



COMPREHENSIVE PLAN AMENDMENT STAFF REPORT AMENDMENT ROUND 24-A

PLANNING COMMISSION PUBLIC HEARING, SEPTEMBER 8, 2023

A. Application Summary

I. General Data

Project Name:	Olympus MUPD (fka Gold Coast Logistics) (LGA 2024-004)
FLUA Summary:	AGR to CMR/AGR
Text Summary:	To revise the Comprehensive Plan to allow sites north of La Reina Road (instead of Rio Grande Avenue) on State Road 7 to be eligible for the Commerce FLU.
Acres:	6.33 acres approximately
Location:	Northwest corner of State Road 7 and La Reina Road
Project Manager:	Travis Goodson, Senior Planner
Applicant:	15445 US 441, LLC (Dragos Sprinceana)
Owner:	15445 US 441, LLC (Dragos Sprinceana)
Agent:	George Gentile, 2GHO, Inc.
Staff Recommendation:	Staff recommends denial 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 96,507 square feet (0.35 FAR) of warehouse office uses on the 6.33 acre site located on the northwest corner of State Road 7 and La Reina Road. The request also includes Phase II of a privately initiated text amendment to revise the location criteria established in Future Land Use Element (FLUE) Policy 1.5-v to allow the Commerce designation on eligible sites along State Road 7 located north of La Reina Road. The site is currently vacant.

The Commerce FLU and implementing policies provide a framework for the location and extent of future light industrial uses within the Agricultural Reserve Tier, for which there were previously no guiding policies in the Comprehensive Plan. These policies were adopted in August of 2022 following more than a year of Board discussion, workshops, and public hearings. Due to the recent policy adoption, the request to modify location criteria is premature as there are no changed circumstances to warrant reconsideration of the adopted policy. Further, the location of the site presents concerns regarding compatibility and negative impacts to adjacent residential uses.

Therefore, staff is recommending **denial**. Should the Board approve the request, staff recommends the conditions indicated in Exhibit 1.

III. Hearing History

Local Planning Agency:

Board of County Commissioners Transmittal Public Hearing:

State Review Comments:

Board of County Commissioners Adoption Public Hearing:

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B. Petition Summary

I. Site Data

Current Future Land Use

Current FLU:	Agricultural Reserve (AGR)
Existing Land Use:	Vacant
Current Zoning:	Agricultural Reserve (AGR)
Current Dev. Potential Max:	Agricultural uses, up to 41,480 square feet (.15 FAR)

Proposed Future Land Use Change

Proposed FLU:	Commerce with underlying Agricultural Reserve (CMR/AGR)
Proposed Use:	Light Industrial uses
Proposed Zoning:	Multiple Use Planned Development (MUPD)
Dev. Potential Max/Conditioned:	Light Industrial uses, up to 96,507 square feet (.35 FAR)

General Area Information for Site

Tier:	Agricultural Reserve – no change
Utility Service:	Palm Beach County Water Utilities Department
Overlay/Study:	None
Comm. District:	Vice Mayor Maria Sachs, District 5

Future Land Use Atlas Amendment

Olympus MUPD (LGA 2024-004)



Site Data

Size: 6.33 acres
 Existing Use: Vacant
 Proposed Use: Light Industrial
 Current FLU: Agricultural Reserve (AGR)
 Proposed FLU: Commerce with underlying AGR (CMR/AGR)

Future Land Use Designations

AGR Agricultural Reserve
 CL/AGR Commercial low, underlying AGR
 IND/AGR Industrial, underlying AGR
 CMR/AGR Commerce with an Underlying AGR

Date: 6/12/2023
 Contact: PBC Planning
 Filename: T:\Planning\AMEND\24-A\SiteSpecific
 Note: Map is not official, for presentation purposes only.



Site

200 0 200 400 Feet



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



C. Introduction

I. Intent of the Amendment

The 6.33-acre subject site is located in the Agricultural Reserve Tier, on the northwest corner of State Road 7 and La Reina Road. The overall site is comprised of two contiguous parcels under common ownership.

Proposed Text Amendment. The privately proposed text amendment request is to revise Future Land Use Element policies regarding Industrial in the Agricultural Reserve Tier, specifically to:

- Revise location criteria established in Future Land Use Element (FLUE) Policy 1.5-v to allow the Commerce future land use on eligible sites along State Road 7 located north of La Reina Road.

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 Commerce with an underlying Agricultural Reserve (CMR/AGR). Currently, the site can be utilized for agricultural uses up to 41,480 square feet (.15 FAR). The proposed maximum development potential would allow up to 96,507 square feet of light industrial uses (.35 FAR).

Background: The overall site has not been the subject of a previous land use amendment and is currently vacant. A Class B Conditional Use was granted in 2008 to allow an Agricultural Sales and Service use on the north parcel. The use approval was subsequently revoked by the Zoning Commission in 2017 at the recommendation of a Monitoring Status Report indicating that the use had ceased operation and was no longer in compliance with the Development Order.

Zoning Application. The associated zoning application (PDD-2023-0989) with Control Number 2007-03 is requesting to rezone the site from Agricultural Reserve (AGR) to Multiple Use Planned Development (MUPD) in order to develop approximately 70,150 square feet (0.25 FAR) of warehouse with accessory office. The preliminary site plan currently depicts a 51,300 square foot warehouse building and 2-story office building comprised of 18,850 square feet, which is connected to the warehouse via an overhead roof connection. Primary access is proposed to State Road 7, with emergency access proposed on La Reina Road. A 0.45-acre detention area occupies the southwestern corner of the site, and tractor-trailer truck spaces are proposed adjacent to the buffer along the remainder of the western property line. The loading spaces and truck maneuvering areas are located at the rear of the warehouse building, oriented towards the adjacent residential subdivision. A twenty foot landscape buffer with six foot masonry wall is depicted along the western property line.

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 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 Amendment

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 amendments that included policy guidance for future industrial requests to define the appropriate site attributes for requests to CMR FLU and to add a preserve requirements. The text amendment was transmitted the Board and subsequently adopted on August 25, 2022.

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, including the subject request, 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.

The following six 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 as shown in yellow. In total, these six amendments add up to 118 acres and 2,324,087 square feet of light industrial potential in the Tier.

- **Boynton Land Commerce (LGA 2023-001).** The application proposed a future land use amendment on 15 acres of land from AGR to CMR/AGR in order to develop light industrial uses, with a maximum potential of 294,030 square feet (.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 Planning Commission recommended denial in a 10 to 0 vote at the October 14, 2022 Planning Commission Hearing. At the November 28, 2022 BCC Transmittal public hearing, the Board denied transmittal of the amendment in a 4 to 3 vote.

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

- **LTG Sports Turf (LGA 2023-007).** The application proposed a future land use amendment on 40 acres of land from AGR to CMR/AGR in order to develop light industrial uses, with a maximum potential of 98,280 square feet (.45 floor area ratio). The site is located on the north side of 100th Street S (Boynton Beach Boulevard), approximately 0.13 miles west of State Road 7. The Planning Commission recommended approval with modifications with a vote of 9 to 1 at the October 14, 2022 Planning Commission Hearing. At the November 28, 2022 BCC Transmittal public hearing, the Board transmitted the amendment in a 7 to 0 vote. At the March 23, 2023 BCC Zoning public hearing, the Board adopted the amendment in a 6 to 1 vote.

In addition to the subject request, there is another new application requesting the Commerce future land use. The application includes a text amendment initiated by the BCC on May 3, 2023. The FLUA amendment was subsequently submitted on May 10, 2023. The new applications are shown in blue in Exhibit 9.

- **Bedner Farms Agriculture Marketplace (LGA 2024-003).** This privately proposed text amendment is requesting to define Agriculture Marketplace in the Introduction and Administration Element and to allow the agriculture marketplace use within the preserve area of an AGR-MUPD. Following initiation by the BCC on May 3, 2023, the applicant submitted a land use amendment from Agricultural Reserve (AGR) to Commerce (CMR) on a 5-acre site to the north and 9-acre site to the south of the Marketplace for a total of 14 acres. This text and FLUA amendment is anticipated to be heard by the BCC on November 1, 2023 for transmittal to the State.

Since the adoption of the Commerce FLU in August 2022, there have been several Board discussions concerning the square footage potential of light industrial uses within the Ag Reserve. Based on Board direction, a County-initiated amendment is in process to modify the maximum allowable floor area ratio within the Tier from 0.45 to 0.35, and includes further clarification of existing location criteria. The amendment was transmitted by the Board on May 3, 2023 in a 5 to 2 vote. Subsequently, on August 30th, the Board adopted the revised policies and the 0.35 maximum FAR will apply to new applications requesting the CMR designation, including Bedner Farms and Olympus MUPD.

