



COMPREHENSIVE PLAN AMENDMENT STAFF REPORT AMENDMENT ROUND 21-B

DEO TRANSMITTAL, MAY 5, 2021

A. Application Summary

I. General Data

Project Name:	Sunflower Light Industrial (LGA 2021-016)
Request:	AGR to IND/AGR
Acres:	8.19 acres
Location:	West side of State Road 7, approx. 0.27 miles south of Atlantic Avenue
Project Manager:	Scott Cirino, Planner I and Melissa Michael, Senior Planner
Applicant:	15200 State Road 7, LLC (Douglas Fash)
Owner:	15200 State Road 7, LLC (Douglas Fash)
Agent:	Bradley D. Miller, AICP, Urban Design Studio
Staff Recommendation:	Staff recommends denial based upon the conclusions contained within this report

II. Assessment & Conclusion

The amendment is proposing to change the future land use from Agricultural Reserve (AGR) to Industrial (IND) in order to allow the expansion of the landscaper with nursery use on the site and to allow additional industrial uses.

The Comprehensive Plan recognizes that, in general, Industrial future land use is important to satisfy the need for industrial space and promote economic development. Industrial uses are intended to be placed at appropriate locations and intensities, to provide convenient services for communities, and encourage shorter trips. However, the subject site is located within the Agricultural Reserve Tier, and the addition of Industrial future land use designations in the Tier was not supported by the Board of County Commissioners at the time the Master Plan was completed. Therefore, unlike commercial future land use, there is no policy guidance in the Plan directing the appropriate locations, amounts, and uses for this designation within the Tier. Although the expansion of the landscape service on the site may be appropriate, the lack of details in the zoning application, and the vast array of heavy industrial uses allowed in the Industrial designation render this request inappropriate at this location in the Tier west of SR-7.

The applicant's proposed condition of approval (see Exhibit 10) provides some guidance on allowable uses that can be further explored by the Board for the amendment, and an additional list of restricted uses for the zoning application. However, should the Board support new Industrial future land use opportunities in the Tier, an option could be to direct staff to pursue a County initiated text amendment to establish parameters for new sites. This could be based upon individual corridor analyses within the Tier, as the characteristics of lands vary tremendously throughout the 22,000-acre Agricultural Reserve. This particular corridor south of Atlantic Avenue on SR-7 may be appropriate for the consideration of additional non-residential uses, but not as presented in this application.

III. Hearing History

Local Planning Agency: Denial. Pursuant to ULDC, the *“failure of the LPA to make a recommendation on any Plan Amendment to the BCC prior to the final transmittal hearing of the amendments shall constitute the item being sent to the BCC with an LPA recommendation of denial pursuant to F.S. § 163.3174.”* A motion for denial by Barbara Roth, seconded by David Dinin, failed in a 6 to 6 vote at the April 23, 2021 public hearing. An initial motion to approve by Glenn Gromann, seconded by Penny Pompei, failed in a 5 to 7 vote. Prior to the item, Commissioners Lori Vinikoor and Eric Royal abstained from this item. Under discussion, Commission members expressed support for the continuation of the landscape service on the site, but concern regarding the Industrial future land use designation and the intense range of uses allowed particularly west of SR-7. One member of the public representing the Alliance of Delray spoke in support.

Board of County Commissioners Transmittal Public Hearing: Transmit with modifications, motion by Commissioner Marino, seconded by Commissioner Bernard , passed in a 5 to 0 vote (with Commissioner Sachs excused and Mayor Kerner absent) at the May 5, 2021 public hearing. The motion included the addition of the voluntary condition of approval to limit the uses to light industrial type uses as depicted in Exhibit 1. Staff indicated that they would work with the applicant to identify associated uses between transmittal and adoption. Under discussion, Commissioners discussed the concept of a new light industrial future land use designation and a workshop for discussing additional industrial future land use in the Tier. The discussion included comments regarding the long term landscape service use on the site, and that the proposed condition of approval would help ensure that heavy industrial uses are not located on this site. Four members of the public spoke on this item. Representatives of Sierra Club, the Coalition of Boynton West Residential Associations (COBWRA) and Everglades Law Center spoke in opposition. One member of the public spoke in support.

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: Nursery and Landscape Service
Current Zoning: Agricultural Reserve (AGR)
Current Dev. Potential Max: Agricultural uses, up to 53,513 SF (.15 FAR)

Proposed Future Land Use Change

Proposed FLU: Industrial with an underlying Agricultural Reserve (IND/AGR)
Proposed Use: Light Industrial
Proposed Zoning: Light Industrial (IL)
Dev. Potential Max/Conditioned: Industrial uses, up to 160,540 sf (.45 FAR)

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: Commission District 5, Maria Sachs



Future Land Use Atlas Amendment

Sunflower Light Industrial (SCA 2021-016)



Site Data

Size: 8.20 acres
 Existing Use: Nursery & Landscape Service
 Proposed Use: Light Industrial
 Current FLU: AGR
 Proposed FLU: IND/AGR

Future Land Use Designations

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

Date: 11/2/2020
 Contact: PBC Planning
 Filename: Planning/AMEND/21-SCA/Site/Sunflower
 Note: Map is not official, for presentation purposes only.



Site

225 0 225 450 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, west side of SR-7, approximately 0.27 miles south of Atlantic Avenue. The 8.19-acre site has an Agricultural Reserve (AGR) future land use designation.

Future Land Use Amendment: The proposed future land use amendment is a request to amend the future land use designation from Agricultural Reserve (AGR) to Industrial with an underlying Agricultural Reserve (IND/AGR). Currently, the site can be utilized for agricultural uses up to 53,513 square feet (.15 FAR), the proposed maximum development potential would allow up to 160,540 square feet of industrial uses (.45 FAR).

Background: The subject site operates as a wholesale nursery with the current owners per documentation submitted in zoning confirmation letter (ZC-1999-168). The operation of the wholesale nursery predates the adoption of the 1992 ULDC and the zoning confirmation letter request vested the existing whole sale nursery operation since the subject site has no zoning approvals. The existing site improvements are approved for a Non-Residential Farm Building application by the Palm Beach County Building Department.

Zoning Application: The subject site is vested as a wholesale nursery per a zoning confirmation letter from the Palm Beach County Zoning division dated September 24, 1999. There are no zoning approvals for the site. The concurrent zoning application (Z-2021-166) proposes to rezone the site from Agricultural Reserve (AGR) to Light Industrial (IL). The applicant also owns the 10-acre parcel to the west of the subject site (PCN: 00-42-43-27-05-067-0160) and is currently requesting a collocated nursery/landscape service through the zoning process (DRO-2020-2099). Landscape services are allowed under the “Landscape Services” use type, a commercial use, in the County’s Unified Land Development Code (ULDC) as a “Permitted” use. Should the Board of County Commissioners (BCC) adopt an ordinance changing the FLU from AGR to IND/AGR and approve the rezoning application from AGR zoning to IL zoning, an application for “Landscape Services” and a site plan will not be presented to the Zoning Commission and BCC for review and approval. The use, as a “Permitted” use in the IL zoning district, does not require BCC approval.

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.*

The Tier was formally designated as the Agricultural Reserve in the 1980 Palm Beach with an emphasis on the preservation of agriculture. In 1998, the Palm Beach County Board of County Commissioners (BCC) directed development of a Master Plan for the Agricultural Tier. The BCC established the goal of the Agricultural Reserve Master Plan as: *To preserve and enhance agricultural activity and environmental and water resources in the Agricultural Reserve, and produce a master development plan compatible with this goals.* The BCC did not adopt the Master Plan, but adopted amendments to the Comprehensive Plan in Round 01-1 incorporating the recommendations of the final Master Plan. The surrounding area has therefore stayed primarily agricultural uses and low density single-family residential with limited commercial servicing the Tier.

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. The concept proposed by this amendment was not addressed during the Roundtable process.

B. Agricultural Reserve Master Plan Industrial Recommendations

At the time of the creation of the Agricultural Reserve Master Plan, the consultants recommended industrial uses be allowed in the Ag Reserve, using the Economic Development Center future land use designation. The consultants identified two locations, within 1/4 mile of the Florida Turnpike interchanges with Boynton Beach Boulevard and Atlantic Avenue, as appropriate locations for these Economic Development Centers. The consultants recommended requiring developers seeking to use this option be required to set aside preserve areas in the same 60/40 ratio of preserve area to open space as the Traditional Marketplace. The Master Plan Phase II Report recommended that two employment centers shared a maximum of 330,000 square feet of industrial development between the two locations, and that there be an additional 245,000 square feet of office park uses in the Tier. Master Plan Phase II, Section 4.3.4.5 Economic Centers, states that allowing employment centers in the Tier would provide the following:

- *“A greater variety in job opportunities for the residents of the Ag Reserve than are likely to be found elsewhere in the Ag Reserve. These opportunities could reduce traffic impacts outside of the Ag Reserve.*
- *A location for businesses that can offer farmers a second job if they need to supplement their income.*
- *Light industrial uses in two locations that will have the least negative impact on agricultural uses.”*

The Consultants identified the following uses as appropriate within the Employment Centers:

Automobile Rentals	Laboratories
Auto Repair, Detailing, Paint and Body Shop	Landscaping Services
Bottling Plant	Light Fabrication
Brewery	Lumber yards
Broadcasting Stations for Radio or TV	Machine or Welding Shops
Cabinet Working and Carpentry	Mini Warehouse/Self Storage
Catering Services	Motion Picture production Studios
Contractor's Storage Yards	Ornamental Metal Workshops
Farm Equipment Repair	Printing Shops
Glass Installation Services	Technical Trade Schools
Gun Clubs, Enclosed	Utility Work Centers, Power & Communications

The staff recommendation in the Addendum supported this concept, stating: *“The Plan should be amended to acknowledge the ability to utilize the Economic Development Center category for industrial uses in the locations recommended by the Consultant.”*

However, upon the conclusion of the Master Planning effort, the BCC did not concur with this recommendation, and directed that no new Industrial future land use designations be permitted in the Agricultural Reserve. Therefore, no additional policies were incorporated into the Comprehensive Plan to address industrial uses in the Tier.

C. Agricultural Reserve Industrial Policies

Since the BCC direction did not support additional Industrial future land use in the Agricultural Reserve Tier, the 2001 Comprehensive Plan amendment to adopt policies implementing the Master Plan did not establish any policies for new industrial lands. The only provision was related to the .45 floor area ratio for the 64 acres of land with Industrial future land use that predated the Master Plan, and were located along the north and south sides of Atlantic Avenue, east of SR-7.

D. Proposed Industrial Amendments in the Agricultural Reserve

Since the adoption of the Master Plan implementing policies in 2001, the County has processed several privately proposed future land use amendments for Industrial in addition to the subject request, as summarized below.

- **Homrich Commercial (LGA 2016-019).** In 2016, the BCC adopted an amendment to the Future Land Use Atlas on a 13.44-acre site with Agricultural Reserve (AGR) future land use to Commercial Low (CL) with underlying/alternative Industrial (IND). A voluntary condition of approval limited development of the site to a maximum of 29,400 square feet of Commercial and 197,100 square feet of Light Industrial uses. Staff recommendation for denial was based in part on a lack of a comprehensive analysis and policy direction considering appropriate locations, uses, extent, and intensity established for new Industrial uses in the Tier.
- **West Atlantic Industrial (LGA 2017-017).** The West Atlantic Industrial amendment was privately proposed, but withdrew prior to the July, 26 2017 BCC transmittal hearing. The request proposed changing the future land use designation on a 2.51 acres parcel from AGR future land use to IND/AGR. The site was located on the south side of Atlantic Avenue, approximately 1,100 feet west of Lyons Road. Staff recommended denial due to lack of policy direction for new Industrial in the Tier and since the establishment of industrial uses mid-block on a small, isolated parcel would not be compatible with surrounding agricultural uses. At the June 16, 2017 public hearing, the Planning Commission recommended denial in a 10-1 vote.
- **Morning Star (LGA 2017-008).** This privately proposed text and future land use amendment withdrew prior to the July 26, 2017 BCC transmittal hearing. The applicant, Morningside Partners VI, LLC, a contract purchaser, proposed a text amendment and a future land use change from AGR to Multiple Land Use, with Commercial Low and High Residential, 8 units per acre (MLU with CL & HR-8). The proposed uses included mixed uses with: Commercial retail up to 155,000 sf, and a 73,000 sf/130 room hotel; Residential up to 360 dwelling units; and 115 Congregate Living Facility (CLF) beds. Staff recommended denial. The PLC recommended approval with modifications in a 5-4 vote. The modifications to the conditions of approval were to reduce the commercial cap

(excluding the hotel) from the proposed 155,000 sq. ft. to 75,000 sq. ft., and to increase the preserve area from a minimum 5 acres off-site to a minimum 15 acres off-site.

