which has frontage and direct access on 100th Street S (“Boynton Beach Boulevard”) and is located approximately 0.13 miles west of State Road 7. Within the vicinity of the subject site are multiple agricultural, industrial and commercial uses including the Homrich Commercial property, which has been developed with a landscape service business (Dezerata Landscape) and a dispatching center and storage yard for a waste management hauler (FCC Environmental Services) to the east and north; Bona Fide Agriculture to the south and north and a PUD preserve parcel to the west which is approved for Landscape Service and Wholesale Nursery use (Kaufman Landscaping). At the northeast corner of Boynton Beach Boulevard and SR-7 are Institutional and Public Facilities including Bethesda Hospital West and Faith Farm Ministries. Located approximately 0.60 miles north of the subject site on the west side of SR-7 is the Las Farms Landscape property and located approximately 5.4 miles south of the subject site on the west side of SR-7 is the Sunflower Light Industrial property that received land use amendments in 2021 and 2022 for IND/AGR future land use designations allowing for light industrial uses. Approval of the subject site for industrial use is appropriate and compatible and not made in a piecemeal fashion.

Additionally, with direct frontage/access off of Boynton Beach Boulevard and proximate location to State Road 7 (which both classify as arterial roadways) the subject property has good access to allow for the mobility of the equipment both north and south with minimal impact on surrounding uses.

- 2) There is a basis for the proposed amendment for the particular subject site based upon one or more of the following:
 - a) Changes in FLU designations on adjacent properties or properties in the immediate area and associated impacts on the subject site;
 - b) Changes in the access or characteristics of the general area and associated impacts on the subject site;
 - c) New information or change in circumstances which affect the subject site;
 - d) Inappropriateness of the adopted FLU designation; or
 - e) Whether the adopted FLU designation was assigned in error.

Response: The basis for the proposed amendment is primarily falling within items a) and b) above. The AGR Tier has been subject to a number of changes over recent years. The commercial cap has been increased to accommodate new commercial and light industrial projects along Boynton Beach Boulevard, SR-7 and Atlantic Avenue. Adoption of the proposed future land use designation of CMR/AGR for the subject site is consistent and compatible with FLU designations on adjacent properties and properties in the immediate area.

Based on current changes and needs within the AGR tier, it has been acknowledged by Staff and the Board of County Commissioners (“BCC”) that a new future land use designation specifically for light industrial uses was needed. As such, a proposed County initiated amendment to revise the Future Land Use Element to establish a third industrial future land use designation, Commerce, for light industrial uses was adopted by the BCC on August 25, 2022. The subject site is in compliance with Policy 1.5-v for all new future land use amendments requesting industrial type uses in the Agricultural Tier which are to meet the following requirements:

1. Limited to the Commerce (CMR) future land use designation;
Response: Application requests amendment from AGR to CMR/AGR future land use designation.
2. Located with frontage and access on State Road 7 (north of Rio Grande Avenue), Atlantic Avenue, Boynton Beach Boulevard or have access to these roadways through an existing commercial or industrial site. Sites located west of State Road 7 must share a common border with a property with commercial or industrial future land use;
Response: Subject site is located on Boynton Beach Boulevard.
3. Be accompanied by a concurrent zoning application and conceptual site plan in order to demonstrate that the proposal meets the design, scale, and character requirements of the Tier;
Response: A Conceptual Site Plan is provided with this future land use amendment application and a concurrent rezoning application has been filed under Application Number Z-2022-0028.
4. Have a minimum of 3 acres and a maximum of 50 acres (with the exception of lands dedicated to rights of way);

Response: The subject site is 5.01-acres.

- 5. Preserve shall be required for Commerce sites utilizing Light Industrial, Multiple Use Planned Development, or Planned Industrial Park Development zoning pursuant to FLUE Policy 1.5.1-q and subject to the following:
 - a. The preserve area requirements shall be based upon the acreage over 16 acres, shall be a minimum of 40% of the total land area over 16 acres, and allow water management tracts in preserve areas contiguous to the development area that provide enhanced environmental features and improved water quality as demonstrated through the future land use amendment process.

Response: Not applicable to the site based on site area of 5.01-acres.

