

# 2020 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

## Part 1. Amendment Data

### A. Amendment Data

<b>Round</b>	22-B	<b>Intake Date</b>	November 10, 2021
<b>Application Name</b>	West Atlantic Industrial	<b>Control No.</b>	TBD
<b>Acres</b>	10.11 acres	<b>Concurrent Zoning Application?</b>	Yes
		<b>Text Amend?</b>	No
<b>PCNs</b>	00-41-46-13-00-000-7010		
<b>Location</b>	North of Atlantic Avenue, approximately 0.5 miles west of State Road 7		
	<b>Current</b>	<b>Proposed</b>	
<b>Tier</b>	Agricultural Reserve Tier	Agricultural Reserve Tier	
<b>Use</b>	Single family and Agriculture	Industrial	
<b>Zoning</b>	Agricultural Reserve (AGR)	Light Industrial (IL) or Multiple Use Planned Development (MUPD)	
<b>Future Land Use Designation</b>	Agricultural Reserve (AGR)	Industrial (IND/AGR)	
<b>Underlying Future Land Use Designation</b>	None	Agricultural Reserve (AGR)	
<b>Conditions</b>	None	<p>Development of the site under the Industrial future land use designation shall be subject to the following:</p> <ol style="list-style-type: none"> <li>1. Uses shall exclude heavy industrial uses which engage in the basic processing, manufacturing, or storage of flammable, hazardous, or explosive materials or products, or processes which potentially involve hazardous or commonly recognized offensive conditions as described in Future Land Use Element Policy 2.2.4-d of the Palm Beach County Comprehensive Plan; and</li> <li>2. Uses identified as Commercial in Article 4 of the Unified Land Development Code are prohibited on the site, with the exception of Landscape Service, Self-Storage, and accessory uses.</li> </ol>	
<b>Density Bonus</b>	None	None	

## B. Development Potential

	Current FLU	Proposed FLU
<b>Density/ Intensity:</b>	Max FAR = 0.15	Max FAR = 0.45
<b>Maximum Dwelling Units<sup>1</sup></b> (residential designations)	Not Applicable	Not Applicable
<b>Maximum Beds (for CLF proposals)</b>	Not Applicable	Not Applicable
<b>Population Estimate</b>	Not Applicable	Not Applicable
<b>Maximum Square Feet<sup>2, 4</sup></b> (non-residential designations)	0.15 FAR x 10.11 ac. = 66,046 SF	0.45 FAR x 10.11 ac. = 198,137 SF
<b>Proposed or Conditioned Potential<sup>3, 4</sup></b>	5.0 Acres Retail Nursery 5.11 Acres Wholesale Nursery	TBD
<b>Max Trip Generator</b>	Nursery (Garden Center) ITE #817 108.10 trips/acre Nursery (Wholesale) ITE #818 19.5 trips/acre	Light Industrial ITE #110 4.96 trips/1,000 SF
<b>Maximum Trip Generation</b>	641 daily trips	885 daily trips
<b>Net Daily Trips:</b>	244 daily trips (maximum minus current)	
<b>Net PH Trips:</b>	125 AM trips, 112 PM trips (maximum)	

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



## Part 2. Applicant Data

### A. Agent Information

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

### B. Applicant Information

<b>Name</b>	Roger Fina and Karen Fina
<b>Company Name</b>	
<b>Address</b>	10321 West Atlantic Avenue
<b>City, State, Zip</b>	Delray Beach, Florida 33446
<b>Phone Number</b>	
<b>Email Address</b>	
<b>Interest</b>	Property Owners

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## Part 3. Site Data

### A. Site Data

<b>Built Features</b>	There is currently a 859 SF farm structure, a 848 SF farm structure, a 2,880 SF wood barn, a 4,499 SF one-story residence, a 859 SF farm structure and a 4,392 SF metal building. See Attachment F.
<b>PCN</b>	00-41-46-13-00-000-7010
<b>Street Address</b>	10321 West Atlantic Avenue
<b>Frontage</b>	1,664 feet of frontage along Atlantic Avenue
<b>Legal Access</b>	Atlantic Avenue
<b>Contiguous under same ownership</b>	There are no contiguous properties under same ownership.
<b>Acquisition details</b>	The Property was purchased by Roger Fina & Karen Fina for \$200,000 on May 13, 1993, from Poma & Sons, Inc. See Attachment A.
<b>Size purchased</b>	10.11 acres

### B. Development History

<b>Control Number</b>	None.
<b>Previous FLUA Amendments</b>	None.
<b>Concurrency</b>	No concurrency approval.
<b>Plat, Subdivision</b>	Property is not platted.
<b>Zoning Approvals &amp; Requests</b>	None.