- **Star Key (LGA 2021-015).** This currently active privately proposed future land use amendment is for the same Morning Star property. The request is to change the future land use designation for 50.99 acres of land to change from the AGR future land use designation to IND/AGR in order to develop Industrial uses, with a maximum potential of .45 floor area ratio (999,506 square feet). The site is located on the north side of Atlantic Avenue, between Starkey Road and the Turnpike. The Zoning application (PDD-2021-00445) is requesting Planned Industrial Park (PIPD) zoning and was just submitted. The public hearings are not scheduled at this time since it has not yet demonstrated that the request will meet the traffic requirements of Policy 3.5-d.

D. Uses Allowed in Industrial Future Land Use Designations

Since there are no guiding policies in the Comprehensive Plan separating the allowable uses in the Industrial future land use designation within the Agricultural Reserve Tier verses the Urban Suburban Tier, the uses allowed are the same for both. The complete list of allowable uses in the zoning districts allowed in the Industrial future land use designation is provided in Exhibit 9.

III. Data and Analysis Summary

This section of the report provides a summary of the consistency of the amendment with the County's Comprehensive Plan. The chapters in Exhibit 2 detail the consistency of the amendment with Plan policies, including justification, compatibility, public facilities impacts, intergovernmental coordination, and consistency with specific overlays and plans.

- A. Overview of the Area.** The western side of SR-7 is currently home to many heavy agricultural uses and agri-business facilities along its entire stretch through the Agricultural Reserve. Uses include packing plants, feed stores, the Bedner's farmer's market, transshipment uses, landscape services with nursery, chipping and mulching, and other intense uses allowable in the Agricultural Reserve future land use designation, and some sites with Commercial future land use designations. It is likely that the property owners selected these sites due to their direct access onto this major thoroughfare as most of these heavy agricultural and other non-residential uses are vehicular based. Specifically, the subject site is located along a corridor just south of the commercially and industrially designated sites at the intersection of Atlantic Avenue and SR-7.
- B. Appropriateness of the Amendment.** The introduction of additional sites for non-residential future land use designations within the Ag Reserve Tier may be warranted to provide the ability of additional non-residential uses that may be compatible with surrounding development. However, due to the goal of the Tier to preserve agriculture, the sensitivity of the water resources west of the Tier, to ensure that the additional uses are intended to serve the local area, and to ensure that decisions are not made in a piecemeal fashion, the entire corridor needs to be considered with this amendment.

Currently, there is no language in the Plan to establish the parameters for new industrial development, thereby creating a gap which allows new industrial future land use amendment requests to proceed without guidance or direction. Due to the sensitive agricultural and environmental considerations in the Tier, and the extensive land use

planning in the Ag Reserve Tier to date, it is appropriate for new industrial future land use designations be considered only as part of an overall, comprehensive approach and the incorporation of text amendments to establish the locations, extent, uses, and intensities for new industrial. The applicant's proposed condition of approval (see Exhibit 10) provides some guidance on allowable uses that can be further explored by the Board for the amendment, and an additional list of restricted uses for the zoning application.

“Development of the site shall exclude heavy industrial uses which engage in the basic processing, manufacturing, or storage of flammable, hazardous, or explosive materials or products, or processes which potentially involve hazardous or commonly recognized offensive conditions as described in Policy 2.2.4-d of the Future Land Use Element of the Palm Beach County Comprehensive Plan.”

- C. Compatibility.** The site is located south of the commercial and industrial corridor at Atlantic Avenue and SR-7, and is currently a landscaper with nursery. Northwest of the site is the Amerigrow chipping and mulching site, along with the USPS and a propane facility. Immediately north and south are vacant parcels, and the Dakota AGR-PUD is located to the east. The southwest corner of the site is adjacent to a single family home in the La Reina community. The request is proposed to allow the property owner to expand the landscape service use on the site, which on its own would not be incompatible with the surrounding uses. However, the introduction of an Industrial future land use designation can open the site to a long list of uses allowed, including very intense industrial uses as provided in Exhibit 9. Considering the lack of specificity in the zoning application, the lack of policy constraints for new industrial future land uses in the Tier, and the sites location on the west side of SR-7, staff cannot conclude that the proposed amendment will result in uses that are compatible with surrounding land uses.

- D. Assessment and Recommendation.** The Comprehensive Plan recognizes that, in general, Industrial future land use is important to satisfy the need for industrial space and promote economic development. Industrial uses are intended to be placed at appropriate locations and intensities, to provide convenient services for communities, and encourage shorter trips.

However, the subject site is located within the Agricultural Reserve Tier, and the addition of Industrial future land use designations in the Tier was not supported by the Board of County Commissioners at the time the Master Plan was completed. Therefore, unlike commercial future land use, there is no policy guidance in the Plan directing the appropriate locations, amounts, and uses for this designation within the Tier. Although the expansion of the landscape service on the site may be appropriate, the lack of details in the zoning application, and the vast array of heavy industrial uses allowed in the Industrial designation render this request inappropriate at this location in the Tier west of SR-7. The applicant's proposed condition of approval (see Exhibit 10) provides some guidance on allowable uses that can be further explored by the Board for the amendment, and an additional list of restricted uses for the zoning application.

Should the Board support new Industrial future land use opportunities in the Tier, an option could be to direct staff to pursue a County initiated text amendment to establish parameters for new sites. This could be based upon individual corridor analyses within the Tier, as the characteristics of lands vary tremendously throughout the 22,000-acre Agricultural Reserve. This particular corridor south of Atlantic Avenue on SR-7 may be appropriate for the consideration of additional non-residential uses, but not as presented in this application. Therefore, staff recommends **denial** of the proposed amendment.

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2. Consistency with Comprehensive Plan	E-3
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Exhibit 1

Amendment No:	Sunflower Light Industrial (LGA 2021-016)
FLUA Page No:	101
Amendment:	From Agricultural Reserve (AGR) to Industrial with an underlying Agricultural Reserve (IND/AGR)
Location:	West side of State Road 7, approx. 0.27 miles south of Atlantic Avenue
Size:	8.19 total acres
Property No:	00-42-43-27-05-067-0150
<p>Conditions: Development of the site shall exclude heavy industrial uses which engage in the basic processing, manufacturing, or storage of flammable, hazardous, or explosive materials or products, or processes which potentially involve hazardous or commonly recognized offensive conditions as described in Future Land Use Element Policy 2.2.4-d of the Palm Beach County Comprehensive Plan.</p>	



Legal Description

TRACT 15, BLOCK 67, PALM BEACH FARMS COMPANY PLAT NO. 3. ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS A PORTION OF TRACT 15, BLOCK 67 OF THE PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 24, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A FOUND PALM BEACH COUNTY BRASS CAP MARKING THE NORTHWEST CORNER OF SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST, THENCE SOUTH 88°44'06" WEST ALONG THE NORTH LINE OF SAID SECTION 24, A DISTANCE OF 2.063 METERS (6.77 FEET) TO A POINT ON THE BASELINE OF SURVEY FOR STATE ROAD 7 (U.S. 441) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93210-2515; THENCE SOUTH 00°18'44" EAST ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 0.786 METERS (2.58 FEET); THENCE SOUTH 00°39'54" EAST CONTINUING ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 439.967 METERS (1,443.46 FEET); THENCE SOUTH 89°20'06" WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 22.860 METERS (75.00 FEET) TO A POINT ON THE WESTERLY EXISTING RIGHT OF WAY LINE FOR SAID STATE ROAD 7 (U.S. 441) AS SHOWN OF THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93210-2515 AND THE POINT OF BEGINNING; THENCE SOUTH 00°39'54" EAST ALONG SAID WESTERLY EXISTING RIGHT OF WAY LINE AND A LINE 22.860 METERS (75.00 FEET) WEST OF AND PARALLEL WITH SAID BASELINE OF SURVEY, A DISTANCE OF 200.794 METERS (658.77 FEET), THENCE SOUTH 89°35'33" WEST ALONG THE SOUTH LINE OF SAID TRACT 15, A DISTANCE OF 49.692 METERS (163.03 FEET); THENCE NORTH 00°34'56" WEST, A DISTANCE OF 200.777 METERS (658.72 FEET); THENCE NORTH 89°34'28" EAST ALONG THE NORTH LINE OF SAID TRACT 15, A DISTANCE OF 49.402 METERS (162.08 FEET) TO THE POINT OF BEGINNING.

TOGETHER WITH A PORTION THAT ROAD, DYKE AND DITCH RESERVATION 30.00 FEET IN WIDTH, BLOCK 67, PALM BEACH FARMS COMPANY PLAT NO. 3. ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, ABUTTING THE NORTH LINE OF TRACT 15, SAID BLOCK 67 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF SAID TRACT 15, THENCE NORTH 00°26'38" WEST ALONG THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID TRACT 15, A DISTANCE OF 15.00 FEET; THENCE NORTH 89°44'53" EAST ALONG A LINE 15.00 FEET NORTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 15, A DISTANCE OF 531.64 FEET; THENCE SOUTH 00°34'56" EAST, ALONG THE EXISTING WEST RIGHT-OF-WAY OF STATE ROAD NO. 7 AS LAID OUT AND IN USE, A DISTANCE OF 15.00 FEET; THENCE SOUTH 89°44'53" WEST ALONG THE NORTH LINE OF SAID TRACT 15, A DISTANCE OF 531.68 FEET TO THE POINT OF BEGINNING.

CONTAINING A TOTAL OF 8.185 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:

- *“This land use designation will further balance the need for additional industrial land in the western areas of the Ag Reserve appropriately located with direct access to the largest roadway in this area, State Road 7.”*
- *“The growth of the area and widening of State Road 7 has changed the character of the general area and has provided unrestricted access to this property to be suited for the proposed industrial use.”*
- *“The use of this property is anticipated to be considered as “light industrial development” and not create undesirable effects, danger or disturbance to nearby areas. The uses can be controlled by buffering and design through the corresponding zoning process.*

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 an existing landscaper with nursery use, and the site has a current development potential of a maximum of 53,513 square feet (.15 FAR) of non-residential uses allow in the AGR future land use designation. The applicant proposes to change to

the Industrial (IND) future land use designation in to allow the expansion of the landscape service and additional industrial uses up to 160,540 total square feet.