Surrounding the property to the east and north is the Homrich Commercial (LGA 2016-019) property with a future land use designation of CL/IND and approved for a maximum of 29,400 square feet of Commercial and 197,100 square feet of Light Industrial uses. Located approximately 0.60 miles north of the subject site on the west side of SR-7 is the Las Farms Landscape (LGA 2022-001) property with a future land use designation of IND/AGR and approved for a maximum of 136,175 square feet of light industrial uses, along with commercial uses of self-storage, landscape service and accessory uses. Located approximately 0.25 miles south of Atlantic Avenue is the Sunflower Light Industrial (LGA-2021-016) property with a future land use designation of IND/AGR and approved for 160,540 square feet of light industrial uses, along with commercial uses of self-storage, landscape service and accessory uses. Both Las Farms Landscape and Sunflower Light Industrial projects have historically operated as landscape service uses and are in the permitting process to finalize approvals.

Following the transmittal of the Sunflower Light Industrial (LGA-2021-016) land use amendment, Staff prepared the following draft list of Industrial Uses in the ULDC Use Matrix separated by “light” and “heavy” categories based upon language in the Comprehensive Plan and reflecting Staff’s intent regarding the proposed condition of approval that was imposed for that application, which is also voluntarily being proposed for this application for LTG Sports Turf, as listed below:

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

G.2 – Residential Density Increases: Not applicable to this application.

G.3- Compatibility with Surrounding and Adjacent Uses: The western side of State Road 7 is currently developed with many agricultural uses and agri-business facilities along its entire stretch through the Agricultural Reserve. Uses include packing plants, feed stores, landscape services with nursery, chipping and mulching, the Bedner’s farmers market and other intense uses allowable in the AGR future land use designation and with some sites with Commercial land use designations. The location of these properties with direct access onto the major thoroughfare of State Road 7 is presumably appealing as most of these agricultural and other non-residential uses are vehicular based. The subject property is located 0.13 miles west of State Road 7 on Boynton Beach Boulevard. At the northeast corner of this intersection are INST future land uses including Bethesda Hospital West and Faith Farm Ministries. At the northwest corner of this intersection (and immediately adjacent to the subject site on the north and east sides) is the Homrich Commercial property which received a land use amendment in 2016 for CL/IND and occupied by a dispatching center and storage yard for a waste management hauler. West of the subject site is a preserve area for Canyon Lakes PUD that is occupied by Twin States Landscape Services & Wholesale Nursery and south of the subject site is a Vacant parcel followed by Agriculture Use (Row Crops). Given the existing characteristic of this intersection and corridor which includes commercial, industrial and institutional designated sites, the proposed future land use amendment to IND/AGR (with conditions that will limit the site to prohibit heavy industrial uses and limit commercial uses on the site to self-storage, landscape service and accessory uses), is compatible with surrounding and adjacent uses.

It is the intent of the Applicant to continue operations on site as a Contractors Storage Yard use. A follow up application to the Palm Beach County Zoning Division for an Official Zoning Map Amendment from the AGR zoning district to the IL zoning district will be submitted concurrently

with this application. The IL zoning district is compatible with IND/AGR future land use designation. The proposed use has historically been considered a “light industrial” use and is consistent with the existing development pattern and adjacent uses surrounding the subject property and those along the State Road 7 corridor.

Approval of this application to the proposed IND/AGR future land use designation is compatible with surrounding and adjacent uses.

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

- **Future Land Use Element (FLUE) Policy 2.1-f:** The following will detail how the impact of the proposed FLUA on the items listed:

1) The natural environment, including topography, soils and other natural resources:
Response: Please see the Natural Feature Inventory & Map that is provided with this Application as Attachment L.

2) The availability of facilities and services;
Response: The current use on the site provides for existing facilities. Provided within this application is detailed information confirming available facilities and services based on the FLUA change. Below is brief summary:

- *Traffic:* Please see Attachment H for the LUA Amendment Traffic Analysis.
- *Mass Transit:* The nearest Palm Tran bus routes is Route 73 and the closest Tri-Rail connection is the Boynton Beach Tri-Rail Station, which can be accessed by Palm Tran Routes 70, 71 and 73.
- *Potable Water & Wastewater:* will be provided by Palm Beach County Water Utilities Department.
- *Drainage:* Legal positive outfall is available to the site via discharge to the 100th Street South right-of-way along the south property line.
- *Fire Rescue:* The nearest Fire Rescue Station is Station #47 Located at 7950 Enterprise Center Circle approximately 3 miles from subject site.
- *Environmental:* There are no known occurrents of significant species inhabiting the subject site. A natural feature inventory and map is provided with this application as Attachment L.
- *Historical:* There are no historic or architecturally significant resources on or within 500 feet of the subject site. A Historic Resource Letter is provided with this application as Attachment N.