<b>Reso. No.</b>	<b>App. No.</b>	<b>Status</b>	<b>Type</b>	<b>Description</b>	<b>Changes proposed (if any)</b>

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## Part 4. Consistency

### A. Consistency

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

### B. Surrounding Land Uses.

Adjacent Lands	Use	Future Land Use	Zoning
<b>North</b>	Park and Recreation (Delray Park 3D Archery Club and Frisbee Golf)	Agricultural Reserve (AGR)	Agricultural Reserve PUD (AGR-PUD)
<b>South</b>	Farm & Landscape Services	Agricultural Reserve (AGR)	Agricultural Reserve PUD (AGR-PUD) & Agricultural Reserve (AGR)
<b>East</b>	Equestrian (Palm Beach Downs)	Agricultural Reserve (AGR)	Agricultural Reserve PUD (AGR-PUD)
<b>West</b>	Park and Recreation (West Delray Regional Park)	Agricultural Reserve (AGR)	Agricultural Reserve PUD (AGR-PUD)

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## Part 5. Public Facilities Information

<b>A. Traffic Information</b>		
	<b>Current</b>	<b>Proposed</b>
<b>Max Trip Generator</b>	Nursery (Garden Center) ITE #817 108.10 trips/acre Nursery (Wholesale) ITE #818 19.5 trips/acre	Light Industrial ITE #110 4.96 trips/1,000 SF
<b>Maximum Trip Generation</b>	641 daily trips	885 daily trips
<b>Net Daily Trips:</b>	244 daily trips (maximum minus current)	
<b>Net PH Trips:</b>	125 AM trips, 112 PM trips (maximum)	
<b>Significantly impacted roadway segments that fail Long Range</b>	None.	None.
<b>Significantly impacted roadway segments for Test 2</b>	None.	None.
<b>Traffic Consultant</b>	Simmons & White	
<b>B. Mass Transit Information</b>		
<b>Nearest Palm Tran Route (s)</b>	There is no Palm Tran Route within close proximity of the Property. Route 81 is the closest route.	
<b>Nearest Palm Tran Stop</b>	There are no Palm Tran Stops within close proximity of the Property. Stop 6409 is the closest Palm Tran Stop located at Oriole Plaza which is 3.274 miles from the Property.	
<b>Nearest Tri Rail Connection</b>	Route 81 provides a connection to the Delray Beach Tri-Rail Station.	
<b>C. Portable Water &amp; Wastewater Information</b>		
See Attachment I for Potable Water & Wastewater Level of Service (LOS) comment letter.		
<b>Potable Water &amp; Wastewater Providers</b>	Palm Beach County Water Utilities Department. Service capacity is available for the proposed development. Connections will require a lift station and forcemain extension. See Attachment I for letter from Palm Beach County Water Utilities Department.	

<b>Nearest Water &amp; Wastewater Facility, type/size</b>	A 12" potable water main is located south of Atlantic Avenue approximately 2,200 feet east of the property. A 4" wastewater forcemain is located in Atlantic Avenue approximately 2,000 feet east of the property.			
<b>D. Drainage Information</b>				
The Property is located within the boundaries of the LWDD and SFWMD C-15 Drainage Basin. Legal positive outfall if available via discharge to the LWDD L-34W Canal along the north side of Atlantic Avenue. See Attachment J for Drainage Statement.				
<b>E. Fire Rescue</b>				
<b>Nearest Station</b>	Palm Beach County Fire-Rescue Station # 42, located at 14276 Hagen Ranch Road			
<b>Distance to Site</b>	4.25 miles			
<b>Response Time</b>	Average response time 7:15			
<b>Effect on Resp. Time</b>	The proposed amendment will increase the response time to 11 minutes for Station # 42. See Attachment K.			
<b>F. Environmental</b>				
<b>Significant habitats or species</b>	The Property was previously cleared and is utilized for a single family home with accessory agriculture storage. There are no significant habitats or species present on the Property. Please see Map provided as Attachment L.			
<b>Flood Zone*</b>	Zone X – Property is not within a Flood Zone.			
<b>Wellfield Zone*</b>	The Property is not located within a Wellfield Protection Zone. See Attachment M.			
<b>G. Historic Resources</b>				
There are no significant historic resources present on the Property. See Attachment N for letter.				
<b>H. Parks and Recreation – Not Applicable</b>				
<b>Park Type</b>	<b>Name &amp; Location</b>	<b>Level of Svc. (ac. per person)</b>	<b>Population Change</b>	<b>Change in Demand</b>
<b>Regional</b>		0.00339		
<b>Beach</b>		0.00035		
<b>District</b>		0.00138		

