

# 2020 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

## Part 1. Amendment Data

### A. Amendment Data

<b>Round</b>	22-A	<b>Intake Date</b>	May 12, 2021
<b>Application Name</b>	Las Farms Landscape	<b>Control No.</b>	None
<b>Acres</b>	6.95 acres	<b>Concurrent Zoning application?</b>	No
		<b>Text Amend?</b>	No
<b>PCNs</b>	00-42-43-27-05-052-0240		
<b>Location</b>	West side of State Road 7, approximately ½ mile north of Boynton Beach Boulevard		
	<b>Current</b>	<b>Proposed</b>	
<b>Tier</b>	Agricultural Reserve	Agricultural Reserve	
<b>Use</b>	Agriculture/Nursery	Landscape Services	
<b>Zoning</b>	Agricultural Reserve (AGR)	Light Industrial (IL)	
<b>Future Land Use Designation</b>	Agricultural Reserve (AGR)	Industrial (IND)	
<b>Underlying Future Land Use Designation</b>	None	Agricultural Reserve (AGR)	
<b>Conditions</b>	None	The subject site shall be limited to uses that demonstrate light industrial characteristics such as businesses, light manufacturing, and processing uses that do not involve significant amounts of noise, heat, mechanical and chemical processing, or large amounts of material transfer. Industrial uses generating hazardous or toxic waste shall be prohibited.	
<b>Density Bonus</b>	None	None	

### B. Development Potential

	<b>Current FLU</b>	<b>Proposed FLU</b>
<b>Density/Intensity:</b>	1 unit per 5 acres or 0.15 FAR of agricultural uses	0.45 FAR
<b>Maximum Dwelling Units<sup>1</sup></b> (residential designations)	Single Family, 1 unit 0.2 du/acre x 6.95 ac. = 1 unit	Single Family, 1 unit 0.2 du/acre x 6.95 ac. = 1 unit (per underlying AGR)
<b>Maximum Beds (for CLF proposals)</b>	Not Applicable	Not Applicable

<b>Population Estimate</b>	1 max du x 2.39 = 2 people	1 max du x 2.39 = 2 people (per underlying AGR)
<b>Maximum Square Feet</b> 2, 4 (non-residential designations)	0.15 FAR x 6.95 ac. = 45,411 SF of agricultural uses	0.45 FAR x 6.95 ac. = 136,234 SF of industrial uses
<b>Proposed or Conditioned Potential</b> 3, 4	----	None
<b>Max Trip Generator</b>	Nursery (Garden Center) code 817. Daily: 108.1 trips/acre AM: 2.82 trips/acre PM: 8.06 trips/acre	Light Industrial code 110, or Flex Space IND FLU, or Landscape Services. Maximum trip rates: Daily: 7.86 trips/1000 SF AM: 34.4 trips/acre PM: 1.21 trips/1000 SF
<b>Maximum Trip Generation</b>	Daily: 751 AM: 20 PM: 56	Daily: 964 AM: 239 PM: 148
<b>Net Daily Trips:</b>	<u>213</u> (maximum minus current) <u>N/A</u> (proposed minus current)	
<b>Net PH Trips:</b>	<u>219</u> AM, <u>92</u> PM (maximum) <u>N/A</u> AM, <u>N/A</u> PM (proposed)	

1. Maximum units per acre see Future Land Use Element;
2. Maximum FAR see FLUE. If the site's acreage is large enough to be a planned development, utilize the PDD maximum whether or not a PDD is proposed. If the site's acreage does not meet the minimum PDD thresholds, the non-PDD maximum may be utilized.
3. For applications with a voluntary condition for a maximum development potential and use which will become binding in the adopting ordinance;
4. FLUA Amendments with a concurrent zoning application must calculate maximum development potential at the typical use & trip generation (eg. General Retail for Commercial future land uses) and in addition, calculate the trip generation for the actual proposed zoning application.

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## Part 2. Applicant Data

### A. Agent Information

<b>Name</b>	Lauren McClellan & Jennifer Morton
<b>Company Name</b>	JMorton Planning & Landscape Architecture
<b>Address</b>	3910 RCA Boulevard, Suite 1015
<b>City, State, Zip</b>	Palm Beach Gardens, Florida 33410
<b>Phone Number</b>	(561) 721-4463 / (561) 500-5060
<b>Email Address</b>	<a href="mailto:lmcclellan@jmortonla.com">lmcclellan@jmortonla.com</a> / <a href="mailto:jmorton@jmortonla.com">jmorton@jmortonla.com</a>

### B. Applicant Information

<b>Name</b>	Andrew & Lois Soowal
<b>Company Name</b>	Las Farms of the Palm Beaches LC
<b>Address</b>	820 SE 16 <sup>th</sup> Street
<b>City, State, Zip</b>	Deerfield Beach, Florida 33441
<b>Phone / Fax Number</b>	
<b>Email Address</b>	
<b>Interest</b>	Property Owner

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## Part 3. Site Data

### A. Site Data

<b>Built Features</b>	The Property contains one 3,713 SF office building. In addition, there are several agriculture structures scattered throughout the property including shade houses, sheds, pole barn and storage garage. See Attachment F for Inventory and Map.
<b>PCN</b>	00-42-43-27-05-052-0240 Legal Description provided as Attachment A. Survey provided as Attachment P.
<b>Street Address</b>	9437 South State Road 7
<b>Frontage</b>	Approximately 660 feet of frontage along State Road 7 and 458 feet of depth.
<b>Legal Access</b>	State Road 7
<b>Contiguous under same ownership</b>	None
<b>Acquisition details</b>	The Property was originally purchased by Andrew and Lois Soowal on July 21, 1994 from Seven Realty Corp. of Palm Beach. On May 29, 2009 ownership was conveyed to Las Farms of the Palm Beaches, LC a company owned by Andrew & Lois Soowal. Copies of Warranty Deeds are provided as Attachment A.
<b>Size purchased</b>	6.95 acres

### B. Development History

<b>Control Number</b>	None
<b>Previous FLUA Amendments</b>	None.
<b>Concurrency</b>	None.
<b>Plat, Subdivision</b>	Palm Beach Farms Company Plat No. 3, PB 1, pgs. 38-39.
<b>Zoning Approvals &amp; Requests</b>	None.



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## Part 4. Consistency

### A. Consistency

<b>Justification</b> Provide as G.1.	See Attachment G, Section G.1.
<b>Residential Density Increases</b> Provide as G.2.	See Attachment G, Section G.2.
<b>Compatibility</b> Provide as G.3.	See Attachment G, Section G.3.
<b>Comprehensive Plan</b> Provide as G.4.	See Attachment G, Section G.4.
<b>Florida Statutes</b> Provide as G.5.	See Attachment G, Section G.5.

