

2025 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

Part 1. Amendment Data

A. Amendment Data

Round	26A	Intake Date	February 12, 2025
Application Name	LA REINA PLAZA MUPD	Revised Date	March 7, 2025
Acres	6.33 acres	Control Number	2007-0003
		FLUA Page	FLUA Page #101
		Text Amend?	Yes
PCNs	00-42-43-27-05-067-0283 and 00-42-43-27-05-067-0281		
Location	Located on the southwest corner of the intersection of State Road 7/US 441 and LaReina Road.		
BCC District	BCC District 5		
	Current	Proposed	
Tier	AG Reserve Tier	AG Reserve Tier	
Use	Vacant	Medical Office and Ag Sales and Service	
Zoning	AGR – Agricultural Reserve	MUPD w/underlying CL-O and SA	
Future Land Use Designation	AG Reserve	Commercial Low – Office (CL-O) on 2.7 acres and Special Agricultural (SA) on 3.61 acres with underlying AG Reserve on the overall 6.33 acres	
Conditions	No Conditions	No Conditions	

B. Development Potential

	Current FLU	Proposed FLU
Maximum Square Feet (for non-residential)	$.15 \text{ FAR} \times 6.33 \text{ ac.} = \underline{\hspace{2cm}}$	CL-O - .20 with an MUPD FAR x 2.7 acres = <u>23,522 s.f.</u> SA - .15 FAR x 3.61 ac. = <u>23,588 s.f.</u> <i>Once we have the revised survey we can adjust the FAR #s</i>
Maximum Units (for residential)	$\underline{\hspace{1cm}} \text{ du/acre} \times \underline{\hspace{1cm}} \text{ ac.} = \underline{\hspace{2cm}}$ <i>Not Applicable</i>	$\underline{\hspace{1cm}} \text{ du/acre} \times \underline{\hspace{1cm}} \text{ ac.} = \underline{\hspace{2cm}}$ Indicate total number of units requesting to include FLUA, WHP bonus and TDRs

Maximum Beds (for CLF proposals)	<div> <div>_____ max du x 2.39 = _____</div> <div><i>Not Applicable</i></div> </div>	<div> <div>_____ max du x 2.39 = _____</div> </div>
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Part 2. Applicant Data

A. Agent Information

Name	JOSH NICHOLS
Company Name	SCHMIDT NICOLS
Address	1551 N. FLAGLER DRIVE SUITE 102
City, State, Zip	WEST PALM BEACH, FL 33401
Phone / Fax Number	561-684-6141
Email Address	JNICHOLS@SNLANDPLAN.COM

B. Applicant Information

Name	DRAGOS SPRINCEANA, MANAGER
Company Name	15445 USE 441, LLC
Address	17686 CIRCLE POND COURT
City, State, Zip	BOCA RATON, FL 33496
Phone / Fax Number	561-684-6141
Email Address	JNICHOLS@SNLANDPLAN.COM
Interest	Property Owner

Name	H. Ray Hix, Jr., MEMBER
Company Name	HSC Delray, LLC
Address	P. O. Box 130,
City, State, Zip	Daphne, AL 36526
Phone / Fax Number	561-684-6141
Email Address	JNICHOLS@SNLANDPLAN.COM
Interest	Contract Purchaser