<b>I. Libraries – Not Applicable</b>			
<b>Library Name</b>			
<b>Address</b>			
<b>City, State, Zip</b>			
<b>Distance</b>			
<b>Component</b>	<b>Level of Service</b>	<b>Population Change</b>	<b>Change in Demand</b>
<b>Collection</b>	2 holdings per person		
<b>Periodicals</b>	5 subscriptions per 1,000 persons		
<b>Info Technology</b>	\$1.00 per person		
<b>Professional staff</b>	1 FTE per 7,500 persons		
<b>All other staff</b>	3.35 FTE per professional librarian		
<b>Library facilities</b>	0.34 sf per person		
<b>J. Public Schools – Not Applicable</b>			
	<b>Elementary</b>	<b>Middle</b>	<b>High</b>
<b>Name</b>			
<b>Address</b>			
<b>City, State, Zip</b>			
<b>Distance</b>			

# **2020 FUTURE LAND USE ATLAS AMENDMENT APPLICATION**

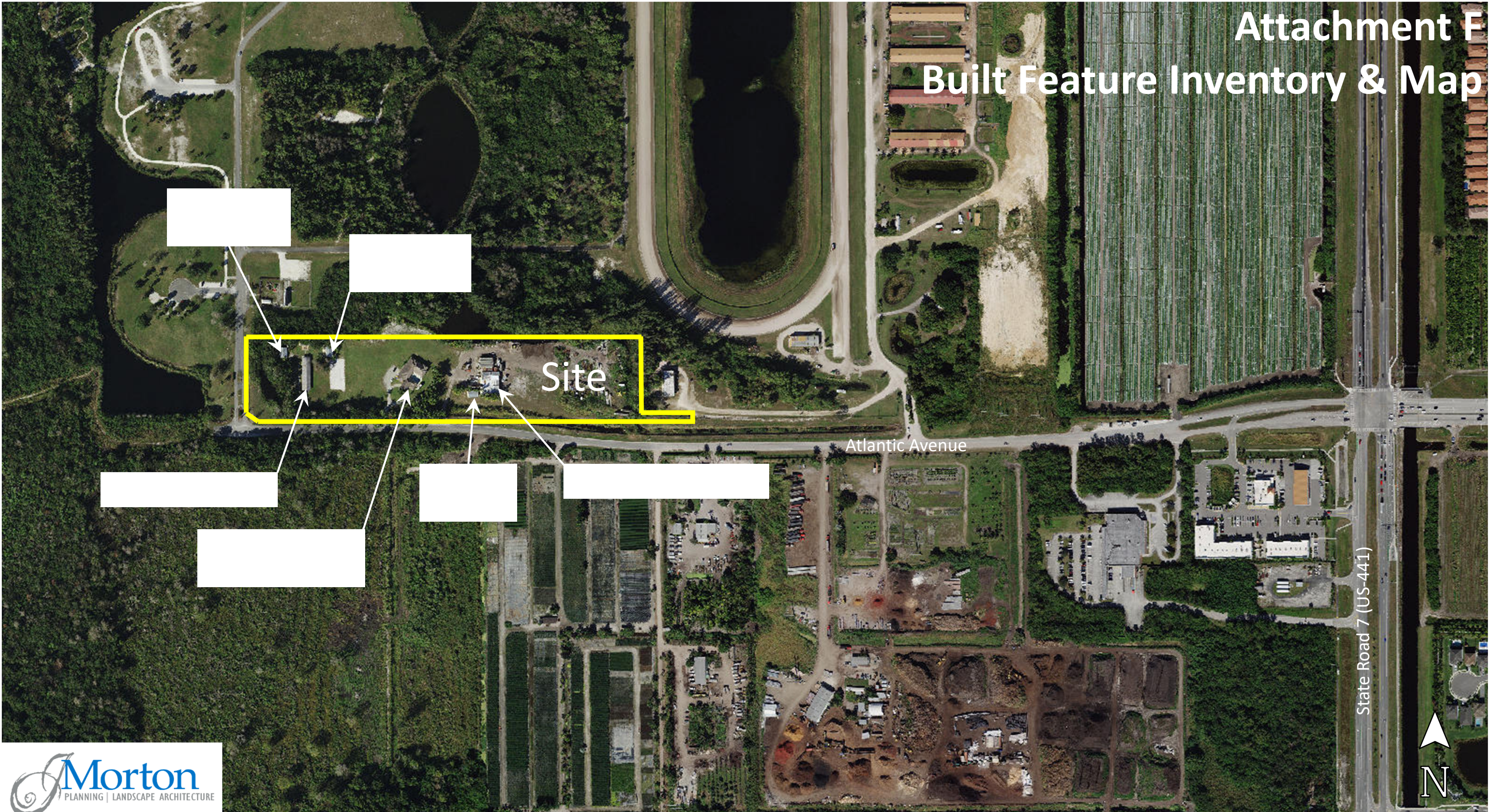
## **Part 6. Attachments**

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



# Attachment F Built Feature Inventory & Map





## **Attachment G**

### **Consistency with the Comprehensive Plan and Florida Statutes**

#### **Introduction**

On behalf of the Applicant, JMorton Planning & Landscape Architecture is requesting a Comprehensive Plan Future Land Use Atlas amendment for the property located on the north side of Atlantic Avenue, approximately 0.5 miles west of State Road 7 (“Property”) to amend the future land use designation from Agricultural Reserve (AGR) to Industrial, with an underlying Agricultural Reserve (IND/AGR). The Property is located within the Agricultural Reserve Tier and is currently utilized for a single-family home and accessory agriculture storage.