### B. Surrounding Land Uses.

Adjacent Lands	Use	Future Land Use	Zoning
<b>North</b>	VJ Growers Supply – Commercial Sales & Service including Wholesale Horticultural and Nursery Supply Distribution Warehouse	Agricultural Reserve (AGR)	Agricultural Reserve (AGR) Control No. 1980-145 Resolution No. R-1980-1234
<b>South</b>	Vacant	Agricultural Reserve (AGR)	Agricultural Reserve (AGR)
<b>East</b>	Faith Farm	Institutional, with underlying Agricultural Reserve (INST/AGR)	Institutional & Public Facilities (IPF) Control No. 1994-073 Resolution No. R-2020-1241
<b>West</b>	Canyon Lakes Preserve Parcel – Agriculture Uses	Agricultural Reserve (AGR)	Agricultural Reserve Planned Unit Development (AGR-PUD) Control No. 2002-067 Resolution No. R-2020-1243

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## Part 5. Public Facilities Information

<b>A. Traffic Information</b>		
	<b>Current</b>	<b>Proposed</b>
<b>Max Trip Generator</b>	Nursery (Garden Center) code 817. Daily: 108.1 trips/acre AM: 2.82 trips/acre PM: 8.06 trips/acre	Light Industrial code 110, or Flex Space IND FLU, or Landscape Services. Maximum trip rates: Daily: 7.86 trips/1000 SF AM: 34.4 trips/acre PM: 1.21 trips/1000 SF
<b>Maximum Trip Generation</b>	Daily: 751 AM: 20 PM: 56	Daily: 964 AM: 239 PM: 148
<b>Net Daily Trips:</b>	<u>213</u> (maximum minus current) <u>N/A</u> (proposed minus current)	
<b>Net PH Trips:</b>	<u>219</u> AM, <u>92</u> PM (maximum) <u>N/A</u> AM, <u>N/A</u> PM (proposed)	
<b>Significantly impacted roadway segments that fail Long Range</b>	None.	None.
<b>Significantly impacted roadway segments for Test 2</b>	None.	None.
<b>Traffic Consultant</b>	Pinder Troutman Consulting, Inc.	
<b>B. Mass Transit Information</b>		
<b>Nearest Palm Tran Route (s)</b>	Route 73 – Boynton Beach X-Town via Boynton Beach Boulevard	
<b>Nearest Palm Tran Stop</b>	Stop # 6791 – Bethesda Hospital (approximately ½ mile away)	
<b>Nearest Tri Rail Connection</b>	Boynton Beach Tri-Rail Station (Gateway Boulevard) Via Route 73	
<b>C. Portable Water &amp; Wastewater Information</b>		
<b>Potable Water &amp; Wastewater Providers</b>	Palm Beach County Water Utilities Department. Sufficient capacity is available for the proposed development. Connection to sewer will require a lift station and force main extension. See Attachment I for letter from Palm Beach County Water Utilities Department.	

<b>Nearest Water &amp; Wastewater Facility, type/size</b>	A 16" potable water main is located adjacent to the Property within State Road 7 right-of-way. An 8" wastewater forcemain is located on the east side of State Road 7 approximately 2,900 feet to the south and east of the Property.			
<b>D. Drainage Information</b>				
There is an existing 18" outfall from the site into the LWDD L-23W Canal which runs along the southern property line. This outfall pipe will continue to serve as legal positive outfalls for the site. Onsite attenuation is provided via existing swales/ditches which are to remain. The Property is within the SFWMD C-16 Basin, and the site will comply with the C-16 basin criteria.				
<b>E. Fire Rescue</b>				
<b>Nearest Station</b>	Station # 47 – 7950 Enterprise Center Circle			
<b>Distance to Site</b>	Approximately 3 miles			
<b>Response Time</b>	8:30 minutes			
<b>Effect on Resp. Time</b>	The proposed change will have some impact on Fire-Rescue facilities. See Attachment K for letter from Fire-Rescue Department.			
<b>F. Environmental</b>				
<b>Significant habitats or species</b>	There are no significant habitats or species on the Property. The site has previously cleared and utilized for an agricultural nursery. An aerial and several pictures of the Property are provided as Attachment L.			
<b>Flood Zone*</b>	The Property is located in Special Flood Zone AE. See Flood Zone Map as Attachment M.			
<b>Wellfield Zone*</b>	The Property is not located within a Wellfield Protect Zone. See Wellfield Map as Attachment N.			
<b>G. Historic Resources</b>				
There are no significant historic resources on the Property or within 500 feet of the Property. See Attachment O.				
<b>H. Parks and Recreation - Residential Only (Not Residential Request)</b>				
<b>Park Type</b>	<b>Name &amp; Location</b>	<b>Level of Svc. (ac. per person)</b>	<b>Population Change</b>	<b>Change in Demand</b>
<b>Regional</b>		0.00339		
<b>Beach</b>		0.00035		
<b>District</b>		0.00138		

**I. Libraries - Residential Only (Not Residential Request)**

<b>Library Name</b>			
<b>Address</b>			
<b>City, State, Zip</b>			
<b>Distance</b>	<i>Indicate the distance from the site to the nearest library.</i>		
<b>Component</b>	<b>Level of Service</b>	<b>Population Change</b>	<b>Change in Demand</b>
<b>Collection</b>	2 holdings per person		
<b>Periodicals</b>	5 subscriptions per 1,000 persons		
<b>Info Technology</b>	\$1.00 per person		
<b>Professional staff</b>	1 FTE per 7,500 persons		
<b>All other staff</b>	3.35 FTE per professional librarian		
<b>Library facilities</b>	0.34 sf per person		

**J. Public Schools - Residential Only (Not Residential Request)**

	<b>Elementary</b>	<b>Middle</b>	<b>High</b>
<b>Name</b>			
<b>Address</b>			
<b>City, State, Zip</b>			
<b>Distance</b>			

# 2020 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

## Part 6. Attachments

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- A. **PCN's, Legal Description and Warranty Deed** (include Legal in PDF & Word)
- B. **Agent Consent Form**
- C. **Applicant's Ownership Affidavit**
- D. **Applicant's Notice Affidavit, Property Appraiser List, and Labels**
- E. **Disclosure of Ownership Interests**
- F. **Built Feature Inventory & Map**
- G. **Consistency with the Comprehensive Plan and Florida Statutes** (include in PDF & Word)
- H. **Traffic Approval Letter & Traffic Study**
- I. **Water & Wastewater Provider LOS Letters**
- J. **Drainage Statement**
- K. **Fire Rescue Letter**
- L. **Natural Feature Inventory & Map**
- M. **Flood Zone Map**
- N. **Wellfield Zone**
- O. **Historic Resource Evaluation Letter**
- P. **Survey**

