



COMPREHENSIVE PLAN AMENDMENT STAFF REPORT AMENDMENT ROUND 21-A2

DEO TRANSMITTAL, JANUARY 25, 2021

A. Application Summary

I. General Data

Project Name:	Plaza Delray AGR (LGA 2021-006)
Request:	AGR to CL/AGR
Acres:	0.33 acres
Location:	South side of Atlantic Avenue, approximately 725 feet east of Lyons Road
Project Manager:	Stephanie Gregory, Senior Planner
Applicant/Owner:	Ian Weiner, PEBB Atlantic, LLC
Agent:	Edwin Muller, WGI, Inc.
Staff Recommendation:	Staff recommends approval with conditions based upon the conclusions contained within this report

II. Assessment & Conclusion

The request is for a future land use amendment on a vacant .33 acre site within the Agricultural Reserve Tier. The intent is to add this parcel to the development to the west to create additional surface parking and landscaping for the approved Seneca Multiple Planned Unit Development (MUPD). In 2017, the Board adopted a future land use amendment for the 4.51-acre Seneca parcel to Commercial Low with a condition limiting the site to a maximum of 38,538 square feet of commercial or office uses. The approved site plan for Seneca includes 30,700 square feet of restaurant and retail uses.

Since the adoption of the amendments to implement the Agricultural Reserve Master Plan in 2001, the Comprehensive Plan has limited the amount of commercial retail, service, and office uses in the Tier through a commercial cap. The cap is intended to ensure that commercial does not exceed local demand and thereby serve as a draw from outside the Tier. As of the date of the writing of this staff report, there was 28,000 square feet remaining within the commercial cap. However, the request includes a voluntary condition of approval that will not allow commercial intensity on the site, thereby having no impact on the remaining available square footage. With this condition of approval, the amendment will have no policy implications with the commercial cap in the Tier.

The proposed amendment is consistent with the policies of the Comprehensive Plan, compatible with adjacent uses and meets service delivery standards. Therefore, staff recommends approval with conditions.

III. Hearing History

Local Planning Agency/Planning Commission: *Approval with conditions*, motion by Evan Rosenberg, seconded by Glenn Gromann, passed in a 13 to 0 vote at the January 8, 2021 public hearing. Under discussion, one PLC member questions regarding the additional parking that the amendment would provide to the Seneca site, and whether that would allow additional square footage. Staff relayed that the amendment would not allow additional square footage yielding from the subject site per the proposed condition of approval, and that the Seneca site had remaining square footage adopted by its own ordinance. There was no public comment.

Board of County Commissioners Transmittal Public Hearing: *Transmit*, motion by Vice Mayor Weinroth, seconded by Commissioner Sachs, passed in a 7 to 0 vote at the January 25, 2021 public hearing. Under discussion, one Commissioner questioned the use of the site as part of the expansion of the Seneca Plaza. There was minimal discussion and no public comment.

State Review Comments:

Board of County Commissioners Adoption Public Hearing:

