

# 2022 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

## Part 1. Amendment Data

### A. Amendment Data

<b>Round</b>	23-A	<b>Intake Date</b>	May 11, 2022
<b>Application Name</b>	State Road 7 Business Plaza	<b>Control No.</b>	
<b>Acres</b>	40.00 acres	<b>Concurrent Zoning application?</b>	<b>Yes</b>
		<b>Text Amend?</b>	No
<b>PCNs</b>	00-42-46-18-01-000-0140 & 00-42-46-18-01-000-0132		
<b>Location</b>	Northside of Happy Hollow Road, approximately 0.3 miles west of Smith Sundry Road.		
	<b>Current</b>	<b>Proposed</b>	
<b>Tier</b>	Agricultural Reserve Tier	Agricultural Reserve Tier	
<b>Use</b>	Agriculture	Light Industrial Uses	
<b>Zoning</b>	Agricultural Reserve	Multiple Use Planned Development	
<b>Future Land Use Designation</b>	Agricultural Reserve	Commerce	
<b>Underlying Future Land Use Designation</b>	None	Agricultural Reserve	
<b>Conditions</b>	None	None	
<b>Density Bonus</b>	None	None	
<b>Total Number of Units</b>	None	None	

### B. Development Potential

	<b>Current FLU</b>	<b>Proposed FLU</b>
<b>Density/Intensity:</b>	1 unit per 5 acres or 0.15 FAR of agricultural uses	Max FAR = 0.45
<b>Maximum Dwelling Units<sup>1</sup></b> (residential designations)	Single Family, 1 unit/5 acres 0.2 du/acre x 40.00 acre = 8 units	Single Family, 1 unit/5 acres 0.2 du/acre x 40.00 acre = 8 units (per underlying AGR)
<b>Maximum Beds (for CLF proposals)</b>	Not Applicable	Not Applicable
<b>Population Estimate</b>	8 max du x 2.39 = 19 people	8 max du x 2.39 = 19 people (per underlying AGR)

<b>Maximum Square Feet</b> 2, 4 (non-residential designations)	0.15 FAR x 40.00 ac. = 261,360 SF	0.45 FAR x 40.00 ac. = 784,080 SF
<b>Proposed or Conditioned Potential</b> 3, 4	5.0 Acres Retail Nursery 33.69 Acres Wholesale Nursery	600,000 SF Light Industrial 315,000 SF Flex Space IND FLU 12 Acres Landscape Services
<b>Max Trip Generator</b>	Nursery (Garden Center) ITE #817 108.10 trips/acre Nursery (Wholesale) ITE #818 19.5 trips/acre	Light Industrial - ITE 110: T = 4.96x Flex Space – T = 7.86x Landscape Services – T = 121.70x
<b>Maximum Trip Generation</b>	1198 daily trips	5547 daily trips (maximum potential) 2678 daily trips (restricted potential)
<b>Net Daily Trips:</b>	4323 daily trips (maximum minus current) 1454 daily trips (restricted minus current)	
<b>Net PH Trips:</b>	1353 AM, 826 PM (maximum) 434 AM, 343 PM (restricted)	

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

# 2022 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

## Part 2. Applicant Data

### A. Agent Information

<b>Name</b>	Lauren McClellan / Jennifer Morton
<b>Company Name</b>	JMorton Planning & Landscape Architecture
<b>Address</b>	3910 RCA Boulevard, Suite 1015
<b>City, State, Zip</b>	Palm Beach Gardens, FL 33410
<b>Phone / Fax Number</b>	(561) 721-4463 / (561) 371-9384
<b>Email Address</b>	<a href="mailto:lmcclellan@jmortonla.com">lmcclellan@jmortonla.com</a> / <a href="mailto:jmorton@jmortonla.com">jmorton@jmortonla.com</a>

### B. Applicant Information

<b>Name</b>	Joseph Mulvehill
<b>Company Name</b>	
<b>Address</b>	18359 181 <sup>st</sup> Circle South
<b>City, State, Zip</b>	Boca Raton, Florida 33498
<b>Phone / Fax Number</b>	
<b>Email Address</b>	
<b>Interest</b>	Property Owner

<b>Name</b>	Diane Mulvehill, James Mulvehill, Joseph Mulvehill, & Suzanne Mulvehill
<b>Company Name</b>	JDS Delray LLC
<b>Address</b>	18359 181 <sup>st</sup> Circle South
<b>City, State, Zip</b>	Boca Raton, Florida 33498
<b>Phone / Fax Number</b>	
<b>Email Address</b>	
<b>Interest</b>	Property Owner

<b>Name</b>	Mark Levy
<b>Company Name</b>	BBX Logistics Properties, LLC
<b>Address</b>	201 East Las Olas Boulevard, Suite 2200

<b>City, State, Zip</b>	Fort Lauderdale, Florida 33301
<b>Phone / Fax Number</b>	
<b>Email Address</b>	
<b>Interest</b>	Contract Purchaser

# 2022 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

## Part 3. Site Data

### A. Site Data

<b>Built Features</b>	There are multiple agriculture structures on the Property including 800 SF Office, 13,050 SF greenhouse and two 975 SF storage sheds. See Attachment F.
<b>PCN</b>	00-42-46-18-01-000-0140 & 00-42-46-18-01-000-0132
<b>Street Address</b>	9863 Happy Hollow Road & 9773 Happy Hollow Road
<b>Frontage</b>	1,319 feet of frontage on Happy Hollow Road & 1,325 feet of frontage along State Road 7
<b>Legal Access</b>	Happy Hollow Road
<b>Contiguous under same ownership</b>	There are no contiguous properties under same ownership.
<b>Acquisition details</b>	<p>PCN 00-42-46-18-01-000-0140 was purchased by Roberto Rodriguez, Abraham Olivia and Deniz Fernandez for \$405,000 on April 26, 1984, from Thomas Dairy, Inc. The property was then transferred to Joseph Mulvehill Sr. and Joseph Mulvehill Jr. by United States Marshal's Deed on October 14, 1995. The property was then distributed to JDS Delray LLC on May 31, 2016 following the death of Joseph Mulvehill Sr.</p> <p>PCN 00-42-46-18-01-000-0132 was purchased by George M. Enders, Jr. for \$130,000 on April 26, 1984, from Thomas Dairy, Inc. The property was then transferred to the Farm Service Agency by United States Marshal's Deed on March 26, 1996. The property was then conveyed to Joseph Mulvehill Jr. on March 16, 1998.</p>
<b>Size purchased</b>	40.00 acres