2025 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

Part 7. Text Amendment Application

A. Proposed Text Amendment Summary

Elements & Policies to be revised	<i>REVISED Future Land Use Element Policy 1.5-m and Policy 1.5-n; Table 2.2-f.1 for Non-Residential Future Land Use – Zoning Consistency</i>
Purpose	<i>The purpose of the amendment to Policy 1.5-m is to allow for an additional location to provide commercial and mixed-use centers; the purpose of the amendment to Policy 1.5-n will allow a change to the commercial cap by allowing medical office and agricultural related uses to be excluded from the commercial cap; and the amendment to the Table 2.2-f.1 will allow for MUPD within the Special Agricultural Land Use. Overall, the purpose of these changes will allow the development of the 6.33 acres of land to be developed with medical office space and the agricultural sales and service. SEE G.1. JUSTIFICATION FOR MORE INFORMATION.</i>
Justification	<i>The proposed justification statement provides for the information to create a mechanism for the properties to harness additional opportunities for future development of the corridor. While the proposed amendment expands the location for commercial use to this residentially built out area, it limits the types of uses and provides for much needed medical and service uses. SEE G.1. JUSTIFICATION FOR MORE INFORMATION.</i>
Consistency	<i>If the text amendments are approved, a future FLU amendment will be proposed to change a portion of the property from AG Reserve to CL-O and a portion to AG Reserve to SA. The Applicant's is working with the surrounding community in an effort to provide a cohesive development that will consist of two complimentary uses containing medical office and agricultural sales and service, thus benefiting the surrounding community. SEE G.1. JUSTIFICATION FOR MORE INFORMATION.</i>
Text Changes	<p>a. <i>Amending the locational criteria in Policy 1.5-m to encompass the area of the subject properties in an effort to provide beneficial uses to this area;</i></p> <p>b. <i>Amending the commercial cap within Policy 1.5-n to exclude medical office and agricultural uses;</i></p> <p>c. <i>Modify Table 2.2-f.1 to include MUPD as a consistent zoning with the Special Agriculture FLU to allow for a cohesive development</i></p> <p><i>SEE G.1. JUSTIFICATION FOR MORE INFORMATION.</i></p>
ULDC Changes	<p>Provide a description of associated ULDC amendments required by this amendment. Optional – show changes with added text underlined and deleted text struck out.</p> <p><i>The purpose of the PIA is to broaden the scope of the types of sales permitted within the Agricultural Sales and Service umbrella. This allows for accessory retail sales to accompany traditional Ag related sales. Also modify the parking rates for the outdoor sales area for Ag Sales and Service.</i></p> <p><i>SEE G.1. JUSTIFICATION FOR MORE INFORMATION.</i></p>

PRIVATELY INITIATED AMENDMENT TO COMPREHENSIVE PLAN
PROPOSED AMENDMENTS TO COMPREHENSIVE PLAN

The Text Amendment application is to revise the Agricultural Reserve Tier - Commercial policy and provisions. The revisions are shown below with added text underlined and deleted text shown in ~~strikethrough~~.

Policy 1.5-m: In order to facilitate community growth, reduce traffic, and maintain open space, the County shall limit the locations of new commercial and mixed use future land use designations within the Agricultural Reserve Tier to within two commercial-mixed use centers. These centers are central to the Tier and intended to combine neighborhood shops, community commercial, offices, civic institutions, and housing opportunities. The two commercial-mixed use centers define the areas within 1/4 mile of the intersection of Lyons Road and Boynton Beach Boulevard, and the intersection of Lyons Road and Atlantic Avenue. In addition to the two mixed use centers, the following non-residential uses are also allowed:

1. Pre-existing commercial properties identified in Policy 1.5-l ~~4.5-i are allowed,~~ and the County may consider future land use amendments for sites that share a common property line with pre-existing commercial properties identified in Policy ~~4.5-i~~ 1.5-l to square off those locations- ; and,
2. Commercial-Low Office located at the northwest corner of State Road 7 and La Reina Road as shown in Ordinance 2025-xx.

Policy 1.5-n: The County shall ensure a sustainable development pattern is achieved in the Agricultural Reserve by allowing commercial uses while ensuring that the supply of commercial square footage does not exceed the demand of the farm workers and residents of the Tier. The County may approve a maximum of 1,015,000 square feet of commercial uses (retail, service and office) within the Tier. Self-storage uses, agricultural sales and service, medical office, and office uses allowed within the Commerce future land use designation are not subject to the commercial cap.

Policy 2.2-f establishes the consistent non-residential zoning and planned development districts for the Non-Residential Future Land Use Designations.