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

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

1. Uses shall exclude heavy industrial uses which engage in the basic processing, manufacturing, or storage of flammable, hazardous, or explosive materials or products, or processes which potentially involve hazardous or commonly recognized offensive conditions as described in Future Land Use Element Policy 2.2.4-d of the Palm Beach County Comprehensive Plan; and
2. Uses identified as Commercial in Article 4 of the Unified Land Development Code are prohibited on the site, with the exception of Landscape Service, Self-Storage, and accessory uses.

#### **Description of Site Vicinity**

The Property is located on the Atlantic Avenue corridor within the Agricultural Reserve Tier. The 10.108 acre Property is flanked by park and recreational uses to the east, north and west. To the south of the Property are agricultural uses which include a farm and landscape services.

Land uses directly abutting the Property include the following:

<b>Adjacent Property</b>	<b>Land Use Designation</b>	<b>Zoning Designation</b>	<b>Existing Use</b>	<b>Control Number</b>
<b>North</b>	AGR	AGR-PUD	Park and Recreation (West Delray Regional Park)	2004-00250
<b>South</b>	AGR	AGR-PUD & AGR	Farm and Landscape Services	1997-00104 & 2006-00094
<b>East</b>	AGR	AGR-PUD	Equestrian (Palm Beach Downs)	2004-00250
<b>West</b>	AGR	AGR-PUD	Park and Recreation (West Delray Regional Park)	2004-00250

#### **G.1 Justification**

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

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

**Response:** The proposed Industrial Future Land Use designation is suitable and appropriate for the subject site. Several of the uses surrounding the Property are industrial in nature such as the Amerigro facility to the south. Additionally, several uses in the immediate area to the west fronting on State Road 7 are commercial and industrial in nature. Many uses currently allowed within the AGR Future Land Use and Zoning designations are industrial in nature and would not be negatively impacted by the proposed Future Land Use amendment. These uses include Agriculture, Light Manufacturing; Packing Plant; Agriculture, Transshipment; Potting Soil Manufacturing; and Agriculture, Storage. These uses already exist throughout the Agricultural Reserve on the west side of State Road 7. In 2016, the Board of County Commissioners adopted a Future Land Use amendment for the Homrich Nursery located at the northwest corner of Boynton Beach Boulevard and State Road 7 to amend the Future Land Use designation to Commercial Low, with an underlying Industrial (CL/IND) designation. Additionally, on July 28, 2021 the Board of County Commissioners adopted a Future Land Use Amendment for the Sunflower Industrial property on the west side of State Road 7, south of Atlantic Avenue to amend the Future Land Use designation to Industrial, with an underlying Agriculture Reserve (IND/AGR) subject to conditions. Finally, on November 3, 2021, the Board of County Commissioners transmitted the Las Farms Industrial Future Land Use amendment application for Industrial, with an underlying Agricultural Reserve (IND/AGR) subject to conditions.

The Property is currently utilized as a single-family house with accessory agriculture storage. As new residential projects continue to be approved in the Agricultural Reserve and more people populate the area, additional services are needed and should be located close to the need. These services include but are not limited to landscape services, flex office and warehouses for contractors, self-storage, and similar uses are necessary to support the growing population in the immediate area. The proposed change would allow an industrial use to provide a needed service to the neighboring residential communities without being directly adjacent to those uses. The Property's location on the west side of State Road 7 prevents the possibility of having a potentially negative impact on the residential use.

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

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

**Response:** The Agricultural Reserve Tier has been the subject of numerous changes recently. The commercial cap has been increased to accommodate new commercial projects along Boynton Beach Boulevard, State Road 7 and Atlantic Avenue. Additionally, as previously mentioned the Future Land Use designation of the Homrich Nursery located at the northwest quadrant of Boynton Beach Boulevard and State Road 7 was changed to Commercial Low, with an underlying Industrial designation in 2016. Since then, the Homrich Nursery property has been developed with a landscape service business and a contractor storage yard for a waste management hauler. The parcel fronting on State Road 7 has been cleared for the future development of a Landscape Service contractor operation that will have multiple landscape vehicles parked outside, outdoor yard waste storage, and above ground fuel tanks to serve the vehicle fleet. The Future Land Use amendment that was granted for the Homrich Nursery property recognized the changing characteristics of the area and the compatibility concerns for certain agriculture uses that are industrial in nature on adjacent properties.