### B. Development History

<b>Control Number</b>	None				
<b>Previous FLUA Amendments</b>	None				
<b>Concurrency</b>	None				
<b>Plat, Subdivision</b>	Palm Beach Farms Co. Plat (PB 2, pg 26)				
<b>Zoning Approvals &amp; Requests</b>	None				
<b>Reso. No.</b>	<b>App. No.</b>	<b>Status</b>	<b>Type</b>	<b>Description</b>	<b>Changes proposed (if any)</b>

## 2022 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

### Part 4. Consistency

#### A. Consistency

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

#### B. Surrounding Land Uses.

Adjacent Lands	Use	Future Land Use	Zoning
<b>North</b>	Agriculture	Agricultural Reserve (AGR)	Agricultural Reserve (AGR)
<b>South</b>	Single Family Home Nursery	Agricultural Reserve (AGR)	Agricultural Reserve (AGR) & Agricultural Reserve PUD (AGR-PUD) Control # 2005-335, 2005-455, 1991-10 & 2004-396
<b>East</b>	Preserve Parcel / Landscape Services	Agricultural Reserve (AGR)	Agricultural Reserve PUD (AGR-PUD) Control # 2004-206
<b>West</b>	Pero Family Farms Packing Facility FPL Facility Agriculture Uses	Agricultural Reserve (AGR)	Agricultural Reserve (AGR) & Agricultural Reserve PUD (AGR-PUD) Control # 1999-14, 2004-206, 1984-146 & 1985-70

## 2022 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

### Part 5. Public Facilities Information

<b>A. Traffic Information</b>		
	<b>Current</b>	<b>Proposed</b>
<b>Max Trip Generator</b>	Nursery (Garden Center) ITE #817 108.10 trips/acre Nursery (Wholesale) ITE #818 19.5 trips/acre	Light Industrial - ITE 110: T = 4.96x Flex Space – T = 7.86x Landscape Services – T = 121.70x
<b>Maximum Trip Generation</b>	1198 daily trips	5547 daily trips (maximum potential) 2678 daily trips (restricted potential)
<b>Net Daily Trips:</b>	4323 daily trips (maximum minus current) 1454 daily trips (restricted minus current)	
<b>Net PH Trips:</b>	1353 AM, 826 PM (maximum) 434 AM, 343 PM (restricted)	
<b>Significantly impacted roadway segments that fail Long Range</b>	None.	None.
<b>Significantly impacted roadway segments for Test 2</b>	None.	None.
<b>Traffic Consultant</b>	Simmons & White	
<b>B. Mass Transit Information</b>		
<b>Nearest Palm Tran Route (s)</b>	There is no Palm Tran Route within close proximity of the Property. Route 81 is the closest route.	
<b>Nearest Palm Tran Stop</b>	There are no Palm Tran Stops within close proximity of the Property. Stop 7650 is the closest Palm Tran Stop located at Gateway Road at Oriole Huntington which is approximately 2.54 miles from the Property.	
<b>Nearest Tri Rail Connection</b>	Route 81 provides a connection to the Delray Beach Tri-Rail Station.	
<b>C. Potable Water &amp; Wastewater Information</b>		
<b>Potable Water &amp; Wastewater Providers</b>	Palm Beach County Water Utilities Department. Service capacity is available for the proposed development. See Attachment I for letter from Palm Beach County Water Utilities Department.	
<b>Nearest Water &amp; Wastewater Facility, type/size</b>	A 12" potable water main and 8" sanitary sewer forcemain are located within the State Road 7 right-of-way adjacent to the Property.	

## D. Drainage Information

The Property is located within the boundaries of the LWDD and SFWMD C-15 Drainage Basin. Legal positive outfall is available via discharge to the adjacent Canal along the west side of the Property. See Attachment J for Drainage Statement.

## E. Fire Rescue

<b>Nearest Station</b>	Palm Beach County Fire-Rescue Station # 42, located at 14276 Hagen Ranch Road
------------------------	---

<b>Distance to Site</b>	4.50 miles
-------------------------	------------

<b>Response Time</b>	Average response time 7:15
----------------------	----------------------------

<b>Effect on Resp. Time</b>	The proposed amendment will increase the response time to 11:30 minutes for Station # 42 and have a significant impact on Fire Rescue. When the new fire station is built, it will serve the Property and lower the response time to approximately 8 minutes. See Attachment K.
-----------------------------	---

## F. Environmental

<b>Significant habitats or species</b>	The Property has been used for agricultural purposes. As such, there are no significant habitats or species on-site. Please see Attachment L for the Natural Feature Inventory Map.
--	---

<b>Flood Zone*</b>	Zone X – The Property is not located within a Flood Zone.
--------------------	---

<b>Wellfield Zone*</b>	The Property is not located within a Wellfield Protection Zone. See Attachment M.
------------------------	---

## G. Historic Resources

There are no significant historic resources present on the Property. See Attachment N for letter.

## H. Parks and Recreation - Residential Only (Including CLF)

Park Type	Name & Location	Level of Svc. (ac. per person)	Population Change	Change in Demand
Regional		0.00339		
Beach		0.00035		
District		0.00138		

## I. Libraries - Residential Only (Including CLF)

<b>Library Name</b>	
---------------------	--

<b>Address</b>	
----------------	--

<b>City, State, Zip</b>	
-------------------------	--



<b>Distance</b>	<i>Indicate the distance from the site to the nearest library.</i>		
<b>Component</b>	<b>Level of Service</b>	<b>Population Change</b>	<b>Change in Demand</b>
<b>Collection</b>	2 holdings per person		
<b>Periodicals</b>	5 subscriptions per 1,000 persons		
<b>Info Technology</b>	\$1.00 per person		
<b>Professional staff</b>	1 FTE per 7,500 persons		
<b>All other staff</b>	3.35 FTE per professional librarian		
<b>Library facilities</b>	0.34 sf per person		
<b>J. Public Schools - Residential Only (Not Including CLF)</b>			
	<b>Elementary</b>	<b>Middle</b>	<b>High</b>
<b>Name</b>			
<b>Address</b>			
<b>City, State, Zip</b>			
<b>Distance</b>			