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B. Petition Summary

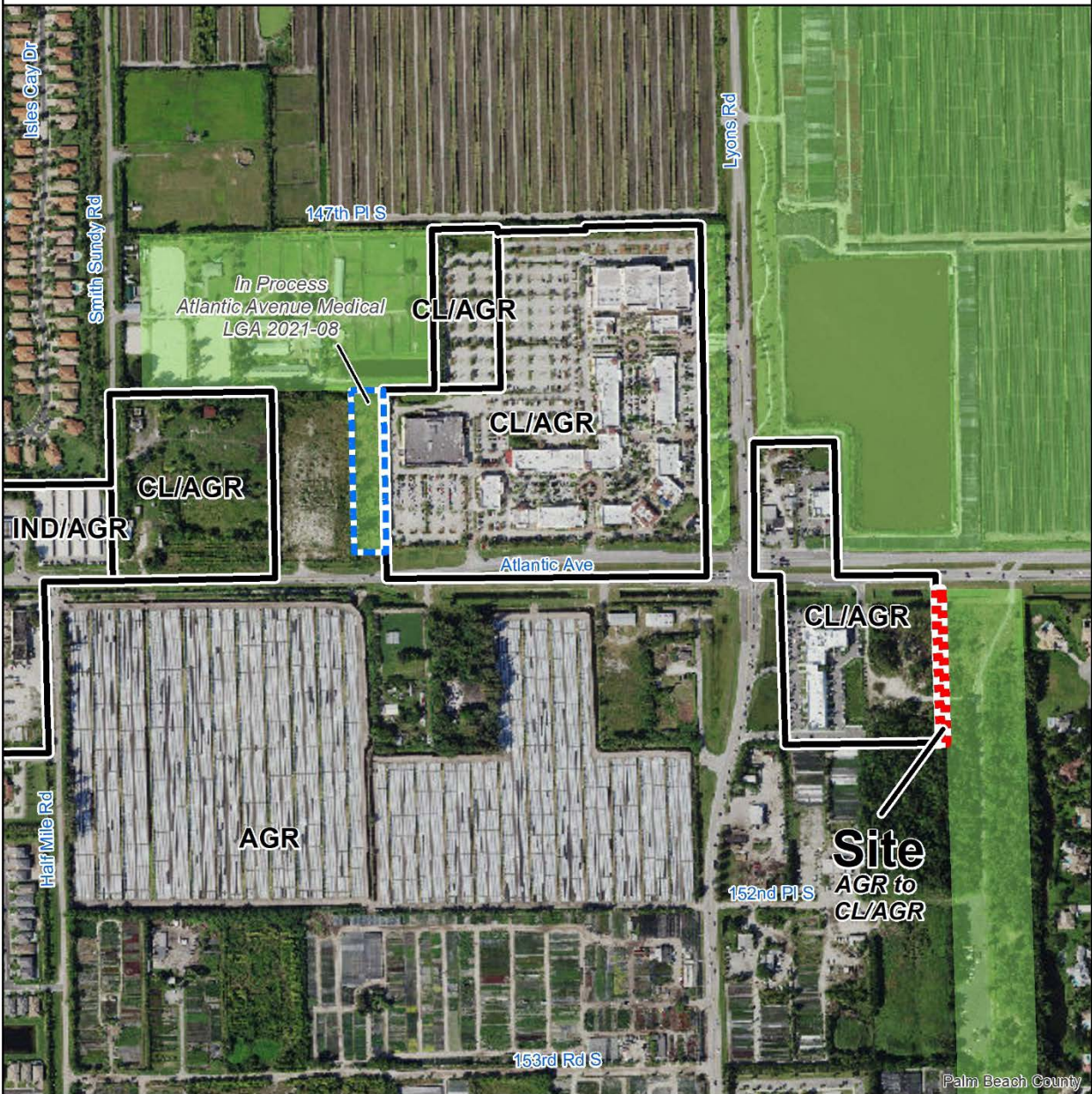
I. Site Data

Current Future Land Use	
Current FLU:	Agricultural Reserve (AGR)
Existing Land Use:	Vacant
Current Zoning:	Agricultural Reserve (AGR)
Current Dev. Potential Max:	Agriculture, up to .15 FAR (2,156 sf)
Proposed Future Land Use Change	
Proposed FLU:	Commercial Low with an underlying Agricultural Reserve (CL/AGR)
Proposed Use:	Commercial parking and landscaping for adjacent commercial plaza
Proposed Zoning:	Multiple Use Planned Development
Dev. Potential Max/Conditioned:	Commercial parking and landscaping only (with condition)
General Area Information for Site	
Tier:	Agricultural Reserve Tier – No Change
Utility Service:	Palm Beach County Water Utilities Department
Overlay/Study:	Agricultural Reserve Master Plan
Comm. District:	Commissioner Maria Sachs, District 5



Future Land Use Atlas Amendment

Plaza Delray (LGA 2021-06)



Site Data

Size: 0.33 acres
 Existing Use: Vacant
 Proposed Use: Surface Parking
 Current FLU: AGR
 Proposed FLU: CL/AGR

Future Land Use Designations

AGR Agricultural Reserve
 CL/AGR Commercial low, underlying AGR
 IND/AGR Industrial, underlying AGR

Date: 7/27/20
 Contact: PBC Planning
 Filename: Amend/21-A/Site/21-06
 Note: Map is not official, for presentation purposes only.



180 0 180 360 Feet



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



C. Introduction

I. Intent of the Amendment

The subject site is located in the in the Agricultural Reserve Tier, south side of Atlantic Avenue, approximately 725 feet east of Lyons Road. The 0.33-acre site has an Agricultural Reserve (AGR) future land use designation. The site is vacant and there are no previous land use amendments for this parcel.

Future Land Use Amendment. The future land use request is for a change from Agricultural Reserve (AGR) to Commercial Low the an underlying AGR (CL/AGR) with a voluntary condition of approval to not allow commercial intensity or square footage on the site. The intent is to create additional surface parking and landscaping for the approved Seneca Multiple Planned Unit Development (MUPD) that is directly to the west. In 2017, the Board adopted a future land use amendment for the 4.51-acre Seneca parcel to Commercial Low with a condition limiting the site to a maximum of 38,538 square feet of commercial or office uses. The approved site plan for Seneca includes 30,700 square feet of restaurant and retail uses.

Zoning Application: There is a concurrent zoning application (PDD/DOA 2020-1117) to rezone site from Agricultural Reserve (AGR) to Multiple Use Planned Development (MUPD). There is also a Development Order Amendment (DOA) to add into the Seneca MUPD. Control Number 2016-78.

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 that was completed in 1999 through the adoption of policies in 2001. The purpose of the Tier is captured in the adopted 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.*

More recently, the Agricultural Reserve was the subject of a year-long “Roundtable” process directed by the Board of County Commissioners (BCC) to consider changes to policies in the Tier. At the March 2015 Workshop, the BCC considered the input received during the Roundtable process and directed staff to proceed with specific actions and Plan amendments. Subsequently, text amendments to allow additional commercial square footage in the tier were adopted by the Board in 2016.

B. Commercial Policies & Approvals in the Agricultural Reserve

The Comprehensive Plan includes specific limitations for both existing and new commercial future land uses and development within the Ag Reserve Tier. Since the adoption of the amendments to implement the Agricultural Reserve Master Plan in 2001, the Plan has limited the amount of commercial retail, service, and office uses in the Tier. The commercial cap in the Tier of 1,015,000 square feet of commercial retail, office, and service uses has 28,000 square feet of commercial available. The applicant is proposing a condition that development on the site under the Commercial Low designation shall have no commercial intensity or square footage. This is consistent with the applicant's intent to utilize the subject site for additional parking and landscaping for the Seneca 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 subject site is located in the northern portion of the Agricultural Reserve Tier, on the south side of Atlantic Avenue, east of Lyons Road. There are commercial future land uses adjacent to the site to west, extending to the southeast intersection of Atlantic Avenue and Lyons Road. The Delray Marketplace TMD is located at the northwest corner and there is a pre-existing commercial site, known as Fina Station at the northwest corner. The remaining surrounding uses include agricultural and residential uses.
- B. Appropriateness of the Amendment.** The proposed amendment to change the FLU on the subject site from AGR to CL/AGR in the Agricultural Reserve Tier is appropriate for the following reasons:
- The amendment is consistent with the intent of the commercial location policies in the Tier to cluster non-residential development along Atlantic Avenue and Boynton Beach Boulevard. The proposed amendment will allow the previously approved Seneca MUPD, which has a Commercial Low future land use designation, to provide additional parking and landscaping on the subject site.
 - Due to the size and shape of the parcel, the subject site is limited as to development options. The subject site is under the same ownership as the Seneca MUPD and will be developed together as a unified project.
 - The proposed amendment will have no impact on the remaining square footage within the commercial cap set by Policy 1.5-n. The amendment includes a voluntary condition of approval that does not allow commercial intensity or square footage on the site.
- C. Compatibility.** The proposed amendment does not add commercial square footage to the site, but rather allows for the Seneca MUPD to the west to add additional parking and landscaping. There are no compatibility issues presented by this amendment.