The subject site is currently utilized for a landscaper with nursery and has the potential for a limited opportunity for the use to expand under the AGR future land use designation. The landscape service use has been reviewed and revised in the ULDC, both within and outside of the Agricultural Reserve Tier, on many occasions throughout the past four years. The ULDC regulations for location, extent, access, zoning district, approval process, site plans, and other factors have been examined, scrutinized, and revised on several occasions. Landscape service uses are considered to be commercial/industrial in nature; however, when the use includes a nursery component, such uses are allowed in AGR and Agricultural Residential zoning. The subject site is ideally located for a landscaper with nursery use considering its direct access onto SR-7, proximity to other non-residential designations and uses, and its separation from residential development. However, the only current mechanism to expand the landscape service as desired by the applicant at this time is through this future land use amendment request. Further, the amendment would allow the site to expand some of the non-residential uses allowed, such as office/warehouse, etc. As discussed in the Background, there is no clear policy guidance on additional Industrial future land use in the Tier, and as discussed under the Policy analysis and Compatibility sections of this report, the types of industrial uses that could be introduced at this location may not be appropriate on this site. The Agricultural Reserve is at a point where it may be appropriate to move towards a corridor analysis approach to land planning, rather than broad policy statements, as discussed in the preliminary corridor analysis under the discussion of FLUE Policy 2.2.4-a. At this time, the applicant has not demonstrated an adequate justification, considering the broader implications of this land use change.

2. **County Directions - FLUE Policy 2.1-g:** *The County shall use the County Directions in the Introduction of the Future Land Use Element to guide decisions to update the Future Land Use Atlas, provide for a distribution of future land uses in the unincorporated area that will accommodate the future population of Palm Beach County, and provide an adequate amount of conveniently located facilities and services while maintaining the diversity of lifestyles in the County.*

Direction 1. Livable Communities. *Promote the enhancement, creation, and maintenance of livable communities throughout Palm Beach County, recognizing the unique and diverse characteristics of each community. Important elements for a livable community include a balance of land uses and organized open space, preservation of natural features, incorporation of distinct community design elements unique to a given region, personal security, provision of services and alternative transportation modes at levels appropriate to the character of the community, and opportunities for education, employment, health facilities, active and passive recreation, and cultural enrichment.*

Direction 2. Growth Management. *Provide for sustainable communities and lifestyle choices by: (a) directing the location, type, intensity, timing and phasing, and form of development that respects the characteristics of a particular geographical area; (b) requiring the transfer of development rights as the method for most density increases; (c) ensuring smart growth, by protecting natural resources, preventing urban sprawl, providing for the efficient use of land, balancing land uses; and, (d) providing for facilities and services in a cost efficient timely manner.*

Direction 4. Land Use Compatibility. *Ensure that the densities and intensities of land uses are not in conflict with those of surrounding areas, whether incorporated or unincorporated.*

Direction 8. Economic Activity Centers. *Encourage the development of Planned Industrial Developments primarily designed to accommodate and promote manufacturing industry and other value-added activities.*

Staff Analysis: The County Directions are the basis for the goals, objectives, and policies of the Future Land Use Element, and are implemented within the framework of the Managed Growth Tier System, with its diverse areas and objectives. As a result, the County directions will not necessarily be applied uniformly throughout all Tiers, but will reflect the intent of each Tier. The intent of the Agricultural Reserve Tier is to preserve and enhance agricultural activity, environmental and water resources, and open space. The adopted Agricultural Reserve provisions implement that objective by limiting development to low densities, requiring clustering of development and preserve areas, and limiting the location and amount of non-residential development to serve the existing and future residents of the Tier. These provisions primarily promote the “Agricultural and Equestrian Industries” Direction, while balancing this direction with “Livable Communities,” “Growth Management,” “Land Use Compatibility,” and other County directions.

The proposed amendment could further the County Direction to balance land uses if the future land use amendment was considered as part of a larger effort to evaluate industrial and other non-residential uses in the Tier. Considering the introduction of industrial uses at this location without looking at the overall corridor of this area will not further the County Directions and Ag Reserve Tier specific policies as a whole.

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 applicant owns the parcel immediately west of the site and is proposing connectivity and collocated uses through the rezoning process. There are no piecemeal issues with this amendment related to the wording of the subject policy. However, allowing a non-residential future land use designation on the subject site has ‘piecemeal development’ issues on a broader context as discussed in the 2.2.4-a and 2.2.4-d Policy Analysis of this report.

4. **Residual Parcel – FLUE Policy 2.1-i:** *As a means of promoting appropriate land development patterns the County shall discourage the creation of residual parcels within or adjacent to a proposed development. If such a situation is identified, and the residual parcels cannot be eliminated, then the development shall be designed to allow for inter-connectivity with the residual parcels through various techniques including, but not limited to, landscaping and pedestrian and vehicular access. In addition, the future land use designation and/or zoning district of the residual parcel shall also be considered by the Board of County Commissioners, concurrently with the development, to ensure that an incompatibility is not created.*

Staff Analysis: The Comprehensive Plan's Introduction and Administration Element defines residual parcels as “a property under the same or related ownership that has been

left out of a development area, resulting in a parcel which has limited development options and connections to surrounding properties.” The applicant owns the parcel to the immediate west of the site and is proposing connectivity and collocated uses through the rezoning process. There are no residual parcel issues with this amendment.

B. Consistency with Agricultural Tier Policies

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

OBJECTIVE 1.5 The Agricultural Reserve Tier

1. **Objective:** *Palm Beach County shall preserve the unique farmland and wetlands in order to preserve and enhance agricultural activity, environmental and water resources, and open space within the Agricultural Reserve Tier. This shall be accomplished by limiting uses to agriculture and conservation with residential development restricted to low densities and non-residential development limited to uses serving the needs of farmworkers and residents of the Tier. The Agricultural Reserve Tier shall be preserved primarily for agricultural use, reflecting the unique farmlands and wetlands within it.*

Staff Analysis: The primary objective of the Agricultural Reserve Tier is the preservation of agricultural and environmental lands, while allowing for development in a planned manner that is consistent with the Master Plan and associated policies within the Comprehensive Plan that direct the locations and amounts of allowable development. The Tier is located within a Limited Urban Service Area, (LUSA) and the development allowed within the Tier as part of one of the planned development options or on non-residentially designated sites is consistent with the allowable development within the Urban Suburban Tier. However, as discussed in the Background section of this report, there is no specific policy guidance for the locations and amounts of new Industrial future land use within the Tier.

2. **Agricultural Reserve Tier Policy 1.5.1-a:** *In order to preserve and enhance agricultural activity, environmental and water resources, open space, and sustainable development within the Agricultural Reserve Tier, all new residential, commercial, industrial, and/or mixed use developments shall be developed as an Agricultural Reserve Planned Development that contributes to the fulfillment of these objectives by meeting the preserve area requirements, subject to the provisions of this Element, with the exception of 1) Residential subdivisions predating the Ag Reserve Tier and those that are subdivided at 1 unit per 5 acre density; 2) pre-existing commercial sites identified in Policy 1.5-i which develop at the square footages identified within the Policy; and 3) the sites which received an industrial future land use designation as part of the adoption of the 1989 Comprehensive Plan.*

Staff Analysis: Policy 1.5.1-a establishes that new residential, commercial, industrial, and/or mixed use developments shall be developed as an Agricultural Reserve Planned Development that contributes to the fulfillment of these objectives by meeting the preserve area requirements, subject to the provisions of Future Land Use Element. The few exceptions recognized by this policy are for areas that received non-residential future land use designations or development, and residential subdivisions, that predate the Master

Plan. This policy requires that all new development be consistent with the preserve area requirements of the Tier, including Industrial future land use. There is no specific industrial implementing policy; however, the AGR-PDD options of the Tier require a minimum of 60/40 preserve area for new residential and non-residential development. In 2016, the BCC adopted revisions to Policy 1.5.1-q to allow development on smaller non-residentially designated sites without a preserve area requirement. This policy requires that Agricultural Reserve non-residential developments utilizing the Multiple Use Planned Development zoning set aside a 60% preserve area only for sites greater than 16 acres in size. Since the subject site is less than 16 acres, not requiring a preserve area would be consistent with the Board's intent for non-residential future land uses in the Tier.

Policy 1.5.1-q: AGR-Multiple Use Planned Development. *New Agricultural Reserve Multiple Use Planned Developments (AgR-MUPD) in the Ag Reserve Tier shall meet the following requirements:*

1. *Preserve Areas shall not be required for a property that is 16 acres or less in size as of January 1, 2016. For purposes of this policy, the term 'property' is defined as a property control number as configured on January 1, 2016. The acreage shall be exclusive of right-of-way as shown on the Thoroughfare Right of Way Identification Map;*
3. **Industrial Future Land Use - 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.*

Staff Analysis: As previously stated, there are no adopted policies directing the location and amount of new Industrial future land use in the Tier. This policy references the adoption of Industrial future land use designations in general. The applicant proposes to introduce Industrial future land use on a site located on the west side of SR-7 just south of commercially designated properties. The western side of SR-7 is currently home to many heavy agricultural uses and agri-business facilities along its entire stretch through the Agricultural Reserve. Uses include, packing plants, feed stores, the Bedner's farmer's market, transshipment uses, landscape services with nursery, chipping and mulching, and other intense uses allowable in the Agricultural Reserve future land use designation, and some sites with Commercial future land use designations. It is likely that the property owners selected these sites due to their direct access onto this major thoroughfare as most of these heavy agricultural and other non-residential uses are vehicular based.

Atlantic/SR-7 Corridor. The subject site is located along a corridor just south of the commercially and industrially designated sites at the intersection of Atlantic Avenue and SR-7. The west side of this corridor consists of Industrially designated land on Atlantic and the Dakota AGR-PUD. At the southwest corner of this intersection, the County approved a small commercial plaza. The following uses are located on the west side of SR-7, south of the shopping center, from north to south ending at the entrance of the La Reina subdivision:

- Cornerstone Propane, a 1.40-acre site that sells propane fuel

- US Postal Service access drive to the 11.45-acre facility
- Vacant site totally 8 acres, west of Amerigrow Recycling chipping & mulching
- The subject site with a landscape service and nursery
- Jericho Medical Office, a 3.61-acre vacant site subject to a privately proposed text amendment requesting Commercial Low-Office future land use for medical offices
- A nursery on 2.7 acres

The introduction of additional sites for non-residential future land use designations within the Agricultural Reserve Tier may be warranted to provide the ability of additional non-residential uses that may be compatible with surrounding development. However, due to the goal of the Tier to preserve agriculture, the sensitivity of the water resources west of the Tier, to ensure that the additional uses are intended to serve the local area, and to ensure that decisions are not made in a piecemeal fashion, the entire corridor needs to be considered with this amendment.

4. FLUE Policy 2.2.4-d: Industrial Uses. *Industrial uses shall be considered either Light or Heavy as defined below.*

Light Industrial. *Light industrial development's typical operation is not likely to cause undesirable effects, danger or disturbance upon nearby areas and typically does not create negative impacts on immediately adjoining uses. These uses typically do not cause or result in the dissemination of dust, smoke, fumes, odor, noise, vibration light, or other potentially objectionable effects beyond the boundaries of the lot on which the use is conducted.*

Heavy Industrial. *Heavy industrial development's typical operation may cause or result in the dissemination of dust, smoke, fumes, odor, noise, vibration, or light, or other potentially objectionable effects beyond the boundaries of the lot on which the use is conducted. These effects will be minimized through the application of performance standards established in the Unified Land Development Code. Heavy industrial uses can include those that engage in the processing, manufacturing, or storage of flammable, hazardous, or explosive materials or products, or processes which potentially involve hazardous or commonly recognized offensive conditions.*

Staff Analysis: The Comprehensive Plan establishes that there are two overall classifications of Industrial uses as provided in Policy 2.2.4-d. The Industrial future land use designation allows a full range of industrial uses as provided in Exhibit 9. Should the County approve additional Industrial in the Agricultural Reserve, uses should be limited by condition of approval or by the addition of policy statements to only uses with Light Industrial attributes. Since the applicant is seeking a straight rezoning to 'Light Industrial' at this time, there is no ability for the County staff to review a proposed site plan or assess the proposed uses for compatibility and consistency with the surrounding land uses, the Tier, and its location on the west side of SR-7.