# 2022 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

## Part 6. Attachments

---

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

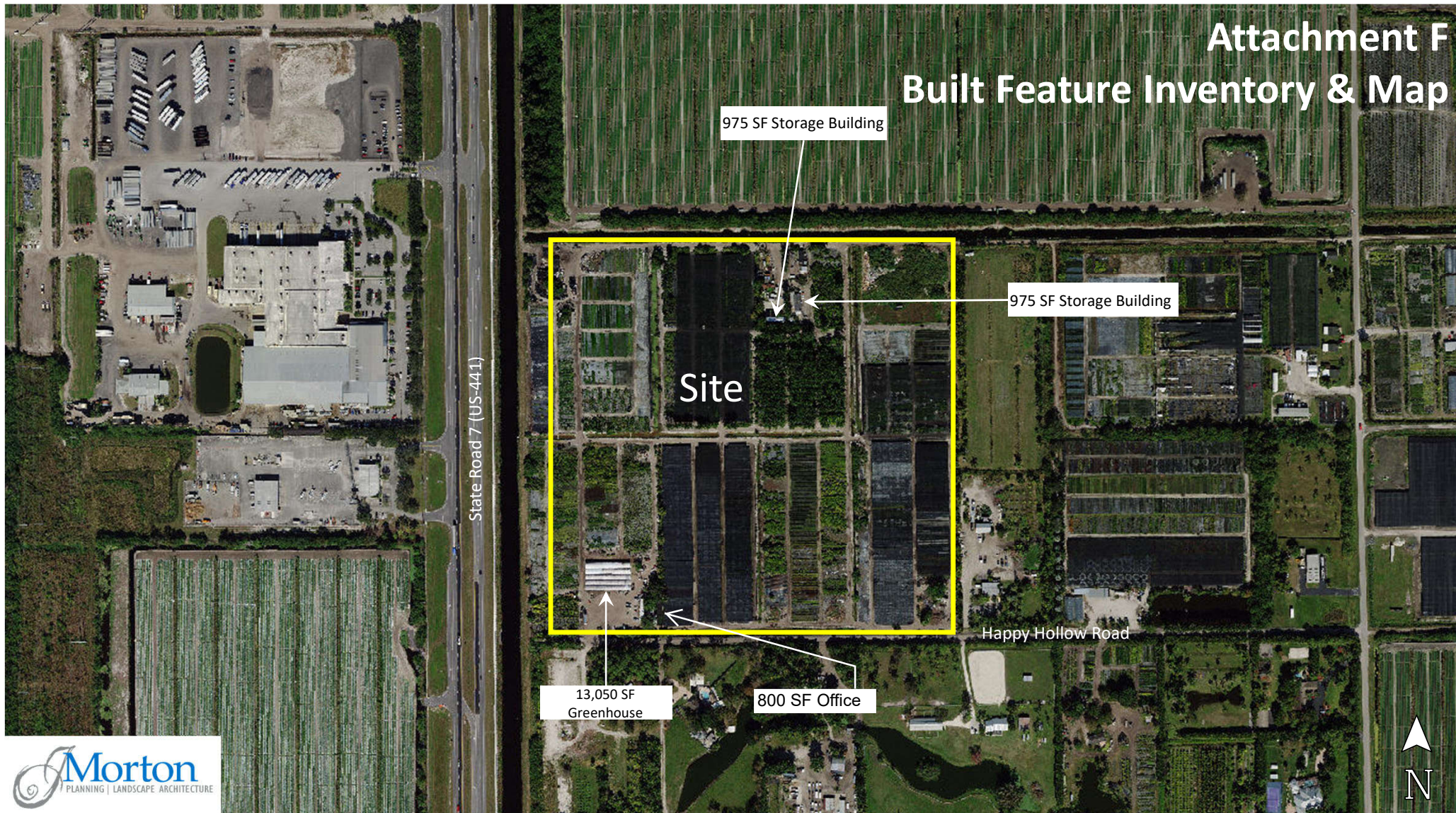
Forms for Attachments B, C, D, and E are located on the web at:

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

T:\Planning\AMEND\00Administration\Application-FLUA\2022 Application\2022-FLUA-App-Form.docx



# Attachment F Built Feature Inventory & Map





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

### **Introduction**

On behalf of the Applicant, JMorton Planning & Landscape Architecture is requesting a Comprehensive Plan Future Land Use Atlas amendment for the property located at 9773 & 9863 Happy Hollow Road, Delray Beach (“Property”).

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

The Commerce Land Use designation was recently adopted by the Board of County Commissioners (BCC) at their meeting of August 25, 2022. In anticipation of the Commerce Land Use Designation Ordinance becoming effective, the Applicant is proposing to amend the Future Land Use designation from Agricultural Reserve (AGR) to Commerce, with an underlying Agricultural Reserve (CMR/AGR).

### **Description of Site Vicinity**

The Property is located on the east side of State Road 7, approximately 0.75 miles north of Atlantic Boulevard at 9773 & 9863 Happy Hollow Road. The Property has a Future Land Use designation of Agricultural Reserve. Within the vicinity of the Property are multiple agricultural uses including row crops, nurseries, agriculture sales and service, and a significant packing / distribution facility. Within the area are also a Florida Power and Light facility on the west side of SR 7, a charter school approximately 0.5 miles to the east on Happy Hollow Road and a large residential Planned Unit Development (PUD) known as “Four Seasons in Delray Beach”, consisting of 315 dwelling units, approximately 0.25 miles to the south of the property.