- D. Assessment and Recommendation.** The request is for a future land use amendment on a vacant .33 acre site within the Agricultural Reserve Tier. The request is for a change from Agricultural Reserve (AGR) to Commercial Low with an underlying AGR (CL/AGR). The intent is to create additional surface parking and landscaping for the Seneca Multiple Planned Unit Development (MUPD) that is directly to the west. In 2017, the Board adopted a future land use amendment for the 4.51-acre Seneca parcel to Commercial Low with a condition limiting the site to a maximum of 38,538 square feet of commercial or office uses. The approved site plan for Seneca includes 30,700 square feet of restaurant and retail uses.

Since the adoption of the amendments to implement the Agricultural Reserve Master Plan in 2001, the Plan has limited the amount of commercial retail, service, and office uses in the Tier through a commercial cap. The cap is intended to ensure that commercial does not exceed local demand and thereby serve as a draw from outside the Tier. As of the date of the writing of the Planning Commission Report, there was 28,000 square feet remaining within the commercial cap. However, the request includes a voluntary condition of approval that will not allow commercial intensity on the site, thereby having no impact on the remaining available square footage. With this condition of approval, the amendment will have no policy implications with the commercial cap in the Tier.

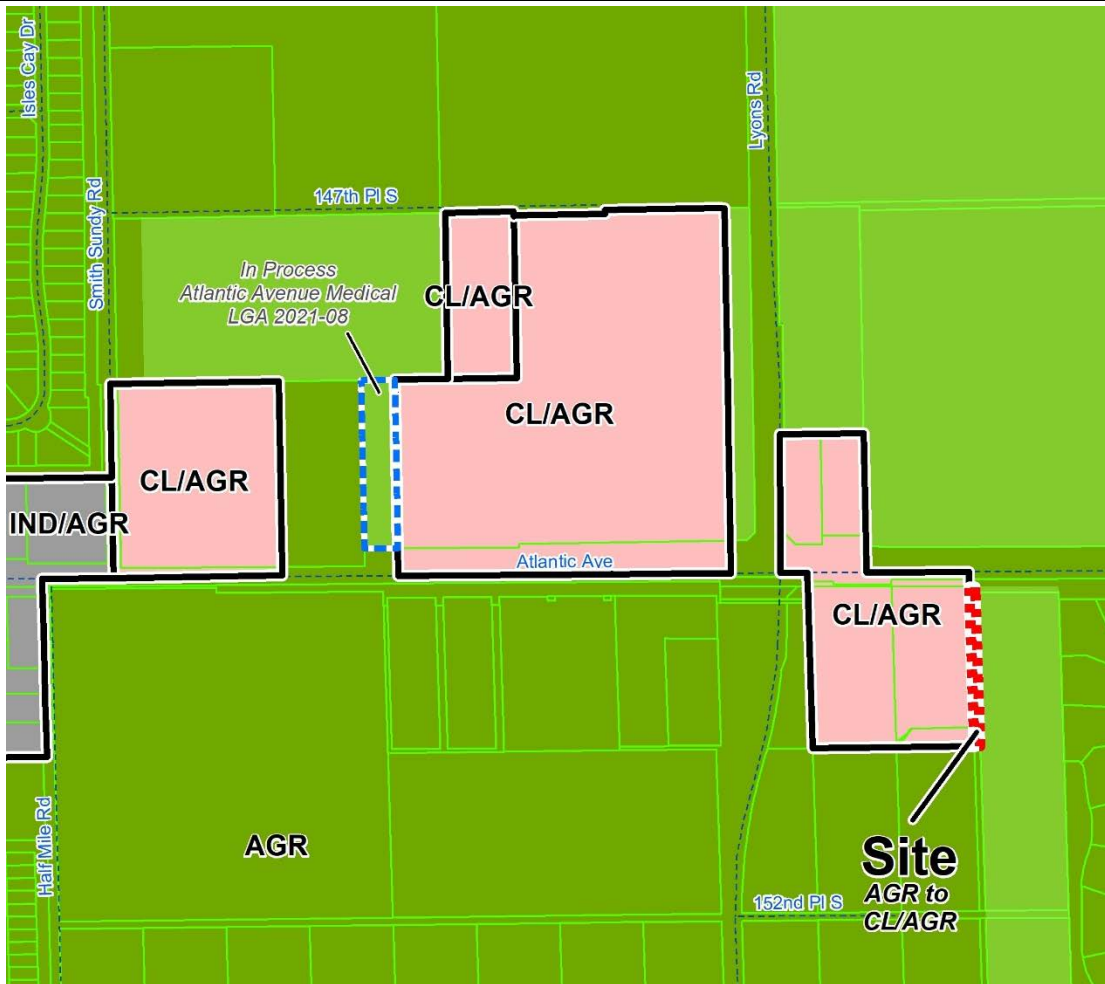
Therefore, staff recommends ***approval with conditions*** based upon the findings within this report.

Exhibits	Page
1. Future Land Use Map & Legal Description	E-1
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Exhibit 1

Amendment No:	Plaza Delray (LGA 2021-006)
FLUA Page No:	102
Amendment:	From Agricultural Reserve (AGR) to Commercial Low with an underlying Agricultural Reserve (CL/AGR)
Location:	South side of Atlantic Avenue, approximately 725 feet east of Lyons Road
Size:	0.33 acres approximately
Property No:	00-42-46-20-01-000-0141 (.33 acre portion of a .71 acre PCN)

Conditions: The Commercial Low future land use designation shall have no intensity or square footage.



Legal Description

PCN 00-42-46-20-01-000-0141 (.33 acres of a .71 acre PCN)

LEGAL DESCRIPTION:

A PORTION OF TRACT 14 OF SECTION 20, THE PALM BEACH FARMS COMPANY PLAT NO. 1, AS RECORDED IN PLAT BOOK 2, PAGE 26, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SENECA PROPERTY MUPD; THENCE N.01°59'11"W., ALONG THE EAST LINE THEREOF, A DISTANCE OF 634.81 FEET TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-34 CANAL, AS RECORDED IN OFFICIAL RECORD BOOK 6495, PAGE 761 OF SAID PUBLIC RECORDS, SAID RIGHT-OF-WAY LINE LYING 52.48 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE NORTH LINE OF SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST; THENCE S.89°58'57"E., ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 23.41 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF AFORESAID TRACT 14 OF SECTION 20; THENCE S.01°51'46"E. ALONG SAID EAST LINE OF TRACT 14 OF SECTION 20, A DISTANCE OF 634.51 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 14 OF SECTION 20; THENCE S.89°23'06"W. ALONG THE SOUTH LINE OF SAID TRACT 14 OF SECTION 20, A DISTANCE OF 22.04 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

CONTAINING 14,416 SQUARE FEET/0.3309 ACRES MORE OR LESS.