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 is an 8-acre vacant parcel with an Agricultural Reserve (AGR) future land use designation. Beyond that parcel is a Post Office, a propane storage facility and Stop and Shop MUPD at the southwest intersection of Atlantic Ave and SR-7. Resolution 2017-0505 permitted the various commercial uses in the Stop and Shop MUPD, Resolution 1990-1897 permitted the existing propane storage use and DRC-1996-00100 approved the US Post Office use. Both the post office and the propane storage facility have AGR future land use designation while the MUPD has a Commercial Low (CL) with underlying AGR. A number of preserves designated for a variety of single-family planned unit developments (PUD) in the AGR Tier exist along the north of this property including Four seasons preserve, Bridge Mizner preserve, Valencia Cove preserve and Ascot preserve. The location of these preserves are west of SR-7. To the northwest is a 30.64-acre parcel, Amerigrow Recycling, with an AGR future land use designation and is currently being used for chipping, mulching, composting, potting soil manufacturing. Z-R-1993-003 approved a Class B condition use to allow chipping and mulching on site with a DRO (DRC-1993-022) approved final site plan for the chipping, mulching, composting and potting soil manufacturing use.

East: To the east of the site is SR-7. Beyond SR-7 is the 743 acre Sussman 60/40 AGR Planned Unit Development (PDD/DOA 2016-00269) with a AGR future land use designation. The development has a total of 743 single family units with 387 units in the north also known as Dakota and 356 units in the south also known as Saturnia Isles. The associated preserve area (Sussman preserve) for this development is adjacent on the west side of the subject site.

West: To the west of the site is the Sussman AGR PUD preserve 18 with a AGR FLU. There is currently a DRO submittal (DRO-2020-2099) for a 10 acre collocated nursery and landscape service owned by the same owner as this application site. Further west is a Florida Power & Lighting (FPL) electric transmission site approved by DRO-2006-1295 and a preserve area for Rainbow (aka Oaks) 60/40 PUD approved per Resolution 1998-741.

South: To the south of the site is a vacant parcel with an AGR FLU. This parcel had a DRO approval (DRO-2009-4534) to allow a Final site plan approval for a Class B Conditional Use to allow development of an Agricultural Facility consisting of multiple uses including agricultural sales and service, agricultural indoor storage, a wholesale & retail nursery, an accessory use of landscape maintenance and a security caretaker quarter. However, this property has not developed to the DRO-2009-4534 approval. Further South is a subdivision (Palm Beach Farm Co PI No 3) with 51 parcels, 1 unit per 5 acres and 26 parcels subdivision (Tierra Del Rey South) with 1 unit per 2.5 acres.

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.”*

Applicant's Comments: The applicant states that the properties to the north and south are undeveloped properties and can be properly buffered for any future development of

those properties. The property to the west is also undeveloped however the parcel is under same ownership as the subject property and being planned for collocated wholesale nursery and landscape service. Only a small portion of the subject property abuts one of the residential lots and can be adequately buffered from any proposed use on the subject site. Given the character of the commercial and recycling uses that exist along the southwest corner at the intersection of W. Atlantic Avenue and State Road 7, the proposed industrial designation will not change the character of the surrounding area.

Staff Analysis: The site is located south of the commercial and industrial corridor at Atlantic Avenue and SR-7, and is currently a landscaper with nursery. Northwest of the site is the Amerigrow chipping and mulching site, along with the USPS and a propane facility. Immediately north and south are vacant parcels, and the Dakota AGR-PUD is located to the east. The southwest corner of the site is adjacent to a single family home in the Tierra Del Rey community. The request is proposed to allow the property owner to expand the landscape service use on the site. Such an expansion would not be incompatible with the surrounding uses. However, the introduction of an Industrial future land use designation can open the site to a long list of intense uses as provided in Exhibit 9. Considering the lack of specificity in the zoning application, and the lack of policy constraints for new industrial future land uses in the Tier, and the sites location on the west side of SR-7, staff cannot conclude that the proposed amendment will result in uses that are compatible with surrounding land uses.

D. Consistency with County Overlays, Plans, and Studies

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

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

2. **Neighborhood Plans and Studies – FLUE Policy 4.1-c** states *“The County shall consider the objectives and recommendations of all Community and Neighborhood Plans, including Planning Area Special Studies, recognized by the Board of County Commissioners, prior to the extension of utilities or services, approval of a land use amendment, or issuance of a development order for a rezoning, conditional use or Development Review Officer approval.....”*

Staff Analysis: The subject site not within the boundaries of a neighborhood plan.

E. Public Facilities and Services Impacts

The proposed amendment will change the future land use designation from Agricultural Reserve to Industrial with an underlying Agricultural Reserve (IND/AGR). For the purposes of the public facilities impact analysis, the maximum intensity is based on the proposed change to allow up to 160,540 square feet. 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: The Traffic Division reviewed this amendment at a maximum 160,540 square feet of industrial uses. According to the County’s Traffic Engineering Department (see letter dated December 2, 2020 in Exhibit 5).

The Traffic letter concludes “Based on the review, the Traffic Division has determined that the traffic impacts of the proposed amendment meet Policy 3.5-d of the Future Land Use Element of the Palm Beach County Comprehensive Plan at the **maximum potential**...”

The Traffic Study dated October 30, 2020 was prepared by Bryan Kelley, P.E. Traffic studies and other additional supplementary materials for site-specific amendments are available to the public on the PBC Planning web page at:

<http://discover.pbcgov.org/pzb/planning/Pages/Active-Amendments.aspx>

II. Public and Municipal Review

The Comprehensive Plan Intergovernmental Coordination Element **Policy 1.1-c** states that “*Palm Beach County will continue to ensure coordination between the County’s Comprehensive Plan and plan amendments and land use decisions with the existing plans of adjacent governments and governmental entities.....*”

- A. **Intergovernmental Coordination:** Notification of this amendment was sent to the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC) for review on March 19, 2021. 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 March 19, 2021. On the same date, several interested parties were notified by mail including the Dakota HOA, Tierra Del Rey POA and Saturnia Isles HOA. Notification of this amendment, and other amendments related to the Ag Reserve Tier, was provided to the Ag Reserve email list of interested parties via email on March 29, 2021. 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 March 30, 2021. No members of the public attended for this application.

Exhibit 3

Applicant's Justification/Consistency with Comprehensive Plan

INTAKE: NOVEMBER 10, 2020
ROUND: 21-B
REQUEST: FUTURE LAND USE ATLAS ("FLUA") AMENDMENT

APPLICATION REQUEST AND PROJECT SUMMARY:

The 8.19-acre subject property (PCN 00-42-43-27-05-067-0150) is located at 15200 State Road 7 which is on the west side of State Road 7, approximately 0.27 miles south of Atlantic Avenue in unincorporated Palm Beach County. Currently the subject site supports a FLUA designation of Agricultural Reserve (AGR) and is in the Agricultural Reserve (AGR) zoning district. The existing use on the site is a wholesale nursery and landscape services business.

The subject site has been one of many that have been cited by Code Enforcement for having existing landscape service uses without the proper approvals. The owner and applicant have been involved over the last several years with drafting and adoption of regulations to allow for collocated wholesale nursery and landscape service business uses. Through that process, it became clear that this site is different than most for that use considering its frontage and direct access on State Road 7 and its location relative to other existing non-residential uses with similar if not more intensive impacts to the north. Given those characteristics, the applicant evaluated the options and potential need for additional industrial land in this area of the County and thus decided to propose this land use amendment application for the Light Industrial designation. Adoption of the application will allow for the initial continued use for landscape service business and the potential for additional light industrial uses as the area further develops.

Accordingly, on behalf of 15200 State Road 7, LLC ("Applicant"), this application requests a Large Scale FLUA amendment from AGR to Industrial ("IND") - Light, with an underlying AGR, for the purpose of developing the site with permitted uses in the Light Industrial district.

A follow up application to the Palm Beach County Zoning Division for an Official Zoning Map Amendment from the AGR zoning district to the Light Industrial ("IL") zoning district will be submitted concurrently with this application.

BACKGROUND:

There is no previous zoning approval history on the subject site. In 1999, a Zoning Confirmation Letter was issued from the Zoning Department that vested the wholesale nursery (tree farm) use as permitted since established in 1990 when the use was a permitted use by the ULDC within AGR district. The subject site has a Control Number of 1999-30168.

The existing site improvements have been approved for a Non-Residential Farm Building application by the Palm Beach County Building Department.

SITE LOCATION:

The subject site is located approximately ¼ mile south of W. Atlantic Avenue on the west side of State Road 7. The subject site is part of Palm Beach Farms Plat No. 3, according to the Plat thereof recorded in Plat Book 2, Page 45. The site is within the AGR Tier, has a land use designation of Ag Reserve (AGR) and is zoned Ag Reserve (AGR). The site has not sold its development rights.

SURROUNDING USES:

Below is a summary of surrounding properties:

Adjacent Lands	Current Use	Future Land Use	Zoning
North	Vacant (no approval history).	AGR	AGR Control No. None
South	Vacant (no current approval)	AGR	AGR Control No. 2007-00003
East	SF Residential Development Sussman AGR-PUD (known as Dakota) 1 du/ac 743 units	AGR	AGR/PUD Control No. 2000-00032
West	Vacant; designated preserve area for Sussman AGR-PUD.	AGR	AGR/PUD (Preserve Parcel) Control No. 2000-00032

In addition to the properties immediately abutting the property shown above, it should be noted that there are non-residential uses to the north of this site up to the intersection with W. Atlantic Avenue. These uses include a gas station/convenience store at the immediate southwest corner of W. Atlantic Avenue and State Road 7, a US Post Office, a propane fuel sales facility and the 30 acre Amerigrow Recycling which is a vegetative recycling facility with chipping, mulching and potting soil manufacturing.

JUSTIFICATION, CONSISTENCY & COMPATIBILITY:

G.1 – Justification: The Applicant is requesting to amend the FLUA designation for the subject property from AGR to IND. Per Policy 2.1.f of the Future Land Use Element of the Comprehensive Plan, the Applicant must provide adequate justification for the proposed future land use. To be considered adequate, the justification statement must demonstrate consistency with the following factors 1 and 2.

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

Response: The subject site has been used as a landscape service business with a wholesale nursery for over 30 years. The proposed industrial designation will allow the owners to continue with the landscape service business without the limitations of the recent adopted regulations for collocated uses with wholesale nursery. The property has frontage and direct access directly on State Road 7 which has been widened significantly in the 30 years and allows for traffic flow to and from the site without impact to surrounding properties. The properties to the north and south are undeveloped properties and can be properly buffered to allow for their future development. The property to the west is also undeveloped however under same ownership as the subject property and being planned for collocated wholesale nursery and landscape service which has recently been allowed by adoption of new regulations for AGR-PUD preserve parcels. In addition to the properties immediately abutting the site, it should be noted that the Amerigrow Recycling Facility is located to the northwest of the subject property and is an existing vegetative recycling operation with chipping and mulching, potting soil manufacturing activities on the 30 acre property. To the east of the Amerigrow Recycling Facility are commercial uses including the US Post Office facility, a gas station/convenience store and a propane sales facility. Likewise, to the southwest is the Tierra Delray community with large lot residential home sites. There is only a small portion of the subject property that abuts one of the residential lots and can be adequately buffered from any proposed use on the subject site. Accordingly, an industrial designation will not change the character of the site and allow for a use that has existed for over 30 years to continue and provide opportunity for business expansion under current regulations.

- 2) There is a basis for the proposed amendment for the particular subject site based upon one or more of the following:
 - a) Changes in FLU designations on adjacent properties or properties in the immediate area and associated impacts on the subject site;
 - b) Changes in the access or characteristics of the general area and associated impacts on the subject site;
 - c) New information or change in circumstances which affect the subject site;
 - d) Inappropriateness of the adopted FLU designation; or
 - e) Whether the adopted FLU designation was assigned in error.