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 farmer's market, transshipment uses, landscape services with nursery, chipping and mulching, and other uses allowable in the Agricultural Reserve future land use designation. South of Atlantic Avenue, the State Road 7 corridor supports primarily residential uses developed as part of an AGR-PUD and those subdivisions predating the formal designation of the Tier. Specifically, the site is surrounded residential uses to the west, southwest and east; agricultural and residential uses to the south; and, industrial uses to the north.

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. However, this designation was adopted in August of 2022 following more than a year of Board discussion, workshops, and public hearings on the topic. Due to the recent policy adoption, the request to modify location criteria is premature as there are no changed circumstances to warrant reconsideration of the adopted policy. There is also concern that any southward expansion of an industrial land use category in this area would potentially allow uses generate negative impacts on adjacent residential land uses such as noise and light impacts.

C. Compatibility. The site is located on the northwest corner of State Road 7 and La Reina Road, approximately one-quarter mile south of Atlantic Avenue in the Agricultural Reserve Tier. The area surrounding the subject site consists primarily of residential and agricultural uses, with an industrial parcel to the north. Directly abutting the site to the west are AGR parcels that currently support single-family residences and accessory agricultural operations, and to the south is an equestrian and sports facility with additional single family residences further south. Abutting the site to the north is a landscape service use with an Industrial future land use, and an amendment is in process for Commerce on a parcel further north. To the east, across State Road 7, are single-family homes developed as part of an AGR-PUD.

The applicant indicates the site will be utilized for a warehouse with an agricultural/food cold storage and non-refrigerated component, with accessory office space. The applicant states that this site is ideally located along a major thoroughfare adjacent to another industrial land use. The location for such a use, however, presents compatibility concerns considering the site is located on the corner of the entrance to an established residential neighborhood with adjacency and proximity to low-density residential uses. Further, the preliminary site plan currently orients the loading spaces, truck maneuvering area, and warehouse bays to the west towards the adjacent residential, furthering concerns of disruption to existing land uses and negative impacts to quality of life resulting from noise, light impacts and truck traffic generation. Staff finds that the proposed amendment is incompatible with adjacent residential uses and fails to protect residential neighborhoods from adverse impacts.

Therefore, should the Board adopt the amendment, staff recommends conditions of approval requiring the accessory office use to only serve the principal light industrial use; restrict allowable uses within the westernmost 150 feet of the site; and, limit vehicular access to La Reina Road for emergency services only. These conditions are intended to minimize negative impacts on adjacent land uses and ensure consistency with Comprehensive Plan policies.

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 96,507 square feet (0.35 FAR) of warehouse office uses on the site located on the northwest corner of State Road 7 and La Reina Road. The request also includes Phase II of a privately initiated text amendment to revise the location criteria established in Future Land Use Element (FLUE) Policy 1.5-v to allow the Commerce designation on eligible sites along State Road 7 located north of La Reina Road. The site is currently vacant.

The Commerce FLU and implementing policies provide a framework for the location and extent of future light industrial uses within the Agricultural Reserve Tier, for which there were previously no guiding policies in the Comprehensive Plan. However, these policies were adopted as recent as August of 2022 following more than a year of Board discussion, workshops, and public hearings. The request to modify location criteria is premature as there are no changed circumstances to warrant reconsideration of the adopted policy. Further, the location of the site presents concerns regarding compatibility and negative impacts to adjacent and residential uses.

Therefore, staff is recommending **denial**. Should the Board approve the request, staff recommends the conditions indicated in Exhibit 1.

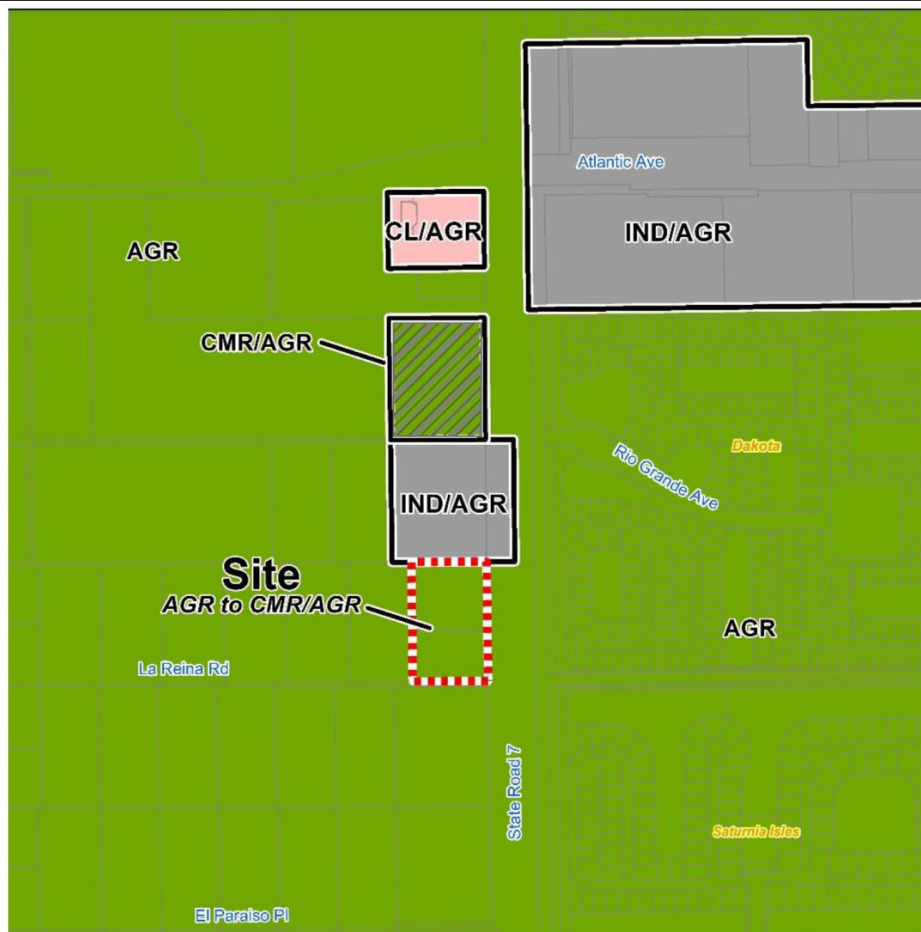
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Exhibit 1-A

Amendment No:	Olympus MUPD (LGA 2024-004)
FLUA Page No:	101
Amendment:	From Agricultural Reserve (AGR) to Commerce with underlying Agricultural Reserve (CMR/AGR) with conditions
Location:	Northwest corner of State Road 7 and La Reina Road
Size:	6.33 acres approximately
Property No:	00-42-43-27-05-067-0281, 00-42-43-27-05-067-0283

Conditions:

1. The accessory office use shall serve the primary use of the site and function as one, interrelated operation under a common owner or operator.
2. The westernmost 150 feet of the site shall be limited to landscaping, water retention, drainage and parking.
3. Vehicular ingress and/or egress to La Reina Road shall be limited to emergency access only.
4. 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

PARCEL 1:

THE EAST 582 FEET OF THE NORTH 378 FEET OF TRACT 28, BLOCK 67, PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND NOT INCLUDING THE RIGHT-OF-WAY FOR STATE ROAD 7, SAID RIGHT OF WAY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT A FOUND PALM BEACH COUNTY BRASS CAP MARKING THE NORTHWEST CORNER OF SECTION 19, TOWNSHIP 46, SO ANGLE 42 EAST; THENCE SOUTH 88 44'06" WEST ALONG THE NORTH LINE OF SECTION 24, A DISTANCE OF 2.063 METERS (6.77 FEET) TO A POINT ON THE BASELINE SURVEY FOR STATE ROAD 7 (U.S. 441) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR SECTION 93210-2515; THENCE SOUTH 00 18'44" EAST ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 0.786 METERS (2.58 FEET); THENCE SOUTH 00 39'54" EAST CONTINUING ALONG SAID BASELINE OFF SURVEY, A DISTANCE OF 439.967 METERS (1,443.46 FEET); THENCE SOUTH 89 20'06" WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 22.860 METERS (75.00 FEET) TO A POINT ON THE WESTERLY EXISTING RIGHT-OF-WAY LINE FOR SAID STATE ROAD 7 (U.S. 441) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93210-2515; THENCE SOUTH 00 39'54" EAST ALONG SAID WESTERLY EXISTING RIGHT OF WAY LINE AND A LINE 22.860 METERS (75.00 FEET) WEST OF AND PARALLEL WITH SAID BASELINE OF SURVEY, A DISTANCE OF 200.794 METERS (658.77 FEET) TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00 39'54" EAST ALONG SAID WESTERLY EXISTING RIGHT OF WAY LINE AND SAID PARALLEL LINE, A DISTANCE OF 115.281 METERS (378.01 FEET); THENCE SOUTH 89 35'33" WEST, A DISTANCE OF 49.858 METER (163.58 FEET); THENCE NORTH 00 34'56" WEST, A DISTANCE OF 115.217 METERS (378.01), THENCE NORTH 89 3'33" EAST ALONG THE NORTH LINE OF SAID TRACT 28, A DISTANCE OOF 49.692 METERS (163.03 FEET) TO THE POINT OF BEGINNING. (AKA PARCEL NO. 113; RIGHT OF WAY SECTION 93210-2515.