Exhibit 2

Consistency with Comprehensive Plan

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

A. Consistency with the Comprehensive Plan - General

1. **Justification - FLUE Policy 2.1-f:** *Before approval of a future land use amendment, the applicant shall provide an **adequate justification** for the proposed future land use and for residential density increases **demonstrate that the current land use is inappropriate**. In addition, the County shall review and make a determination that the proposed future land use is compatible with existing and planned development in the immediate vicinity and shall evaluate its impacts on:*

1. *The natural environment, including topography, soils and other natural resources; (see Public Facilities Section)*
2. *The availability of facilities and services; (see Public Facilities Section)*
3. *The adjacent and surrounding development; (see Compatibility Section)*
4. *The future land use balance;*
5. *The prevention of urban sprawl as defined by 163.3164(51), F.S.; (See Consistency with Florida Statutes)*
6. *Community Plans and/or Planning Area Special Studies recognized by the Board of County Commissioners; and (see Neighborhood Plans and Overlays Section)*
7. *Municipalities in accordance with Intergovernmental Coordination Element Objective 1.1. (See Public and Municipal Review Section)*

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

- *“Given the irregular shape of the subject property, expansion of the (Seneca) MUPD to include a portion of the parcel is most appropriate as the site cannot be easily adapted for residential or agricultural uses.”*
- *“Additionally, the proposed amendment will ensure completion of the existing and future commercial pattern, as additional properties in the immediate area and at the intersection of Atlantic Avenue and Lyons Road are anticipated to accommodate neighborhood serving commercial uses.”*

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.

The subject site is currently has limited development potential as it is approximately 24 feet wide and situated between a commercial plaza and an Agricultural Reserve Planned Development Preserve Area. The development potential is primarily through combination with one of the two adjacent parcels. The request is to change the future land use designation to CL/AGR, thereby allowing the site to developed with the commercial plaza

to the west. The proposed condition of approval ensures that there is no commercial square footage increase resulting through this amendment, and that the site will be limited to parking and landscaping for the adjacent plaza. The proposed amendment results in a viable use of the property. Therefore, there is an adequate justification to support the amendment.

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.*

Staff Analysis: The proposed amendment is to allow for the addition of land area to the Seneca MUPD for the purpose of providing additional parking and landscaping. The amendment is consistent with the character and development pattern of this particular area, which can be characterized as low density and low intensity development pattern at the intersection of Lyons and Atlantic Avenue, consistent with the Tier's commercial location criteria. With respect to land use compatibility, which is also addressed elsewhere in this report, the proposed commercial designation is not in conflict with the surrounding land uses, as the site is to be utilized for parking and landscaping. Overall, this amendment is generally consistent with the 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: The subject site is under the same ownership as the Seneca MUPD parcel that is adjacent to the west. The applicant is requesting to combine the subject site with

the Seneca MUPD for a unified development. The subject site will provide parking and landscaping for the commercial development and will not result in additional commercial square footage in the Tier due to the proposed condition of approval. Therefore, the proposed amendment would not constitute piecemeal development.

B. Consistency with Agricultural Tier Requirements

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

OBJECTIVE 1.5 The Agricultural Reserve Tier

1. **Objective:** *Palm Beach County shall preserve the unique farmland and wetlands in order to preserve and enhance agricultural activity, environmental and water resources, and open space within the Agricultural Reserve Tier. This shall be accomplished by limiting uses to agriculture and conservation with residential development restricted to 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 proposed amendment will allow for additional parking and landscaping for the approved Seneca MUPD to the west with the proposed condition of approval. The condition does not allow commercial intensity on the site, and therefore will not increase commercial square footage or serve as a regional draw, and therefore, is not in conflict with this policy.

Commercial

1. **Policy 1.5-j:** *“Commercial uses permitted in the Agricultural Reserve Tier shall be limited to those, which serve the needs of the farmworker community, existing residents, and future residents of an AgR-PDD.”*

Staff Analysis: The proposed amendment will not add commercial intensity as the request includes a condition of approval prohibiting commercial intensity/square footage on the site. The request will allow for a parking lot expansion for the adjacent commercial plaza.

2. **Policy 1.5-m:** *In order to facilitate community growth, reduce traffic, and maintain open space, the County shall limit the locations of new commercial and mixed use future land use designations within the Agricultural Reserve Tier to within two commercial-mixed use centers. These centers are central to the Tier and intended to combine neighborhood shops, community commercial, offices, civic institutions, and housing opportunities. The two commercial-mixed use centers define the areas within 1/4 mile of the intersection of Lyons Road and Boynton Beach Boulevard, and the intersection of Lyons Road and Atlantic Avenue. In addition, the pre-existing commercial properties identified in Policy 1.5-i are allowed, and the County may consider future land use amendments for sites that share a common property line with pre-existing commercial properties identified in Policy 1.5-i to square off those locations.*

Staff Analysis: The proposed amendment shares a common boundary with a property with commercial future land use and is within ¼ mile of the intersection of Atlantic Avenue and Lyons Road, and is therefore, consistent with this policy.

3. **Policy 1.5-n:** *The County shall ensure a sustainable development pattern is achieved in the Agricultural Reserve by allowing commercial uses while ensuring that the supply of commercial square footage does not exceed the demand of the farm workers and residents of the Tier. The County may approve a maximum of 1,015,000 square feet of commercial uses (retail, service and office) within the Tier.*

Staff Analysis: As of the writing of the Planning Commission report, there were 28,000 square feet of commercial available within the cap. However, the proposed amendment will not add commercial intensity as the request includes a condition of approval prohibiting commercial intensity/square footage on the site. The request will allow for additional parking for the adjacent commercial plaza.