Land uses directly abutting the Property include the following:

<b>Adjacent Property</b>	<b>Land Use Designation</b>	<b>Zoning Designation</b>	<b>Existing Use</b>	<b>Control Number</b>
<b>North</b>	Agricultural Reserve (AGR)	Agricultural Reserve (AGR)	Agriculture	2005-035
<b>South</b>	Agricultural Reserve (AGR)	Agricultural Reserve (AGR) & Agricultural Reserve PUD (AGR-PUD)	Single Family Homes and Nursery / Landscape Service	2005-335
<b>East</b>	Agricultural Reserve (AGR)	Agricultural Reserve PUD (AGR-PUD)	Warehouse / Storage and Agriculture	2004-206
<b>West</b>	Agricultural Reserve (AGR)	Agricultural Reserve (AGR) & Agricultural Reserve PUD (AGR-PUD)	Pero Family Farms Packing Facility, Offices and Agriculture	1999-014; 1984-146; 1985-070; 2004-206; 2010-176

### **G.1 Justification**

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

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

**Response:** *The proposed Commerce Future Land Use designation is suitable and appropriate for the subject site. The Commerce designation establishes a third industrial destination which will correspond to the Light*

*Industrial zoning designation allowing for light industrial uses. The Board of County Commissioners (BCC) has recently determined that it is appropriate to locate light industrial uses along the State Road 7 through policy direction as well as through the approval of multiple map amendments to the Comprehensive Plan. Several of the uses surrounding the Property are either industrial in nature, including the large Pero Farms packing / distribution facility on the west side of State Road 7 and the Solid Waste Authority facility to the north of the Property, or have been approved for Industrial land use and zoning designations such as the properties at the intersections of Atlantic Avenue and State Road 7.*

*As new residential projects continue to be approved in the Agricultural Reserve and more people populate the area, coupled with a global shift towards e-commerce to support the residential population, certain appropriately located commerce services are needed and should be located close to the need. In addition, to effectively support and maintain the agricultural base in the County, there is a need for modern distribution and short-term storage facilities (including modern cold storage) to be located near current agricultural production facilities in order to provide for more efficient supply chain management. The subject Property is of a comparable size (38.69 acres) to other industrial uses in the immediate area, including the Pero Farms packing / distribution facility (36.56 acres) immediately to the west on State Road 7 and the Solid Waste Authority facility (40.91 acres) to the north.*

*The proposed change would allow light industrial uses to provide a needed service to the ongoing productivity of the local agricultural community, as well as providing a location to efficiently service neighboring residential communities without being directly adjacent to those uses. The Property is located on the east side of State Road 7, which has previously been identified by the County as a location within the Agricultural Reserve that is well suited to accommodate commerce uses. The State Road 7 corridor is already an established essential north-south route for agricultural products and other goods. This transportation corridor links key points throughout the region and provides an important alternative local route west of the Florida Turnpike, meaning less traffic on the east-west arterials of Atlantic Avenue and Boynton Beach Blvd.*

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

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

**Response:** *The Agricultural Reserve Tier has recently been the subject of numerous changes. The Future Land Use designation of the Homrich Nursery located at the southwest corner of Boynton Beach Boulevard and State Road 7 was changed to Commercial Low, with an underlying Industrial designation in 2016. Since then, the Homrich Nursery property has been developed with a landscape service business and a dispatch office/contractor storage yard for a waste management hauler. This Future Land Use amendment was the first change that spurred the Board of County Commissioners to re-examine the opportunity for industrial type development on the west side of State Road 7. Further, the Board of County Commissioners recognized the changing characteristics of the area and the compatibility concerns for certain agriculture uses that are industrial in nature on multiple properties throughout the Agricultural Reserve.*

*Earlier this year, the Board of County Commissioners also approved the adoption of a Future Land Use Amendment for the LAS Farms Property from Agricultural Reserve (AGR) to Industrial (IND/AGR) subject to conditions limiting the property to light industrial uses. The Board of County Commissioners also approved the Sunflower Industrial project on the west side of State Road 7 south of Atlantic Avenue in 2020. This project was also the subject of a Future Land Use Amendment from Agricultural Reserve (AGR) to Industrial (IND/AGR) subject to conditions limiting the property to light industrial uses.*

*All of these changes and the recent direction from the Board of County Commissioners regarding additional light industrial uses in the Agricultural Reserve are evidence that additional land and opportunities for light industrial projects is needed and appropriate for properties fronting on State Road 7.*

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

**Response:** *As mentioned above, the characteristics of State Road 7 within the Agricultural Reserve have changed since the Agricultural Reserve Master Plan's inception. Multiple residential and commercial projects have been developed between State Road 7 and Florida's Turnpike. The Bethesda Hospital located to the north of the Property on Boynton Beach Blvd. was constructed in the early 2000's and an expansion was recently approved by the Board of County Commissioners that will nearly double the size and intensity of the facility. Secondary impacts resulting from the expansion of this facility will be an increase in demand for goods and services to supply the ongoing operations of the Hospital.*

*The residential and commercial development that has been constructed within the central part of the Tier along Atlantic Avenue, Boynton Beach Blvd. and Lyons Road has forced several agricultural operations to relocate. The Alderman Farms Packing Plant relocated from the northeast corner of Boynton Beach Boulevard to the west side of State Road 7 after approval of the CobbleStone Commons retail plaza. The Thomas Packing Plant closed and relocated out of the area after approval of the comprehensive plan amendment removing that property located at the northeast corner of Clint Moore Road and State Road 7 from the Agricultural Reserve Tier and designating it as Commercial Low, with an underlying 2 units per acre (CL/2).*

*Additionally, the intersection of Atlantic Avenue and State Road 7 which has been identified in the Comprehensive Plan as a node for development within the Agricultural Reserve is becoming built out, including commercial uses on the south-east corner.*

*Other recent Future Land Use amendments approved along State Road 7 include Stop and Shop (LGA 2016-023) to allow for gas sales and service and retail uses, Homrich Commercial (LGA 2016-019) to allow for industrial and commercial uses, Sunflower Light Industrial (LGA 2021-016) to allow for light industrial uses, and most recently LAS Farms (LGA 2022-001) to allow light industrial uses.*

*All of these changes recognize the changed conditions in the Agricultural Reserve and allow for additional businesses to serve the needs of the surrounding agricultural community and the growing number of residents moving to the area.*

*These changes indicate the Agricultural Reserve has continued to change from a predominantly rural agricultural area to include a suburban community with a growing population that needs various services and goods within proximity of their homes. A sustainable community is a community that is planned, built, and modified to promote a living environment that focuses on urban infrastructure, social equity, efficient provision of utility services and economic sustainability. Sustainable communities incorporate principles that improve access to services, affordable housing, increase transportation options, and lower transportation costs while protecting the environment.*

*Approval of additional industrial land will allow for needed services to be located near existing agricultural operations and housing, thus reducing vehicle trips outside of the Agricultural Reserve and ultimately contributing to less traffic congestion and better access throughout the Agricultural Reserve.*

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

**Response:** *The consultants that prepared the Agricultural Reserve Master Plan recognized the industrial corridor along Atlantic Avenue between State Road 7 and Smith Sundry Road/Half Mile Road. Furthermore,*