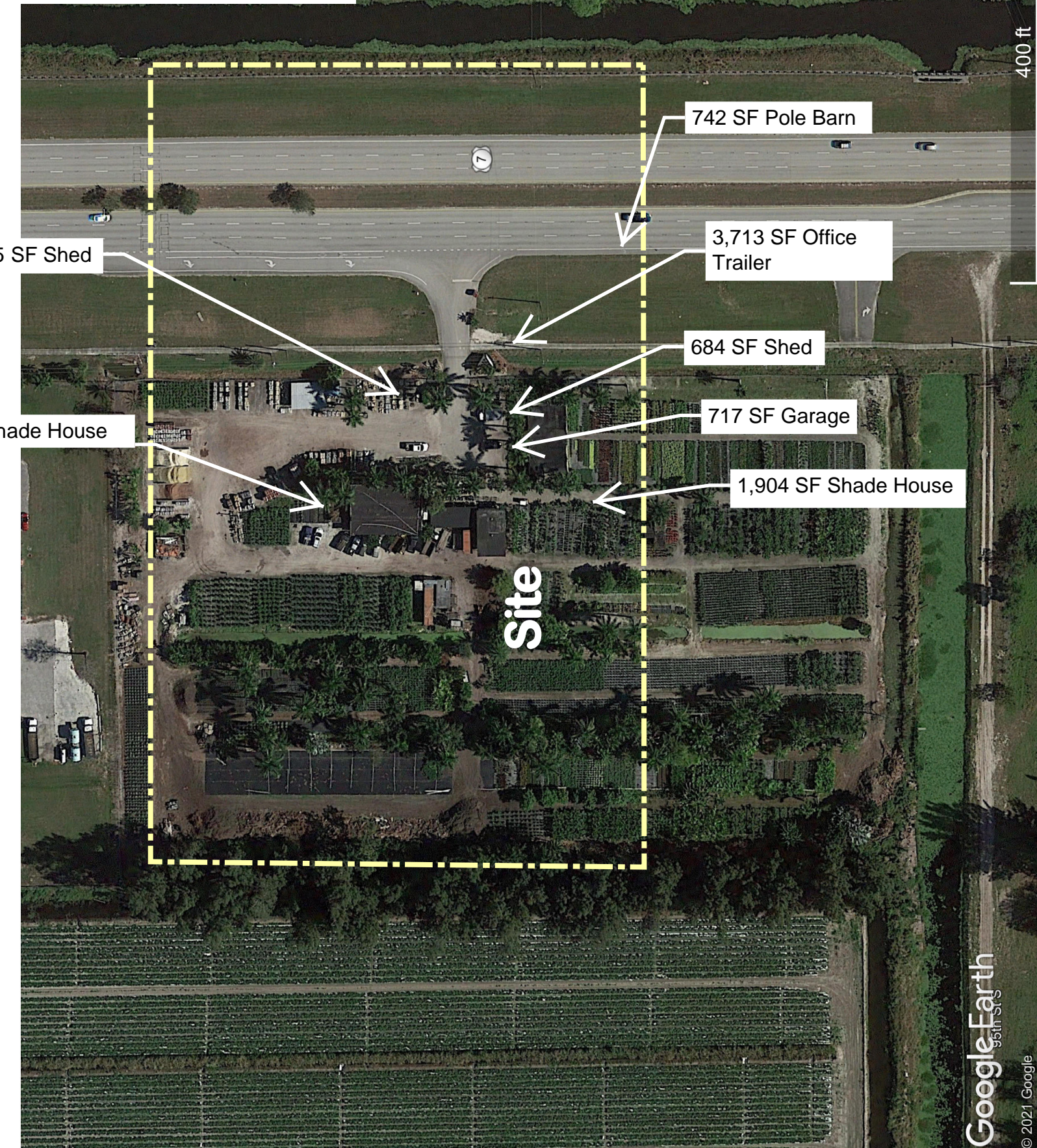
Forms for Attachments B, C, D, and E are located on the web at:

<http://www.pbcgov.org/pzb/planning/Pages/Comprehensive-Plan-Amendment-Applications.aspx>

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F - Built Feature Inventory & Map





## Attachment G Consistency with the Comprehensive Plan and Florida Statutes

### **Introduction**

On behalf of the Applicant, JMorton Planning & Landscape Architecture is requesting a Comprehensive Plan Future Land Use Atlas amendment for the property located at 9437 South State Road 7 (“Property”).

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

The Applicant is proposing to amend the Future Land Use designation from Agricultural Reserve to Industrial, with an underlying Agricultural Reserve, subject to the following voluntary condition:

- The subject site shall be limited to uses that demonstrate light industrial characteristics such as businesses, light manufacturing, and processing uses that do not involve significant amounts of noise, heat, mechanical and chemical processing, or large amounts of material transfer. Industrial uses generating hazardous or toxic waste shall be prohibited.

### **Description of Site Vicinity**

The Property is located on the west side of State Road 7, approximately ½ mile north of Boynton Beach Boulevard at 9437 South State Road 7. The Property has a Future Land Use designation of Agricultural Reserve. Within the vicinity of the Property are multiple agricultural uses including row crops, agriculture sales and service, and a significant chipping and mulching facility.

Land uses directly abutting the Property include the following:

<b>Adjacent Property</b>	<b>Land Use Designation</b>	<b>Zoning Designation</b>	<b>Existing Use</b>	<b>Control Number</b>
<b>North</b>	Agricultural Reserve (AGR)	Agricultural Reserve (AGR)	VJ Growers Supply – Commercial Sales & Service including Wholesale Horticultural and Nursery Supply Distribution Warehouse	1980-145
<b>South</b>	Agricultural Reserve (AGR)	Agricultural Reserve (AGR)	Vacant	None
<b>East</b>	Institutional, with underlying Agricultural Reserve (INST/AGR)	Institutional & Public Facilities (IPF)	Faith Farm	1994-073
<b>West</b>	Agricultural Reserve (AGR)	Agricultural Reserve Planned Unit Development (AGR-PUD)	Canyon Lakes Preserve Parcel – Agriculture Uses – Row crops	2002-067

### **G.1 Justification**

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

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

**Response:** *The proposed Industrial Future Land Use designation is suitable and appropriate for the subject site. Several of the uses surrounding the Property are industrial in nature such as the chipping and mulching facility to the south as well as the agricultural sales, service and warehouse use to the north. Many uses currently allowed within the AGR Future Land Use and Zoning designations are industrial in nature and would not be negatively impacted by the proposed Future Land Use amendment. These uses include: Agriculture, Light Manufacturing; Packing Plant; Agriculture, Transshipment; Potting Soil Manufacturing; and Agriculture, Storage. These uses already exist throughout the Agricultural Reserve on the west side of State Road 7. In 2016, the Board of County Commissioners adopted a Future Land Use amendment for the Homrich Nursery property at the northwest corner of Boynton Beach Boulevard and State Road 7 (just south of the Property) to amend the Future Land Use designation to Commercial Low, with an underlying Industrial (CL/IND) designation.*