C. Compatibility

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

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

North: To the north of the subject site, beyond Atlantic Avenue, is part of the Valencia Cove AGR-PUD Preserve and two commercial sites known as Fina Station and Dells Suburban Market. Both commercial sites were the subject of a land use amendment in Round 16-A (LGA 2016-013 and LGA 2016-009) to assign Commercial Low future land use designations in order to reflect the commercial uses, which existed on these sites prior to the creation of the Agricultural Reserve Master Plan. The 1.69-acre Dells Suburban Market site contains recently developed medical office uses and the 1.50-acre Fina Station site is utilized as an auto repair and service station. At the northwest corner of Atlantic Avenue and Lyons Road, is the Delray Marketplace with a Commercial Low future land use designation.

East: To the east of the site is a 9.62 acre an AGR-PUD preserve with an Agricultural Reserve (AGR) future land use designation. Further east, beyond that parcel, is the Delray Lakes Estates Planned Unit Development, which predates the current Ag Reserve PUD 60/40 and 80/20 development options, also with AGR.

West: To the west is the Seneca Commercial (LGA 2017-001) site, which was the subject of a land use amendment that was adopted by the Board on January 30, 2017 for a change from AGR to a Commercial Low land use designation. The 4.51-acre site has approvals to develop a maximum of 38,538 square feet of commercial retail and office uses. Further west is the Feurring Commercial site (LGA 2016-024). A land use amendment for the Feurring site was adopted by the BCC on August 22, 2016 for a Commercial Low land use designation on 4.90 acres in order to develop a pharmacy with drive through, retail and restaurant uses, totaling 34,136 square feet. At the southeast corner of Atlantic Avenue and Lyons Road is a 1.57 acre parcel of land owned by Palm Beach County that is leftover from the extension of Lyons Road.

South: To the south of the site are various agricultural uses on 5-acre parcels with an Agricultural Reserve (AGR) future land use.

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

Staff Analysis: The subject site is directly adjacent to a commercial node and the request for the additional of the subject site will provide additional parking and landscaping for the Seneca MUPD to the west. The proposed amendment includes a condition that development of the site under the proposed Commercial Low future land use designation shall have no commercial square footage. There are no compatibility issues presented by this amendment.

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 property is not located within the boundaries of a neighborhood plan. However, it is located within the Ag Reserve Tier, which was the subject of the Ag Reserve Master Plan for which policies have already been adopted in the Comprehensive Plan in order to implement the Master Plan recommendations.

E. Public Facilities and Services Impacts

The proposed amendment was reviewed with the proposed change to allow parking and landscaping on the subject site. Public facilities impacts are detailed in the table in Exhibit 4.

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

Staff Analysis: The proposed amendment has been distributed to the County service departments for review and there are adequate public facilities and services available to

support the amendment, and the amendment does not exceed natural or manmade constraints. No adverse comments were received from the following departments and agencies regarding impacts on public facilities:

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

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

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

Staff Analysis: A traffic study was not required for this amendment because the proposed condition of approval will require that development on the site under the Commercial Low future land use designation shall have no commercial intensity or square footage.

E. Florida Statutes (FS) Consistency

Consistency with Urban Sprawl Rule: Section 163.3177(6)(a)9.a., F.S., establishes a series of primary indicators to assess whether a plan amendment does not discourage the proliferation of urban sprawl. The statute states that the evaluation of the presence of these indicators shall consist of an analysis of the plan amendment within the context of features and characteristics unique to each locality. The analysis in Exhibit 4 indicates that the proposed amendment does not encourage the proliferation of urban sprawl.

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 December 23, 2020. To date, no comments have been received.
- B. Other Notice:** Public notice by letter was mailed to the owners of properties within 500' of the perimeter of the site on December 18, 2020. On the same date, several interested parties were notified by mail including The Alliance of Delray, the Coalition of Boynton West Residential Association (COBWRA), and the Delray Lakes Estates Homeowners Association. As of the publication of the Planning Commission staff report, no correspondence has been received. Letters received are added to the Exhibits during the course of the amendment process.

- C. Informational Meeting:** The Planning Division hosted a meeting with area residents and interested parties to relay information regarding the amendment and development approval process on January 5, 2021. This date occurred after the publication of the Planning Commission report. A summary of the meeting will be presented at the Planning Commission public hearing.

Exhibit 3
Applicant's Justification/Consistency with Comprehensive Plan

JUSTIFICATION STATEMENT
LARGE SCALE FUTURE LAND USE ATLAS AMENDMENT
CONTROL NO. 2016-00078

PLAZA DELRAY
PROPOSED FLUA MAP AMENDMENT

Prepared by:
WGI, INC.
2350 Vista Parkway
West Palm Beach, FL 33411
(561) 687-2220
www.wginc.com

Introduction

This Large-Scale Future Land Use Atlas (FLUA) amendment is being requested for a 0.33-acre sliver of land located directly east of the approved Seneca Property MUPD development (Control No. 2016-00078), approximately 725 feet east of the Lyons Road and Atlantic Avenue intersection.

In changing the land use designation from the current Agricultural Reserve (AR) FLU to Commercial Low with an underlying AGR (CL/AGR), subsequent zoning requests are possible in order to add land area to the Seneca Property MUPD in order to accommodate additional off-street parking for the development.

The subject 0.33-acre subject site is a portion of the 0.71-acre parcel identified by Parcel Control Number 00-42-46-20-01-000-0141. It should be noted that the subject site, while being a portion of the aforementioned PCN, has been identified as a legal lot of record.

G.1 Justification for Future Land Use Atlas Amendment

In 2017 the FLUA application for parcels (# 00-42-46-20-19-001-0000, # 00-42-46-20-19-023-0000) associated with the Seneca Property MUPD were approved by the Board of County Commissioners of Palm Beach County (BCC). Justification for the amendment was founded on the BCC's decision to revise the County's Comprehensive Plan which had the effect of allowing for the County's consideration of smaller commercial sites.

The Seneca Property MUPD, located on a 4.69-acre site, was identified as being better suited for such a small commercial use as opposed to an Agricultural use. Among the reasons for this determination was the proximity of the parcels to the intersection of Lyons Road and Atlantic Avenue as well as the presence of several large residential communities in the area. The subject

parcel, once replatted with the Seneca MUPD, will add an additional 0.33 acres to the MUPD and supply space needed to accommodate surface parking for the development.