Response: The basis for the proposed amendment is primarily falling within items b) and c) above. As indicated, the landscape service business on the property has been in existence for over 30 years. In 1990, State Road 7 was a two-lane roadway which was a north/south connection from western Boca Raton to what is now Wellington. The western areas of Boca Raton over the last 30 years have developed tremendously with growth of residential, commercial, and civic uses. Likewise, Wellington incorporated in 1995 and has grown into its own City also predominately with residential, commercial and civic uses. The widening of State Road 7 corresponded with the growth of the western areas of Palm Beach County and promoted the nursery and landscape service needs and business that has been on this property since the early 1990's. Property was taken from the current owner for the expansion of the roadway and a driveway for direct access to State Road 7 was constructed

as part of the widening and continues as access to the property today. The growth of the area and widening of State Road 7 has changed the character of the general area and has provided unrestricted access to this property to be suited for the proposed industrial use.

In addition to the above, over the last several years, the regulations related to wholesale nurseries and the landscape service industry have changed and become more restrictive. These regulations have created a change in circumstance to how this site has been used for more than 30 years as well as other similar businesses in the area. The adoption of the proposed industrial land use will allow the applicant to continue with their business on the site but could also allow for other similar landscape service businesses to utilize the site and stay in proximity to their properties for the wholesale nursery part of the operation. Accordingly, the code enforcement action and the adoption of new regulations for this industry has changed the circumstances for the area and has created a need for more industrial designation. This site is well suited to allow for the change in land use and allow for the opportunity of the uses within the industrial designation.

G.2 – Residential Density Increases: Not applicable to this application.

G.3- Compatibility with Surrounding and Adjacent Uses: The owners of the subject property have been using this site to operate their landscape service business for over 30 years. Although they have area for wholesale nursery on the site, it would have to be expanded to comply with current regulations. Accordingly, this property is situated well to allow for the proposed industrial land use to continue with the landscape service business without the limitations of the current regulations for collocated uses with wholesale nursery. The property has frontage and direct access directly on State Road 7 which has been widened significantly in the 30 years and allows for traffic flow to and from the site without impact to surrounding properties. The properties to the north and south are undeveloped properties and can be properly buffered to allow for their future development. The property to the west is also undeveloped however under same ownership as the subject property and being planned for collocated wholesale nursery and landscape service which has recently been allowed by adoption of new regulations for AGR-PUD preserve parcels. In addition to the properties immediately abutting the site, it should be noted that the Amerigrow Recycling Facility is located to the northwest of the subject property and is an existing vegetative recycling operation with chipping and mulching, potting soil manufacturing activities on the 30 acre property. To the east of the Amerigrow Recycling Facility are commercial uses including the US Post Office facility, a gas station/convenience store and a propane sales facility. Likewise, to the southwest is the Tierra Delray community with large lot residential home sites. There is only a small portion of the subject property that abuts one of the residential lots and can be adequately buffered from any proposed use on the subject site.

Given the character of the commercial and recycling uses that exist along the extension of W. Atlantic Avenue, the vacant parcels along State Road 7 to the north and south and having direct access to State Road 7 as an operating landscape service business for over 30 years, the proposed industrial designation will not change the character of the surrounding area and can be further planned for compatibility with the surrounding and adjacent uses and area.

G.4 – Consistency with Policies in the Comprehensive Plan: The proposed FLUA amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan as follows:

- **Future Land Use Element (FLUE) Policy 2.1-f:** The following will detail how the impact of the proposed FLUA on the items listed:

1) The natural environment, including topography, soils and other natural resources:

Response: Please see the Natural Feature Inventory & Map that is provided with this Application as Attachment L.

2) The availability of facilities and services;

Response: The current use on the site provides for existing facilities. Provided within this application is detailed information confirming available facilities and services based on the FLUA change. Below is brief summary:

- *Traffic:* Please see Attachment H for the LUA Amendment Traffic Analysis.
- *Mass Transit:* The nearest Palm Tran bus routes is Route 81 and the closest Tri-Rail connection is the Delray Beach Tri-Rail Station, which can be accessed by Palm Tran Routes 2, 70, 81, 88.
- *Potable Water & Wastewater:* will be provided by Palm Beach County Water Utilities Department.
- *Drainage:* Legal positive outfall is available to the site via discharge to the LWDD E-1 Canal along the east side of State Road 7.
- *Fire Rescue:* The nearest Fire Rescue Station is Station #54 Located at 18501 S. State Road 7 approx. 3.50 miles from subject site.
- *Environmental:* There are no known occurrents of significant species inhabiting the subject site. A natural feature inventory and map is provided with this application as Attachment L.
- *Historical:* There are no historic or architecturally significant resources on or within 500 feet of the subject site. A Historic Resource Letter is provided with this application as Attachment N.

3) The adjacent and surrounding development;

Response: The owners of the subject property have been using this site to operate their landscape service business for over 30 years. Although they have area for wholesale nursery on the site, it would have to be expanded to comply with current regulations. Accordingly, this property is situated well to allow for the proposed industrial land use to continue with the landscape service business without the limitations of the current regulations for collocated uses with wholesale nursery. The property has frontage and direct access directly on State Road 7 which has been widened significantly in the 30 years and allows for traffic flow to and from the site without impact to surrounding properties. The properties to the north and south are undeveloped properties and can be properly buffered to allow for their future development. The property to the west is also undeveloped however under same ownership as the subject property and being

planned for collocated wholesale nursery and landscape service which has recently been allowed by adoption of new regulations for AGR-PUD preserve parcels. In addition to the properties immediately abutting the site, it should be noted that the Amerigrow Recycling Facility is located to the northwest of the subject property and is an existing vegetative recycling operation with chipping and mulching, potting soil manufacturing activities on the 30 acre property. To the east of the Amerigrow Recycling Facility are commercial uses including the US Post Office facility, a gas station/convenience store and a propane sales facility. Likewise, to the southwest is the Tierra Delray community with large lot residential home sites. There is only a small portion of the subject property that abuts one of the residential lots and can be adequately buffered from any proposed use on the subject site.

Given the character of the commercial and recycling uses that exist along the extension of W. Atlantic Avenue, the vacant parcels along State Road 7 to the north and south and having direct access to State Road 7 as an operating landscape service business for over 30 years, the proposed industrial designation will not change the character of the surrounding area and can be further planned for compatibility with the surrounding and adjacent uses and area.

4) The future land use balance;

Response: As the western areas of Boca Raton and Delray Beach have grown, there has been limited areas of industrial designated properties, especially along the State Road 7 corridor which extends from Okeechobee Boulevard south through Boca Raton and into Broward and Dade Counties. With the expansion of the roadway, it was planned and has become a western thoroughfare that serves the growth of these western areas. However, through the Ag Reserve tier however, there is limited properties that will allow for industrial uses where there are opportunities for growth that can support the addition of industrial types of businesses. There is industrial land at the intersection of State Road 7 and W. Atlantic Avenue that is currently undeveloped but being planned, showing the industrial interest of the area. There was also property on the west side of State Road 7 north of the intersection at Boynton Beach Boulevard that was granted approval of industrial land use in 2017 and is now being used and permitted for industrial business.

The subject property is in an area that starts with the uses at the intersection of State Road 7 and W. Atlantic Avenue including the gas station/convenience store, propane fuel sales and the post office. Added to that is the intense use of the Amerigrow Recycling facility with chipping and mulching and potting soil manufacturing type uses which are industrial in nature. The subject property is adjacent to those uses and then controlled by the existing residential uses to the south. Adding the industrial land use to this subject property will not be changing the character of the subject site and will be recognizing the existing uses to the north up to the intersection of State Road 7 and W. Atlantic Avenue. This land use designation will further balance the need for additional industrial land in the

western areas of the Ag Reserve appropriately located with direct access to the largest roadway in this area, State Road 7.

- 5) The prevention of urban sprawl as defined by 163.3164(51). FS;

Response: As indicated above, this property is bounded by existing uses that will prevent urban sprawl.

- 6) Community Plans and/or Planning Area Special Studies recognized by the Board of County Commissioners; and

Response: This site is not located within areas of a Community Plan or Special Study. It is located with the area of the Delray Alliance civic group which the applicant will coordinate with through the application process.

- 7) Municipalities in accordance with Intergovernmental Coordination Element Objective 1.1

Response: There are no municipalities within the vicinity of the subject property.

- **FLUE Policy 2.2.4-a:** This policy states, “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 FLUA amendments that result in the loss of industrially designated land.”

Response: As indicated above, there are changes in circumstances that promote this application for industrial land use on this property. The adoption of the industrial land use will allow for additional industrial uses that are limited in this area and can allow for continuation of businesses in the area that have been affected by recent code enforcement actions and changes of regulations.

- **FLUE Policy 2.2.4-c:** This policy states, “The Industrial future land use designation is 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).”

Response: Any proposed use for this property will need to comply with the regulations of the Unified Land Development Code and found consistent with this policy.

- **FLUE Policy 2.2.4-d:** This policy states, “Industrial uses shall be considered either Light or Heavy...by classification, *Light Industrial* development’s typical operation is not likely to cause undesirable effects, danger or disturbance to nearby areas and typically do not cause or result in the dissemination of dust, smoke, fumes, odor, noise, vibration light, or other potentially objectionable effects beyond the boundaries of the lot on which the land is conducted.”

Response: The use of this property is anticipated to be considered as “light industrial development” and not create undesirable effects, danger or disturbance to nearby areas. The uses can be controlled by buffering and design through the corresponding zoning process.

- **Objective 1.5 - The Agricultural Reserve Tier:** The objective of the AGR tier is to preserve the farmlands and wetlands in order to preserve and enhance agricultural activity, environmental and water resources, and open space within the AGR tier.

Response: The owners of the subject property have been using this site to operate their landscape service business for over 30 years. Although they have area for wholesale nursery on the site, it would have to be expanded to comply with current regulations. Accordingly, this application will not significantly change the character of the existing property and continue to provide services to support the area.

G.5 – Florida Statutes: *Optional:* *The applicant has the option of including written data and analysis to demonstrate consistency with Chapter 163.3177, F.S..*

CONCLUSION:

Based on the detailed information above, the requested FLUA Amendment from AGR to IND-Light is justified, consistent with the Comprehensive Plan and State of Florida laws, is compatible with surrounding area and uses and consistent with the growth of his area.

A zoning application is anticipated to be submitted at the appropriate time to correspond with the public hearing schedule of this land use amendment application.

On behalf of the Applicant, we respectfully request the staff review of this application and support to be presented to the Planning Commission. Should you have any questions regarding this application, please contact Ailish Villalobos or Bradley Miller at Urban Design Studio (Boynton Beach), 561-736-8838.