Another recent future land use amendment in the immediate vicinity of the Property is the Sunflower Industrial property which was granted an Industrial designation in early 2021 to allow for a landscape service use. The County Commission has also discussed the need for additional light industrial uses in the Agricultural Reserve to serve the needs of the growing number of residential units.

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

**Response:** As mentioned above, the characteristics of State Road 7 within the Agricultural Reserve have changed since the Agricultural Reserve Master Plan's inception. Multiple residential projects have been developed between State Road 7 and Florida's Turnpike. The Bethesda Hospital located at Boynton Beach Boulevard and State Road 7 was constructed in the early 2000's and was recently approved for a major expansion by the Board of County Commissioners that will nearly double the size and intensity. The residential and commercial development that has been constructed within the central part of the Tier along Boynton Beach Boulevard, Atlantic Avenue, and Lyons Road has forced several agricultural operations to relocate. The Alderman Farms Packing Plant relocated from the northeast corner of Boynton Beach Boulevard to the west side of State Road 7 after approval of the CobbleStone Commons retail plaza. The Thomas Packing Plant closed and relocated out of the area after approval of the comprehensive plan amendment removing that property located at the northeast corner of Clint Moore Road and State Road 7 from the Agricultural Reserve Tier and designating it as commercial Low, with an underlying 2 units per acre (CL/2).

Additionally, the other recent Future Land Use amendments approved on the west side of State Road 7 including Stop and Shop (LGA 2016-023) to allow for gas sales and service and retail uses and Homrich Commercial (LGA 2016-019) have been approved which recognize the changed conditions of the Agricultural Reserve. Other Future Land Use amendment applications have been submitted for properties on the west side of State Road 7 including Sunflower Light Industrial (LGA 2021-016) which was recently approved by the Board of County Commissioners and Las Farms Industrial (LGA 2022-001) which was just transmitted by the Board of County Commissioners on November 3, 2021. Approval of these changes will allow for a Landscape Service business to continue operations on-site and the addition of medical office to serve the needs of the growing number of residents moving to the Agricultural Reserve.

Additionally, several properties within the industrial corridor just to the east of the Property on the south side of Atlantic Avenue are now in for development and permit approvals. The developers of these properties are planning on developing office warehouses for contractors and small distribution buildings.

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

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

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

*the Ag Reserve. The uses discussed specifically by the Board were landscape services, self-storage, and small bay industrial to serve plumbers, electricians and similar trades.*

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

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

**Response:** N/A

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

**Response:** N/A

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

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

## **G.3 Compatibility**

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

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

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

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



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

It is also important to note that the existing uses to the south of the property include Amerigro, which is a very heavy agriculture use that stores mulch and other materials for recycling and composting purposes. As shown on the aerial below, the Amerigro property houses multiple trucks and heavy equipment as well as numerous large piles of dirt, sand, mulch, and fertilizer.



The land to the north of the Property is the West Delray Regional Park. This park houses multiple uses including drone flying field, remote control airplane field, remote control boating, remote control car racing, bmx racing tracks, and archery fields. As shown in the picture below, this park is often highly utilized (see field of parked cars) and is not passive in nature.



Finally, the property immediately to the south is owned by Florida Power and Light. Given the presence of high voltage power lines, it is feasible to infer that this property will potentially house a future electric substation. The surrounding uses around the Property are not compatible with the existing single family house. The proposed industrial use will be more compatible with the surrounding uses.

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

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

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

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

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



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

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

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

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

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

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

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

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

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

**Response:** *Providing additional Industrial land within the Agricultural Reserve ensures the availability of employment opportunities and needed services to the residents of the Agricultural Reserve Tier. By adding valuable Industrial land to the Agricultural Reserve Tier, economic diversity is ensured within the Tier and Palm Beach County. Per the recent BCC Ag Reserve Workshop, the need for additional light industrial uses in the area was needed to serve the farming community as well as the area residents.*

- **FLUE Policy 2.2.4-d:** “Industrial uses shall be considered either Light or Heavy as defined below.  
**Light Industrial.** Light industrial development’s typical operation is not likely to cause undesirable effects, danger or disturbance upon nearby areas and typically does not create negative impacts on immediately

adjoining uses. These uses typically do not cause or result in the dissemination of dust, smoke, fumes, odor, noise, vibration, light, or other potentially objectionable effects beyond the boundaries of the lot on which the use is conducted.”

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

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

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

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

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



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

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

- Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.
  - **Response:** *This amendment does not fail to protect and conserve natural resources as the property is vacant of natural resources. The site is located outside of any wellfield protection zone. As required by the ULDC, any native plant material will be addressed during the zoning approval process.*
- Promotes the efficient and cost-effective provision or extension of public infrastructure and services.