PARCEL 2:

THE EAST 582 FEET OF TRACT 28, LESS THE NORTH 378 FEET IN BLOCK 67 OF THE PALM BEACH FARMS COMPANY PLAT NO. 3, LESS THE RIGHT OF WAY FOR U.S. 441, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LESS AND EXCEPT ALL OF THE FOLLOWING DESCRIBED REAL PROPERTY; A PORTION OF TRACT 28, BLOCK 67, OF THE PALM BEACH FARMS COMPANY PLAT NO. 3, LESS THE RIGHT OF WAY FOR U.S. 441, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 24, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT A FOUND PALM BEACH COUTH BRASS CAP MARKING THE NORTHWEST CORNER OF SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST; THENCE SOUTH 88 44'06" WEST ALONG THE NORTH LINE OF SAID SECTION 24, A DISTANCE OF 2.063 METERS (6.77 FEET) TO A POINT ON THE BASELINE OF SURVEY FOR STAT ROAD 7 (U.S. 441) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93210-2515; THENCE SOUTH 00 18'44" EAST ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 0.786 METERS (2.58 FEET); THENCE SOUTH 00 39'54" EAST CONTINUING ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 841.554 METERS (2,761.00 FEET); THENCE SOUTH 89 20'06" WEST AT

RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 22.860 METERS (75.00 FEET) TO A POINT ON THE WESTERLY EXISTING RIGHT OF WAY LINE FOR SAID STATE ROAD 7 (U.S. 441) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93210-2515 AND THE POINT OF BEGINNING; THENCE SOUTH 89 36'37" WEST ALONG THE SOUTH LINE OF SAID TRACT 28, A DISTANCE OF 49.982 METERS (163.98 FEET); THENCE NORTH 00 34'56" WEST, A DISTANCE OF 85.559 METERS (207 FEET); THENCE NORTH 89 35'33" EAST, A DISTANCE 49.858 METERS (163.58 FEET) TO A POINT ON SAID WESTERLY EXISTING RIGHT OF WAY LINE; THENCE SOUTH 00 39'54" EAST ALONG SAID WESTERLY EXISTING RIGHT OF WAY AND A LINE 22.860 METERS (75.00 FEET) WEST OF AND PARALLEL WITH SAID BASELINE OF SURVEY, A DISTANCE OF 85.575 METERS (280.76 FEET) TO THE POINT OF BEGINNING.

TOTAL ACRES: 6.33 ACRES/275,954.39 S.F.

PROPERTY CONTROL NUMBERS:

00-42-43-27-05-067-0281

00-42-43-27-05-067-0283

Exhibit 1-B

Proposed Text Amendments

A. Future Land Use Element, Commerce FLU in the Agricultural Reserve Tier

REVISIONS: To revise the location requirements for proposed Commerce Future Land Use requests in the Agricultural Reserve. The revisions are shown below with added text underlined and deleted text shown in ~~striketrough~~.

Note: This policy has been updated to incorporate revisions adopted by the Board on August 30, 2023 (Round 23-B, Commerce FLU Revisions).

1. **REVISED Policy 1.5-v: Industrial.** The County shall foster employment opportunities in the Agricultural Reserve Tier by allowing light industrial uses at appropriate locations adjacent to specified roadways to provide a balance of land uses for current and new residents of the Tier. All new future land use amendments requesting industrial type uses in the Agricultural Reserve Tier shall meet the following requirements.
 1. Limited to Commerce (CMR) future land use designation;
 2. Located with frontage and access on State Road 7 ~~(north of Rio Grande Avenue)~~ (north of La Reina Road). Atlantic Avenue, Boynton Beach Boulevard or have access to these roadways through an existing commercial or industrial site. Sites located west of State Road 7 along the Boynton Beach Boulevard (100th Street South) and Atlantic Avenue corridors must share a common border with a property with commercial or industrial future land use;
 3. Be accompanied by a concurrent zoning application and conceptual site plan in order to demonstrate that the proposal meets the design, scale, and character requirements of the Tier;
 4. Have a minimum of 3 acres and a maximum of 50 acres (with the exception of lands dedicated to rights of way); and
 5. Preserve shall be required for Commerce sites utilizing Light Industrial, Multiple Use Planned Development, or Planned Industrial Park Development zoning pursuant to FLUE Policy 1.5.1-q, subject to the following exceptions:
 - a. The preserve area requirements shall be based upon the acreage over 16 acres, shall be a minimum of 40% of the total land area over 16 acres, and allow water management tracts in preserve areas contiguous to the development area that provide enhanced environmental features and improved water quality as demonstrated through the future land use amendment process.

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 subject site has a current development potential of a maximum 41,480 square feet (.15 FAR) of non-residential uses allowed in the AGR future land use designation. The applicant proposes to revise the existing Commerce location criteria and subsequently change the land use designation to Commerce with an underlying Agricultural Reserve (CMR/AGR) in order to allow industrial uses up to 96,507 total square feet (.35 FAR) on the site.

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

- *“Since the adoption of the CMR FLU, the property owner sees an opportunity to appropriately grow his business by providing his corporate office and warehouse, providing agricultural/food grade refrigerated storage and non-refrigerated storage while creating jobs to the nearby areas of his property’s location.”*
- *“Given this property’s location, and its proximity to other properties that possess this ability to develop in the manner that the Owner wishes to develop. It is logical to move the Commerce Land Use Designation south to La Reina Road to provide opportunities for the smaller properties that have the ability to support the adjacent communities with the proposed operation.”*

- *“The change in FLU designation in the area north of Rio Grande Avenue has prompted this property owner with property approximately 653 feet south of the current limitation and immediately adjacent to a landscape services business to have the same opportunities to provide a service to the Agricultural Community and be consistent with neighbors to the north.”*
- *“The State Road 7/US 441 corridor is already an established essential north-south route for agricultural products and other goods. This corridor serves key points throughout the region and provides an important alternative local route west of the Florida Turnpike, which will have the potential to create less traffic on Boynton Beach Blvd. and Atlantic Avenue.”*

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.

As discussed in the Background, the recently established Commerce FLU designation and implementing policies provide a framework for the future of light industrial uses within the Agricultural Reserve Tier, for which there were previously no guiding policies in the Comprehensive Plan. However, this designation was adopted as recent as August of 2022 following more than a year of Board discussion, workshops, and public hearings on the topic, particularly as it applies to the Agricultural Reserve. The first of the site-specific CMR amendments were adopted in March 2023, and there has not been sufficient time for sites to develop and become operational, after which it can be assessed as to whether revisions to the adopted text are warranted. As such, the text amendment requesting to revise the location criteria is premature and contrary to expressed community desires.

In addition, the applicant further justifies that the site’s adjacency to an Industrial-designated parcel to the north, and an amendment for the Commerce designation in process on a property further north, results in compatible and logical development, and allows the property owner to have the same business opportunity. While the request may not be incompatible with the land use to the north, staff does have concerns that the introduction of a light industrial use at the entrance of a long-established residential and agricultural neighborhood, with adjacency to residential and equestrian uses to the west and south, has the potential to negatively impact the quality of life currently enjoyed by residents. As to business opportunity, approximately 760,414 square feet of light industrial space has been approved within the Ag Reserve under the Commerce designation, with roughly one million square feet currently in process (see Exhibit 9). The applicant has not provided justification as to why these aforementioned projects, the majority of which consist of warehousing with accessory office space, are not suitable or appropriate for their business operations.

