



# FUTURE LAND USE ATLAS AMENDMENT STAFF REPORT SMALL SCALE AMENDMENT

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BCC ADOPTION PUBLIC HEARING, MARCH 23, 2023

## A. Application Summary

### I. General

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**Project Name:** Windsor Industrial (SCA 2022-015)  
**Request:** CL/2 to IND/2 and modify conditions of approval in Ord 2007-014  
**Acres:** 2.55 acres  
**Location:** Southwest corner of Belvedere Road and Jog Road  
**Project Manager:** David Wiloch, Senior Planner  
**Applicant:** Shawn Chemtov, 6562 Belvedere LLC  
**Owner:** Shawn Chemtov, 6562 Belvedere LLC  
**Agent:** Josh Nichols, LEED AP, Schmidt Nichols  
**Staff Recommendation:** Staff recommends **approval with conditions** based upon the following findings and conclusions found in this report.

### II. Assessment & Recommendation

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In 2007, the Board adopted a land use change on the 2.55 acre site from Low Residential, 2 units per acre to Commercial Low future land use with an underlying 2 units per acre (CL/2). The adopting ordinance included a condition that limits development to a maximum of 22,215 square feet of commercial uses. The applicant proposes to change the future land use designation from CL/2 to Industrial with an underlying 2 units per acre (IND/2) and to delete the previously adopted condition, as it is no longer applicable. The applicant intends to develop a 1 story, 30,499 square foot warehouse with 8 bays and 4,523 square feet of accessory office for a total of 35,022 square feet.

The site is located within the Urban/Suburban Tier and within the Palm Beach International Airport Approach Path Conversion Area Overlay (PBIAO), the Turnpike Aquifer Protection Overlay (TAPO), Haverhill Neighborhood Plan (HNP), and the Jog Road Corridor Study (JRCS). The amendment is appropriate considering the site's location and the adopted land use amendments in this area to industrial and utility future land uses, including 67 acres of industrially designated lands to the north in 2008, which have created changed conditions along the corridor. In addition, the amendment would allow for light industrial uses which have a lower trip generation and a decrease in daily trips than the existing Commercial Low uses currently permitted on the site.

As demonstrated in this report, there is an adequate justification for the amendment due to changed conditions, the amendment is consistent with the character of the area, compatible with surrounding land uses, meets all levels of service standards, and is consistent with applicable policies in the Comprehensive Plan. In order to further enhance compatibility, staff is recommending a condition of approval to limit the site to light industrial uses and prohibit commercial uses allowed within the IND future land use designation. The applicant is in agreement with the conditions of approval in Exhibit 1.

### III. Hearing History

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**Local Planning Agency:** **Approval with conditions (as proposed by staff)**, motion by Lori Vinikoor, seconded by Penny Pompei, passed in a 8 to 0 vote at the February 10, 2023 public hearing. Commission discussion included statements that the request is an appropriate use for the site and asked for clarification regarding whether the applicant is in agreement with the conditions of approval. There was no public comment.

**Board of County Commissioners Adoption Public Hearing:**

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B. Petition Summary

I. Site Data

Current Future Land Use	
Current FLU:	Commercial Low, with an underlying 2 units per acre (CL/2)
Existing Land Use:	Vacant
Current Zoning:	Community Commercial (CC)
Current Dev. Potential Max:	Commercial uses, up to 22,215 sf (per Ord. 2007-014)
Proposed Future Land Use Change	
Proposed FLU:	Industrial, with an underlying 2 units per acre (IND/2)
Proposed Use:	Warehouse and accessory office
Proposed Zoning:	Light Industrial (IL)
Dev. Potential Max/Conditioned:	Industrial uses, up to 49,985 sf (0.45 FAR)
General Area Information for Site	
Tier/Tier Change:	Urban/Suburban Tier – No Change
Utility Service:	Palm Beach County Water Utilities Department
Overlay/Study:	Palm Beach International Airport Approach Path Conversion Area Overlay (PBIAO), Turnpike Aquifer Protection Overlay (TAPO), The Haverhill Neighborhood Plan (HNP) and the Jog Road Corridor Study (JRCS).
Comm. District:	Mayor Gregg K. Weiss, District 2