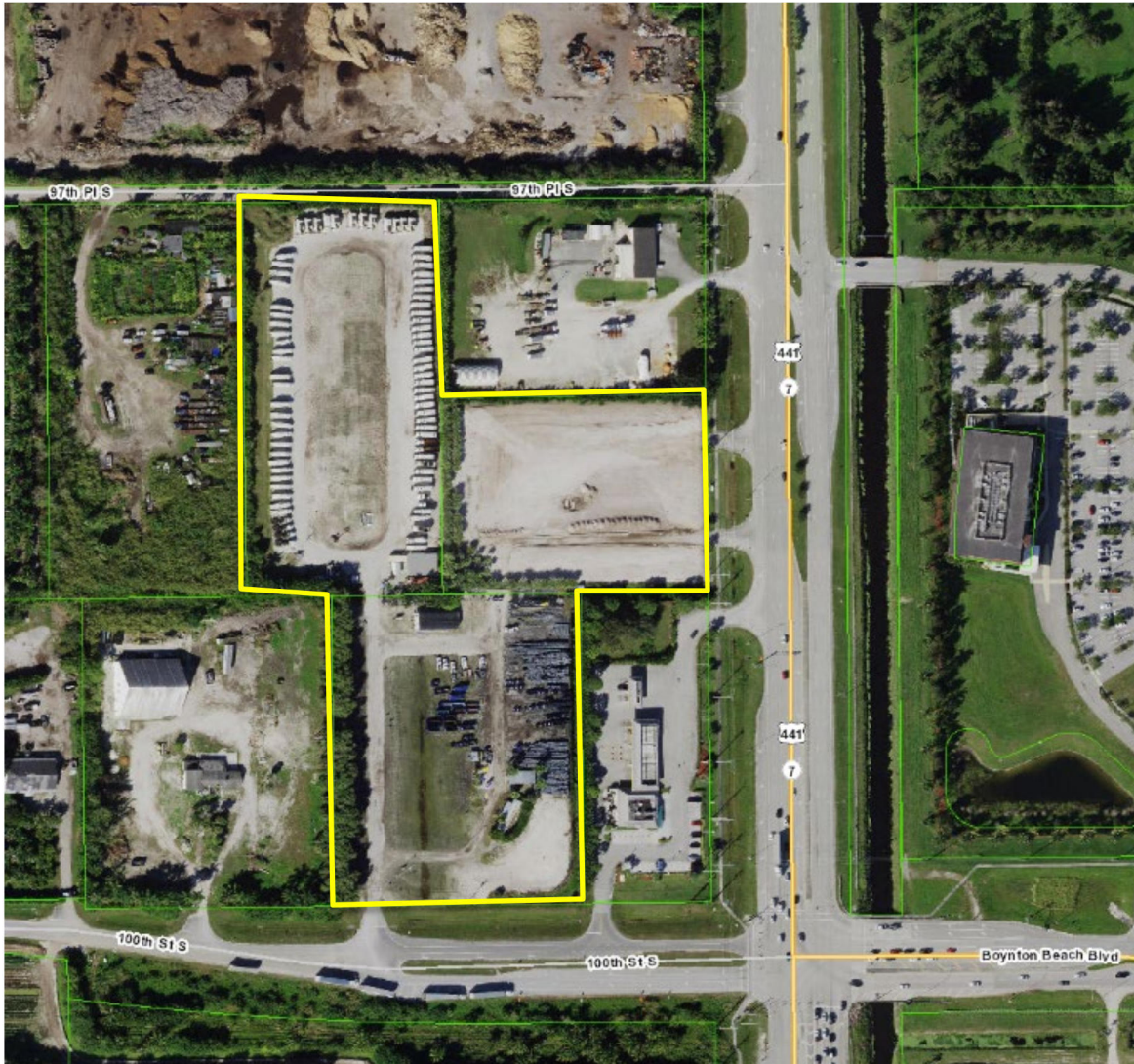
*The Property is currently utilized as a garden center and nursery. As new residential projects continue to be approved in the Agricultural Reserve and more people populate the area, additional services are needed and should be located close to the need. These services include but are not limited to landscape services, flex office and warehouses for contractors, self-storage, and similar uses are necessary to support the growing population in the immediate area. The small 6.95 acre property is not large enough to support an agricultural use other than the current small garden center and nursery or one of the uses previously identified that can be classified as industrial in nature. The proposed change would allow an industrial use to provide a needed service to the neighboring residential communities without being directly adjacent to those uses. The Property's location on the west side of State Road 7 prevents the possibility of having a potentially negative impact on the residential use.*

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

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

**Response:** *The Agricultural Reserve Tier has been the subject of numerous changes recently. The commercial cap has been increased to accommodate new commercial projects along Boynton Beach Boulevard, State Road 7 and Atlantic Avenue. Additionally, as previously mentioned the Future Land Use designation of the Homrich Nursery located approximately ¼ mile south of the Property on the same site of State Road 7 was changed to Commercial Low, with an underlying Industrial designation in 2016. Since then, the Homrich Nursery property has been developed with a landscape service business and a contractor storage yard for a waste management hauler. Below is a current aerial of the Homrich Nursery property showing the use of the property for waste management hauler purposes. This aerial shows waste management trucks parked along the perimeter of the northern parcel as well as a building for the repair and maintenance of those vehicles. Multiple waste management bins and containers are stored outside on the southern parcel. The parcel fronting on State Road 7 has been cleared for the future development of a Landscape Service contractor operation that will have multiple landscape vehicles parked outside, outdoor yard waste storage, and above ground fuel tanks to serve the vehicle fleet. The Future Land Use amendment that was granted for the Homrich Nursery property recognized the changing characteristics of the area and the compatibility concerns for certain agriculture uses that are industrial in nature on adjacent properties.*





*One of the reasons, the Homrich Nursery property was granted approval for an Industrial designation was due to the impacts of the existing chipping and mulching facility on the agricultural use (wholesale nursery) on that property at the time. That same chipping and mulching facility is located to the south of the subject Property and continues to impact the other properties within the vicinity.*

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

**Response:** *As mentioned above, the characteristics of State Road 7 within the Agricultural Reserve have changed since the Agricultural Reserve Master Plan's inception. Multiple residential projects have been developed between State Road 7 and Florida's Turnpike. The Bethesda Hospital located just south east of the Property was constructed in the early 2000's and an expansion was recently approved by the Board of County Commissioners that will nearly double the size and intensity. The residential and commercial development that has been constructed within the central part of the Tier along Boynton Beach Boulevard, Atlantic Avenue, and Lyons Road has forced several agricultural operations to relocate. The Alderman Farms Packing Plant relocated from the northeast corner of Boynton Beach Boulevard to the west side of State Road 7 after approval of the CobbleStone Commons retail plaza. The Thomas Packing Plant closed and relocated out of the area after approval of the comprehensive plan amendment removing that property*

located at the northeast corner of Clint Moore Road and State Road 7 from the Agricultural Reserve Tier and designating it as commercial Low, with an underlying 2 units per acre (CL/2).