Compliance with Comprehensive Plan FLUE Policy 2.1-F

The proposed FLUA Amendment must be consistent with the Goals Objectives and policies of the Comprehensive Plan. Future Land Use Element Policy 2.1.f requires that adequate justification for the proposed Future Land Use be provided. The proposed FLUA Amendment is in compliance with the requirements of the County's Comprehensive Plan, as outlined below.

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

Over time, the need for neighborhood serving commercial uses has increased as a result of an influx of residents within the Agricultural Reserve Tier. Although there are existing commercial uses situated within the Delray Marketplace TMD, such uses are not neighborhood serving in nature. Neighborhood serving uses that are needed in the area include a pharmacy, gas station, offices and general retail uses. Due to its irregular shape and small size, it is not practical to convert the parcel to an agricultural operation, nor is it suitable to develop the site for residential use. As such, it would be most advantageous to incorporate the subject property into the abutting properties, including the Seneca Property MUPD to the west, where it will contribute to the neighborhood-serving uses.

Additionally, the proposed amendment will ensure completion of the existing and future commercial development pattern, as additional properties in the immediate area and at the intersection of Atlantic Avenue and Lyons Road are anticipated to accommodate neighborhood serving commercial uses. Finally, due to the fact that several large residential communities are situated within the general area, development of the subject property would ensure that there are neighborhood serving commercial uses within the area, helping to keep traffic trips localized and reducing impacts on the Countywide roadway network.

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

- Changes in FLU designations on adjacent properties or properties in the immediate area and associated impacts on the subject site;
- Changes in the access or characteristics of the general area and associated impacts on the subject site;
- New information or change in circumstances which affect the subject site;
- Inappropriateness of the adopted FLU designation; or,
- Whether the adopted FLU designation was assigned in error.

The request to amend the FLUA designation from AGR to CL is supported as follows:

1. Approval of the Delray Marketplace TMD at the northwest corner of Atlantic Avenue and Lyons Road has created a commercial node at the intersection; establishing new

development patterns by amending the FLU designation of properties in the immediate area. There are existing commercial uses situated within the Delray Marketplace TMD; however, such uses are not neighborhood serving in nature. Furthermore, approval of the Seneca Property MUPD has added to the pattern of commercial development in the area surrounding the subject property. To support this new development, additional space is required for surface parking. Given the irregular shape of the subject property, expansion of the MUPD to include a portion of the parcel is most appropriate as the site cannot be easily adapted for residential or agricultural uses.

2. Approval/development of the Seneca MUPD alongside residential communities and the Delray Marketplace TMD has changed the characteristics of the general area. The need for neighborhood serving commercial uses has increased as a result of the influx of residents within the Tier. Although there are existing commercial uses situated within the Delray Marketplace TMD, such uses are not neighborhood in nature and represent more of an entertainment destination. Needed neighborhood-based uses include a pharmacy, gas station, offices and general retail uses all of which would better serve the surrounding area. Furthermore, establishment of such uses in the area would also reduce the number of roadway trips to such uses located farther away in the eastern part of the County while also supporting the existing commercial uses within the nearby Delray Marketplace TMD.
3. Recent approval of the Seneca Property MUPD, in tandem with the growing share of commercial and residential development in the area surrounding the subject site affect viability of future development on yet undeveloped parcels—including that of the subject site. As such, a change in circumstances that affects the subject property has caused the appropriate use on the property (which is irregularly shaped and relatively small) to shift from the original Agricultural designation.
4. AGR is not the most appropriate FLUA designation for the subject property as it would not be able to function effectively as Agricultural given its small size and irregular shape. The BCC recently approved amendments to the FLUA to recognize existing commercial uses within the Tier. Based upon additional demand and need for neighborhood serving commercial retail uses and the location and size of the property in relation to Comprehensive Plan directives, CL is a more appropriate FLUA designation for the subject property.
5. The adopted AGR FLUA designation was NOT assigned in error.

G.2 Residential Density Increases

No residential density increases are requested as part of this application.

G.3 Compatibility and Surrounding Uses

Of note are the two parcels to the west of the subject property associated with the Seneca Property MUPD. The Final Site Plan for this development, approved March 22, 2019, specifies

30,693 square feet of commercial area. The development proposal is facilitated by recent amendments to Future Land Use and Zoning to permit commercial development within the Agricultural Reserve Tier on the Seneca Property MUPD parcels (Ordinance No. 2017-006). The northern 0.33 acres of the subject property is intended to accommodate surface parking for the Seneca Property MUPD necessitating its designation as Commercial Low with an underlying Agricultural Reserve designation (CL/AGR) in addition to its being rezoned from Agricultural Reserve to Multiple Use Planned Unit Development (MUPD).

Uses surrounding the subject property vary and are found to be compatible with the proposed commercial use. The table below describes the uses found on the subject site as well as their corresponding FLU and Zoning.

	FLU Designation	Zoning District	Existing Use
North	Agricultural Reserve (AGR)	Agricultural Reserve Planned Unit Development (AGR-PUD)	Agricultural
South	Agricultural Reserve (AGR)	Agricultural Reserve (AGR)	Vacant
East	Agricultural Reserve (AGR)	Agricultural Planned Unit Development-Preserve (AGR-PUD)	Vacant
West	Commercial Low / Agricultural Reserve (CL/AGR)	Multiple Use Planned Development (MUPD)	Vacant Commercial

North: Immediately north of the subject property is the Atlantic Avenue right-of-way. Just north of Atlantic Avenue is Agricultural Reserve property zoned Agricultural Reserve/Planned Unit Development District (AGR-PUD). Northwest of the subject property is Lloyd's Auto Repair, which has a FLU designation of Commercial Low with underlying Agricultural Reserve (CL/AGR) and zoning of Community Commercial (CC). Farther to the northwest, at the intersection of Atlantic Avenue and Lyons Road, is a shopping center known as "Delray Market Place". This site retains a FLU designation of Commercial Low, with underlying Agricultural Reserve (CL/AGR) and zoning of Traditional Marketplace Development (TMD).