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 5. Neighborhood Integrity. *Respect the integrity of neighborhoods, including their geographic boundaries and social fabric.*

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 primarily promote the “Agricultural and Equestrian Industries” Direction, while balancing this direction with “Livable Communities,” “Growth Management,” “Land Use Compatibility,” and other County Directions.

The CMR FLU and related policies provide opportunities for low-trip generating light industrial and/or employment generating uses, thus balancing the objectives of the Ag Reserve while responding to increased residential growth and the corresponding needs of support services. The adopted policies pertaining to location criteria were crafted to locate these types of uses in appropriate locations while minimizing potential negative impacts to existing and future development within the Tier. The encroachment of an incompatible light industrial land use and potential disruption of an established residential and agricultural neighborhood are counter to these listed County Directions.

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 parcel 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." As there are no other parcels under the same or related ownership, the proposed amendment would not result in the creation of any residual parcels.

5. **FLUE Policy 2.2.4-c: Industrial Future Land Use Designations.** *The three Industrial future land use designations are intended to accommodate industrial uses which are defined as uses engaged in the manufacturing, assembly, processing, research and development, wholesale distribution, or storage of products, related uses and services, including Office of an Industrial Nature (as defined by the Introduction and Administration Element).*
 1. **Industrial.** *The Industrial (IND) future land use designation allows the full range of industrial activities ranging from light to heavy industry.*
 2. **Economic Development Center.** *The Economic Development Center (EDC) future land use designation is intended to accommodate employment opportunities, research parks, and Employment Centers (as defined by the Introduction and Administration Element). Properties with an EDC designation are intended to be developed as planned developments in order to promote internal circulation and buffering from surrounding land uses. Industrial uses allowed shall be limited to those that demonstrate Light Industrial characteristics.*
 3. **Commerce.** *The Commerce (CMR) future land use designation is intended to accommodate light industrial uses to provide an option for low-trip generating non-residential and/or employment generating uses on arterial roadways. Industrial uses allowed shall be limited to those that demonstrate Light Industrial characteristics.*

Staff Analysis: Until the recent adoption of the Commerce future land use designation, the Comprehensive Plan recognized two Industrial land use designations – Industrial (IND) and Economic Development Center (EDC). The IND FLU allows for a full range of Industrial uses, and the EDC FLU is intended for larger, campus-like industrial uses as part of a planned development. While the EDC FLU is limited to the Urban Suburban Tier and uses that exhibit Light Industrial characteristics, the IND FLU was the only allowable Industrial FLU in the Ag Reserve. 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. With the addition of the CMR FLU, the Comprehensive Plan provides a land use designation that allows opportunities for light industrial and limited nonresidential uses to locate, subject to specific criteria intended to minimize potential negative externalities. The subject site, however, is not eligible for the Commerce designation without the proposed text amendment revising the recently established location criteria, and the subsequent requested change in land use has the potential to negatively impact adjacent and surrounding residential and agricultural land uses and quality of life.

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 or industrial uses categorized as Light Industrial defined by FLUE Policy 2.2.4-c, the proposed site-specific amendment for a light industrial use is consistent with this policy.

7. FLUE Policy 2.2.4-e: Additional Allowable Uses in Industrial Designations. In addition to the industrial uses, the land uses listed below are allowable within the Industrial type future land use designations as permitted by the ULDC.

...Preceding Omitted for brevity.

11. Commercial uses pursuant to one or more of the following:
 - a. Industrial (IND) future land use allows vehicular based Commercial

- uses of an industrial nature that have impacts similar to industrial uses such as auto repair and the like and accessory commercial uses which are incidental and subordinate to the primary industrial use, and Office of an Industrial Nature;
- b. Commercial uses in Commerce and Economic Development Center are limited to accessory commercial uses which are incidental and subordinate to the primary industrial use, and Office of an Industrial Nature.
- c. Retail gasoline and/or fuel sales shall be limited to the Industrial (IND) future land use designation as accessory to an industrial use, or part of a commercial pod in a Planned Industrial Park Development;
- d. Commercial uses within Planned Industrial Park Developments pursuant to FLUE Policy 4.4.7-a;

...Remainder omitted for brevity.

Staff Analysis: This policy establishes the additional uses that may be allowed within industrial type future land use designations. Of note to the subject request is 11.b, which specifies that commercial uses in the Commerce FLU designation are limited to accessory uses and are to be subordinate to the primary industrial use. It is typical of warehouse uses to have an accessory office component for day-to-day clerical operations, which occupy a small portion within the warehouse building or tenant bay. The preliminary site plan for this application, however, depicts the accessory office space as a standalone building connected to the warehouse only by an overhead roof connection. While the applicant indicates that the proposed accessory office will function to support the primary warehouse operation, staff has concerns that the separate nature of the office space has the potential to support other commercial office uses that are not directly related or subordinate to the primary warehouse use. As such, staff is recommending a condition of approval to ensure that the office use serves only the primary industrial use.

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. The

Tier is located within a Limited Urban Service Area, (LUSA) and the development allowed within the Tier as part of one of the planned development options or on non-residentially designated sites is consistent with the allowable development within the Urban/Suburban Tier.

Although an intent of the adopted Commerce future land use designation is to allow for low trip generating uses and employment generators to serve the residents and farmworkers of the Tier, each site-specific amendment is subject to additional criteria contained within the Comprehensive Plan designed in part to mitigate potential negative impacts and promote the County's goals and objectives. The subject site is directly adjacent and in proximity to residential uses and agricultural operations, including nurseries and equestrian uses. The southward expansion of an industrial land use in this area introduces a potential intensity that may generate negative impacts on adjacent land uses and the quality of life currently enjoyed by residents of a long-established community.

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 adjacent to specified roadways to provide a balance of land uses for current and new residents of the Tier. All new future land use amendments requesting industrial type uses in the Agricultural Reserve Tier shall meet the following requirements:*

- 1. Limited to the Commerce (CMR) future land use designation;*
- 2. Located with frontage and access on State Road 7 (north of Rio Grande Avenue), Atlantic Avenue, Boynton Beach Boulevard or have access to these roadways through an existing commercial or industrial site. Sites located west of State Road 7 along the Boynton Beach Boulevard (100th Street South) and Atlantic Avenue corridors must share a common border with a property with commercial or industrial future land use;*
- 3. Be accompanied by a concurrent zoning application and conceptual site plan in order to demonstrate that the proposal meets the design, scale, and character requirements of the Tier;*
- 4. Have a minimum of 3 acres and a maximum of 50 acres (with the exception of lands dedicated to rights of way); and*
- 5. Preserve shall be required for Commerce sites utilizing Light Industrial, Multiple Use Planned Development, or Planned Industrial Park Development zoning pursuant to FLUE Policy 1.5.1-q, subject to the following exceptions:*
 - a. The preserve area requirements shall be based upon the acreage over 16 acres, shall be a minimum of 40% of the total land area over 16 acres, and allow water management tracts in preserve areas contiguous to the development area that provide enhanced environmental features and improved water quality as demonstrated through the future land use amendment process.*

Staff Analysis: FLUE Policy 1.5.-v establishes requirements for new industrial future land use requests within the Agricultural Reserve Tier. New applications requesting a FLU amendment to develop industrial uses shall be limited to the Commerce FLU designation only and satisfy the minimum requirements of this policy. The site is 6.33 acres with frontage on and access available from State Road 7 and since the site is less than 16 total acres, a preserve is not required. A conceptual site plan has been submitted to accompany this text and FLUA amendment. However, as the concurrent Zoning application in process was submitted soon after FLUA intake, the preliminary site plan has been assessed in lieu

of the concept plan and is provided in Exhibit 10. It should also be noted that this policy is the subject of a County-initiated text amendment (Round 23-B, Commerce FLU Revisions) to add additional clarification to location criteria and limit FAR to a maximum 0.35, which was adopted by the Board on August 30, 2023 and has been incorporated herein.

The site does not currently meet the established location criteria, as it is located south of Rio Grande Avenue along State Road 7. The text amendment proposes to move this demarcation approximately one-quarter mile south to La Reina Road. At the transmittal public hearing on May 4, 2022, area residents and neighborhood groups raised concerns regarding the potential for Commerce sites to situate in a predominately-residential corridor along State Road 7 between Atlantic Avenue and Clint Moore Road. The Board directed Staff to work with the interested parties to help address their concerns. Subsequently, at the adoption public hearing, staff presented the revised policy language that included location criteria limiting Commerce along State Road 7 to sites north of Rio Grande Avenue. Representatives for the applicant spoke regarding the location criteria, and requested that the subject site be included as an eligible location. In consideration of the information presented, the Board ultimately adopted policy language limiting the location to be north of Rio Grande Avenue, which excludes the subject site.