Future Land Use Atlas Amendment  
Windsor Industrial (SCA 2022-015)



Site Data

Size: 2.55 acres  
Existing Use: Residential  
Proposed Use: Warehouse  
Current FLU: CL/2  
Proposed FLU: IND/2

Future Land Use Designations

LR-2 Low Residential, 2 units/acre  
MR-5 Medium Residential, 5 units/acre  
CL/2 Commercial Low, underlying LR-2  
IND Industrial  
UT Utilities and Transportation

Date: 11/16/2021  
Contact: PBC Planning  
Filename: T:Planning/Amend/22-SCA  
Note: Map is not official, for presentation purposes only.



Site

100 0 100 200 Feet



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



## C. Introduction & Review

### I. Intent of the Amendment

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This is a privately proposed amendment for a 2.55 acre site located at the southwest corner of Belvedere Road and Jog Road, within the Urban/Suburban Tier. This site is located within the boundaries of the Palm Beach International Airport (PBIA) Approach Path Conversion Area Overlay, Turnpike Aquifer Protection Overlay, Haverhill Neighborhood Plan (HNP) and the Jog Road Corridor Study (JRCS) (see Exhibit 2, Section D for more information).

The amendment is proposing to change the future land use designation of the subject site from the Commercial Low future land use with an underlying 2 units per acre (CL/2) to Industrial with an underlying 2 units per acre (IND/2). Further, the amendment proposes to delete a condition of approval in Ordinance 2007-014 that limits development on the site to a maximum of 22,215 square feet of commercial uses, as it will no longer be applicable. The applicant intends to develop a 30,499 square foot warehouse with 8 bays and 4,523 square feet of accessory office for a total of 35,022 square feet.

**Site Background:** The site is comprised of two parcels with an abandoned single-family home. The site was the subject of a land use amendment in 2007, known as Belvedere/Jog Commercial SW (SCA 2007-004). The Board adopted the amendment from LR-2 to CL/2. The adopting ordinance includes a condition of approval that limits the development of the site to a maximum of 22,215 square feet of commercial uses. The previously approved site plan included a 3,500 square foot convenience store with gas sales (12 fueling stations) and a 3,500 square foot retail store. Planning staff recommended denial due to compatibility concerns with the nearby residential uses.

**Zoning Application.** The concurrent zoning application (ZV/ABN/Z-2021-01863) proposes to abandon the approved gas station with convenience store uses; rezone the property from Community Commercial (CC) to the Light Industrial (IL) zoning district in order to develop a 35,022 square feet warehouse building. The application also includes requests for variances to reduce the building's front setback, reduce the western landscape buffer, allow for chain link fence instead of opaque wall and eliminate some required plant material. The Control Number is 2003-00020. On July 7, 2022, the Zoning Commission approved a type 2 variance to allow for a reduction in lot depth from 200 feet to 173.80 feet.

### II. Data and Analysis Summary

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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.

**Overview of the Area.** The subject site is located in the Urban/Suburban Tier at the southwest corner of Belvedere Road and Jog Road, approximately one half mile east of the Florida's Turnpike. The site is located along a corridor with residential, industrial and utility/transportation future land use designations. There have been many amendments to the Future Land Use Atlas (FLUA) in this area since the adoption of the 1989 Comprehensive Plan, including the 67 acre industrial site across Belvedere to the north, which was adopted in 2008. Additional amendments approved in the area include the adoption of industrial and utility/transportation designations that expanded the non-residential corridor to the north, west and northeast of the site. The non-residential uses are largely warehouse and utilities, and include the County's water treatment facility to the northeast of the site. Residential land uses remain to the east, south and west of the subject site.

**Appropriateness of the Amendment.** The subject site is located along a corridor with a variety of uses including low and medium residential, utility/transportation and industrial. The amendment would change the existing Commercial Low future land use designation to Industrial in order to develop a warehouse with accessory office. The proposed IND designation would allow up to .45 floor area ratio (FAR), which is higher than the FAR allowed with existing CL designation (0.20 FAR). However, the proposed light industrial use generates less traffic than the previous commercial approval and is considered a low-impact, low-trip generating use.