Table 2.2-f.1
Non-Residential Future Land Use – Zoning Consistency

Future Land Use Designation	Consistent Zoning	
	Zoning District	Planned Development
Agricultural Reserve	AGR	AGR-PUD
Special Agriculture	AR, AGR, AP	— <u>MUPD</u>
Agricultural Production	AR, AP	---
Multiple Land Use ³	---	MUPD, PIPD, PUD
Commercial Low-Office	CLO	MUPD
Commercial Low ⁴	CLO, CN, CC	MUPD
Commercial High-Office	CLO, CHO	MUPD
Commercial High ³	CLO, CHO, CN, CC, CG	MUPD
Industrial	IL, IG	MUPD, PIPD
Economic Dev. Center	IL	MUPD, PIPD
Commerce	IL	MUPD
Commercial Recreation	CRE	MUPD, RVPD
Parks & Recreation	IPF	--
Conservation	PC	--
Institutional & Public Facilities	IPF	MUPD
Utilities & Transportation	IPF	--
Conservation	PC	--

Attachment G

Consistency with the Comprehensive Plan & Florida Statutes

INTRODUCTION:

On behalf of the property owner/applicant, **15445 US 441 LLC and HSC Delray, LLC**, Schmidt Nichols as agent, has prepared and hereby respectfully submits this application for a Phase 1 Privately-Initiated Text Amendment to the Palm Beach County Comprehensive Plan.

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

Surrounding Property Information:

	EXISTING FLU	EXISTING ZONING	PCN	EXISTING USE	CONTROL NUMBER
Subject Site	AGR	AGR	00-42-43-27-05-067-0281 00-42-43-27-05-067-0283	Vacant	2007-003
North	IND/AGR	IL	00-42-43-27-05-067-0150	AGRICULTURAL USE	2021-00166 R2021-1169
South	AGR	AGR	00-42-43-27-05-067-0290	HORSE TRAINING	N/A
East	AGR	AGR-PUD	VARIOUS PCN	RESIDENTIAL	2000-0032 R2016-1235
West	AGR	AGR	00-42-43-27-05-067-0272	PUD	N/A

Project History:

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

A. PROPOSED TEXT AMENDMENT SUMMARY:

G. CONSISTENCY WITH THE COMPREHENSIVE PLAN AND FLORIDA STATUTES:

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

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

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

Response: The Applicant owns two contiguous parcels totaling approx. 6.33± acres. The subject site is along a major road corridor, State Road (SR-7), south of W. Atlantic Avenue, and Applicant intends to develop a combination of medical office and agricultural (sales and service). As the western communities become more residentially established, it becomes paramount to take creative approaches to yield development that provides services to these communities while curtailing eastbound trips and providing needed services where the population lives and works.

When Palm Beach County's Comprehensive Plan was assessed, it seemed logical to propose three changes, as outlined below:

- a. Amending the locational criteria in Policy 1.5-m to encompass the area of the subject properties in an effort to provide beneficial uses to this area.*
- b. Amending the commercial cap within Policy 1.5-n to exclude medical office and agricultural uses;*
- c. Modify Table 2.2-f.1 to include MUPD as a consistent zoning with the Special Agriculture FLU to allow for a cohesive development.*

The proposed text amendments are a logical step in creating a mechanism for properties to harness additional opportunities if and when they consider any development/redevelopment initiatives, as it will allow for valuable uses that are an overall benefit to the public in providing needed services.

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

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

Response: While a future FLU amendment will be proposed if this text amendment is approved, it is currently the Applicant's intent is to work with the surrounding community in an effort to provide a cohesive development that will consist of two complimentary uses containing medical office and agricultural sales and service, thus benefiting the surrounding community.

In this area, State Road 7 is a divided highway with small scale commercial services continued throughout the corridor. By adding the nearby intersection of W. Atlantic and State Road 7 as an area that can receive a commercial or mixed-use land use designation

within the Ag. Reserve, it will allow property owners the ability to react and respond to particular economic indicators that would allow their properties to achieve the highest and best use.