In addition, the accompanying site-specific amendment, with a potential for up to 96,507 square feet of light industrial uses, introduces a use and intensity that may generate negative impacts on adjacent residential and agricultural operations. The proposed site plan depicts loading spaces and truck maneuvering areas located at the rear of the warehouse building oriented towards the adjacent residential subdivision, thus furthering concerns with compatibility and lending to development that is out of scale and character with existing land uses.

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 south of the subject site is the approximately 8-acre Sunflower Nursery and Landscape Service. The site was the subject of a prior land use amendment (LGA 2021-016) requesting an amendment from AGR to IND, and was adopted with conditions via Ord. 2021-021 on July 28, 2021. The associated conditions prohibit heavy industrial uses and principal commercial uses with exception, similar to the policies that established the Commerce FLU.

East: To the east across State Road 7 is the Dakota residential 60/40 AGR-PUD (Control No. 2000-00032, aka Sussman North), which supports 387 single-family and zero lot line dwelling units. Abutting Dakota to the south is Saturnia Isles (aka Sussman South), which supports 356 single-family and zero lot line dwelling units. To the northeast of the subject site, and abutting Dakota to the north, are parcels with IND FLU that predate the adoption of the 1989 Comprehensive Plan and the creation of the Agricultural Reserve Master Plan.

South: To the south, across La Reina Road, are two parcels totaling approximately 16 acres that support various equestrian activities and a cricket sports field. Further south are additional single family homes within the Tierra Del Rey subdivision.

West: To the west of the site is the Tierra Del Rey residential subdivision comprised of approximately seventy parcels ranging between 2.5 and 5 acres in size and support primarily residential and accessory agricultural uses. Directly west is a 5.3-acre parcel within the Tierra Del Rey subdivision, which currently supports a single family residence with equestrian uses. Beyond Tierra Del Rey to the west are preservation parcels owned by the South Florida Water Management District (SFWMD).

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.”*

Staff Analysis: The site is located on the northwest corner of State Road 7 and La Reina Road, approximately one-quarter mile south of Atlantic Avenue in the Agricultural Reserve Tier. The area surrounding the subject site consists primarily of residential and agricultural uses, with an industrial parcel to the north. Directly abutting the site to the west are AGR parcels that currently support single-family residences and accessory agricultural operations, and to the south is an equestrian and sports facility with additional single family residences further south. Abutting the site to the north is a landscape service use with an Industrial future land use, and an amendment is in process for Commerce on a parcel further north. To the east, across State Road 7, are single-family homes developed as part of an AGR-PUD.

The applicant indicates the site will be utilized to support a warehouse with accessory office space to include agricultural/food cold storage and non-refrigerated component, and is ideally located along a major thoroughfare adjacent to another industrial land use. The location for such a use, however, presents compatibility concerns considering the site is located on the corner of an established residential neighborhood with adjacency and proximity to low-density residential uses. Further, the preliminary site plan currently orients the loading spaces, truck maneuvering area, and warehouse bays to the west towards the adjacent residential, furthering concerns of disruption to existing land uses and negative impacts to quality of life resulting from noise, light and truck traffic generation. Staff finds that the proposed amendment is incompatible with adjacent residential uses and fails to protect residential neighborhoods from adverse impacts.

D. Consistency with County Overlays, Plans, and Studies

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

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

2. **Neighborhood Plans and Studies – FLUE Policy 4.1-c** states *“The County shall consider the objectives and recommendations of all Community and Neighborhood Plans,*

including Planning Area Special Studies, recognized by the Board of County Commissioners, prior to the extension of utilities or services, approval of a land use amendment, or issuance of a development order for a rezoning, conditional use or Development Review Officer approval.....”

Staff Analysis: The subject site is not located within a Neighborhood Plan or Study Area contained within the Comprehensive Plan.

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 96,507 square feet (.35 FAR). 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 was distributed to the County service departments for review on June 27, 2023 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.

Fire Rescue: In a letter dated July 5, 2023, Fire Rescue noted that the subject site is approximately 3.5 miles from Station #54, and that the estimated response time is 9 minutes 30 seconds, *“which is greater than our standard of 7 minutes 30 seconds.”* The Department notes that *“changing the land use will have some impact on Fire Rescue.”*

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

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

Staff Analysis: The Traffic Division reviewed this amendment at a maximum potential of 96,508 square feet (.35 FAR) of general light industrial uses; as well as at a proposed potential of 67,550 square feet of warehouse and 28,952 square feet of office. According to the County’s Traffic Engineering Department (see letter dated June 30, 2023 in Exhibit 5), the amendment at the proposed potential would result in a decrease of 144 net daily

trips over the current maximum potential of a 5-acre Nursery Garden Center and 1.33-acre Wholesale Nursery.

The Traffic letter concludes, *“Based on the review, the Traffic Division has concluded that the proposed amendment will have a negligible impact on traffic... these findings **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 July 2023 was prepared by Natalia T. Lecari, P.E. 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 August 18, 2023. To date, no adverse 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 August 18, 2023. On the same date, several interested parties were also notified by mail including the Alliance of Delray, Tierra Del Rey POA, Saturnia Isles HOA, Dakota HOA, and the Four Seasons HOA. Notification of this amendment, and other amendments related to the Ag 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

Introduction:

On behalf of the Applicant, 15445 US 441 LLC, 2GHO, Inc., acting as agent, respectfully request approval of a Large-Scale Comprehensive Plan Amendment for the subject site 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 specific request is to amend the land use from the existing Agricultural Reserve, to Industrial – Commerce with an underlying Agricultural Reserve (AGR) 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.

The property control numbers are:

Property Control No.: 00-42-43-27-05-067-0281 and 00-42-43-27-05-067-0283

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	
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

Development Program:

Justification, Consistency, and Compatibility

G.1 – Justification to Comprehensive Plan:

Per Policy 2.1 – f of the Future Land Use Element (FLUE) of Palm Beach County's Comprehensive Plan, the Applicant must provide adequate justification for the proposed future land use. For the land use amendment to be considered sufficient, the justification must demonstrate consistency with the following factors, items one and two below.

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

Response: The subject site is along a major road corridor, SR7, south of W. Atlantic Avenue where, the use of light industrial exists on another property, directly to the north of the subject property. The owner intends to develop this 6.33± acre

parcel with an office/warehouse including agricultural/food cold storage and non-refrigerated warehouse. This use is consistent with the property to its north which has an IND/AGR Land Use designation and has an AGR/IND (Agricultural/Industrial) zoning designation. Palm Beach County Board of County Commissioners recognized the need to provide for certain industrial uses within the Agricultural Reserve area. This is based on the need for support services to the agricultural businesses and to provide jobs to the residents living in the Agricultural Reserve. Since the Commerce (CMR) land use designation allows for both light industrial uses and other compatible uses, our Client requests the CMR designation that was created which focuses on light industrial uses on properties with this designation.

Given this property's location, and its proximity to other properties that possess this ability to develop in the manner that the Owner wishes to develop. It is logical to move the Commerce Land Use Designation south to La Reina Road to provide opportunities for the smaller properties that have the ability to support the adjacent communities with the proposed operation. The fact that the adjacent parcel of land to the north already has an IND/AGR land use and is zoned for Light Industrial makes the relocation of the CMR Land Use to La Rina Road appropriate.

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: The County recognized the need to establish a new FLU (Commerce CMR) category for light industrial uses, as well as establishing consistent zoning districts including methods to review these light industrial projects and insure their compatibility to the surrounding uses. The Master Plan included the CMR designation in the Agricultural Reserve Tier to promote light industrial uses for economic development and job creation. The change in FLU designation in the area north of Rio Grande Avenue has prompted this property owner with property approximately 653 feet south of the current limitation and immediately adjacent to a landscape services business to have the same opportunities to provide a service to the Agricultural Community and be consistent with neighbors to the north. The property adjacent to the north of the subject site is 8.19 acres and recently received a FLU amendment to Industrial with an underlying Agricultural Reserve (IND/AGR) with condition (LGA 2021-016/Ordinance 2021-021); this property has a potential for industrial uses of up to 160,540 s.f. (.45 FAR, unless modified by the County Commission to .35 FAR).