3) The future land use balance;
Response: It is understood that the goal of the AGR Tier is to preserve agriculture, address the sensitivity of the water resources west of the Tier and to ensure the additional uses are intended to serve the locate area and to ensure the decisions are not made in a piecemeal fashion, thus the entire corridor needs to be considered. As the western areas of Boca Raton, Delray Beach and Boynton Beach have grown, there has been limited areas of industrial designated properties, especially along the State Road 7 corridor which extends from Okeechobee Boulevard south through Boca Raton and into Broward and Dade Counties. Since the adoption of the AGR Master Plan implementing policies in 2001, the County has processed several privately proposed future land use amendments, to include the approvals of Homrich Commercial (LGA 2016-019), Sunflower Light Industrial (LGA 2021-016) and Las Farms Landscape (LGA 2022-001). The aforementioned projects are located in proximate location to the subject site, within the same corridor of State Road 7. With the expansion of this roadway, it was planned and has become a western thoroughfare that serves the growth of these western areas. However, through the Ag Reserve tier, there is limited properties that will allow for industrial uses where there are opportunities for growth that can support the addition of industrial types of businesses.

The subject site has been predominately cleared and has not served as a Bona Fide Agricultural site for approximately 15 years. Adding the industrial (CMR) land use to this subject property will not be changing the character of the subject site and will be recognizing the existing uses surrounding the site and extending south to the intersection of State Road 7 and W. Atlantic Avenue. This land use designation will further balance the need for additional industrial land in the western areas of the Ag Reserve appropriately located with direct access to the largest roadway in this area, State Road 7.



- 4) The prevention of urban sprawl as defined by 163.3164(51). FS;
Response: As indicated above, this property is bounded by existing industrial uses to the east and west that will prevent urban sprawl.

- 5) Community Plans and/or Planning Area Special Studies recognized by the Board of County Commissioners; and
Response: This site is located 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. Subarea 2 delineates the north Ag Reserve which is the area of the Agricultural Reserve north of the LWDD L-30 Canal. It is our understanding that according to the WBACP, all recommendations in the plan only pertain to subarea 1, which is east of the Agricultural Reserve (i.e. east of the Florida Turnpike), unless specifically noted.

The subject site is also located within the area of the Coalition of Boynton West Residential Association ("COBWRA"). The Application will coordinate with COBWRA through the application process and provide Staff with any updates as they occur.

- 6) Municipalities in accordance with Intergovernmental Coordination Element Objective 1.1
Response: There are no municipalities within the vicinity of the subject property.

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

Response: As indicated above, there are changes in circumstances that promote this application for industrial land use on this property. The adoption of the industrial land use will allow for additional industrial uses that are limited in this area and can allow for continuation of businesses in the area.

FLUE Policy 2.2.4-c: This policy states, "The three industrial future land use designations are intended to accommodate industrial uses which are defined as uses engaged in the manufacturing, assembly, processing, research and development, wholesale distribution, or storage of products, related uses and services, including Office of an Industrial nature (as defined by the Introduction and Administration Element)." **Response:** Any proposed use for this property will need to comply with the regulations of the Unified Land Development Code and found consistent with this policy. The intent of the Applicant is to provide light industrial use(s) on the site. While there are commercial uses identified in the ULDC Use Matrix allowed in the proposed IL zoning district, it was determined in prior LGA applications, that all such commercial uses, aside from Self-Service Storage, Landscape Service and accessory uses, are not appropriate uses since the site does not have a commercial future land use designation, and the development of these uses would circumvent the cap on commercial uses in the Tier per Future Land Use Policy 1.5-n.