Exhibit 4

Applicant's Public Facilities Table

A. Traffic Information		
	Current	Proposed
Max Trip Generator	Nursery (Garden Center) ITE #817 108.10 trips/acre Nursery (Wholesale) ITE #818 19.5 trips/acre	Light Industrial ITE #110 4.96 trips / 1000SF
Maximum Trip Generation	425 daily trips	716 daily trips
Net Daily Trips:	291 daily trips	
Net PH Trips:	9 AM, 26 PM (maximum) 101 AM, 91PM (proposed)	
Significantly impacted roadway segments that fail Long Range	The proposed FLUA designation modification will not significantly impact any roadway segment that is projected to be operating above the adopted LOS on the year 2045 Transportation System Plan. Please refer to the Traffic Study provided as Application Attachment H .	
Significantly impacted roadway segments for Test 2	As shown within the Traffic Study provided as Application Attachment H , the radius of development information for purposes of Test 2 shall be 2 miles and the required Test 2 Fire Year Analysis data shows that all roadway links are insignificant.	
Traffic Consultant	Simmons & White, Inc.	
B. Mass Transit Information		
Nearest Palm Tran Route (s)	Route 81 DLB X-TWN via Atlantic 2.635 miles	
Nearest Palm Tran Stop	Bus Stop Number: 6409 Oriole Plz @ Rods Rest Svc Rd. 2.65 miles	
Nearest Tri Rail Connection	Delray Beach Station Distance: 9.4 miles Accessible by Palm Tran Routes 2, 70, 81, 88	

C. Portable Water & Wastewater Information	
Potable Water & Wastewater Providers	Subject property is located within PBCWUD utility service area. PBCWUD has the capacity to provide the level of service required at the current land use of AGR and the proposed future land use of IND. An LOS letter from Palm Beach County is provided as Application Attachment I .
Nearest Water & Wastewater Facility, type/size	The nearest potable water main is a 42" watermain located within State Road 7 right-of-way adjacent to the subject property. The nearest sanitary sewer connection is a 6" forcemain located within the State Road 7 right-of-way adjacent to the subject property. Connection to the forcemain will require construction of a lift station. An LOS letter from Palm Beach County is provided as Application Attachment I .
D. Drainage Information	
The site is located within the boundaries of the LWDD and SFWM District C-15 Drainage Basin. Legal positive outfall if available via discharge to the LWDD E-1 Canal along the east side of State Road 7. A Drainage Statement is provided as Application Attachment J .	
E. Fire Rescue	
Nearest Station	Palm Beach County Fire-Rescue Station #54
Distance to Site	Located at 18501 S. State Road 7 approx. 3.50 miles from subject site
Response Time	Estimated response time to the subject site is 9 minutes 30 seconds. For fiscal year 2019, the average response time (call received to on scene) for this stations zone is 7:00.
Effect on Resp. Time	Changing the land use will have minimum impact on Fire Rescue. A letter from Fire Rescue is provided as Application Attachment K .
F. Environmental	
Significant habitats or species	<p>This application proposes Future Land Use Atlas Amendment from AGR to IND (Light) future land use designation. The current use on the subject site is Wholesale Nursery & Landscape Services. The majority of the site is used for "nursery stock area", so the removal of trees (by change in use) will be necessary. There are no known occurrents of significant species inhabiting the subject site.</p> <p>A Natural Features Inventory Map is provided as Application Attachment L.</p>
Flood Zone*	The subject site is located within Flood Zone X. A Flood Plain Statement is provided as Application Attachment J .
Wellfield Zone*	The subject site is not located within a Wellfield Zone. A map is provided as Application Attachment M .
G. Historic Resources	
There are no historic or architecturally significant resources on or within 500 feet of the subject site. A Historic Resource Letter is provided as Application Attachment N .	

Exhibit 5

Traffic Division Letter



**Department of Engineering
and Public Works**

P.O. Box 21229
West Palm Beach, FL 33416-1229
(561) 684-4000
FAX: (561) 684-4050
www.pbcgov.com

**Palm Beach County
Board of County
Commissioners**

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"



December 2, 2020

Bryan G. Kelley, P.E.
Simmons & White
2581 Metrocentre Boulevard West, Suite 3
West Palm Beach, Florida 33407

**RE: Sunflower Light Industrial
FLUA Amendment Policy 3.5-d Review
Round 2020-21-B**

Dear Mr. Kelley:

Palm Beach County Traffic Division has reviewed the Land Use Plan Amendment Application Traffic Statement for the proposed Future Land Use Amendment for the above referenced project, revised November 13, 2020, pursuant to Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan. The project is summarized as follows:

Location:	1500' south of Atlantic Avenue, west side of State Road 7	
PCN:	00-42-43-27-05-067-0150	
Acres:	8.19 acres	
	Current FLU	Proposed FLU
FLU:	Agricultural Reserve (AGR)	Industrial (IND)
Zoning:	Agricultural Reserve (AGR)	Light Industrial (IL)
Density/ Intensity:	3 acres Retail Nursery 4.94 acres Wholesale Nursery	0.45 FAR
Maximum Potential:	Nursery (Garden Center) = 3 acres Nursery (Wholesale) = 5.19 acres	Light Industrial = 160,540 SF
Proposed Potential:	None	None
Net Daily Trips:	291 (maximum – current)	
Net PH Trips:	101 (89/12) AM, 91 (12/79) PM (maximum)	
<i>* Maximum indicates typical FAR and maximum trip generator. Proposed indicates the specific uses and intensities/densities anticipated in the zoning application.</i>		

Based on the review, the Traffic Division has determined that the traffic impacts of the proposed amendment meet Policy 3.5-d of the Future Land Use Element of the Palm Beach County Comprehensive Plan at the **maximum potential** density shown above.



Bryan G. Kelley, P.E.
December 2, 2020
Page 2

Please note the proposed change will have no significant impact for both long range and Test 2 analyses.

Please contact me at 561-684-4030 or email to DSimeus@pbcgov.org with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to be "DS", is written below the word "Sincerely,".

Dominique Simeus, P.E.
Professional Engineer
Traffic Division

DS/rb

cc: Addressee
Quazi Bari, P.E., PTOE – Manager – Growth Management, Traffic Division
Steve Bohovsky – Technical Assistant III, Traffic Division
Lisa Amara – Senior Planner, Planning Division
Khurshid Mohyuddin – Principal Planner, Planning Division
Jorge Perez – Senior Planner, Planning Division

File: General - TPS -- Unincorporated - Traffic Study Review
N:\TRAFFIC\Development Review\Comp Plan\21-B\Sunflower Light Industrial.docx

Exhibit 6

Water & Wastewater Provider LOS Letter



**Water Utilities Department
Engineering**

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



**Palm Beach County
Board of County
Commissioners**

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"*



November 13, 2020

Simmons and White
2581 Metrocentre Blvd. West, Suite 3
West Palm Beach, FL 33407

RE: Sunflower Light Industrial
PCN: 00-42-43-27-05-067-0150
Service Availability Letter

Dear Mr. Floyd,

This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area. PBCWUD has the capacity to provide the level of service required at the current land use of Agricultural Reserve (AGR) and the future land use of Industrial (IND).

The nearest potable water main is a 42" watermain located within State Road 7 right of way adjacent to the subject property. The nearest sanitary sewer connection is a 6" forcemain located within State Road 7 right of way adjacent to the subject property. Connection to the forcemain will require the construction of a lift station.

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 7

Disclosure of Ownership Interests

PALM BEACH COUNTY - ZONING DIVISION

FORM # 9

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

*[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR
COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]*

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE
DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared
Douglas Fash, 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 ☒ MGMR [position -
e.g., president, partner, trustee] of 15200 STATE ROAD 7, 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: 15200 State Road 7, Delray Beach, FL 33446

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.

Douglas Fash

Douglas Fash, 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 20th day of OCTOBER, 2020 by _____ (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).

(Name - type, stamp or print clearly)

Irma Espinoza
(Signature)

My Commission Expires on: _____

NOTARY'S SEAL OR STAMP



EXHIBIT "A"

PROPERTY

DESCRIPTION:

TRACT 15, BLOCK 67, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS A PORTION OF TRACT 15, BLOCK 67 OF THE PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING IN SECTION 24, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A FOUND PALM BEACH COUNTY BRASS CAP MARKING THE NORTHWEST CORNER OF SECTION 19, TOWNSHIP 46 SOUTH, RANGE 42 EAST, THENCE SOUTH 88°44'06" WEST ALONG THE NORTH LINE OF SAID SECTION 24, A DISTANCE OF 2,063 METERS (6.77 FEET) TO A POINT ON THE BASELINE OF SURVEY FOR STATE ROAD 7 (U.S. 441) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93210-2515; THENCE SOUTH 00°18'44" EAST ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 0.786 METERS (2.58 FEET); THENCE SOUTH 00°39'54" EAST CONTINUING ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 439.967 METERS (1,443.46 FEET); THENCE SOUTH 89°20'06" WEST AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 22.860 METERS (75.00 FEET) TO A POINT ON THE WESTERLY EXISTING RIGHT OF WAY LINE FOR SAID STATE ROAD 7 (U.S. 441) AS SHOWN OF THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR SECTION 93210-2515 AND THE POINT OF BEGINNING; THENCE SOUTH 00°39'54" EAST ALONG SAID WESTERLY EXISTING RIGHT OF WAY LINE AND A LINE 22.860 METERS (75.00 FEET) WEST OF AND PARALLEL WITH SAID BASELINE OF SURVEY, A DISTANCE OF 200.794 METERS (658.77 FEET); THENCE SOUTH 89°35'33" WEST ALONG THE SOUTH LINE OF SAID TRACT 15, A DISTANCE OF 49.692 METERS (163.03 FEET); THENCE NORTH 00°34'56" WEST, A DISTANCE OF 200.777 METERS (658.72 FEET); THENCE NORTH 89°34'28" EAST ALONG THE NORTH LINE OF SAID TRACT 15, A DISTANCE OF 49.402 METERS (162.08 FEET) TO THE POINT OF BEGINNING.

TOGETHER WITH A PORTION THAT ROAD, DYKE AND DITCH RESERVATION 30.00 FEET IN WIDTH, BLOCK 67, PALM BEACH FARMS COMPANY PLAT NO. 3, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 2, PAGE 45, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, ABUTTING THE NORTH LINE OF TRACT 15, SAID BLOCK 67, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF SAID TRACT 15, THENCE NORTH 00°26'38" WEST ALONG THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID TRACT 15, A DISTANCE OF 15.00 FEET; THENCE NORTH 89°44'53" EAST ALONG A LINE 15.00 FEET NORTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 15, A DISTANCE OF 531.64 FEET; THENCE SOUTH 00°34'56" EAST, ALONG THE EXISTING WEST RIGHT-OF-WAY OF STATE ROAD NO. 7 AS LAID OUT AND IN USE, A DISTANCE OF 15.00 FEET; THENCE SOUTH 89°44'53" WEST ALONG THE NORTH LINE OF SAID TRACT 15, A DISTANCE OF 531.68 FEET TO THE POINT OF BEGINNING.

CONTAINING A TOTAL OF 8.185 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

DOUGLAS FASH	1134 MARBLE WAY BOCA RATON, FL. 33432
WILLIAM FASH	10968 EL PARAISO PL., DELRAY BCH, FL.
	33446

Exhibit 8 Urban Sprawl Analysis

Primary Indicators that an amendment does not discourage urban sprawl	Staff Assessment	Sprawl Indicated?
Criteria Related to Land Use Patterns		
Promotes, allows or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.	This amendment does not promote, allow or designate a substantial area of the County to develop as low-intensity, low-density, or single-use development or uses.	No
Promotes, allows or designates urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban developments.	This amendment does not designate urban development emanating from existing urban development. The site is within a Limited Urban Service area where urban services are provided.	No
Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.	This amendment does not discourage or inhibit infill development or the redevelopment of existing neighborhoods and communities.	No
Fails to encourage functional mix of uses.	This amendment will introduce additional commercial uses that are intended to be neighborhood serving.	No
Results in poor accessibility among linked or related land uses.	The proposed amendment would not result in poor accessibility among related land uses.	No
Results in the loss of significant amounts of functional open space.	The proposed amendment on this site will not result in the loss of significant amounts of functional open space. The site is currently a Nursery operation.	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 to adequately protect adjacent agricultural areas and activities, including silviculture, and including active agricultural and silvicultural activities as well as passive agricultural activities and dormant, unique and prime farmlands and soils.	The proposed amendment may result in compatibility concerns with adjacent agriculture. However with adequate buffering through the zoning process, significant adverse impact could be addressed. Therefore the proposed amendment does not fail to adequately protect adjacent agricultural areas.	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. Since this amendment is proposed west of SR-7, it fails to provide a clear separation.	No
Criteria Related to Public Facilities		
Fails to maximize use of existing public facilities and services.	Public facilities and services will be provided and water and wastewater lines are currently stubbed out at the northeast corner of SR-7 and Boynton Beach Boulevard.	No
Fails to maximize use of future public facilities and services.	The AGR LUSA allows for a mix of urban and rural levels of service. Future development east would be expected to utilize public facilities and services. The subject site would maximize the use of future public facilities available in the area.	No
Allows for land use patterns or timing which disproportionately increase the cost in time, money and energy, of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.	The site is within the AGR LUSA, which intends that urban levels of service serve development. There are no adverse impacts to public facilities and services as indicated by service providers through department review.	No
Overall Assessment: As demonstrated above, the proposed amendment does not meet any of the indicators of urban sprawl, and would not contribute to urban sprawl in the county.		