- **Response:** *The proposed Future Land Use amendment will maximize the use of future public facilities and services existing and within a relatively urban area. No facilities would be required to be installed in rural or sparsely populated areas, thereby maximizing the use of the existing facilities. Therefore, the proposal discourages the proliferation of Urban Sprawl.*
- Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.
  - **Response:** *The development will be designed with pedestrian connections to Atlantic Avenue as required through the site plan approval process.*
- Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.
  - **Response:** *Approval of this proposed amendment will allow the development of an industrial use that will allow for the additional employment opportunities within an area of the County that has historically only been developed with low density single family residential development. In order to meet the growing demand, additional industrial land is needed in this area. Therefore, the proposed amendment would contribute to livable communities and help balance the land uses within the Agricultural Reserve while maintaining the character of the community.*

### **Conclusion**

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

### **II. ULDC CHANGES**

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



**Water Utilities Department  
Engineering**

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



**Palm Beach County  
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Maria G. Marino  
Gregg K. Weiss  
Maria Sachs  
Melissa McKinlay  
Mack Bernard

**County Administrator**

Verdenia C. Baker

"An Equal Opportunity  
Affirmative Action Employer"

November 2, 2021  
Morton  
3910 RCA Boulevard  
Palm Beach Gardens, FL 33410

RE: Fina Industrial  
PCN 00-41-46-13-00-000-7010  
Service Availability Letter

Ms. Velasco,

This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area. PBCWUD has the capacity to provide the level of service required for the proposed land use amendment from Agricultural Reserve (AGR) to Industrial with an underlying Agricultural Reserve (IND/AGR), subject to a Capacity Reservation Agreement with PBCWUD. The proposed change will allow for the maximum development of 222,091 SF of industrial uses

The nearest point of connection to potable water is a 12" potable water main located south of Atlantic Avenue approximately 2200' east of the subject property. The nearest point of connection to sanitary sewer is a 4" forcemain located in Atlantic Avenue approximately 2000' east of the subject property. This connection will require a lift station and forcemain extension.

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

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

Sincerely,

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

Jackie Michels, P.E.,  
Project Manager



November 3, 2021  
Job No. 21-144  
Revised 12/10/2021

LAND USE PLAN AMENDMENT APPLICATION  
STATEMENT OF LEGAL POSITIVE OUTFALL

West Atlantic Industrial  
10.11 Acre Site  
Palm Beach County, Florida

SITE DATA

The subject parcel is located on the north side of West Atlantic Avenue, west of State Road 7 in Palm Beach County and contains approximately 10.11 acres. The Property Control Number (PCN) for the subject parcel is 00-41-46-13-00-000-7010.

The property is currently designated Agricultural Reserve (AGR) on the Palm Beach County Comprehensive Plan. The property owner is requesting a change in the 10.11 acre parcel's designation to Industrial (IND) on the Palm Beach County Comprehensive Plan.

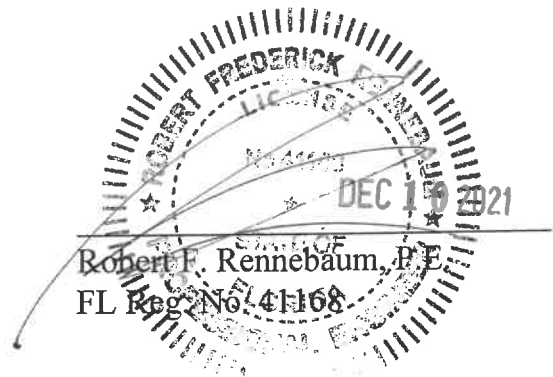
SITE DRAINAGE

The site is located within the boundaries of the Lake Worth Drainage District and South Florida Water Management District C-15 Drainage Basin. Legal positive outfall is available via discharge to the Lake Worth Drainage District L-34W Canal along the north side of Atlantic Avenue. Drainage design is to address the following:

1. On-site retention of the runoff from the 3 year, 1 hour rainfall event.
2. No runoff to leave the site except through an approved control structure up to the level produced by the 25 year, 3 day rainfall event.
3. Building floor revelations to be at or above the level produced by the 100 year 3 day rainfall event.

DRAINAGE (CONTINUED)

4. Parking lots to be protected from flooding during a 3 year, 24 hour event, or the 5 year, 24 hour event if exfiltration trench is used.
5. Allowable discharge to be in accordance with South Florida Water Management District Basin criteria.
6. Compliance with the South Florida Water Management District C-15 Drainage Basin criteria with required to compensating storage.
7. Due to consideration to water quality.