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

Response: The County, when working on the Agricultural Reserve Master plan, received a recommendation from their consultants to include industrial uses to balance the economics of the area, support the agricultural community and create jobs. The subject site's request to move the Commerce Land Use limits one more road south of its current location and including only two more properties is consistent with the non-residential uses on the west side of SR7 to La Reina Road. In fact, the property just north of the subject site currently has an IND/AGR Land Use designation and has an AGR/IND (Agricultural/Industrial) zoning designation and should have been included in the original limits. The subject site's immediate access to the SR7 roadway creates a better opportunity to develop a low impact light industrial use, in the Atlantic Avenue area as well as providing needed services to the Agricultural Community and jobs to this area of the County. This is consistent with the intent of Policy 1.5-v.

The State Road 7/US 441 corridor is already an established essential north-south route for agricultural products and other goods. This corridor serves key points throughout the region and provides an important alternative local route west of the Florida Turnpike, which will have the potential to create less traffic on Boynton Beach Blvd. and Atlantic Avenue. State Road 7/US 441, which provides direct access to the subject site is a logical location for the Commerce Future Land Use designation to be assigned.

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

Response: Since the adoption of the CMR FLU, the property owner sees an opportunity to appropriately grow his business by providing his corporate office and warehouse, providing agricultural/food grade refrigerated storage and non-refrigerated storage while creating jobs to the nearby areas of his property's location. Additionally, there is a current application north of La Reina Road (EJKJ), which just received a FLU amendment to CMR and is now seeking a concurrent rezoning application to an MUPD designation for light industrial

There is a recognition for the need for light industrial/commerce uses in the Agricultural Reserve. This is supported by data, particularly as logistics and community needs have changed, post Covid. With this shift, and the draw to e-commerce, the type of use that the Owner is proposing is needed in order to keep localized inventories of products available to the surrounding areas. Also, the fact that the only cold storage facility existing in this area has closed makes this request more viable. Additionally, to effectively support and maintain the agricultural base in the County, there is a need for modern, last mile distribution and short-term storage facilities (inclusive of cold storage) to be located near the current agriculture production facilities. Given the lack of such inventory, growers have to send their produce to distant facilities which substantially increases costs, making continued operations in the Agricultural Reserve less viable.

d. Inappropriateness of the adopted FLU designation; or

Response: While the adopted FLU designation is not inappropriate for the subject property, it is not the most appropriate FLU designation for limiting this SR7 property from developing in a consistent method with other adjacent properties (to the north) by providing light industrial uses supporting the agricultural community, providing jobs, and being more consistent with a property fronting on a county collector road.

The CMR FLU will ensure the development of this 6.33± acre property will be reviewed consistent to the goals of the comprehensive plan and concurrent zoning.

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

Response: The current adopted FLU designation was not assigned in error. The County's AGR (Agricultural Reserve) allowed for a range of agricultural business and residential uses. However, the current FLU designation no longer meets the highest and best use of the property which fronts SR 7 and where the character of the area immediately north of the property is changing to meet the development pressures and development patterns established by current actions of the County.

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 intent of Policy 1.5-v.2 is to foster employment opportunities in the Agricultural Reserve Tier through the use of light industrial uses. The uses currently existing from the W. Atlantic Avenue to La Reina Road are non-residential uses including landscape business, EJKJ Industrial located .15 miles south of W. Atlantic Avenue on the west side of State Road 7 which has received approval for a FLU change from AGR to CMR/AGR and has a concurrent Rezoning application being processed from AGR to MUPD to allow a warehouse/office project. Moving the location to north of La Reina Road and changing the FLU designation of the subject site to CMR/AGR will be compatible with a continued progression of the same land use and zoning regulations for the properties to the north up to the W. Atlantic Avenue intersection on the west side of SR7. The proposed use of the property will include office/warehouse including agricultural/food cold storage and non-refrigerated warehouse. This use will be compatible with the intent of the

Comprehensive Plan and will ensure through the future concurrent zoning application to be reviewed to meet the design, scale and character of the Tier.

G.4 Comprehensive Plan

The proposed future land use amendment is consistent with various goals, objectives, and policies in the Palm Beach County Comprehensive Plan as detailed below:

Goals – The Proposed future land use amendment furthers the County’s goals as described below:

Goal 1 – Strategic Planning

It is the GOAL of Palm Beach County 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 a Commerce use. The proposed location will prove to be beneficial to the residents in the area as it will provide a logistical space that will house products giving nearby access to the local community. The future development of the property will meet the requirements of the CMR Land Use and concurrent zoning.

Goal 2 – Land Planning

It is the GOAL of Palm Beach County 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, environmental and economic needs of the current and projected residents and visitor populations. This shall be accomplished in a manner that protects and improves the quality of the natural and manmade environment, respects and maintains a diversity of lifestyle choices, and provides for the timely, cost-effective provision of public facilities and services.

Response: The property is located in the Agricultural Reserve Tier where existing services and facilities are available. The property’s location along a major highway, State Road 7 affords the proposed development with proper access and frontage, which contributes to the cost-effective provision of public facilities and services. The proposed project will better serve the immediate and future needs of the community as it will provide additional employment opportunities, and a logical use that has been recently recognized as valuable by Palm Beach County’s Board of County Commissioners.

Policies – The proposed future land use amendment is consistent with the policies as described below.

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.

Response: The proposed land use is directly consistent with this policy as the proposed use will seek to bring employment opportunities to this area of Palm Beach County. While the access is not north of Rio Grande Avenue, a companion text amendment application to revise this boundary has also been submitted to Palm Beach County's Planning Department. If this proposed boundary is adopted, then the Owner's proposal will be consistent with criterion #2 above. Further, the Owner is currently in process of filing a pre-application meet with Planning to discuss a concurrent rezoning application with conceptual site plan.

G.5 Florida Statutes

The proposed amendment is consistent with Florida Statutes. Chapter 163, FS was substantially revised. Rule 9J-5 was repealed and removed from the Florida Administrative Code. (§ 72, HB 7207). The statutes, however, continue to require that all mandatory and

optional elements of the comprehensive plan and plan amendments shall be based upon relevant and appropriate data and an analysis by the local government that may include, but not be limited to, surveys, studies, community goals and vision, and other data available at the time of adoption of the comprehensive plan or plan amendment. The proposed amendment is supported by the data and analysis provided in the application and justification above.

Exhibit 4

Applicant's Public Facilities Table

A. Traffic Information		
	Current	Proposed
Max Trip Generator	<i>Provide the ITE Use Name & the trip generation rate</i> <i>LU 817 Nursery (Garden Center)</i>	<i>Provide the ITE Use Name & the trip generation rate for maximum and proposed potential</i> <i>Max – LU 110 General Light Industrial</i> <i>Proposed – LU 150 Warehouse and LU 710 General Office</i>
Maximum Trip Generation	<i>Provide the trip generation for the maximum potential</i> <i>Daily – 103; AM – 3; PM - 8</i>	<i>Provide the trip generation for the maximum potential AND the proposed potential</i> <i>Max: Daily – 544; AM – 83; PM – 73</i> <i>Proposed: Daily-591; AM-80; PM-76</i>
Net Daily Trips:	441 (maximum minus current) 488 (proposed minus current)	
Net PH Trips:	80 AM, 65 PM (maximum) 77 AM, 68 PM (proposed)	
Significantly impacted roadway segments that fail Long Range	None	None
Significantly impacted roadway segments for Test 2	None	None
Traffic Consultant	McMahon, a Bowman Company 561-840-8650	
B. Mass Transit Information		
Nearest Palm Tran Route (s)	No Palm-Tran Stops in this area.	
Nearest Palm Tran Stop	No Palm-Tran Stops in this area.	

Nearest Tri Rail Connection	No Palm-Tran Stops in this area.
C. Potable Water & Wastewater Information	
Potable Water & Wastewater Providers	Palm Beach County Water Utilities Department. Service capacity is available for the proposed development. See Attachment I for letter from Palm Beach County Utilities Department.
Nearest Water & Wastewater Facility, type/size	A 42" potable water main is located adjacent to the Property within State Road 7 right of way. A 8" water main along the south side of La Reina Road adjacent to the Property.
D. Drainage Information	
<ol style="list-style-type: none"> 1. Drainage Providers: SFWMD, LWDD, FDOT, PBCLD 2. Hillsboro Canal Drainage Basin 3. The drainage facilities will include swales and storm sewers with a control structure with discharge to US441 4. Minimum Road Crown = peak stage of the 5-yr, 1-day storm event Perimeter Berm = Peak Stage of 25-yr, 3-day storm event Finished Floor = Peak Stage of 100-yr, 3-day storm event with zero discharge See Attachment J for Drainage Statement 	
E. Fire Rescue	
Nearest Station	the property is served currently by Palm Beach County Fire-Rescue station No. 54 located at 18501 S. State Road 7
Distance to Site	the station is approximately 3.50 miles south of the subject site.
Response Time	Average response time 7:33
Effect on Resp. Time	The response time is 9 minutes 30 seconds, which is greater than the standard of 7 minutes 30 seconds.
F. Environmental	
Significant habitats or species	<i>None</i>
Flood Zone*	Zone X – The property is not located within a Flood Zone
Wellfield Zone*	The property is not located within a Wellfield Protections Zone. See Attachment M.
G. Historic Resources	
There is no significant historic resources present on the property. See Attachment N for the letter.	