Exhibit 9
Industrial Uses

	AGR	IL	IG	IND/ MUPD	EDC	PIPD/ IL Pod	PIPD/ IG Pod	PIPD/ Com Pod
Agricultural uses								
Agriculture, bona fide	P	A	A					
Agriculture, Light Manufacturing	D	P	P					
Agriculture, Packing Plant	D	D	D					
Agriculture, Research/Development	D	P	P	P	P	P	P	
Agriculture, Sales & Service	B							P
Agriculture, Storage	P	P	P					
Agriculture, Transshipment	D	D	P	P	P	P	P	
Aviculture, Hobby Breeder	P	P	P					
Community vegetable garden	P	P	P					
Equestrian arena, commercial	D	B	B					
Farmer's Market	D	P	P			P	P	P
Nursery, retail	P	B	B					P
Nursery, wholesale	P	P	P			P	P	
Potting soil manufacturing	D	B	D					
Produce Stand	S	S	S					
Shadehouse	P	P	P					
Stable, commercial	D	D	D					
Stable, private	P							
Sugar mill or refinery			A				P	
Commercial uses								
Adult entertainment		D	D			D		D
Auction, indoor	P	P	P	P		P	P	P
Auction, outdoor	P	P	P	A		P	P	A
Car wash		D		P		P	P	P
Catering Service		P	P	P		D	D	P
Dispatching office		P	P	P		P	P	A
Dog day-care		P		P		P		D
Electric Vehicle Charging Station		D	D	D		D	D	D
Kennel, Commercial	B							D
Landscape maintenance service		P	P	P	D	P	P	P
Laundry services		A	A	A		A	A	P
Marina		P	P					A
Microbrewery		D	D	D	D	D	D	A
Repair and maintenance, Heavy		P	P	P		P	P	A
Repair and maintenance, Light		P	P	P		D	D	P
Repair services, limited		P		P		P		P
Self-service storage, Limited		D		D		D		D

	AGR	IL	IG	IND/ MUPD	EDC	PIPD/ IL Pod	PIPD/ IG Pod	PIPD/ Com Pod
Self-service storage, Multi-access		D		D		D		A
Vehicle Equip. sales & rental, Heavy		A		A		A		
Veterinary clinic	A	P						P
Vocational school		P	P	P	P	P		P
Industrial uses								
Contractor's storage yard		D	P	P	D	P	P	
Data Information Processing		P	P	P	P	P	P	P
Distribution Facility		D	D	P	P	P	P	D
Equestrian Waste Management		A	A	A				
Gas and fuel, wholesale		A	D	A			P	
Heavy industry		A	D	A		R	P	
Machine or welding shop		P	P	P		P	P	
Manufacturing and processing		P	P	P	A	P	P	D
Medical or dental laboratory		P	P	P	P	P		P
Multi-media production		P	P	P	P	P		P
Recycling center		A	P	A	D	P	P	A
Recycling plant		A	D	A		P	P	
Research & Development		P	P	P	P			A
Salvage or junk yard			A	A			R	
Towing service and storage		P	P	P		P		
Truck stop		A	A	A		R	R	
Warehousing		P	P	P	P	P	P	D
Wholesaling, general		P	P	P	P	P	P	D
Institutional, Public and civic uses								
Animal Shelter		A	D					
Assembly, nonprofit institutional	A							A
College or university				A				A
Crematory		A	A	A				A
Day care center, limited	D							D
Day care center, general	A							A
Funeral home		D	D	D				P
Government services	D	P	P	P	P	P	P	P
Homeless Resource Center		A		A				
Place of worship	D	D	D					D
School, elementary or secondary	A	A						A
Recreational uses								
Golf course		D		A		P	P	A
Park, Neighborhood infill		P	P					
Park, passive	P	P	P	P	P	P	P	P
Park, public		D	D	P				P

	AGR	IL	IG	IND/ MUPD	EDC	PIPD/ IL Pod	PIPD/ IG Pod	PIPD/ Com Pod
Shooting range, indoor		D	P	A		P	P	A
Transportation								
Airport			A	A	A	A	A	
Heliport or helipad		D	D	A	A	A	A	A
Landing strip			A	A	A	A	A	
Seaplane Facility			A	A	A	A	A	
Utility								
Chipping and mulching	D	B	D	B		B	D	
Composting facility	D	D	D	P		P	P	
Electric Distribution Substation	D	D	D	D	D	D	D	D
Electric power plant		A	A	A		A	A	A
Electric Transmission Substation	A	A	A	A	A	A	A	A
Utility, minor	D	D	D	D	D	D	D	D
Renewable Energy Solar Facility	D	D	D	D	D	D	D	D
Renewable Energy Wind Facility	A	A	A	A	A	A	A	A
Solid waste transfer station		A	B	A		P	P	A
Water or wastewater treat. plant		D	D	A		P	P	
Excavation								
Agricultural Excavation	A	A	A					
Type 1A Excavation	P							
Type 1B Excavation	D							
Type 2 Excavation	A	A	A	A	A	A	A	A
Type 3A Excavation		A	A					
Type 3B Excavation		A	A					

Key:

P – Permitted by Right

S – Subject to Special Permit Approval

D – Subject to DRO Approval

B – Conditional Use Class B, Subject to Zoning Commission Approval

A – Conditional Use Class A, Subject to BCC Approval

Blank – Prohibited use, unless stated otherwise within Supplementary Use Standards

Exhibit 10
Correspondence



Alliance of Delray Residential Associations, Inc.

10290 West Atlantic Avenue #480504
Delray Beach, FL 33448
Phone: 561.495.4694
www.allianceofdelray.com

- *Serving more than 100 communities between the Everglades and the Ocean in south Palm Beach County.*
- *Working Toward Sustainable Development*
- *Applying Resilience Thinking to Our Natural Resources*



ALLIANCE SUMMARIES & PRELIMINARY COMMENTS PRIOR TO PLANNING AND ZONING HEARINGS FOR APPLICATIONS IN THE AGRICULTURAL RESERVE REFER TO ATTACHED MAP FOR LOCATION

The Alliance understands that one of the original goals of the Master Plan for the Agricultural Reserve was to limit the pace of growth, not completely stop it. For 25 years the Alliance has worked toward protecting the sensitive lands in the Tier with smart development that would benefit the residents of the west Delray area. Keeping in mind that the Agricultural Reserve Master Plan was never adopted by the Board of County Commissioners as part of the County's Comprehensive Plan; rather, certain provisions of the Master Plan were incorporated into the Comprehensive Plan and Land Development Code, this has led to revisions to both over the years. The Alliance participated in the analysis of the needs of the farmers and residents during the Agricultural Reserve Roundtable discussions and supported the County's resulting amendments from that process.

In the years since the Roundtable discussions, other amendments have been proposed and some have been approved.

Currently there are ten projects in the Planning/Zoning application stage, even after improvements in design by the developer during the application process, some are not acceptable by the Alliance and its member communities, others have enough benefit to the residents of the Agricultural Reserve and west Delray to recommend to the Commissioners that they be favorably considered for the changes and amendments requested.

1. BOYNTON PARC PLAZA – Boynton Beach

Location: Northeast Corner of Boynton Beach Boulevard and Acme Dairy Road

Acres: 47.21 acres

Current FLU: Agricultural Reserve (AGR)

Current Zoning: Agricultural Reserve (AGR)

Proposed FLU: Multiple Land Use –Industrial & High Residential, 8 units per acre (MLU/IND/HR-8)

Proposed Zoning: Multiple Use Planned Development (MUPD)

Dev. Potential Max/Conditioned: 348 units 300,000 SF industrial

Alliance: Any changes or amendments resulting from this application from the Boynton Beach area of the Agricultural Reserve will impact other applications and future projects along the Atlantic Avenue and State Road /441 corridor in Delray Beach.

2. LOGAN PROPERTY - Boynton Beach

Location: Southeast Corner of Boynton Beach Boulevard and Acme Dairy Road

Acres: +/- 39.29 acres

Current FLU: Agricultural Reserve (AGR)

Current Zoning: Agricultural Reserve (AGR)
Proposed FLU: Multiple Land Use (MLU)
Proposed Zoning: Multiple Use Planned Development (MUPD)
Dev. Potential Max/Conditioned: 342,294 SF of Commercial including Retail, Restaurant, Grocer, Office, Theater, and Fitness Center. **Proposed Potential:** 432 Residential DU + 261,360 SF Commercial (or mix of Retail, Restaurant, Grocer, Office, Theater, Hotel, Light Industrial and Fitness Center with equivalent trip generation)

Alliance: Any changes or amendments resulting from this application from the Boynton Beach area of the Agricultural Reserve will impact other applications and future projects along the Atlantic Avenue and State Road /441 corridor in Delray Beach.

3. STAR KEY INDUSTRIAL – Delray Beach LGA 2021-015 Control No. 1985-50131

Location: Northwest corner of Fl. Tpk & Atlantic Avenue

Acres: 50.99 acres

Current FLU: Agricultural Reserve (AGR)

Current Zoning: Agricultural Reserve (AGR)

Proposed FLU: Industrial with an underlying Agricultural Reserve (IND/AGR)

Proposed Zoning: Light Industrial (IL)

Dev. Potential Max/Conditioned: Industrial, up to 999,506 sf (0.45 FAR)

*Alliance: The magnitude of this regional distribution center indicates that the services proposed are not primarily for the residents of the Agricultural Reserve. The Master Plan of the Agricultural Reserve clearly states "Staff recommended that, consistent with the recommendations of the Commercial Needs Assessment for the Sector Plan area, nonresidential, nonagricultural uses in the Ag Reserve should be limited to serving only the demand of residents of the Ag Reserve at the neighborhood and community level; all other demands of residents of the Ag Reserve should be met in the Urban/Suburban Tier and not in the Ag Reserve." Further taking into account traffic safety and the timeline for Atlantic Avenue widening in this area which calls for construction beginning toward the end of the decade, this project is **UNACCEPTABLE**.*

4. ALL SEASONS DELRAY – Delray Beach LGA 2021-009 Control No. 2012-00424

Location: Northeast corner of Lyons Road & Linton Boulevard, 0.76 miles south of Atlantic Avenue

Acres: 9.729 acres (Parent Site) 5.09 acres (Off-site Preserve)

Current FLU: Agricultural Reserve (AGR)

Current Zoning: Agricultural Reserve (AGR)

Proposed FLU: Institutional with an underlying Congregate Living Residential (INST/CLR) on 9.73 ac. and AGR on 5.09 ac.