As such, the Applicant is proposing the following voluntarily conditions which will further regulate the industrial uses of the site:

- 1) Uses shall exclude heavy industrial uses which engage in the basic processing, manufacturing, or storage of flammable, hazardous, or explosive materials or products, or processes which potentially involve hazardous or commonly recognized offensive conditions as described in Future Land Use Element Policy 2.2.4-d of the Palm Beach County Comprehensive Plan; and
 - 2) Uses identified as Commercial in Article 4 of the Unified Land Development Code are prohibited on the site, with the exception of Self-Service Storage, Landscape Service and accessory uses.
- **FLUE Policy 2.2.4-d:** This policy states, “Industrial uses shall be considered either Light or Heavy...by classification, *Light Industrial* development’s typical operation is not likely to cause undesirable effects, danger or disturbance to nearby areas and typically do not cause or result in the dissemination of dust, smoke, fumes, odor, noise, vibration light, or other potentially objectionable effects beyond the boundaries of the lot on which the land is conducted.”

Response: The use of this property is anticipated to be considered as “light industrial development” and will not create undesirable effects, danger or disturbance to nearby areas. The CMR future land use designation is specifically intended to accommodate light industrial uses to provide an option for low-trip generating non-residential and/or employment generating uses on arterial roadways and shall be limited to those that demonstrate light industrial characteristics. The Applicant is voluntarily proposing a condition of approval to exclude heavy industrial uses which engage in the basic processing, manufacturing, or storage of flammable, hazardous, or explosive materials or products, or processes which potentially involve hazardous or commonly recognized offensive conditions as described in Future Land Use Element Policy 2.2.4-d of the Palm Beach County Comprehensive Plan.

As referenced earlier in this document, following the transmittal of the Sunflower Light Industrial (LGA-2021-016) land use amendment, Staff prepared the following draft list of Industrial Uses in the ULDC Use Matrix separated by “light” and “heavy” categories based upon language in the Comprehensive Plan and reflecting Staff’s intent regarding the proposed condition of approval that was imposed for that application, which is also voluntarily being proposed for this application for LTG Sports Turf, as listed below:

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

This application proposes a future land use designation of CMR/AGR with conditions, which is consistent and compatible with FLU designations on adjacent properties and properties in the immediate area.

- **Objective 1.5 - The Agricultural Reserve Tier:** The objective of the AGR tier is to preserve the farmlands and wetlands in order to preserve and enhance agricultural activity, environmental and water resources, and open space within the AGR tier.
Response: The subject site has historically been used as Miscellaneous Agriculture with a Zoning Confirmation Letter provided in 2009, confirming use of Organic Nutrition, LLC which cultivated hydroponically grown vegetables and organic fish which classified as AGR Research and Development. This use was not a traditional farming type use as both the vegetables and fish were cultivated inside the existing barn that is located on the site. Granting approval of this application to CMR/AGR will not significantly change the character of the existing property nor will it provide a negative impact on agricultural activity, environmental, water resources and open space within the AGR tier.

G.5 – Florida Statutes: *Optional:* *The applicant has the option of including written data and analysis to demonstrate consistency with Chapter 163.3177, F.S..*

CONCLUSION:

Based on the detailed information above, the requested FLUA Amendment from AGR to CMR/AGR is justified, consistent with the Comprehensive Plan and State of Florida laws, is compatible with surrounding area and uses and consistent with the growth of his area.

A concurrent zoning application has been filed under Application Number Z-2022-00948 which will correspond with the public hearing schedule of this land use amendment application. Approval of these applications will resolve the current Code Enforcement case for the property and allow for needed light industrial uses for this area.

On behalf of the Applicant, we respectfully request staff review and support of this application to be presented to the Planning Commission and ultimately the Board of County Commissioners. Should you have any questions regarding this application, please contact Bradley Miller or Ailish Villalobos at (561) 366-1100 or bmiller@udsflorida.com and avillalobos@udsflorida.com.