*the consultant recommended 330,000 square feet of additional industrial square footage within the Agricultural Reserve. When the Board of County Commissioners reviewed the Agricultural Reserve Master Plan and directed Staff to prepare additional Comprehensive Plan policies for the Agricultural Reserve Tier however, the addition of industrial land and industrial uses was not included. Twenty years have passed since these Agricultural Reserve policies were incorporated into the Comprehensive Plan and the Agricultural Reserve Tier is close to being “built out”. Of the 22,000 acres within the Agricultural Reserve, only 1,700 acres remain without any development approvals. This represents a total of 5% of the Agricultural Reserve that is not entitled for development or preservation.*

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

*On August 25, 2022, the Board of County Commissioners adopted a text amendment that created the new Commerce Future Land Use designation. As indicated in the Staff Report to the Planning Commission Public Hearing (March 11, 2022) for the proposed Commerce Future Land Use designation, Industrial lands in unincorporated Palm Beach County largely fall into four geographic locations, with all but 3% of the industrial land, or 383 acres, located within one of the below four areas:*

- **United Technology Corporation (Pratt-Whitney) Protection Overlay.** Approximately 6,700 of the 8,848 acres in the Overlay are set aside as preserve lands.
- **Glades.** Of the 3,052 acres in the Glades Urban Suburban Tier, approximately 1,600 acres are part of the Sugar Cane Cooperative Protection Overlay. The rural community of Lake Harbor holds approximately 63 acres.
- **Southern/Turnpike.** The Southern Boulevard and Florida Turnpike area, including up to the Vista Center, contain approximately 1,600 acres.
- **Blue Heron/I-95.** Approximately 230 acres of industrial land use are located east of I-95 in the Blue Heron Boulevard area surrounded by municipalities.

*With only 3% of industrial lands located elsewhere throughout the County, and a rapidly growing population increasing demand for access to goods and services, the importance of providing more appropriately zoned light industrial land in closer proximity to residential uses is becoming more apparent.*

*Recognition for the need for light industrial/commerce uses in the Agricultural Reserve is supported by data, particularly as logistics and community needs have changed recently. Throughout all of Palm Beach County, vacancy rates for the commerce related uses are at historical lows (+/-3%). In Delray Beach and the surrounding Western Palm County communities, the vacancy rate is even lower, (+/-1%).*

*To understand the impacts of this issue, Dr. David Menachof, an Associate Professor at the School of Business at Florida Atlantic University, studied the impacts to both consumers and the business community due to the lack of available inventory. His assessment is that the lack of industrial space has been exacerbated by the COVID-19 pandemic, which has driven a number of changes, including a shift to e-commerce, a need for greater localized inventories of medical supplies and equipment to be provided in close proximity to medical facilities to respond to high demand, and the ability for businesses to establish local operations to support the growth of the residential communities. Essentially, Dr. Menachof is of the view that this change has created a need for light industrial / commerce related uses in a location such as the subject property to support the local community.*



*Additionally, to effectively support and maintain the agricultural base in the County, there is a need for modern distribution and short-term storage facilities (including modern cold storage) to be located near existing agriculture production facilities. Given the lack of such inventory, growers are forced to move produce to distant facilities, which substantially increases costs, making continued operations in the Agricultural Reserve less viable.*

*Effective light industrial uses provide distribution for area hospitals, contractors, local businesses, and agricultural interests, among others. As an example, before the pandemic, medical supplies were routinely stored at regional warehouses and distribution facilities in distant locations, such as Atlanta and Dallas. The ability to source these supplies often requires a delivery time of 1-2 weeks. This has changed since the start of the COVID-19 pandemic and the need to have flexibility in communities to respond to changing needs has never been more evident. This is part of the resiliency planning that each community must undertake and is evident throughout the country.*

*Continuing with the healthcare industry as an example, hospitals, medical, and long-term care facilities have all revamped their strategy to require supplies be stored in near proximity to their facilities to prevent shortages. These facilities all depend on steady and timely deliveries of equipment and supplies, often on short notice, which requires delivery within hours, rather than days or weeks. In addition, demand for home healthcare is expected to continue to increase, thereby creating a need for services in close proximity to the demand. Per data from the US Centers for Medicaid and Medicare Service (CMS) published on the CMS website, in 2020 home health care spending reached \$123.7 billion involving equipment, supplies and medicine. The CMS recently estimated that home health expenditure would rise to \$172 billion by 2026 and \$226 billion by 2030.*

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

**Response:** N/A

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

**Response:** N/A

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

This proposed FLU amendment is not a request to increase residential density.

## **G.3 Compatibility**

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

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



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

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

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

Finally, the proposed Commerce Future Land Use designation adopted by the Board of County Commissioners, any future development will be compatible and consistent with those nearby intense uses.

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

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

**Principles** – The proposed FLUA amendment furthers the following principles established in the Introduction of the FLU element.

- Promote sustainable economic development initiatives in the County to diversify its economic base and enhance the quality of life of current and future County generations.  
*Response: Approval of this proposed FLU amendment will provide additional employment opportunities and services, promoting a more diverse economic base within the County.*

**County Directions** – The proposed FLUA amendment furthers the following County Directions, as described below:

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.
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.

3. **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.

**Response:** *The proposed amendment will further the above County Direction by establishing a light industrial, employment-based use at suitable location along a major thoroughfare (State Road 7), ensuring land use compatibility and providing a balance of uses to support agricultural uses and the growing residential population in the area. With the adopted Commerce (CMR) Future Land Use designation, the proposed amendment will foster modern light industrial style development with opportunities for efficient use of land to support changing logistics and community needs.*

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

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

**Response:** *Approval of this proposed FLU amendment will allow for the development of a light industrial use on a Property with access to State Road 7, a major north/south transportation route. The area surrounding the Property is a mix of agricultural, industrial, and commercial uses. Residential PUDs are prohibited from being located on the west side of State Road 7. This use will ensure that the Agricultural Reserve Tier remains a diverse community that can meet the needs of existing agricultural operations and the existing and future residents located on the east side of State Road 7 and within the Tier.*

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

**Response:** *The proposed amendment will further the County’s Goals by establishing criteria for light industrial uses in the Agricultural Reserve Tier, allowing employment based uses at suitable locations, along major thoroughfares, ensuring land use compatibility. The Property is located within the Agricultural Reserve Tier which is a Limited Urban Service Area (LUSA) where services and public facilities are already available. The Property’s location on a major transportation route with access/frontage on State Road 7 contributes to timely, cost effective service provision. The proposed Commerce designation will allow for development of a use that will better serve the immediate and future needs of the community as it will provide additional services and employment opportunities.*

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

- **FLUE Objective 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.”