**Compatibility.** As identified earlier, industrial and utility/transportation designated properties are located north of the subject site. The properties directly west, east and south of the subject site have residential FLUA designations with some containing non-residential uses. The site to the west is an established nursery, across Jog to the east is property with a place of worship approval and to the south is a proposed Palm Beach County Sheriff's facility. In addition, staff is proposing



conditions of approval to limit uses on the site to light industrial uses. Considering the low impact of the proposed warehouse use, and the nature of the corridor, the amendment to industrial with the proposed conditions is compatible with the surrounding uses.

**Assessment and Recommendation.** In 2007, the Board adopted the land use change on the site from LR-2 to CL/2 with a condition of approval (Ord. 2007-014) that limits development on the site to a maximum of 22,215 square feet of commercial uses. The applicant proposes to change the future land use designation on a 2.55-acre site from the Commercial Low future land use with an underlying 2 units per acre (CL/2) to Industrial with an underlying 2 units per acre (IND/2) and to delete the previously adopted condition, as it is no longer applicable. The applicant intends to develop a 1 story, 30,499 square foot warehouse with 8 bays and 4,523 square feet of accessory office for a total of 35,022 square feet.

The site is located within the Urban/Suburban Tier and within the Palm Beach International Airport Approach Path Conversion Area Overlay (PBIAO), the Turnpike Aquifer Protection Overlay (TAPO), Haverhill Neighborhood Plan (HNP), and the Jog Road Corridor Study (JRCS). The amendment is appropriate considering the site’s location and the adopted land use amendments in this area, including 67 acres of industrially designated lands to the north in 2008, which have created changed conditions along the corridor. In addition, the amendment would allow for light industrial uses which have a lower trip generation and a decrease in daily trips than the existing Commercial Low uses currently permitted on the site.

As demonstrated in this report, there is an adequate justification for the amendment due to changed conditions, the amendment is consistent with the character of the area, compatible with surrounding land uses, meets all levels of service standards, and is consistent with applicable policies in the Comprehensive Plan. In order to further computability, staff is recommending a condition of approval to limit the site to light industrial uses and prohibit commercial uses allowed within the IND future land use designation. The applicant is in agreement with the conditions of approval in Exhibit 1.

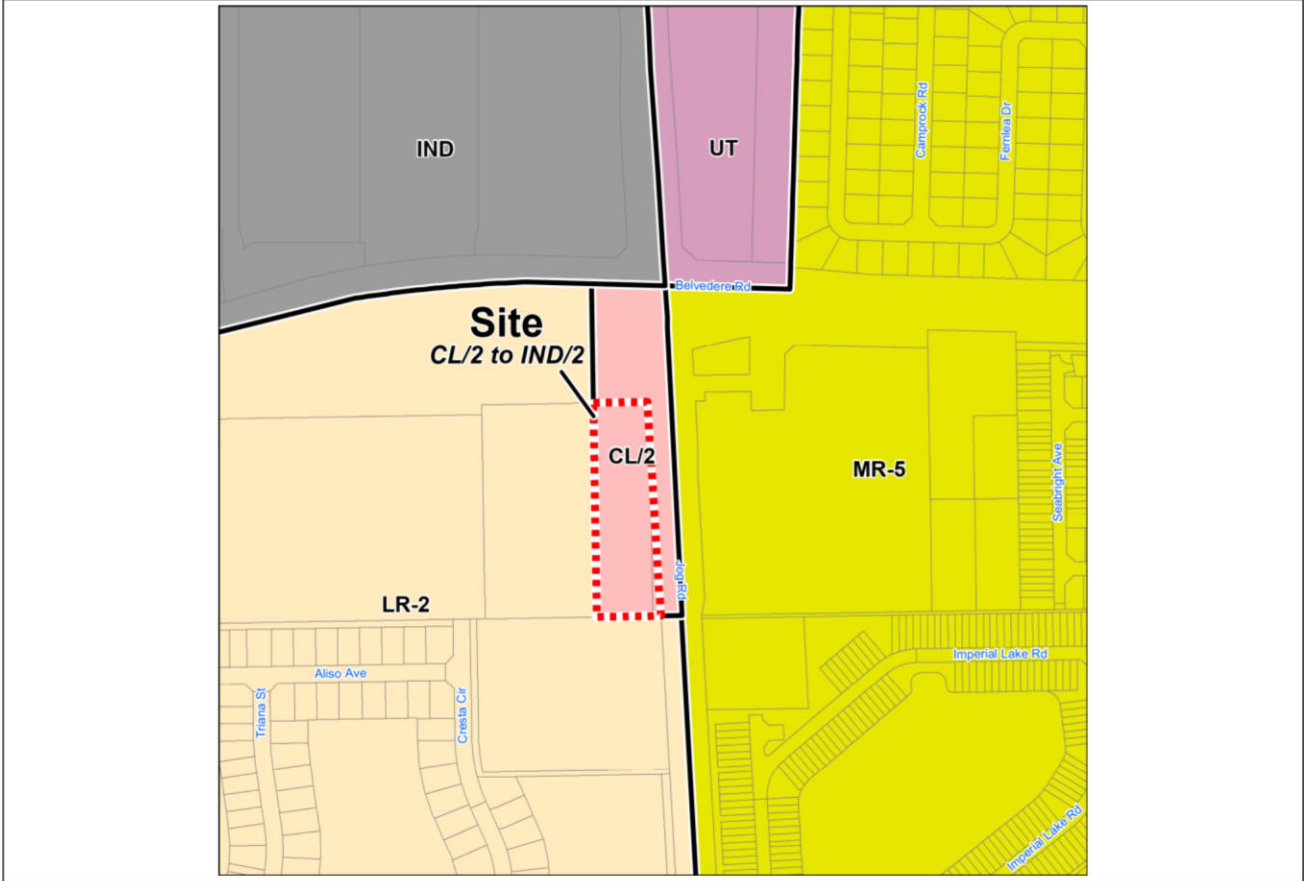
Staff is recommending ***approval with conditions***.