Additionally, the other recent Future Land Use amendments approved on the west side of State Road 7 including Stop and Shop (LGA 2016-023) to allow for gas sales and service and retail uses and Homrich Commercial (LGA 2016-019) have been approved which recognize the changed conditions of the Agricultural Reserve. Other Future Land Use amendment applications have been submitted for properties on the west side of State Road 7 including Sunflower Light Industrial (LGA 2021-016) and Jericho Medical Office are currently in review with the County Planning Division. If approved, these changes will allow for a Landscape Service business to continue operations on-site and the addition of medical office to serve the needs of the growing number of residents moving to the Agricultural Reserve.

These changes indicate the Agricultural Reserve has continued to change from a rural agricultural area to a suburban community with a growing population that needs various services and goods within proximity of their homes. A sustainable community is a community that is planned, built and modified to promote a living environment that focuses on urban infrastructure, social equity, efficient provision of utility services and economic sustainability. Sustainable communities incorporate principles that improve access to affordable housing, increase transportation options, and lower transportation costs while protecting the environment. Approval of additional industrial land will allow for needed services to be located near existing housing, thus reducing vehicle trips outside of the Agricultural Reserve and ultimately contributing to less traffic congestion and better access throughout the Agricultural Reserve.

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

**Response:** The consultants that prepared the Agricultural Reserve Master Plan recognized the industrial corridor along Atlantic Avenue between State Road 7 and Smith Sundry Road/Half Mile Road. Furthermore, the consultant recommended 330,000 square feet of additional industrial square footage within the Agricultural Reserve. When the Board of County Commissioners reviewed the Agricultural Reserve Master Plan and directed Staff to prepare additional Comprehensive Plan policies for the Agricultural Reserve Tier, the addition of industrial land and industrial uses was not included. Twenty years have passed since these Agricultural Reserve policies were incorporated into the Comprehensive Plan and the Agricultural Reserve Tier is close to being “built out”. Of the 22,000 acres within the Agricultural Reserve, only 1,700 acres remain without any development approvals. This represents a total of 5% of the Agricultural Reserve that is not entitled for development or preservation.

The consultants that developed the Agricultural Reserve Master Plan anticipated that the Agricultural Reserve would be a place where people can live, work and play without having to travel to the Urban/Suburban Tier. Contrary to the intent of the Master Plan, the Agricultural Reserve has become an exclusive community comprised mainly of expensive single family homes. Most of the employment opportunities available within the Tier are generated by the commercial centers, farming activities, and industrial corridor along Atlantic Avenue. The proposed Future Land Use amendment to Industrial will create another opportunity for a service not currently located in the Tier. This opportunity would ultimately meet the intent of the Master Plan that has yet to be realized by the current limited development pattern.

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

**Response:** N/A

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

**Response:** N/A

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

This proposed FLU amendment is not requesting to increase residential density.

### **G.3 Compatibility**

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

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

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

- Primary access is available from State Road 7, a right-of-way designated as an Urban Arterial road, thus directing traffic away from local roads in the vicinity.
- The Property is located on a major north/south transportation route (State Road 7). Many uses along this transportation route are industrial or commercial in nature even though they are technically agricultural uses. For example, there are multiple agriculture sales and service establishments, produce packing houses, agricultural storage locations for farm equipment and materials, a chipping and mulching facility, and a farmers’ market all on the west side of State Road 7. On this basis, the proposed development concept at this location is determined to be compatible.
- The proposed use is consistent with the existing development pattern and adjacent uses that have occurred along the State Road 7 corridor.

As mentioned, many uses that are permitted and currently exist on the agriculture land within the Agricultural Reserve have similar impacts on adjacent properties. Farming activities often include: pesticide and herbicide spraying, heavy equipment storage and operation, produce packing activities, truck deliveries and loading including refrigeration trucks, 24 hour operations, noise, dust, and outdoor storage of materials and dead plants/vegetation. Agriculture activities are often not buffered from adjacent properties and uses. Additionally, the County code requires setbacks, buffers and landscaping for all on-site structures to ensure compatibility.

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

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

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

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

**Response:** *Approval of this proposed FLU amendment will allow for the development of an industrial use on a Property with access to State Road 7, a major north/south transportation route. The area surrounding the Property is a mix of agricultural, industrial, and commercial uses. Residential PUDs are prohibited*



*form being located on the west side of State Road 7. This use will ensure that the Agricultural Reserve Tier is a diverse community that can meet the needs of the existing and future residents located on the east side of State Road 7 and within the Tier.*

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

***Response:** The Property is located within the Agricultural Reserve Tier which is a Limited Urban Service Area (LUSA) where services and public facilities are already available. The Property’s location on a major transportation route with access/frontage on State Road 7 contributes to timely, cost effective service provision. The proposed industrial designation will allow for development of a use that will better serve the immediate and future needs of the community as it will provide additional services and employment opportunities.*

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

- **FLUE Objective 2.2 Future Land Use Provisions - General** – “Palm Beach County shall ensure development is consistent with the County’s diverse character and future land use designations. All public and private activities concerning the use, development and redevelopment of a property, and the provisions of facilities and services shall be consistent with the property’s future land use designation, and the applicable Goals, Objectives and Policies of this Element.”

***Response:** The Property is currently developed with a nursery and garden center. A change to the Industrial Future Land Use designation would allow for the development of additional uses to support the growing residential communities within the Agricultural Reserve by providing additional services to the residents within the Tier and without further impacting the roadway network leading to the Urban/Suburban Tier.*

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

***Response:** The Property is located within the Agricultural Reserve Tier which is a Limited Urban Service Area (LUSA) with services and public facilities available. Development of an industrial use on the Property would be consistent with the existing development pattern along State Road 7. A change to the Future Land Use designation would allow for the development of a project that would provide an employment opportunity and additional services to the surrounding community.*

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

- **FLUE Policy 2.2.4-a:** “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 Future Land Use Atlas amendments that result in the loss of industrially designated land.”

***Response:** Providing additional Industrial land within the Agricultural Reserve ensures the availability of employment opportunities and needed services to the residents of the Agricultural Reserve Tier. By adding valuable Industrial land to the Agricultural Reserve Tier, economic diversity is ensured within the Tier and Palm Beach County. No industrial land exists along Boynton Beach Boulevard within a 3 mile radius other*

than the Homrich Property which was approved approximately 5 years ago when the BCC determined that location to be appropriate for Commercial/Industrial development.

- **FLUE Policy 2.2.4-d:** “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.”