**Response:** *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 recently adopted Commerce Land Use designation established a third category for industrial uses, specifically light industrial uses. Development of a light industrial use on the Property would be consistent with the existing development pattern along State Road 7. A change to the Future Land Use designation would allow for the development of a project that would provide an employment opportunity and additional services to the surrounding community.*

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

***Response:** The newly adopted Commerce Future Land Use designation establishes a third category allowing industrial uses; it allows an opportunity for light industrial uses in appropriate locations in order to allow employment based uses at suitable locations along major thoroughfares while protecting adjacent residences from more intense uses. A change to the Commerce Future Land Use designation would allow for the development of light industrial uses to support the growing residential communities within the Agricultural Reserve by providing additional services to the residents within the Tier and without further impacting the roadway network leading to the Urban/Suburban Tier.*

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

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

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

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

***Response:** The recently adopted Commerce Land Use designation establishes a third category allowing industrial uses, specifically light industrial uses and provides policy guidance on location requirements, limiting to major corridors. Providing additional industrial land within the Agricultural Reserve ensures the availability of employment opportunities and needed services to the residents of the Agricultural Reserve Tier. By adding valuable industrial land to the Agricultural Reserve Tier, economic diversity is ensured within the Tier and Palm Beach County. The County has already determined that the west side of State Road 7 is an appropriate location for industrial as evidenced by the approval of the Homrich Nursery, LAS Farms Industrial, and Sunflower Industrial Comprehensive Plan amendments.*

- **FLUE Policy 2.2.4-c:** “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. **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.

**Response:** Development of a light industrial use on the Property would be consistent with the existing development pattern along State Road 7. A change to the Future Land Use designation would allow for the development of a project that would provide an employment opportunity and additional services to the surrounding community.

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

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

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

- Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single use development or uses.
  - **Response:** The applicant is requesting to change the FLU of the property from AGR to CMR with an underlying future land use of AGR for the purpose of providing additional services along the State Road 7 corridor. The amendment does not promote low intensity/density or single-use development.
- Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.
  - **Response:** The Property is located within the State Road 7 corridor which is not rural in nature as evidenced by urban services such as police, fire rescue and water/wastewater/drainage utilities that are existing in the immediate area. The proposed Industrial designation is consistent with the surrounding commercial, industrial and agricultural uses and activities.
- Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.
  - **Response:** The Property is not isolated in nature and currently supports a nursery. The Property is within an area that includes various industrial, commercial, residential, and institutional uses and would essentially be considered infill development within a major north/south transportation corridor.
- Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.
  - **Response:** This amendment does not fail to protect and conserve natural resources as the proposed development will have no negative impact on any other significant natural system. The Property does not support any environmentally sensitive areas. No listed species were located on the property, and it is located outside of any wellfield protection zone. As required by the ULDC, any native plant material will be addressed during the zoning approval process.
- Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.
  - **Response:** The Property is currently utilized as a nursery. Several changes have already been granted to properties within the area that allow the development of commercial and industrial uses. The area has been changing from agriculture to commercial and industrial uses since 2006. Since the proposed request is for Commerce, no negative impacts to agricultural uses are anticipated with the land use change. The location of the Property is consistent with the County's proposed policy for the appropriate siting of industrial



*development with the Agricultural Reserve Tier and the proposal will not impact adjacent parcels supporting agriculture operations.*

- Fails to maximize use of existing public facilities and services.
  - **Response:** *This amendment will maximize the use of existing facilities and services. The Property's location within a Limited Urban Service Area (LUSA) means that services and public facilities are available to serve the Property.*
- Fails to maximize use of future public facilities and services.
  - **Response:** *Reports and letters are provided with this application to show the availability of roadway capacity, water/sewer service, drainage outfall and fire response. This amendment will maximize the use of any future facilities proposed or constructed in the future and provide additional tax base. Therefore, the proposal will maximize the existing public services in the area.*
- Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.
  - **Response:** *Public services and facilities are already available in the immediate vicinity. The proposed amendment will provide for infill development and fit in with the existing land use pattern.*
- Fails to provide a clear separation between rural and urban uses.
  - **Response:** *Approval of a Commerce Future Land Use designation will be consistent with the type of development to the west. While the property is located within the Agricultural Reserve Tier of the County, this major roadway corridor has been changing as new commercial and industrial uses are approved and developed. The surrounding residential developments are supporting and increasing the demand for these uses. Therefore, the proposal discourages the proliferation of Urban/Sprawl.*
- Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.
  - **Response:** *This amendment will allow for the development of the Property that is supports the existing neighborhoods and communities in the area . Future development on the Property will serve the current and future needs for the surrounding communities.*
- Fails to encourage a functional mix of uses.
  - **Response:** *Approval of this proposed amendment will allow the development of light industrial uses that will provide services to the surrounding existing agricultural operations, residential communities, businesses and institutions (e.g. hospitals and health care facilities) rather than allowing the current single use development pattern that has occurred in the Agricultural Reserve to continue. Development of the Property will allow the community needs to be met within the Tier which will cause trips to remain in the Agricultural Reserve Tier.*
- Results in poor accessibility among linked or related land uses.
  - **Response:** *The proposed development will be designed with pedestrian connections as required through the site plan approval process.*
- Results in the loss of significant amounts of functional open space.
  - **Response:** *This amendment does not result in a loss of any functional open space as the subject property is currently not utilized as functional open space.*

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

- Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.
  - **Response:** *This amendment does not fail to protect and conserve natural resources as the property does not contain natural resources. The site is located outside of any wellfield protection zone. As required by the ULDC, any native plant material will be addressed during the zoning approval process.*
- Promotes the efficient and cost-effective provision or extension of public infrastructure and services.
  - **Response:** *The proposed Future Land Use amendment will maximize the use of public facilities and services. Public infrastructure already exists within the area and no facilities would be required to be*

*installed in rural or sparsely populated areas, thereby maximizing the use of the existing facilities. Therefore, the proposal discourages the proliferation of Urban Sprawl.*

- Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.
  - **Response:** *The development will be designed with pedestrian connections to State Road 7 as required through the site plan approval process.*
- Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.
  - **Response:** *Approval of this proposed amendment will allow the development of light industrial uses that will allow for the additional employment opportunities within an area of the County that has historically only been developed with low density single family residential development. In order to meet the growing demand, additional industrial land is needed in this area. Therefore, the proposed amendment would contribute to livable communities and help balance the land uses within the Agricultural Reserve while maintaining the character of the community.*

### **Conclusion**

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

### **II. ULDC CHANGES**

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



**Water Utilities Department  
Engineering**

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

**Palm Beach County  
Board of County  
Commissioners**

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

**County Administrator**

Verdenia C. Baker

*"An Equal Opportunity  
Affirmative Action Employer"*

April 5, 2022  
Morton  
3910 RCA Boulevard  
Palm Beach Gardens, Fl. 33410

RE: Mulvehill Property  
PCN 00-42-46-18-01-000-0140 & 00-42-46-18-01-000-0132  
Service Availability Letter

Ms. Velasco,

This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area. Based on a review of current PBCWUD infrastructure and existing customers within the general vicinity of the referenced property, PBCWUD currently has the capacity to provide the level of service required for the proposed land use amendment from Agricultural Reserve to Industrial on 39 acres subject to a Capacity Reservation Agreement with PBCWUD.

The nearest point of connection to potable water is a 12" water main and an 8" sanitary sewer forcemain located within SR7 adjacent to the subject property. This property is located within the Mandatory Reclaimed Area.

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

April 26, 2022

Re: **Drainage Report for 9863 Happy Hollow Road**

9863 Happy Hollow Road, Delray Beach, Florida 33446

PCN: 00-42-46-18-01-000-0140 & 00-42-46-18-01-000-0132/Section 18, Township 46S, Range 42E

## **SITE DESCRIPTION**

The project site contains approximately 39 acres and is generally located on the north side of Happy Hollow Road and in the southeast corner of the LWDD E-1 and L-32 canals in unincorporated Palm Beach County.

## **LEGAL, POSITIVE OUTFALL**

Legal, positive outfall currently exists within the property to both the E-1 and L-32 canals for the on-site irrigation canals. At this location, the E-1 Canal flows south to the L-38 Canal (SFWMD C-15). The C-15 Canal flows east and discharges to the intracoastal waterway from the LWDD Control Structure No. 12 and ultimately from the SFWMD S-40 control structure.

## **DISTRICT / ALLOWABLE DISCHARGE / MINIMUM FINISHED FLOOR**

The property is located within Lake Worth Drainage District with an allowable discharge into the adjacent canal system of seventy (70) cubic feet per second per square mile (CSM) and the finished floor of the proposed buildings will be set at or above the 100-year/3-day storm event maximum stage elevation.

## **FEMA / FLOOD DESIGNATION**

Per the Federal Emergency Management Agency's (FEMA) flood insurance rate map (FIRM) Community Panel Number 12099C0955F, the project appears to lie in Zone X.

## **MINIMUM LEVELS OF SERVICE**

The minimum required levels of service include:

1. The parking lot elevations at or above the projected 5-year/1-hour storm event;
2. The perimeter elevations at or above the projected 25-year/3-day storm event; and
3. The finished floor elevations at or above the projected 100-year/3-day storm event as well as the required SFWMD flood zone parameters for the proposed facility.





## **SYSTEM DESIGN**

The site will comply with the required levels of service for pavement, perimeter and building floor elevations. The system will be designed to provide water quality treatment based on 150% of the required volume determined by the greater of 1" over the site or 2.5" over the proposed impervious area (less buildings and lakes). Additionally, the site will follow the discharge requirements set forth by LWDD for discharge into one of the adjacent canals.

## **ADJACENT PARCELS & OFF-SITE FLOWS**

*a. NORTH*

The property is bounded to the north by the L-32 canal with existing discharge into the canal from the on-site irrigation canal system.

*b. SOUTH*

Happy Hollow Road borders the south property line. Based on a review of the survey and available topography, there appears to be drainage swales on both sides of the road that connect with pipes and eventually flow west towards the E-1 Canal.

*c. EAST*

The property is bounded to the east by parcel number 00-42-46-18-04-001-0000 owned by Scott Bolling (address: 9717 Happy Hollow Road). Based on a review of the survey and available topography, there appears to be no drainage in or through the east property line.

*d. WEST*

The property is bounded to the west by the E-1 canal with existing discharge into the canal from the on-site irrigation canal system.

Signed: \_\_\_\_\_

Andrew Savage, State of Florida, Professional Engineer, License No. 82408.

This document has been electronically signed and sealed by Andrew Savage, P.E. using SHA-1 Authentication Code.

Printed copies of this document are not considered signed and sealed, and the SHA-1 authentication code must be verified on any electronic copies.



**Fire Rescue**

Chief Patrick J. Kennedy  
405 Pike Road  
West Palm Beach, FL 33411  
(561) 616-7000  
www.pbcgov.com



**Palm Beach County  
Board of County  
Commissioners**

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

**County Administrator**

Verdenia C. Baker

"An Equal Opportunity  
Affirmative Action Employer"

Official Electronic Letterhead

April 1, 2022

JMorton  
Attn: Lauren McClellan  
3910 RCA Boulevard  
Palm Beach Gardens, FL 33410

Re: Mulvehill Property

Dear Ms. McClellan:

Per your request for response time information to the subject property located at 9863 and 9774 Happy Hollow Road. This property is currently served by Palm Beach County Fire-Rescue station #42, located at 14276 Hagen Ranch Rd. The maximum distance traveled to the subject property is approximately 4.50 miles from the station. The estimated response time to the subject property is 11 minutes 30 seconds. For fiscal year 2021, the average response time (call received to on scene) for this station's zone is 7 minutes 20 seconds.

This land use change will generate approximately 219 additional calls/year to this station, with a response time of 11 minutes 30 seconds, which is much greater than our standard of 7 minutes 30 seconds. Changing the land use of this property will have a significant impact on Fire Rescue.

Per the Fire Rescue Capital Improvement Plan, a new fire station will be built at the southwest corner of Lyons Rd and the Flavor Pict Rd extension. Once the new station is built, it will serve this property and lower the response time. The maximum distance from the new station traveled to the subject property is approximately 2.75 miles. The estimated response time from the new station to the subject property is 8 minutes.