Exhibit 4

Applicant's Public Facilities Table

A. Traffic Information		
	Current	Proposed
Max Trip Generator	Nursery (Garden Center) code 817. Daily: 108.1 trips/acre AM: 2.82 trips/acre PM: 8.06 trips/acre	Flex Space Daily: 7.86 trips/1000 SF AM: 1.53 trips/1000 SF PM: 1.21 trips/1000SF
Maximum Trip Generation	Daily: 542 daily trips AM: 14 peak hour trips PM: 40 peak hour trips	Daily: 696 daily trips AM: 135 peak hour trips PM: 107 peak hour trips
Net Daily Trips:	154 trips per day (maximum minus current)	
Net PH Trips:	121 AM, 67 PM (Maximum)	
Significantly impacted roadway segments that fail Long Range	None	
Significantly impacted roadway segments for Test 2	None	
Traffic Consultant	Simmons & White, Inc.	
B. Mass Transit Information		
Nearest Palm Tran Route (s)	Bus Route BYB X-TOWN via BOYNTON BEACH Route # 73 Distance: 0.295 miles (1558 ft)	
Nearest Palm Tran Stop	Bus Stop BETHESDA HOSPITAL W @ TRML Bus Stop # 6791 Distance: 0.437 miles (2312 ft)	
Nearest Tri Rail Connection	Boynton Beach Station Distance: 12.7 miles Accessible by Palm Tran Routes 70, 71, 73	
C. Potable Water & Wastewater Information		
Potable Water & Wastewater Providers	Subject property is located within PBCWUD utility service area. PBCWUD has the capacity to provide the level of service required at the current land use of AGR and the proposed future land use of CMR. An LOS letter from Palm Beach County is provided with this Application as Attachment I .	
Nearest Water & Wastewater Facility, type/size	The nearest point of connection is a 16” potable water main and an 8” sanitary sewer forcemain located approximately 1,800 feet east of the subject site. Off-site improvements and a lift station will be required. An LOS letter from Palm Beach County is provided with this Application as Attachment I .	
D. Drainage Information		
The site is located within the boundaries of the LWDD and SFWM District C-16 Drainage Basin. Legal positive outfall is available via discharge to the 100 th Street South right-of-way along the south property line. A Drainage Statement is provided with this Application as Attachment J .		
E. Fire Rescue		
Nearest Station	Palm Beach County Fire-Rescue Station #47	

Distance to Site	Located at 7950 Enterprise Center Circle approx. 3 miles from subject site
Response Time	Estimated response time to the subject site is 8 minutes 30 seconds. For fiscal year 2021, the average response time (call received to on scene) for this stations zone is 7:36.
Effect on Resp. Time	Changing the land use will have minimum impact on Fire Rescue. A letter from Fire Rescue is provided with this application as Attachment K .
F. Environmental	
Significant habitats or species	<p>This application proposes Future Land Use Atlas Amendment from AGR to CMR/AGR future land use designation. The current use on the subject site is Miscellaneous Agriculture and the built features on the site includes an approximately 9,000 square foot pole barn. The subject site is cleared of vegetation aside from perimeter landscape buffering. There are no known occurrents of significant species inhabiting the subject site.</p> <p>A Natural Features Inventory Map is provided with this application as Attachment L.</p>
Flood Zone*	<p>The subject site is located within Flood Zones X and AE.</p> <p>A Flood Plain Statement is provided with this application as Attachment J.</p>
Wellfield Zone*	<p>The subject site is not located within a Wellfield Zone. A map is provided with this application as Attachment M.</p>
<i>* If the site is located within an A or V flood zone and/or within a Wellfield Protection zone, requests for greater intensity may be viewed unfavorable.</i>	
G. Historic Resources	
<p>There are no historic or architecturally significant resources on or within 500 feet of the subject site. A Historic Resource Letter is provided with this application as Attachment N.</p>	

Exhibit 5
Traffic Division Letter



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

**Palm Beach County
Board of County
Commissioners**

Robert S. Weinroth, Mayor

Gregg K. Weiss, Vice Mayor

Maria G. Marino

Dave Kerner

Maria Sachs

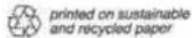
Melissa McKinlay

Mack Bernard

County Administrator

Verdenia C. Baker

"An Equal Opportunity
Affirmative Action Employer"



June 16, 2022

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

**RE: LTG Sports Turf
FLUA Amendment Policy 3.5-d Review
Round 2022-23-A**

Dear Mr. Kelley:

Palm Beach County Traffic Division has reviewed the Land Use Plan Amendment Application Traffic Statement for the proposed Future Land Use Amendment for the above-referenced project, dated June 15, 2022, pursuant to Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan. The project is summarized as follows:

Location:	North side of 100 th Street South (aka Boynton Beach Boulevard), approximately 0.13 miles west of State Road 7	
PCN:	00-42-43-27-05-052-0472	
Acres:	5.014 acres	
	Current FLU	Proposed FLU
FLU:	Agricultural Reserve (AGR)	Industrial (IND)/Agricultural Reserve (AGR)
Zoning:	Agricultural Reserve (AGR)	Light Industrial (IL) or Multiple Use Planned Development (MUPD)
Density/Intensity:	0.15 FAR	0.45 FAR
Maximum Potential:	Nursery (Garden Center) = 5.014 acres	Light Industrial = 98,284 SF OR Flex Space - IND FLU = 98,284 SF OR Landscape Services = 5.014 acres
Proposed Potential:	None	None
Net Daily Trips:	154 (maximum – current)	
Net PH Trips:	172 (69/103) AM, 107 (43/64) PM (maximum)	