***Response:** As previously indicated, agriculture uses often generate dust, smoke, fumes, odor, noise, vibration and other objectionable effects such as aerial spraying of pesticides, etc. on adjacent properties. The proposed Future Land Use amendment to Industrial would ensure the development of a light industrial use that is located away from residential development and would not have such similar negative impacts on adjacent properties.*

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

Data and analysis demonstrating that the proposed development can be supplied by necessary services without violating adopted LOS standards are presented in Attachment H (Traffic Letter and Study), J (Drainage Statement), K (Fire Rescue Letter), and I (Water and Wastewater Provider Letter). Data and analysis discussing environmental and historical resources impacts are presented in Attachments J (Drainage Statement), M (Wellfield Zone), L (Natural Features Inventory and Map) and N (Historic Resource Evaluation Letter). No negative environmental impacts are identified.

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

- Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single use development or uses.
  - ***Response:** The applicant is requesting to change the FLU of the property from AGR to IND with an underlying future land use of AGR for the purpose of providing additional services along the State Road 7 corridor. The amendment does not promote low intensity/density or single-use development.*
- Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.
  - ***Response:** The Property is located within the State Road 7 corridor which is not rural in nature as evidenced by urban services such as police, fire rescue and water/wastewater/drainage utilities are existing in the immediate area. The proposed Industrial designation is consistent with the surrounding commercial, industrial and agricultural uses and activities.*
- Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.
  - ***Response:** The Property is not isolated in nature and currently supports a garden center. The Property is surrounded by various commercial, industrial, and institutional development and would be considered infill development within a major north/south transportation corridor.*
- Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.
  - ***Response:** This amendment does not fail to protect and conserve natural resources as the proposed development will have no negative impact on any other significant natural system. The Property does not support any environmentally sensitive areas. No listed species were located on the property and it is located*

*outside of any wellfield protection zone. As required by the ULDC, any native plant material will be addressed during the zoning approval process.*

- Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.
  - **Response:** *The Property is currently utilized as a nursery and garden center. Several changes have already been granted to properties within the immediate area that allow the development of commercial and industrial uses. The area has been changing from agriculture to commercial and industrial uses since 2006. Since the proposed request is for Industrial, no negative impacts to agricultural uses are anticipated with the land use change. The small size of the Property will not impact the adjacent larger parcels supporting agriculture operations.*
- Fails to maximize use of existing public facilities and services.
  - **Response:** *This amendment will maximize the use of existing facilities. The Property's location within a Limited Urban Service Area (LUSA) means that services and public facilities are available to serve the Property.*
- Fails to maximize use of future public facilities and services.
  - **Response:** *Reports and letters are provided with this application to show the availability of roadway capacity, water/sewer service, drainage outfall and fire response. This amendment will maximize the use of any future facilities proposed or constructed in the future and provide additional tax base. Therefore, the proposal will maximize the existing public services in the area.*
- Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.
  - **Response:** *Public services and facilities are already available in the immediate vicinity. The proposed amendment will provide for infill development and fit in with the existing land use pattern.*
- Fails to provide a clear separation between rural and urban uses.
  - **Response:** *Approval of an Industrial Future Land Use designation will be consistent with the style of development to the south. While the property is located within the Agricultural Reserve Tier of the County, this major roadway corridor has been changing as new commercial and industrial uses are approved and developed. The surrounding residential developments are supporting and increasing the demand for these uses. Therefore, the proposal discourages the proliferation of Urban/Sprawl.*
- Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.
  - **Response:** *This amendment will allow for the development of a small Property that is consistent with the existing and proposed uses to the south. Future development on the Property will serve the current and future needs for the surrounding communities.*
- Fails to encourage a functional mix of uses.
  - **Response:** *Approval of this proposed amendment will allow the development of industrial uses that will provide services to the surrounding existing residential communities and regional hospital rather than allowing the current single use development pattern that has occurred in the Agricultural Reserve to continue. Development of the Property will allow the community needs to be met within the Tier which will cause trips to remain in the Agricultural Reserve Tier.*
- Results in poor accessibility among linked or related land uses.
  - **Response:** *The proposed development will be designed with pedestrian connections as required through the site plan approval process.*
- Results in the loss of significant amounts of functional open space.
  - **Response:** *This amendment does not result in a loss of any functional open space as the subject property is currently not utilized as functional open space.*

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

- Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.
  - **Response:** *This amendment does not fail to protect and conserve natural resources as the property is vacant of natural resources. The site is located outside of any wellfield protection zone. As required by the ULDC, any native plant material will be addressed during the zoning approval process.*
- Promotes the efficient and cost-effective provision or extension of public infrastructure and services.
  - **Response:** *The proposed Future Land Use amendment will maximize the use of future public facilities and services existing and within a relatively urban area. No facilities would be required to be installed in rural or sparsely populated areas, thereby maximizing the use of the existing facilities. Therefore, the proposal discourages the proliferation of Urban Sprawl.*
- Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.
  - **Response:** *The development will be designed with pedestrian connections to State Road 7 as required through the site plan approval process.*
- Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.
  - **Response:** *Approval of this proposed amendment will allow the development of an industrial use that will allow for the additional employment opportunities within an area of the County that has historically only been developed with low density single family residential development. In order to meet the growing demand, additional industrial land is needed in this area. Therefore, the proposed amendment would contribute to livable communities and help balance the land uses within the Agricultural Reserve while maintaining the character of the community.*

### **Conclusion**

As described above, the proposed FLU amendment from Agricultural Reserve (AGR) to Industrial (IND) is consistent with the Goals, Objectives, and Policies of Palm Beach County's Comprehensive Plan and the Florida State Statutes. The proposed amendment is also compatible with the surrounding area. The proposed amendment does not contribute to urban sprawl. The amendment is consistent with the Comprehensive Plan and will not negatively impact service provision.

### **II. ULDC CHANGES**

No ULDC changes are needed in response to this proposed comprehensive plan future land use atlas amendment.





**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**

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

**County Administrator**

Verdenia C. Baker

May 11, 2021

Morton  
3910 RCA Boulevard  
Palm Beach Gardens, FL 33410

RE: Southeast corner of Atlantic Avenue & Half Mile Road  
PCN 00-42-46-19-01-000-0050  
Service Availability Letter

Dear Ms. McClellan:

This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area. PBCWUD has the capacity to provide the level of service required for the proposed land use change from Agricultural Reserve (AGR) to Industrial (IND) on approximately 5 acres, aligning with Half Mile Road and Smith Sundry Road, and increasing the density to 8 du/ac. The proposed land use change will allow for the maximum development of 98,010 SF of industrial uses and +/- 480 multi-family units.

The nearest point of connection to potable water is a 42" potable water main located within W Atlantic Ave and an 8" potable water main located west of Half Mile Road adjacent to the subject property. The nearest point of connection to sanitary sewer is a 12" sanitary sewer forcemain located within W Atlantic Ave. adjacent to the subject property. This connection will require a lift station and forcemain extension.

Please note that this letter does not constitute a final commitment for service until the final design has been approved by PBCWUD.