South: Immediately to the south of the subject property is vacant/undeveloped land that has a FLU designation of AGR (Agricultural Reserve) and zoning of AGR (Agricultural Reserve). In addition, T J Turf Farm and Storage/Agriculture, which has a FLU designation of AGR (Agricultural Reserve) and zoning of AGR (Agricultural Reserve), is located southwest of the subject property.

East: To the east of the subject property is vacant/undeveloped property, which has a FLU designation of AGR (Agricultural Reserve) and zoning of Agricultural Planned Unit Development-Preserve (AGR-PUD).

West: Immediately west of the subject property is the Seneca Property MUPD and farther west is a parcel associated with the Feurring Commercial MUPD and developed with commercial uses that holds a Future Land Use designation of

CL/AGR and zoning of MUPD. West of this parcel is the Lyons Road right-of-way and just west of Lyons Road is a parcel occupied by a Commercial Sales and Service Enterprise use as well as an Agricultural Sales and Services property. The properties have a FLU designation of AGR (Agricultural Reserve) and are zoned AGR (Agricultural Reserve)

The summary of surrounding uses presented above demonstrates that a proposed commercial use on the subject property will be compatible with surrounding uses. The FLUA amendment is necessary in order to change the existing land use designation which is no longer appropriate.

The summary of surrounding uses presented above demonstrates that a proposed commercial use on the subject property will be compatible with surrounding uses. The FLUA amendment is necessary in order to change the existing land use designation which is no longer appropriate.

Conclusion

On the basis of this assessment, it is considered that the proposal to amend the FLU designation, from AGR to CL, is appropriate. The proposal is consistent with the policies of the Palm Beach County Comprehensive Plan and complies with the regulations associated with the for Commercial Low designation. Allowing the site to develop as a commercial use under the CL FLU designation as part of the Seneca Property MUPD will provide for needed neighborhood commercial based uses that will support the residents of the surrounding area while also enhancing the commercial uses situated within the Delray Marketplace TMD. Developing the subject property with neighborhood-based commercial uses will help to keep traffic trips localized and reduce the need for motorists to travel to farther east to access the goods and services provide by such uses. Overall, the change in land use will mitigate impacts on the countywide roadway network. In consideration of the property's limited development options as a small, irregularly-shaped infill parcel located proximal to a major intersection, incorporation into the Seneca Property MUPD is the most effective use of the subject property.

Exhibit 4

Applicant's Public Facilities Table

Part 5. Public Facilities Information

A. Traffic Information		
	Current	Proposed
Max Trip Generator	Per the pre-application meeting with county planning staff, it was determined that a traffic study was not required for this request	
Maximum Trip Generation		
Net Daily Trips:		
Net PH Trips:		
Significantly impacted roadway segments that fail Long Range		
Significantly impacted roadway segments for Test 2		
Traffic Consultant		
B. Mass Transit Information		
Nearest Palm Tran Route (s)	# 81 - Via Atlantic Ave - Delray Beach Crosstown (1.3 miles)	
Nearest Palm Tran Stop	# 6409 Oriole Plaza (1.4 miles)	
Nearest Tri Rail Connection	Tri-Rail Commuter Connector: BR-1 (6 miles)	
C. Portable Water & Wastewater Information		
Potable Water & Wastewater Providers	The subject property is located within Palm Beach County Utility department (PBCWUD) utility service area. PBCWUD has the capacity to provide the level of service for the existing land use of AGR and the proposed change to CL/AGR for PCN 00-42-46-20-01-000-0141.	
Nearest Water & Wastewater Facility, type/size	The nearest potable water is a 12" watermain located west of the subject property and a 42" watermain located within Atlantic Avenue adjacent to the subject property. The nearest sanitary sewer connection is a 4" force main located west of the subject property	

D. Drainage Information

The Plaza Delray site is located along the south side of Atlantic Avenue, and approximately 600-ft east of Lyons Road in unincorporated Palm Beach County, Florida. The site area is 0.34 acres but will be added to a previously approved adjacent development (Seneca MUPD) for a total project area of approximately 4.4 acres. The project is located in South Florida Water Management District's (SFWMD) C-15 Canal Basin. The proposed stormwater management system for the site includes inlets and culverts which will collect and convey runoff into exfiltration trenches as well as a dry detention swale to be located at the south end of the site. The project will have legal positive outfall to the LWDD L-34 Canal which runs along the north side of the property between the site and Atlantic Avenue.

The SFWMD criteria for this project will be a water control elevation of El. 14.50' NAVD. The minimum pavement is proposed at Elevation 18.90 feet NAVD, and the minimum finished floor is proposed at Elevation 21.20 feet NAVD. The proposed minimum pavement, and finished floor criteria will exceed the calculated 5-year and 100-year design storms, respectively, as required by code. A control structure will be installed to regulate the discharge into the LWDD L-34 Canal, in compliance with the allowable discharge of 70 CSM for the C-15 Basin.

The Seneca MUPD Project has been divided into two phases with the Plaza Delray area being added to Phase 2. Phase 1 includes a 2,000 sf building and parking lot making up the northwest portion of the site. Phase 2 includes two larger buildings and parking areas encompassing the remainder of the site. The entire project (Phases 1 and 2) will be permitted with SFWMD and LWDD concurrently rather than obtaining separate permits for each phase. The dry detention area, the majority of the exfiltration trenches, the control structure, and outfall to the LWDD L-34 Canal will all be constructed with Phase 1. The remaining stormwater facilities will be constructed with Phase 2 which includes the exfiltration trenches in the central portion of the site and the collection and conveyance facilities along the eastern property line.

E. Fire Rescue

Nearest Station	The property is currently served by Palm Beach County Fire-Rescue station #42 located at 14276 Hagen Ranch Road (See Application Attachment K)
Distance to Site	The subject property is approximately 2.5 miles from the station
Response Time	The estimated response time to the subject property is 7 minutes, 30 seconds. For fiscal year 2019, the average response time (call received to on scene) for this stations zone is 7:03.
Effect on Resp. Time	Changing the land use of this property will have little impact on Fire Rescue as no density or intensity is being proposed by this request.

F. Environmental

Significant habitats or species	The subject property does not contain any significant habitats or species (see Application Attachment L)
Flood Zone*	The subject property is located within an Area of Minimal Flood Hazard (Zone X)
Wellfield Zone*	The subject property is not within a wellfield protection area (see Application Attachment M).