Bryan G. Kelley, P.E.
June 16, 2022
Page 2

** **Maximum** indicates typical FAR and maximum trip generator. **Proposed** indicates the specific uses and intensities/densities anticipated in the zoning application.*

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 note the proposed amendment will have an insignificant impact on the long-range and Test 2 analyses.

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

Sincerely,

A handwritten signature in blue ink, appearing to be "DS", is written above the typed name.

Dominique Simeus, P.E.
Professional Engineer
Traffic Division

DS
cc:cw

Quazi Bari, P.E., PTOE – Manager – Growth Management, Traffic Division
Lisa Amara – Director, Zoning 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
Jorge Perez – Senior Planner, Planning Division

File: General - TPS – Unincorporated - Traffic Study Review
N:\TRAFFIC\Development Review\Comp Plan\23-A\LTG Sports Turf.docx

Exhibit 6
Water & Wastewater Provider LOS Letter



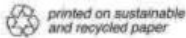
**Water Utilities Department
Engineering**
8100 Forest Hill Blvd.
West Palm Beach, FL 33413
(561) 493-6000
Fax: (561) 493-6085
www.pbcwater.com

**Palm Beach County
Board of County
Commissioners**

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Gregg K. Weiss, Vice Mayor
Maria G. Marino
Dave Kerner
Maria Sachs
Melissa McKinlay
Mack Bernard

County Administrator
Verdenia C. Baker

*"An Equal Opportunity
Affirmative Action Employer"*



May 17, 2022

Urban Design Kilday Studios
610 Clematis Street Suite CU02
West Palm Beach, FL 33401

RE: PCN 00-42-43-27-05-052-0472
Service Availability Letter

Dear Ailish,

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 Industrial (IND) designation.

The nearest point of connection is a 16" potable water main and an 8" sanitary sewer forcemain located approximately 1800 feet east of the subject property. Offsite improvements and a lift station will be required.

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

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

Sincerely,

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

Jackie Michels, P.E,
Project Manager

Exhibit 7
Disclosure of Ownership Interests

PALM BEACH COUNTY - ZONING DIVISION

FORM # 9

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

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

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared
Michael Ryan, 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 ☒ MGR *[position -
e.g., president, partner, trustee]* of LTG BOYNTON BEACH, LLC *[name
and type of entity - e.g., ABC Corporation, XYZ Limited Partnership]* that holds an
ownership interest in real property legally described on the attached Exhibit "A" (the
"Property"). The Property is the subject of an application for Comprehensive Plan
amendment or Development Order approval with Palm Beach County.

2. Affiant's address is: 6111 Broken Sound Pkwy. NW #305
Boca Raton, FL 33487

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.

Michael Ryan
Michael Ryan, Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF ~~FLORIDA~~ New York
COUNTY OF ~~PALM BEACH~~ Suffolk

The foregoing instrument was acknowledged before me by means of [☒] physical presence or [] online notarization, this 24th day of February, 2020 by Michael Ryan (name of person acknowledging). He/she is personally known to me or has produced Drivers License (type of identification) as identification and did/did not take an oath (circle correct response).

Doreen Palma
(Name - type, stamp or print clearly)

Doreen Palma
(Signature)

My Commission Expires on: Nov 12, 2022

DOREEN PALMA
NOTARY PUBLIC-STATE OF NEW YORK
NOTARY No. 0TPA5069036 AMP
Qualified in Suffolk County
My Commission Expires November 12, 2022

EXHIBIT “A”
PROPERTY

TRACT 47, LESS THE WEST 56.15 FEET AND LESS THE EAST 183.86 FEET
THEREOF, BLOCK 52, 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 218,401 SQUARE FEET / 5.0138 ACRES, MORE OR LESS

SAID LANDS SITUATE IN LYING IN SECTION 24, TOWNSHIP 45 SOUTH, RANGE 41
EAST, PALM BEACH COUNTY, FLORIDA.