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.,  
Plan Review Manager





**CAULFIELD & WHEELER, INC.**

Consulting Engineers • Surveyors & Mappers

Celebrating  
**35**  
years

Engineering EB0003591  
Surveying LB0003591  
Landscape Architecture LC0000318

April 30<sup>th</sup>, 2021

Mrs. Joanne Keller, P.E.  
Palm Beach County Land Development  
2300 North Jog Road, 3<sup>rd</sup> Floor  
West Palm Beach, Florida 33411-2745

**Subject: Drainage Statement**  
**Las Farms**  
**9437 S State Road 7**  
**Palm Beach County, Florida**

Dear Mrs. Keller:

Las Farms is an existing 6.95 acre landscape nursery located on the west side of State Road 7 approximately 2,900 LF north of Boynton Beach Boulevard. The proposed improvements to the site are limited to minor grading and modifications to a small shell rock parking area. There is an existing 18" outfall from the site into the LWDD L-23W Canal which runs along the southern property line. This outfall pipe will continue to serve as legal positive outfalls for the site. Onsite attenuation is provided via existing swales/ditches which are to remain. There are no existing South Florida Water Management District Environmental Resource Permits issued for the site specifically.

The project is within the SFWMD C-16 Basin, and the site will comply with the C-16 basin criteria, which allows a maximum discharge rate of 62.4 CSM (cubic feet per square mile) during the 25yr-72hr design storm. With the overall nursery size of 6.95 acres, this equates to an allowable combined discharge rate of 0.68 cfs.

Submitted By:  
Caulfield & Wheeler, Inc.

---

Ryan D. Wheeler, P.E.  
Professional Engineer #71477  
State of Florida

RDW:rw

P:\Nursery Drainage Statements\Las Farms\Las Farms\_Drainage Statement\_2021-04-30.doc



**Fire Rescue**

Chief Reginald K. Duren  
405 Pike Road  
West Palm Beach, FL 33411  
(561) 616-7000  
www.pbcgov.com



**Palm Beach County  
Board of County  
Commissioners**

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Dave Kerner, Vice Mayor  
Hal R. Valeche  
Gregg K. Weiss  
Robert S. Weinroth  
Mary Lou Berger  
Melissa McKinlay

**County Administrator**

Verdenia C. Baker

*"An Equal Opportunity  
Affirmative Action Employer"*

April 1, 2021

JMorton  
Attention: Lauren McClellan  
3910 RCA Boulevard  
Suite 1015  
Palm Beach Gardens, FL 33410

Re: SR7 & Boynton Beach Blvd (00-42-43-27-05-052-0240)

Dear Lauren McClellan:

Per your request for response time information to the subject property located on the west side of State Road 7, approximately ½ mile north of Boynton Beach Boulevard. This property is served currently by Palm Beach County Fire-Rescue station #47, which is located at 7950 Enterprise Center Circle. The subject property is approximately 3 miles from the station. The estimated response time to the subject property is 8 minutes 30 seconds. For fiscal year 2020, the average response time (call received to on scene) for this stations zone is 7:30.

Changing the land use of this property will have some impact on Fire Rescue, and will have an extended response time of 8 minutes and 30 seconds.

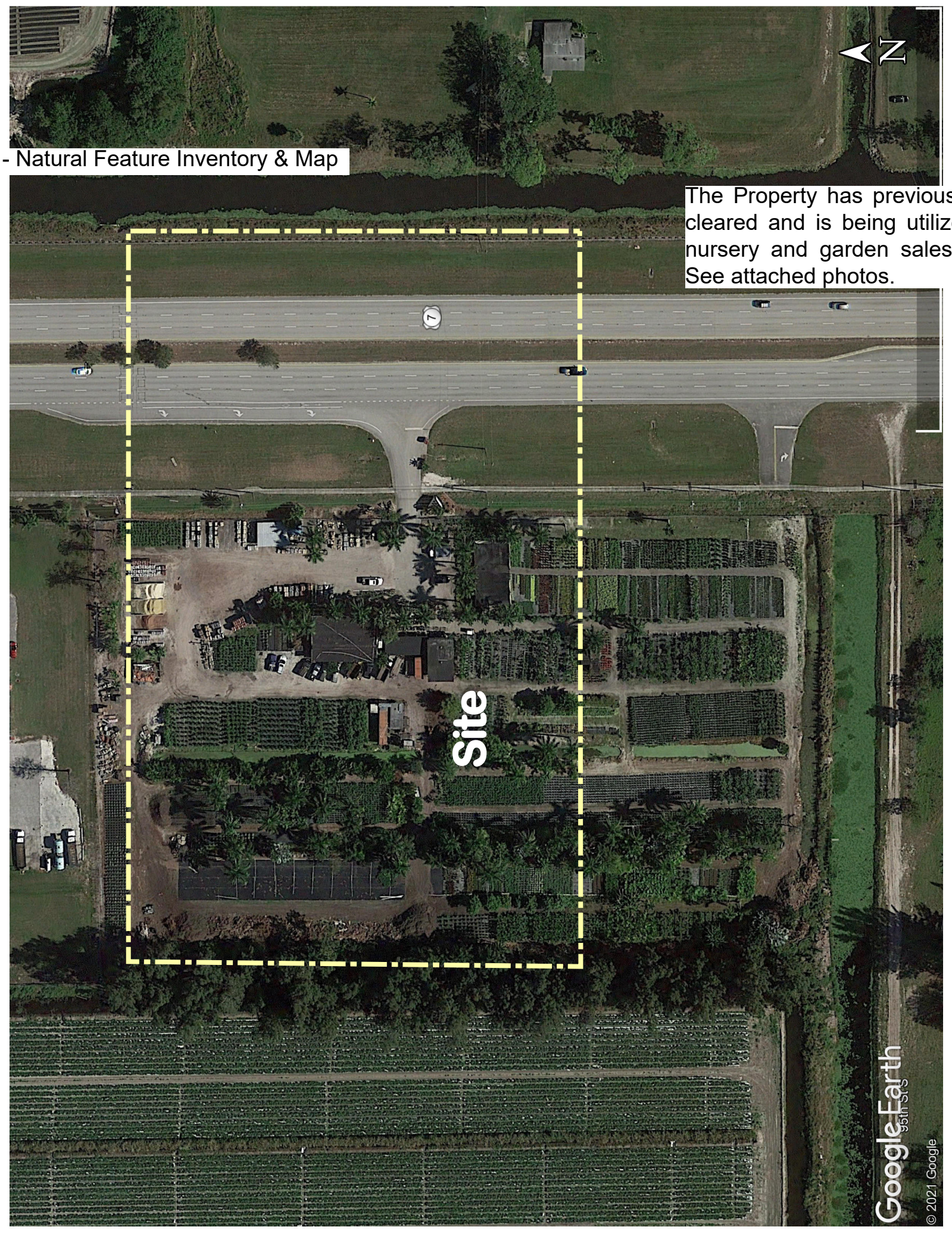
If you have any further questions, please feel free to contact me at 561-616-6909.

Sincerely,

A handwritten signature in cursive script that reads "Cheryl Allan".