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

Response: As mentioned, the Applicant owns two contiguous properties within the Agricultural Reserve. In a previous application, the Applicant proposed a FLU designation change to Commerce, and faced significant opposition from nearby residents regarding the provision of access via La Reina Road. While the previous application was withdrawn, the Applicant has re-evaluated the feedback offered by stakeholders, and balanced that with the evolving market trends, and believes that there is a viable solution that can be reached with the proposal of the subject text amendment. The proposed change from AG-Reserve to CL-O and SA will lessen the impact to the residential neighborhood.

It is important to note, that if the amendments are approved, BCC will still have authority to review and approve future applications for a land use amendment, rezoning, and site plan to ensure all proposals remain consistent with the overall intent of the Comprehensive Plan.

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

Response: The primary driver behind this proposed development is to plan a cohesive development which can meet the needs of the surrounding community, while still being aligned with current market trends.

When the Agricultural Reserve was developed in 1999, it was the goal to preserve unique farmland and wetlands while allowing for low-density residential and limited commercial development. Between 2010 and 2022, Palm Beach County's population grew by approximately 14.7%. While data doesn't necessarily point to a specific location in PBC where individuals moved, the general migration pattern in southeast Florida can lead one to a reasonable assumption that the western areas in and/or adjacent to the Agricultural Reserve tier would have seen some degree of elevated population.

Because of this, it becomes important to remain committed to maintaining consistency with the original intent of the Ag. Reserve, while also providing services that will benefit the surrounding areas. The proposed text amendments will allow the Applicant to react and respond to changing conditions related to steady population growth, and providing essential services that will benefit the public, while reducing traffic.

- d. Inappropriateness of the adopted FLU designation; or

Response: Requesting the text amendments will make the proposed FLU amendments appropriate; this criterion will be addressed when a formal FLU amendment is proposed

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

Response: No, the vision has changed for this area. This criterion will be addressed when a formal FLU amendment is proposed

Residential Density Increase – Attached G.2 Not Applicable

Compatibility – Attached G.3

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

Response: The proposed text amendments will allow the Applicant's two contiguous parcels to be developed as one cohesive development, avoid spot zoning, and that will not produce any undesired impacts to adjacent properties.

Companion Privately Initiated Zoning Text Amendment:

Agricultural Sales and Service Text Amendment:

Tractor Supply has been attempting to gain a foothold within the AGR portion of the county for several years. The County has historically categorized the use as retail which is not permissible within the AGR zoning district. The reason Tractor Supply was held to the retail use code was based on their sales of accessory retail items such as clothing, holiday décor, gardening, and sporting goods. The accessory retail sales is exactly what is says, accessory to the primary agricultural/ equestrian lifestyle products. This specific use should have been categorized as Agricultural Sales and Service from the start which brings us to the subject request to further define what Agricultural Sales and Service means.

The major difference between standard retail and Agricultural Sales and Service is the types of products offered and the physical size of the products. Tractor supply utilizes an outdoor sales area for products such as fences and gates, feeding troughs, farm/tractor implements, hay and feed, lawn mowers and small tractors.

Parking Text Amendment:

The nature of the Agricultural Sales and Service use and the products being sold are not traditional retail as detailed above. The products are larger the stocked SKU's are lower than general retail and this is a destination business vs. a passerby which generates more traffic and higher parking demand. The applicant is proposing the URA's commercial parking calculation for the interior space at 1 space per 333 s.f. This rate has been utilized successfully for Dollar General and other retail operators. The outdoor sales area is proposed at 1 space per 1,000 s.f. as this space generally includes very large equipment and building materials (fencing, chicken coops, gates), fertilizers, landscaping supplies/tools, tractors, and other large material that take up a significant amount of space. The outdoor area is also designed to allow for a customer vehicle to travel in one side of the space load up the vehicle with product and drive through the other side. The maneuvering space utilizes a significant amount of space within the outdoor sales area which again justifies the reduction in the parking specific to the outdoor sales area.