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.

Name	Address
Michael Ryan - 75%	264 Secatogue Lane, West Islip, NY 11795
Edward Ryan - 25%	40 S. Bay Avenue, Amityville, NY 11701

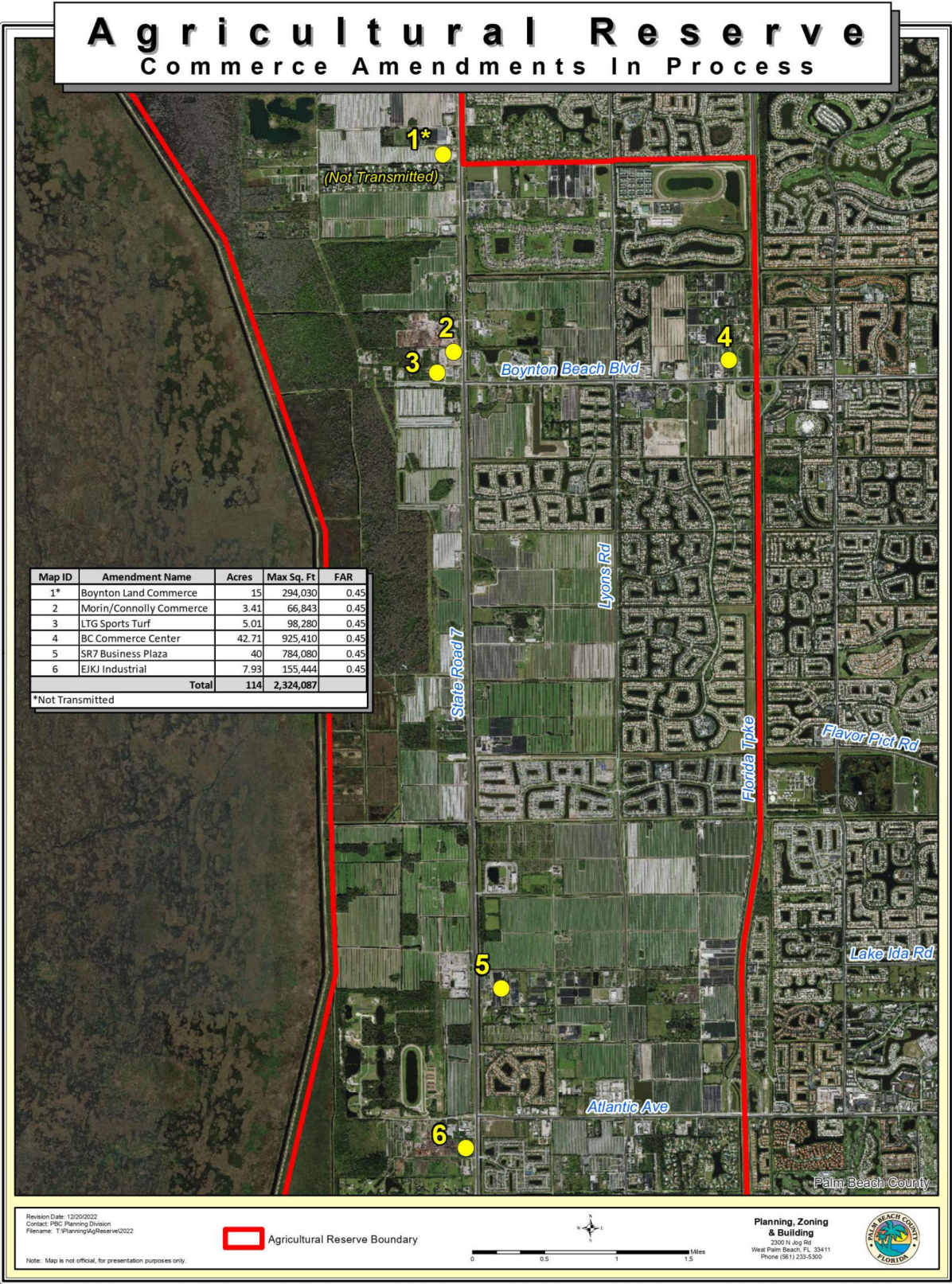
Exhibit 8

Urban Sprawl Analysis

Primary Indicators that an amendment does not discourage urban sprawl	Staff Assessment	Sprawl Indicated?
Criteria Related to Land Use Patterns		
Promotes, allows or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.	This amendment does not promote, allow or designate a substantial area of the County to develop as low-intensity, low-density, or single-use development or uses.	No
Promotes, allows or designates urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban developments.	This amendment does not designate urban development emanating from existing urban development. The site is within a Limited Urban Service area where urban services are provided.	No
Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.	This amendment does not discourage or inhibit infill development or the redevelopment of existing neighborhoods and communities.	No
Fails to encourage functional mix of uses.	This amendment will introduce additional industrial uses in an area with primarily Agricultural Reserve FLUs.	No
Results in poor accessibility among linked or related land uses.	The proposed amendment would not result in poor accessibility among related land uses.	No
Results in the loss of significant amounts of functional open space.	The proposed amendment on this site will not result in the loss of significant amounts of functional open space. The site is currently a contractor storage yard.	No
Criteria related to sites located outside or at the edge of the Urban Service Area		
Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development	The site is located within in the Agricultural Reserve, a Limited Urban Service Area (LUSA) which allows for a mix of urban and rural levels of service, and therefore, does not promote, allow, or designate a significant amount of urban development to occur in rural areas at substantial distances from existing urban areas.	No
Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems	The property does not contain any environmentally sensitive areas. The site is not within a Wellfield Protection Area.	No
Fails to adequately protect adjacent agricultural areas and activities, including silviculture, and including active agricultural and silvicultural activities as well as passive agricultural activities and dormant, unique and prime farmlands and soils.	The site currently supports a non-agricultural use and shares adjacency to other non-agricultural land uses. While agricultural uses exist to the north and west, adequate buffering and use regulations through the zoning process can address adverse impact. Therefore the proposed amendment does not fail to adequately protect adjacent agricultural areas.	No