Cheryl Allan, Planner  
Palm Beach County Fire-Rescue





- Natural Feature Inventory & Map

The Property has previously cleared and is being utilized as a nursery and garden sales. See attached photos.







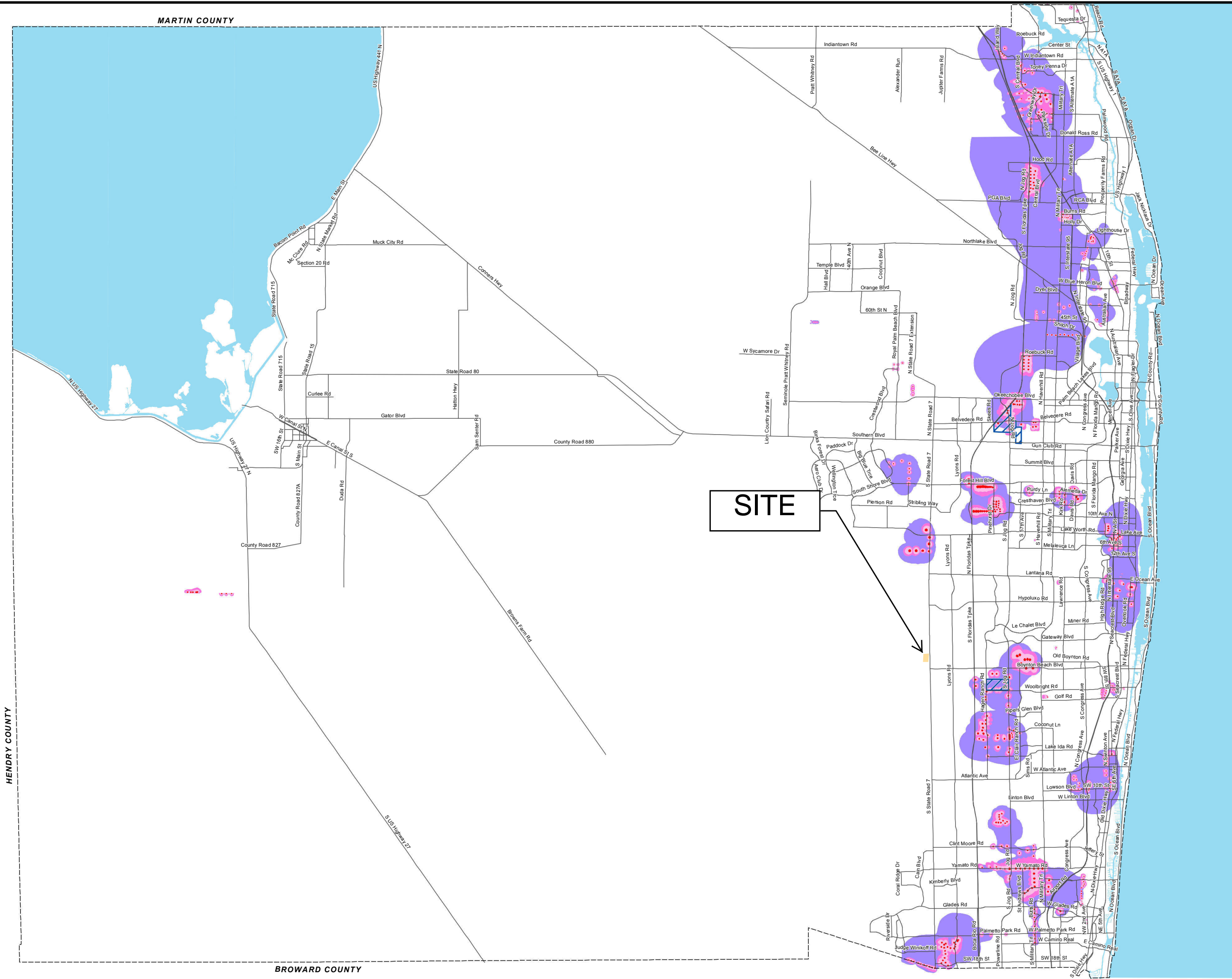




# Attachment M - Flood Zone Map







MAP LU 4.1

GENERALIZED  
WELLFIELD MAP

- Zone 1
- Zone 2
- Zone 3
- Zone 4
- Turnpike Aquifer Protection Overlay

SOURCES:  
PBC Dept. of Environmental Resources Management

Note: Official Wellfield Protection Maps are kept at, and can be obtained from, the Palm Beach County Department of Environmental Resources Management.

The information presented represents the most readily available data. No guarantee is made as to the completeness or accuracy of the information displayed. Consult appropriate County staff for final determination.

Last Amended in Round 15-1 by Ord. 2015-015



PALM BEACH COUNTY  
COMPREHENSIVE PLAN  
MAP SERIES



1 0 1 2 3 Miles

Effective Date: 6/12/2015  
Filename: N:\Map Series\WXDs\Adopted  
Contact: PBC Planning Dept.



**Department of Planning,  
Zoning & Building**

2300 North Jog Road  
West Palm Beach, FL 33411-2741  
(561) 233-5000

Planning Division 233-5300  
Zoning Division 233-5200  
Building Division 233-5100  
Code Enforcement 233-5500  
Contractors Certification 233-5525  
Administration Office 233-5005  
Executive Office 233-5228  
[www.pbcgov.com/pzb](http://www.pbcgov.com/pzb)

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**County Administrator**

Verdenia C. Baker

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March 30, 2021

Lauren McClellan  
J. Morton, Planning & Landscape Architecture  
3910 RCA Boulevard, Suite 1015  
Palm Beach Gardens, Florida 33410

RE: Historical and Archaeological Resource Review for property located on the west side of State Road 7, ½ mile north of Boynton Beach Boulevard, under PCN: 00-42-43-27-05-052-0240.

Dear Ms. McClellan:

This correspondence is in reply to your request for a review of the above referenced property in regards to the identification of any cultural resources (historical and archaeological resources) located on or within 500 feet of the property.

Staff review of the County's survey of historic/architecturally significant structures, and of properties designated for inclusion in the National Register of Historic Places (NRHP), has identified no historic or architecturally significant resources on or within 500 feet of the above referenced property.

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

However, should any artifacts or skeletal remains be encountered during construction, per Florida Statue 872, construction must stop around the remains and the local sheriff and medical examiner contacted.

Should you have any questions or comments, please contact me at (561) 233-5331.

Sincerely,

Christian Davenport, MA, RPA  
County Historic Preservation Officer/ Archeologist

cc: Patricia Behn, Planning Director, PBC Planning Division  
Bryan Davis, Principal Planner, PBC Planning Division

T:\Planning\Archaeology\County Departments\Planning\Land Use Amendments and Development Review\J. Morton\ Property:State Rd 7\_ 1/2 mile North of Boynton Bch Blvd -PCN\_00424327050520240\_ 03-30-2021.doc