November 3, 2021  
Job No. 21-144  
Revised 12/10/2021

LAND USE PLAN AMENDMENT APPLICATION  
FLOOD PLAIN STATEMENT

West Atlantic Industrial  
10.11 Acre Site  
Palm Beach County, Florida

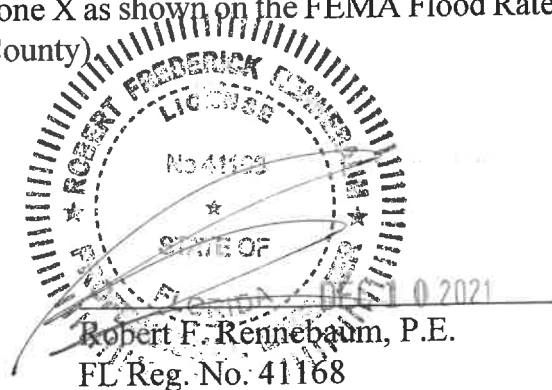
SITE DATA

The subject parcel is located on the north side of West Atlantic Avenue, west of State Road 7 in Palm Beach County and contains approximately 10.11 acres. The Property Control Number (PCN) for the subject parcel is 00-41-46-13-00-000-7010.

The property is currently designated Agricultural Reserve (AGR) on the Palm Beach County Comprehensive Plan. The property owner is requesting a change in the 10.11 acre parcel's designation to Industrial (IND) on the Palm Beach County Comprehensive Plan.

FLOOD ZONE

The above referenced project is located in Flood Zone X as shown on the FEMA Flood Rate Insurance Map Panel 100B of 245 (Palm Beach County).



sa: x:/docs/trafficanddrainage/lupafps.21144.rev



**Fire Rescue**

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



**Palm Beach County  
Board of County  
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Mary Lou Berger  
Melissa McKinlay

**County Administrator**

Verdenia C. Baker

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October 13, 2021

JMorton  
Planning, Landscape Architecture  
Attention: Maryori Velasco  
3910 RCA Boulevard  
Suite 1015  
Palm Beach Gardens, FL 33410

Re: Fina Industrial

Dear Maryori Velasco:

Per your request for response time information to the subject property located north of Atlantic Avenue, approximately 0.5 miles west of State Road 7. This property is served currently by Palm Beach County Fire-Rescue station #42, which is located at 14276 Hagen Ranch Rd. The subject property is approximately 4.25 miles from the station. The estimated response time to the subject property is 11 minutes. For fiscal year 2020, the average response time (call received to on scene) for this stations zone is 7:15.

This land use change will cause approximately 62 additional calls/year to this station, with a response time of 11 minutes, which is greater than our standard of 7 minutes 30 seconds.

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

Sincerely,

Cheryl Allan, Planner  
Palm Beach County Fire-Rescue



# Attachment L Natural Feature Inventory & Map



Site

Atlantic Avenue

State Road 7 (US-441)







November 3, 2021  
Job No. 21-144  
Revised 12/10/2021

LAND USE PLAN AMENDMENT APPLICATION  
WELLFIELD PROTECTION ZONE STATEMENT

West Atlantic Industrial  
10.11 Acre Site  
Palm Beach County, Florida

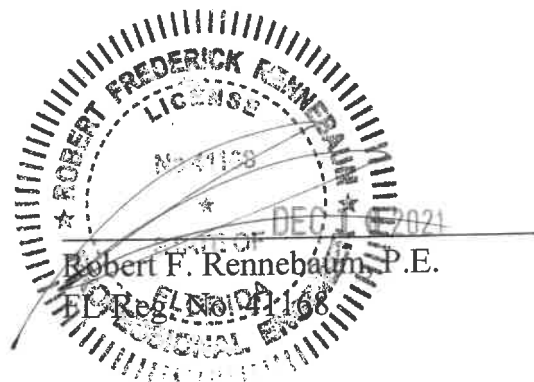
SITE DATA

The subject parcel is located on the north side of West Atlantic Avenue, west of State Road 7 in Palm Beach County and contains approximately 10.11 acres. The Property Control Number (PCN) for the subject parcel is 00-41-46-13-00-000-7010.