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**

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

County Administrator
Verdenia C. Baker

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July 10, 2023

Natalia T. Lercari, P.E.
McMahon, a Bowman Company.
2090 Palm Beach Lakes Boulevard, Suite 400
West Palm Beach, FL 33409

**RE: GoldCoast Logistics FLUA
FLUA Amendment Policy 3.5-d Review
Round 2022-24-A**

Dear Ms. Lercari:

Palm Beach County Traffic Division has reviewed the Land Use Plan Amendment Application Traffic Analysis for the proposed Future Land Use Amendment for the above-referenced project, revised July 2023, 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:	NW corner of the intersection of State Road 7 and La Reina Road	
PCN:	00-42-43-27-05-067-0281 (<i>other on file</i>)	
Acres:	6.33 +/- acres	
	Current FLU	Proposed FLU
FLU:	Agricultural Reserve (AGR)	Industrial Commerce (CMR)/ Agricultural Reserve (AGR)
Zoning:	Agricultural Residential (AR)	Multiple Use Planned Development (MUPD)/Light Industrial District (IL)
Density/ Intensity:	0.15 FAR	0.45 FAR
Maximum Potential:	Nursery (Garden Center) = 5 acres Nursery (Wholesale) = 1.33 acres	General Light Industrial = 96,508 SF (<i>Using max FAR = 0.35</i>)
Proposed Potential:	None	Warehouse = 67,550 SF General Office = 28,952 SF
Net Daily Trips:	-144 (maximum – current) -180 (proposed – current)	
Net PH Trips:	64 (59/5) AM, 57 (6/51) PM (maximum) 50 (44/6) AM, 49 (8/41) PM (proposed)	
<i>* Maximum indicates typical FAR and maximum trip generator. Proposed indicates the specific uses and intensities/densities anticipated in the zoning application.</i>		

Based on the review, the Traffic Division has concluded that the proposed amendment will have a negligible impact on traffic. The Long Range analysis



Natalia T. Lercari, P.E.
July 10, 2023
Page 2

suggests reduced impact, while Test 2 analysis shows insignificance on the roadway network. These findings **meet** Policy 3.5-d of the Palm Beach County Comprehensive Plan's Future Land Use Element at the **maximum potential density** shown above.

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

Sincerely,

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

Dominique Simeus, P.E.
Professional Engineer
Traffic Division

DS:jb

cc:

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
David Wiloch – Senior Planner, Planning Division
Alberto Lopez Tagle – Technical Assistant III, Traffic Division

File: General - TPS – Unincorporated - Traffic Study Review
N:\TRAFFIC\Development Review\Comp Plan\24-A\GoldCoast Logistics FLUA.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



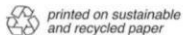
**Palm Beach County
Board of County
Commissioners**

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

County Administrator

Verdenia C. Baker

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May 16, 2023

2GHO Inc.
1907 Commerce Lane Suite 101
Jupiter, FL 33458

Project: Gold Coast Logistics
PCN-00-42-43-27-05-067-0283 & 00-42-43-27-05-067-0281
Service Availability Letter

Dear Ms. Lentini,

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 serve the proposed land use amendment for a 6.31-acre parcel from (AGR) Agricultural Reserve Land Use to (IND) Industrial (CMR) Commerce with an underlying AGR Land Use Designation.

The nearest connections are a 42" water main and a 10" sanitary sewer force main located within SR7 adjacent to the subject property. Offsite improvements may 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

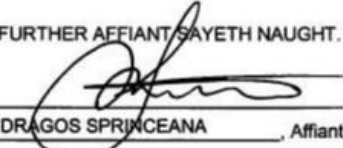
BEFORE ME, the undersigned authority, this day personally appeared
DRAGOS SPRINCEANA, hereinafter referred to as "Affiant," who
being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the ☐ individual or ☒ MANAGER *[position -
e.g., president, partner, trustee] of 15445 US 441, 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: 17686 CIRCLE POND COURT BOCA RATON FL 33496

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.



DRAGOS SPRINCEANA, Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 6TH day of MARCH, 2023, by DRAGOS SPRINCEANA (name of person acknowledging). He/she is personally known to me or has produced ID (type of identification) as identification and did did not take an oath (circle correct response).

MARIA GHIRILA
(Name - type, stamp or print clearly)


(Signature)

My Commission Expires on: 01/17/2024

NOTARY'S SEAL OR STAMP

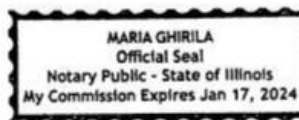


EXHIBIT "A"

PROPERTY

EXHIBIT A

LEGAL DESCRIPTION

THE EAST 582 FEET OF THE NORTH 378 FEET OF TRACT 28, BLOCK 67 PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND NOT INCLUDING THE RIGHT OF WAY FOR STATE ROAD 7, AS SET FORTH AND MORE PATRICIANLY DESCRIBED IN SPECIAL WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 12959, PAGE 1655, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY FLORIDA.

TOGETHER WITH:

THE EAST 582 FEET OF TRACT 28, LESS THE NORTH 378 FEET IN BLOCK 67 OF PALM BEACH FARMS CO. PLAT NO. 3, LESS THE RIGHT OF WAY FOR U.S. 441, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND EXCEPT ALL THE FOLLOWING DESCRIBED REAL PROPERTY: A PORTION OF TRACT 28, BLOCK 67, OF THE PALM BEACH FARMS CO., PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 24, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT A FOUND PALM BEACH COUNTY BRASS CAP MARKING THE NORTHWEST CORNER OF SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST; THENCE SOUTH 88°44'06" WEST ALONG THE NORTH LINE OF SAID SECTION 24, A DISTANCE OF 2.063 METERS (6.77 FEET) TO A POINT ON THE BASELINE OF SURVEY FOR STAT ROAD 7 (U.S. 441) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93210-2515; THENCE SOUTH 00°18'44" EAST ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 0.786 METERS (2.58 FEET); THENCE SOUTH 00°39'54" EAST CONTINUING ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 841.554 METERS (2,761.00 FEET); THENCE SOUTH 89°20'06" WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 22.860 METERS (75.00 FEET) TO A POINT ON THE WESTERLY EXISTING RIGHT OF WAY LINE FOR SAID STATE ROAD 7 (U.S.44) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93210-2516 AND THE POINT OF BEGINNING; THENCE SOUTH 89°36'37" WEST ALONG THE SOUTH LINE OF SAID TRACT 28, A DISTANCE OF 49.982 METERS (163.98 FEET); THENCE NORTH 00°34'56" WEST, A DISTANCE OF 85.559 METERS (280.71 FEET); THENCE NORTH 89°35'33" EAST, A DISTANCE OF 49.858 METERS (163.58 FEET) TO A POINT ON SAID WESTERLY EXISTING RIGHT OF WAY LINE; THENCE SOUTH 00°39'54" EAST ALONG SAID WESTERLY EXISTING RIGHT OF WAY LINE AND A LINE 22.860 METERS (85 FEET) WEST OF AN PARALLEL WITH SAID BASELINE OF SURVEY, A DISTANCE OF 85.575 METERS (280.76 FEET) TO THE POINT OF BEGINNING

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

15445 US 441 17686 CIRCLE POND COURT BOCA RATON, FL 33496

100%

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 Agricultural Reserve and other Nonresidential FLUs.	No
Results in poor accessibility among linked or related land uses.	The proposed amendment does not result in poor accessibility among related land uses.	No
Results in the loss of significant amounts of functional open space.	The proposed amendment on this site will not result in the loss of significant amounts of functional open space. The site is currently vacant and landlocked between built developments.	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 adequately to protect adjacent agricultural areas and activities, including silviculture, and including active agricultural and silvicultural activities as well as passive agricultural activities and dormant, unique and prime farmlands and soils.	The site is currently vacant and is adjacent to other non-agricultural land uses, and is wholly within the LUSA of the Agricultural Reserve Tier.	No