Fails to provide a clear separation between rural and urban uses.	The AGR Tier is intended to support and preserve agricultural while allowing low density development and limited commercial development. Institutional uses are restricted from locating west of State Road 7. The Agricultural Preserve provisions therefore allow for a mix of uses to support the allowed residential, commercial, and other non-residential development.	No
Criteria Related to Public Facilities		
Fails to maximize use of existing public facilities and services.	Public facilities and services will be provided and water and wastewater lines are currently stubbed out at the northeast corner of SR-7 and Boynton Beach Boulevard.	No
Fails to maximize use of future public facilities and services.	The AGR LUSA allows for a mix of urban and rural levels of service. Future development east would be expected to utilize public facilities and services. The subject site would maximize the use of future public facilities available in the area.	No

Primary Indicators that an amendment does not discourage urban sprawl	Staff Assessment	Sprawl Indicated?
Allows for land use patterns or timing which disproportionately increase the cost in time, money and energy, of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.	The site is within the AGR LUSA, which intends that urban levels of service serve development. There are no adverse impacts to public facilities and services as indicated by service providers through department review.	No
Overall Assessment: As demonstrated above, the proposed amendment does not meet any of the indicators of urban sprawl, and would not contribute to urban sprawl in the county.		

Exhibit 9
Ag Reserve Commerce Amendments in Process



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MISCELLANEOUS DATA:
MAX. BUILDING HEIGHT:

GENERAL NOTES

1) THE CONSULTANT, SITE PLAN IS PROVIDED FOR INFORMATION ONLY. IT IS INTENDED TO CONVEY A POTENTIAL PLAN OR DEVELOPMENT FOR THE USE OF THE LOTS OF PROJECTING A SITE DESIGN AND ANTICIPATED INTENSITY OF DEVELOPMENT APPLICABLE WHEN COMPLYING WITH LAND DEVELOPMENT REGULATIONS.

PROPERTY DEVELOPMENT REGULATIONS									
GENERAL DEVELOPMENT				RECREATION/RECREATION					
S.	SIZE	PERCENTAGE	PERCENTAGE	PERCENTAGE	PERCENTAGE	PERCENTAGE	PERCENTAGE	PERCENTAGE	PERCENTAGE
RECREATION	1 AC.	100	200	NA	0.45	40%	15	NA	20
RECREATION	2 AC.	400.00	511.00	NA	TRD	TRD	TRD	NA	TRD

PROPERTY DEVELOPMENT REGULATIONS



**Palm Beach County, FL
Conceptual Site Plan**

CSP

Exhibit 11
Correspondence