CHAPTER B USE CLASSIFICATION

Section 6 Agricultural Uses

C. Definitions and Supplementary Use Standards for Specific Uses

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6. Agriculture, Sales and Service

a. Definition

An establishment primarily engaged in the sale or rental of farm tools, small implements, gardening and farming equipment such as pickers and mowers; sale of livestock, feed, grain, tack, riding attire, animal care products, farm supplies, and the like to account for at least 75 percent of the floor space of the sales area, including indoor and outdoor sales area:

b. Approval Process – AR/RSA Zoning District

May be permitted in the AR/RSA Zoning District with an SA FLU, subject to a Class A Conditional Use approval.

c. Storage

All storage areas for Agricultural Sales and Service uses shall be enclosed or completely screened from view. A maximum of five tractor-trailers used for the transport of farm products may be stored outside if they are completely screened from view from adjacent properties and streets.

d. Outdoor Display

An outdoor display area may be established subject to the following requirements:

- 1) The outdoor display of merchandise shall be located under a roof overhang of an enclosed building;
- 2) Display items must be within 10 (ten) feet of the building;
- 3) A designated area within the parking lot may be utilized for the display of trailers, ATVs, and the like. This display area shall be screened from all properties supporting a residential FLU or use. Screening in the form of an opaque fence, landscape screen, or combination thereof.

d. Grocery and General Retail Sales

A maximum of 25% Five percent or 1,000 square feet, whichever is less, of the merchandise sales area use may be devoted to general retail and grocery sales. Shelves, floor area, counter space, and overhead display areas shall be included in the calculation of the general retail and grocery sales area. There shall be no exterior signage and no external evidence of the availability of grocery products for sale.

e. Repair Service

Service of small implements only shall be permitted in an enclosed area that is completely screened from view from adjacent properties and set back a minimum of 25 feet from any side or rear property line. Repair activities shall occur only between the hours of 7:00 a.m. and 9:00 p.m.

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Article 6, Table 6.B.1.B – Minimum Parking and Loading Requirements

Use Classification: Agricultural		Loading Standard
Agriculture, Bona Fide Accessory Agricultural Uses (U-Pick Em Operations)	1 space per 1,000 sq. ft.	B
Agriculture Marketplace	1 space per 200 sq. ft. including outdoor display area	B
Agriculture, Light Manufacturing	1 space per 1,000 sq. ft.	B
Agriculture, Packing Plant	1 space per 2,000 sq. ft.	B
Agriculture, Renewable Fuels Production	1 space per 1,000 sq. ft.	B
Agriculture, Research and Development	1 space per 1,000 sq. ft.	B
Agriculture, Sales and Service	1 space per 250 <u>333</u> sq. ft. for interior sales space. <u>1 space per 1,000 s.f. of outdoor sales space</u>	B
Agriculture, Storage	1 space per 1,000 sq. ft.	B
Agriculture, Transshipment	1 space per 2,000 sq. ft.	B
Aviculture	1 space per 200 sq. ft.	A
Community Vegetable Garden (10)	4 spaces per garden	N/A
Equestrian Arena, Commercial	1 space per 3 seats	N/A
Farmers Market	1 space per 250 sq. ft.	A
Nursery, Retail	1 space per 500 sq. ft. of indoor or covered retail and office areas plus 1 space per 4 acres if the nursery is 20 acres or less, or 1 space per 5 acres if the nursery is greater than 20 acres	B

Nursery, Wholesale (3)(4)	1 space per 4 acres if the nursery is 20 acres or less, or 1 space per 5 acres if the nursery is greater than 20 acres	B
Potting Soil Manufacturing	2 spaces per acre; minimum of 5 spaces	B
Produce Stand	1 space per 250 sq. ft. including outdoor display area	N/A
Shade House	N/A	N/A
Commercial Greenhouse	1 space per acre of greenhouse	B
Stable, Commercial or Private	1 space per 500 sq. ft.; plus 1 space per 4 animal stalls	N/A
Sugar Mill or Refinery	1 space per 2,000 sq. ft.; plus 1 space per 200 sq. ft. of office space	N/A
[Ord. 2006-004] [Ord. 2008-037] [Ord. 2012-027] [Ord. 2015-031] [Ord. 2016-042] [Ord. 2017-007] [Ord. 2017-025] [Ord. 2019-005] [Ord. 2020-001]		