If you have any further questions, please feel free to contact me at 561-616-6971.

Sincerely,

A handwritten signature in cursive script that reads "Alyssa Tagdharie".

Alyssa Tagdharie, Planner  
Palm Beach County Fire-Rescue



# Attachment L Natural Feature Inventory & Map

State Road 7 (US-441)

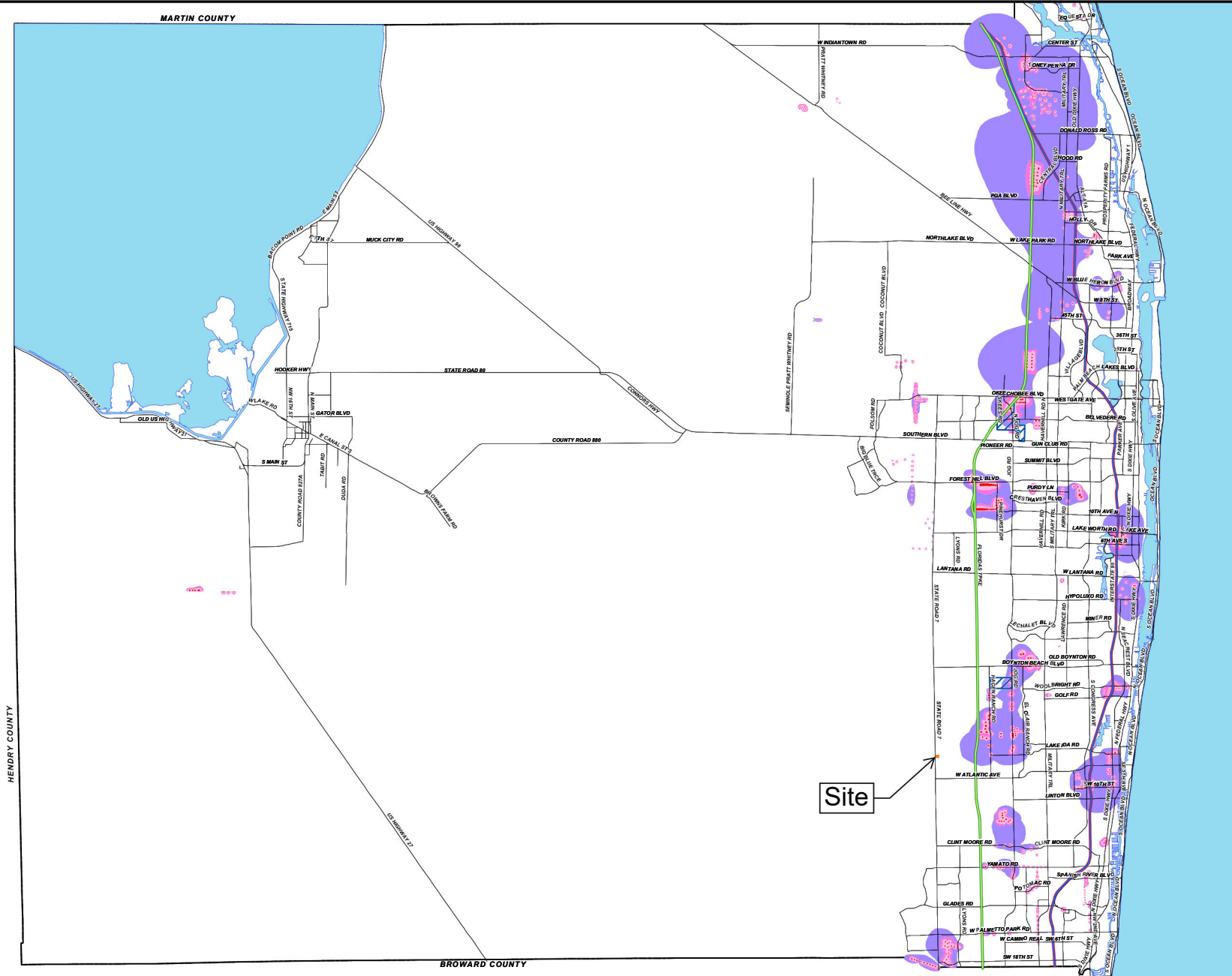
Site

\*\*There are no significant  
species or habitat on site.

Happy Hollow Road



MARTIN COUNTY



HENDRY COUNTY

BROWARD COUNTY

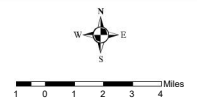
# MAP LU 4.1 WELLFIELD PROTECTION ZONES IN PALM BEACH COUNTY, FLORIDA

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

SJ-5.006(4)(B)1  
SOURCES:  
PBC Dept. of Environmental Resources Management  
Note: Official Wellfield Protection Maps are kept at, and can be obtained from, the Palm Beach County Department of Environmental Resources Management.  
The information presented represents the most readily available data. No guarantee is made as to the completeness or accuracy of the information displayed. Consult appropriate County staff for final determination.



## PALM BEACH COUNTY COMPREHENSIVE PLAN MAP SERIES



Effective Date: 10/29/04  
Filename: N:\Map\_Series\MXD\Adopted  
Contact: PBC Planning Dept.



**Department of Planning,  
Zoning & Building**

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

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



**Palm Beach County  
Board of County  
Commissioners**

Robert S. Weinroth, Mayor

Gregg K. Weiss, Vice Mayor

Maria G. Marino

Dave Kerner

Maria Sachs

Melissa McKinlay

Mack Bernard

**County Administrator**

Verdenia C. Baker

"An Equal Opportunity  
Affirmative Action Employer"

March 1, 2022

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

RE: Historical and Archaeological Resource Review for project name: Mulvehill Property, under PCN's: 00-42-46-18-01-000-0140 & 00-42-46-18-01-000-0132.

Dear Ms. Velasco:

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

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

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 properties.

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Christian Davenport".

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

cc: Kevin Fischer, Interim Planning Director, PBC Planning Division  
Bryan Davis, Principal Planner, CNU-A, PBC Planning Division

T:\Planning\Archaeology\County Departments\Planning\Land Use Amendments and Development Review\J. Morton\ Project\Mulvehill Property\_PCN's\_00424618010000140&00424618010000132\_3-1-2022.doc