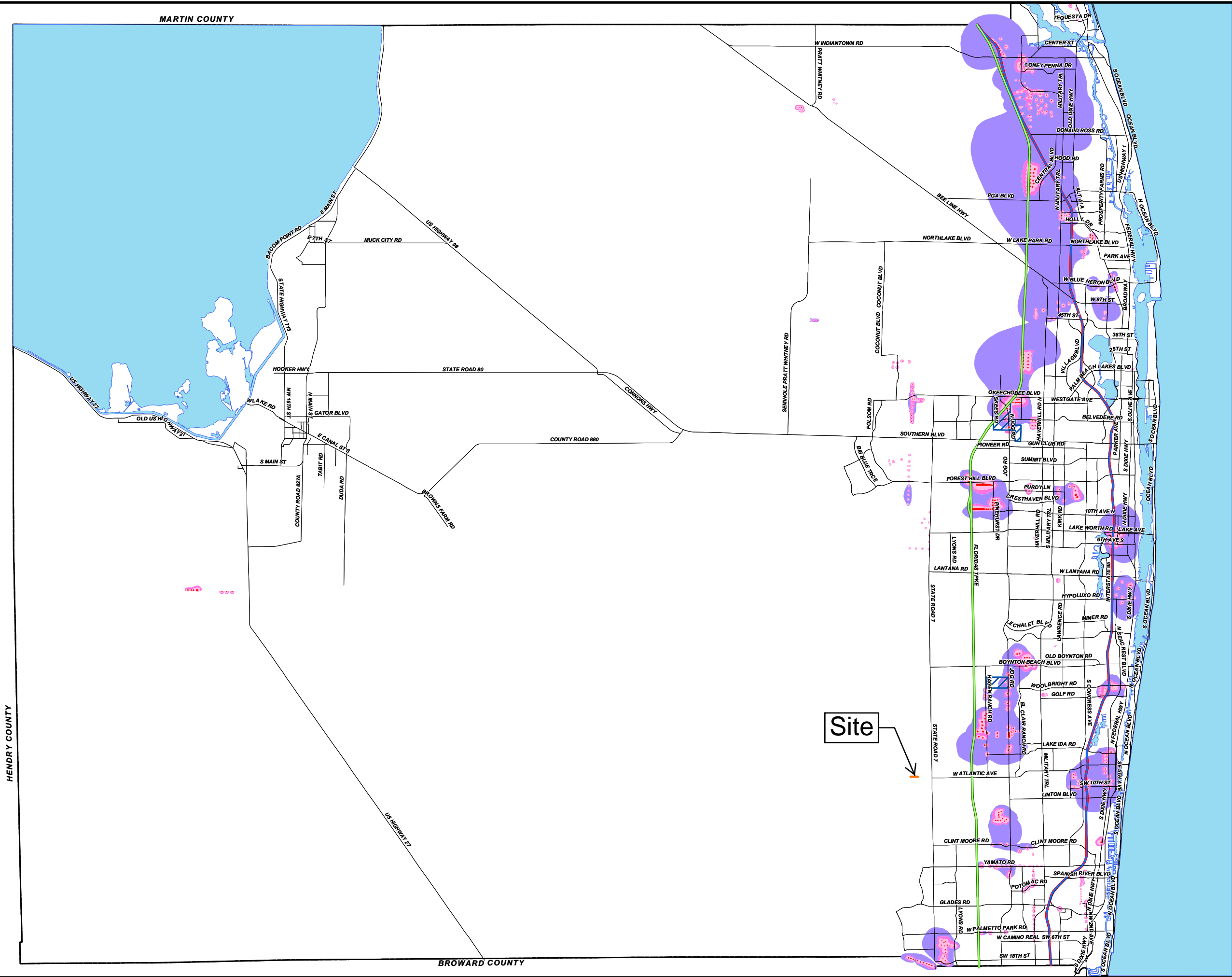
The property is currently designated Agricultural Reserve (AGR) on the Palm Beach County Comprehensive Plan. The property owner is requesting a change in the 10.11 acre parcel's designation to Industrial (IND) on the Palm Beach County Comprehensive Plan.

WELLFIELD PROTECTION ZONE

The above referenced project is not located within any Wellfield Protection Zones as shown on the "Wellfield Protection Zones of Influence in Palm Beach County, Florida," exhibit, adopted June 12, 2015.



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

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

9J-5.006(4)(B)1  
SOURCES:  
PBC Dept. of Environmental Resources Management  
Note: Official Wellfield Protection Maps are kept at, and can be obtained from, the Palm Beach County Department of Environmental Resources Management.  
The information presented represents the most readily available data. No guarantee is made as to the completeness or accuracy of the information displayed. Consult appropriate County staff for final determination.



PALM BEACH COUNTY  
COMPREHENSIVE PLAN  
MAP SERIES



1 0 1 2 3 4 Miles

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



**Department of Planning,  
Zoning & Building**

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

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



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Maria G. Marino

Gregg K. Weiss

Maria Sachs

Melissa McKinlay

Mack Bernard

**County Administrator**

Verdenia C. Baker

September 30, 2021

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

RE: Historical and Archaeological Resource Review for project name: Fina Industrial, under PCN's: 00-41-46-13-00-000-7010.

Dear Ms. Velasco:

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

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

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

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

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

Sincerely,

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

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

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T:\Planning\Archaeology\County Departments\Planning\Land Use Amendments and Development Review\J. Morton\ Project:Fina Industrial\_PCN:00414613000007010\_ 9-30-2021.doc