Proposed Zoning: Multiple Use Planned Development (MUPD)

Dev. Potential Max/Conditioned: Congregate Living Facility, up to 186 beds, Fire Rescue Station, and 5.09 offsite preserve area

*Alliance: The Palm Beach County Agricultural Reserve Master Plan Phase II Final Report dated November 1999 states that adult congregate care facilities should not be prohibited in the Agricultural Reserve. More than two years have passed since the original Poet's Walk application was submitted which proposed to limit the location to within 1 mile of the intersections of Lyons Road and Boynton Beach Boulevard and Lyons Road and Atlantic Avenue. **The Alliance continues to support that [circumference] limitation.** Through the Alliance's suggestions, several improvements have been made to the site design of the project with offsite preserve area being added and a desperately needed fire station proposed to be included on the subject parcel. Alliance communities need this fire station to improve fire rescue response time. Being centrally located in the Tier, our Boynton Beach neighbors to the north would also benefit from this project. This project provides enough benefit to*

*the residents of the Agricultural Reserve and west Delray to recommend to the Commissioners that this application be **FAVORABLY [with conditions]** considered for the changes requested.*

5. RESERVE AT ATLANTIC— Delray Beach Future Land Use Atlas Amendment/Text Amendment Application

Location: Southeast corner of Atlantic Avenue and Half Mile Road

Acres: 39.77 acres

Current FLU: Agricultural Reserve (AGR)

Current Zoning: Agricultural Reserve (AGR)

Proposed FLU: Agricultural Reserve (AGR) on +/- 35 acres & Industrial (IND) on +/- 5 acres

Proposed Zoning: Agricultural Reserve Planned Unit Development (AgR-PUD) on +/- 35 acres & Light Industrial (IL) on +/- 5 acres

Dev. Potential Max/Conditioned: 520 units & +/- 85,000 SF industrial

Details: This text amendment along with proposed changes to the Unified Land Development Code would reduce the 250 minimum acres for a 60/40 AgR-PUD to 70 minimum acres; the density calculation is up to 8 units per acre for the total land area. This proposes 25% on-site workforce housing. The Preserve Area minimum acreage would be reduced from 150 to 40 acres.

The developer is proposing development on this 39.77 acre site. The development would contain 548 units including three story multifamily buildings, daycare, self storage, and car wash.

*Alliance: The Alliance has been working with the applicant since the original text amendment which was presented last summer. The number of proposed units at that time was 480. The Alliance suggested a decrease in density on the 39.77 acre site and a preserve component. With this FLU Atlas Amendment, the applicant increased the density by proposing 548 units on the 39.77 acre site. The Alliance is in full support of the County's Workforce Housing Program, however, the proposed change is far in excess of any acceptable density permitted within the AGR Tier and is therefore **UNACCEPTABLE**.*

6. WEST ATLANTIC MEDICAL— Delray Beach Future Land Use Amendment

Location: North side of Atlantic Avenue, approximately 1,500 feet west of Lyons Road

Acres: 2.04 acres

Current FLU: Traditional Marketplace Development (TMD)

Current Zoning: Agricultural Reserve (AGR)

Proposed FLU: Commercial Low-Office with an underlying Ag Reserve (CL-O/AGR)

Proposed Zoning: Community Commercial (CC)

Dev. Potential Max/Conditioned: Commercial uses up to .10 FAR (8,930) sf or 17,860 square feet (.20 FAR).

Details: This parcel is located near the corner of Atlantic Avenue and Lyons Road, adjacent to and west of the Delray Marketplace (see photo). The applicant is requesting to replace the preserve area with a parcel west of State Road 7/441. The development will be limited to 17,860 square feet. Medical office is expected to be built on the site. This site meets the commercial location requirements for the Agricultural Reserve Tier.

*Alliance: The commercial cap of square footage in the Tier would not be raised with approval of this application since 28,000 square feet of commercial space became available on July 30, 2020 through a separate approved application within the Tier. The preserve area will be replaced with a parcel west of State Road 7/441. The project provides enough benefit to the residents of the Agricultural Reserve and west Delray to recommend to the Commissioners that this application be **FAVORABLY [with conditions]** considered for the changes and amendments requested.*

7. LEGENT DELRAY BEACH – Delray Beach MUPD Zoning App. # PDD/CA-2020-0283

Location: Northeast corner W. Atlantic Avenue and Smith Sundry Road,

Acres: 11.25 acres

Current FLU: CL/AGR

Current Zoning: General Commercial/ Agricultural Reserve (CG/AGR)

Application Request: To rezone from the General Commercial (CG) and Agricultural Reserve (AGR) Zoning District to the Multiple Use Planned Development (MUPD) District to allow a Hospital.

Details: "Micro Hospital & Medical Office" 120,000 sf; 23 patient rooms; operating rooms, emergency department. Up to 3 stories.

Alliance: The Agricultural Reserve Master Plan, and subsequently adopted policies in the Plan, specifically limit commercial development to uses which serve the needs of the farm worker community, existing and future residents in order to discourage commercial in the Tier from exceeding local demand, thereby drawing customers from outside the Tier.

*There is no need for another hospital in the Agricultural Reserve. We have Bethesda Hospital West and Delray Medical Center, a Level 1 Trauma Center minutes away which is well equipped with 24 hour emergency room and, among other specialties, advanced orthopedic care. The needs of the residents of the Agricultural Reserve are already met. This project is **UNACCEPTABLE**.*

8. WEST ATLANTIC BUSINESS PLAZA (formerly Broward Rentals) – Delray Beach DOA-2019-02323

Location: South side of Atlantic Avenue, east of State Road 7

Acres: 10.53 acres

Current Zoning is MUPD & Current Future Land Use is IND/AGR

Application Request: Changes to the original approved site plan.

Changes proposed:

- The 2019 site plan indicates a total square footage of 163,926. The revised 2021 site plan shows a total square footage of 106,139. This is a 35% decrease in square footage.
- The 2019 site plan indicates 3 story development. The revised 2021 site plan shows all 1 story buildings. This is a decrease of two stories in height.
- The 2019 site plan indicates a Floor to Area Ratio (FAR) of 0.36. The revised 2021 site plan shows a FAR of 0.13. This is a 36% decrease in the FAR.
- The 2019 project indicates the traffic data Average Daily Trips (ADT) as 1,237. The revised 2021 site plan indicates the ADT as 845. This is a decrease in ADT of 32%.
- The 2019 site plan places the Repair & Maintenance, Heavy Building in the rear of the property adjacent to residential development. The revised 2021 site plan places the building adjacent to Atlantic Avenue further from the residential development.
- The applicant is requesting some conditions from the initial application which are no longer applicable be removed.

*Alliance: The changes appear to be an improvement. The project provides enough benefit to the residents of the Agricultural Reserve and west Delray to recommend to the Commissioners that this application be **FAVORABLY** considered for the changes requested.*

9. SUNFLOWER LIGHT INDUSTRIAL– Delray Beach – LGA 2021-016 Control No. 1999-30168

Location: West side of State Road 7, approximately 0.27 miles south of Atlantic Avenue

Acres: 8.19 acres

Current FLU: Agricultural Reserve (AGR)

Current Zoning: Agricultural Reserve (AGR)

Proposed FLU: Industrial with an underlying Agricultural Reserve (IND/AGR)

Proposed Zoning: Light Industrial (IL)

Dev. Potential Max/Conditioned: Industrial uses, up to 160,540 sf (.45 FAR)

Alliance: This farmer-owned nursery has been in existence for thirty years. During the Agricultural Reserve Roundtable discussions that began circa 2014, the consensus was to "help the farmer." As a result one particular application, Homrich Nursery (LGA 2016-019), with an existing Future Land

Use of Agricultural Reserve and located adjacent to industrial uses, was granted a Future Land Use Atlas Amendment with limitations on Light Industrial. The Sunflower Application presents a similar situation being located near industrial uses and the intersection of Atlantic Avenue and State Road 7/441. The processing of this application should be in the spirit of the intent of the consensus of the Agricultural Reserve Roundtable. The Alliance has been working with the Applicant on the following conditions of approval:

The following uses of the site are prohibited:

Contractor Storage Yard; Distribution Facility; Equestrian Waste Management Facility; Recycling Center; Recycling Plant; Towing Service and Storage; Truck Stop; Adult Entertainment; Marina; Potting Soil Manufacturing; Crematory; Funeral Home; Homeless Resource Center; Chipping and Mulching; Composting Facility; Solid Waste Transfer Station; Water or Wastewater Treatment Plant; Communication/Cell Tower.

Maximum FAR: Decreased from .45 FAR to .35 FAR

Maximum Height: 1 Story

*If the above conditions are included in the approval of the application, the Alliance would request of the Commissioners that this application be **FAVORABLY [with conditions]** considered for the changes requested.*

10. JERICHO– Delray Beach FLU Atlas Amendment Application Control Number: 2007-00003
Location: 1/2 mile south of Atlantic Avenue and State Road 7 intersection on the west side of State Road 7/441

Acres: 3.63 acres

Current FLU: Agricultural Reserve (AGR)

Current Zoning: Agricultural Reserve (AGR)

Proposed FLU: Commercial Low Office (CL-O)

Proposed Zoning: Multiple Use Planned Development (MUPD)

Dev. Potential Max/Conditioned: Medical Office: 31,625 SF

Staff statement: "The Agricultural Reserve is the only Tier or other geography in the County where there is a finite cap placed on the amount of development. The cap was identified as a necessity as part of the development of the Agricultural Reserve Master Plan in order to establish that the amount of commercial in the Tier would not exceed the demand projected for the population stemming from the 1 unit per acre residential development potential of the Tier. The Master Plan, and subsequently adopted policies in the Plan, specifically limit commercial development to uses which serve the needs of the farm worker community, existing and future residents, in order to discourage commercial in the Tier from exceeding local demand, thereby drawing customers from outside the Tier."

*Alliance: The Alliance of Delray does not support any increase in the Commercial Cap in the Agricultural Reserve at this time. Further, it does not support the concept of dental and medical offices being exempted from the commercial cap nor does it support smaller parcels less than four acres being exempted from the commercial cap. This project is **UNACCEPTABLE**.*

Bob Schulbaum

Bob Schulbaum, President

Date: March 30, 2021

April 15, 2021

Patricia Behn, Director
PALM BEACH COUNTY
PLANNING DIVISION
2300 Jog Road
West Palm Beach, FL 33431

**urban
design
studio**

Urban Design
Land Planning
Landscape Architecture

Re: **Sunflower Light Industrial
(LGA 2021-016)**

Dear Ms. Behn:

As a follow up to the postponement of the April 9 Planning Commission public hearing and our subsequent conversations, we would like to propose the following condition of approval for the above referenced application being considered by Planning Commission on April 23.

Development of the site shall exclude heavy industrial uses which engage in the basic processing, manufacturing, or storage of flammable, hazardous, or explosive materials or products, or processes which potentially involve hazardous or commonly recognized offensive conditions as described in Policy 2.2.4-d of the Future Land Use Element of the Palm Beach County Comprehensive Plan.

Also, after discussion with Lori Vinikoor, by means of agreeing to conditions by Conditional Overlay Zone (COZ) through the tandem zoning application for this property, the applicant continues to commit to restricting the uses listed in the correspondence issued by the Alliance of Delray Beach within the Planning Commission staff report and for convenience, outlined in the attachment.

We trust that this will provide more information relative to the use of the property by land use and continue to show good faith to control more specific uses in response to Alliance concerns through the zoning application. We appreciate everyone's cooperation and understanding and we ask that this correspondence be added to the staff report for the April 23 Planning Commission agenda.

Sincerely,

URBAN DESIGN STUDIO



Bradley D. Miller, AICP
Principal

cc: Delray Alliance via Dr. Lori Vinikoor (Email)
Zoning Division via Jon P. MacGillis, ASLA (Email)
Doug Fash via email
F. Martin Perry, Esq. via email

West Palm Beach Office: 610 Clematis Street, Suite CU-02, West Palm Beach, FL 33401 P: 561-366-1100
Boynton Beach Office: 508 E. Boynton Beach Blvd., Boynton Beach, FL 33435 P: 561-736-8838
www.udsfloida.com LA0001739

Prohibited Uses to implement through Zoning Application COZ

1. Uses prohibited for the property include Contractor Storage Yard, Distribution Facility, Equestrian Waste Management Facility, Recycling Facility, Recycling Plant, Towing Service and Storage, Truck Stop, Adult Entertainment, Marina, Potting Soil Manufacturing, Crematory, Funeral Home, Homeless Resource Center, Chipping and Mulching, Composting Facility, Solid Waste Transfer Station, Water or Wastewater Treatment Plant, Commercial Communication Towers (unless approved through a public hearing process).