G. Historic Resources

Staff review of the County's map of known archaeological sites has identified no known archaeological resources located on or within 500 feet of the above referenced property (See **Application Attachment N**).

Exhibit 5

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**

Dave Kerner, Mayor
Robert S. Weinroth, Vice Mayor

Hal R. Valeche
Gregg K. Weiss
Mary Lou Berger
Melissa McKinlay
Mack Bernard

County Administrator
Verdenia C. Baker

*"An Equal Opportunity
Affirmative Action Employer"*



May 28, 2020

WGI
2035 Vista Parkway
West Palm Beach, Fl. 33411

RE: Plaza Delray
PCN 00-42-46-20-19-001-0000, 00-42-46-20-023-0000 & 00-42-46-20-01-000-0141
Service Availability Letter

Dear Mr. Plass,

This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area. PBCWUD has the capacity to provide the level of service for the existing land use of AGR and the proposed change to CL/AGR for PCN 00-42-46-20-01-000-0141.

The nearest potable water is a 12" watermain located west of the subject property and a 42" watermain located within Atlantic Avenue adjacent to the subject property. The nearest sanitary sewer connection is a 4" forcemain located west of the subject property.

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

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

Sincerely,

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

Jackie Michels, P.E,
Plan Review Manager

Exhibit 6

Disclosure of Ownership Interests

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
Ian Wiener Weiner, 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 [x] President [position - e.g., president, partner, trustee] of PEBB ATLANTIC, 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: 7900 Glades Road, Suite 600
Boca Raton, FL 33434
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.

Ian Weiner, 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 4th day of June, 20 20 by Ian Weiner (name of person acknowledging). He/she is personally known to me or has produced _____ (type of identification) as identification and did/did not take an oath (circle correct response).

Kim Mareira
(Name - type, stamp or print clearly)

[Signature]
(Signature)

My Commission Expires on: 5/25/21

NOTARY'S SEAL OR STAMP

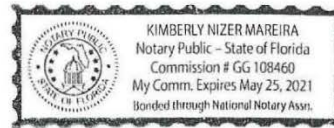


EXHIBIT "A"**PROPERTY****LEGAL DESCRIPTION:**

A PORTION OF TRACT 14 OF SECTION 20, THE PALM BEACH FARMS COMPANY PLAT NO. 1, AS RECORDED IN PLAT BOOK 2, PAGE 26, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID SENECA PROPERTY MUPD; THENCE N.01°59'11"W., ALONG THE EAST LINE THEREOF, A DISTANCE OF 634.81 FEET TO A POINT OF INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-34 CANAL, AS RECORDED IN OFFICIAL RECORD BOOK 6495, PAGE 761 OF SAID PUBLIC RECORDS, SAID RIGHT-OF-WAY LINE LYING 52.48 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE NORTH LINE OF SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST; THENCE S.89°58'57"E., ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 23.41 FEET TO A POINT OF INTERSECTION WITH THE EAST LINE OF AFORESAID TRACT 14 OF SECTION 20; THENCE S.01°51'46"E. ALONG SAID EAST LINE OF TRACT 14 OF SECTION 20, A DISTANCE OF 634.51 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 14 OF SECTION 20; THENCE S.89°23'06"W. ALONG THE SOUTH LINE OF SAID TRACT 14 OF SECTION 20, A DISTANCE OF 22.04 FEET TO THE POINT OF BEGINNING. SAID LANDS SITUATE IN SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

CONTAINING 14,416 SQUARE FEET/0.3309 ACRES MORE OR LESS.

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

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

Name**Address**

NONE

DISCLOSURE OF OWNERSHIP INTERESTS – APPLICANT

[TO BE COMPLETED AND EXECUTED ONLY WHEN THE APPLICANT IS NOT THE OWNER OF THE SUBJECT PROPERTY]

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 Ian Wiener Weiner, 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 ☒ Project Manager PEBB ATLANTIC, LLC [position—e.g., president, partner, trustee] of PEBB ATLANTIC, LLC [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership], (hereinafter, "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for real property legally described on the attached Exhibit "A" (the "Property").
2. Affiant's address is: 7900 Glades Road, Suite 600
Boca Raton, FL 33434
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 Applicant. 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.
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5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Applicant 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.



Ian Wiener, Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of [X] physical presence or
[] online notarization, this 4th day of June, 2020 by
Ian Weiner (name of person acknowledging). He/she is personally
known to me or has produced _____ (type of identification) as
identification and did/did not take an oath (circle correct response).

Kim Mareira
(Name - type, stamp or print clearly)


(Signature)

My Commission Expires on: 5/25/21

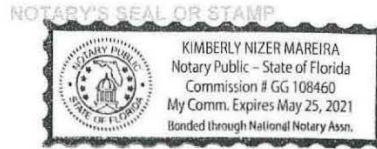


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PROPERTY

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SAID LANDS SITUATE IN SECTION 20, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA.

CONTAINING 14,416 SQUARE FEET/0.3309 ACRES MORE OR LESS.

EXHIBIT "B"**DISCLOSURE OF OWNERSHIP INTERESTS IN APPLICANT**

Affiant must identify all entities and individuals owning five percent or more ownership interest in Applicant's corporation, partnership or other principal, if any. Affiant must identify individual owners. For example, if Affiant is the 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**

NONE

Exhibit 7 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 and in allocation that is appropriate for additional neighborhood serving commercial.	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 allow for additional parking and landscaping for the commercial use to west.	No
Results in poor accessibility among linked or related land uses.	The proposed amendment does not result in poor accessibility among related land uses. The subject site is at a node where commercial is intended.	No
Results in the loss of significant amounts of functional open space.	The proposed amendment on this site will not result in the loss of significant amounts of functional open space.	No
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.	Appropriate buffering will be required through the zoning process for adjacent property to the east.	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 while protecting and preserving other areas within the Tier and west of State Road 7. The ULDC provides for regulations that are intended to allow for continuation of agriculture and implement the provisions in the Plan for the Tier.	No
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 will be available.	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. Development would be expected to utilize existing 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 8
Correspondence