Primary Indicators that an amendment does not discourage urban sprawl	Staff Assessment	Sprawl Indicated?
Fails to provide a clear separation between rural and urban uses.	The AGR Tier is intended to support and preserve agricultural while allowing low density development and limited commercial development. Institutional uses are restricted from locating west of State Road 7. The Agricultural Preserve provisions therefore allow for a mix of uses to support the allowed residential, commercial, and other non-residential development.	No
Criteria Related to Public Facilities		
Fails to maximize use of existing public facilities and services.	Public facilities and services will be provided and water and wastewater lines are currently located within SR-7 adjacent to the subject property.	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
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

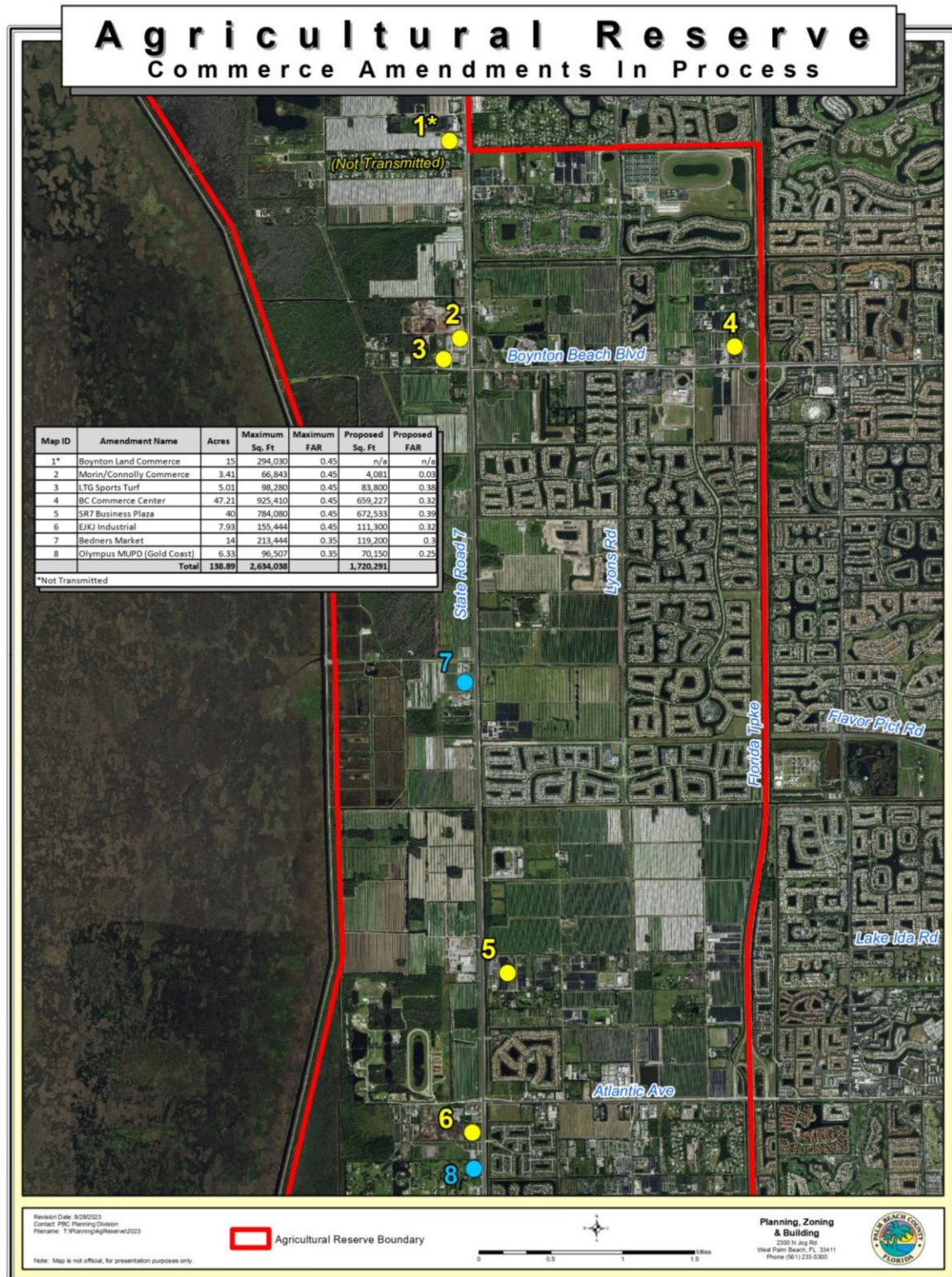


Exhibit 10

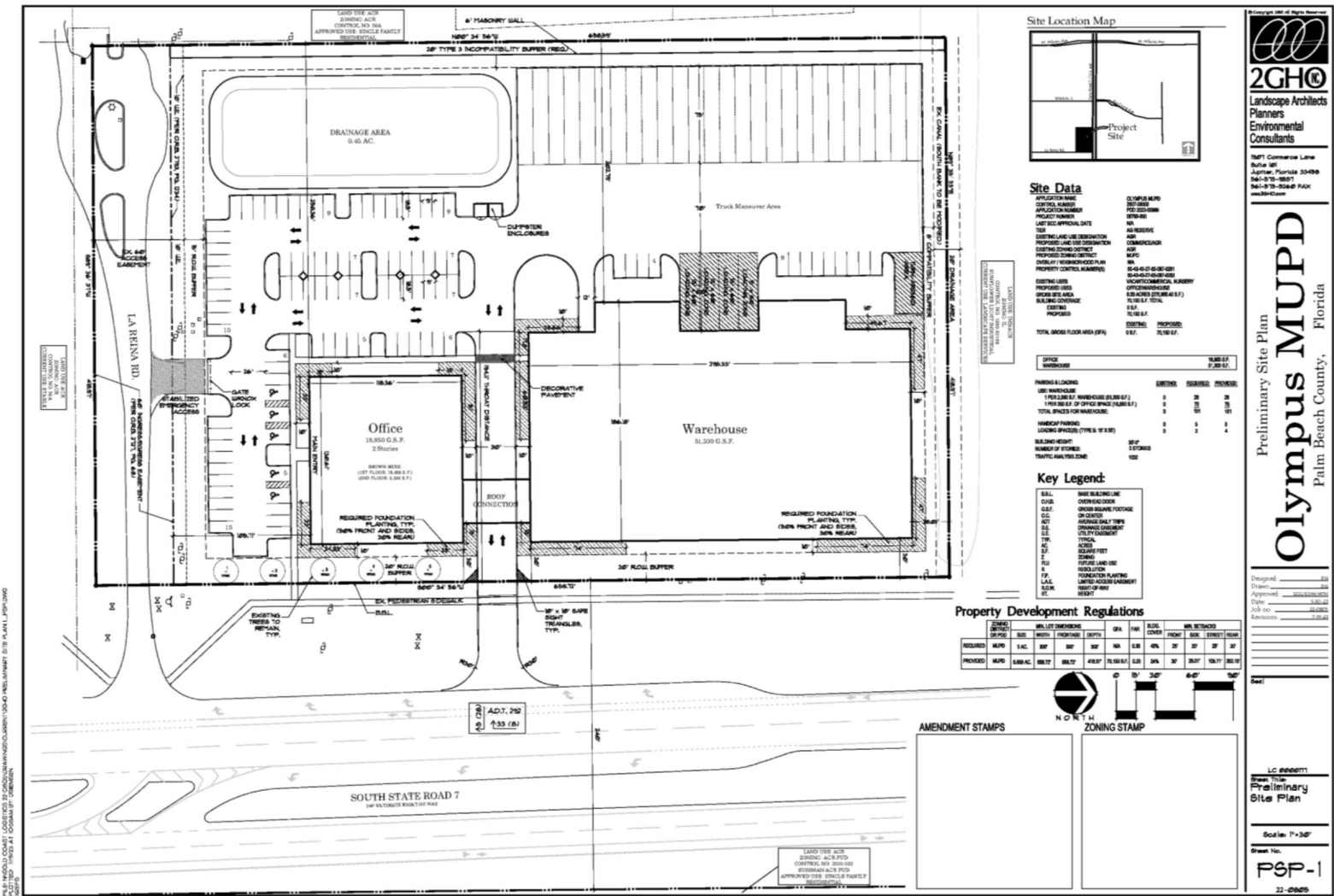


Exhibit 11

Correspondence