Exhibits	Page
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Exhibit 1

Amendment No:	Windsor Industrial (SCA 2022-015)
FLUA Page No:	64
Amendment:	From Commercial Low with an underlying Low Residential, 2 units per acre (CL/2) to Industrial with an underlying 2 units per acre (IND/2)
Location:	Southwest corner of Belvedere Road and Jog Road
Size:	2.55 acres
Property No:	00-42-43-27-05-005-0051 & 00-42-43-27-05-005-0054

**Conditions:** The condition adopted by Ord. 2007-014 is proposed to be deleted with deleted text ~~stricken out~~ below and added conditions underlined.  
~~Limit the proposed development to 22,215 s.f. of commercial uses~~  
1. The site shall be limited to light industrial uses as described in Future Land Use Element Policy 2.2.4-d of the Palm Beach County Comprehensive Plan.  
2. Uses identified as Commercial in Article 4 of the Unified Land Development Code are prohibited on the site, with the exception of Self-Service Storage and accessory uses.



## Legal Description

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A PORTION OF THE EAST HALF OF TRACT 5, BLOCK 5, "PALM BEACH FARMS COMPANY PLAT No. 3", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45-54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF TRACT "R", "TERRACINA TRACT "R-1" REPLAT", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 109, PAGE 117 OF SAID PUBLIC RECORDS, SAID POINT BEING THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF JOG ROAD WITH THE SOUTH LINE OF SAID TRACT 5; THENCE SOUTH 89°03'03" WEST ALONG SAID SOUTH LINE, ALSO BEING THE NORTH LINE OF SAID TRACT "R" 189.17 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF SAID TRACT 5; THENCE NORTH 00°56'57" WEST ALONG THE WEST LINE OF THE EAST HALF OF SAID TRACT 5 FOR 633.57 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-3 CANAL; THENCE NORTH 89°03'03" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE 159.93 FEET TO A POINT ON THE AFOREMENTIONED WESTERLY RIGHT-OF-WAY LINE OF JOG ROAD; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE, THE FOLLOWING FOUR (4) COURSES AND DISTANCES; 1) SOUTH 03°13'49" EAST 76.91 FEET; 2) SOUTH 04°08'49" EAST 36.00 FEET; 3) SOUTH 04°08'46" EAST 213.94; 4) SOUTH 03°13'49" EAST 307.42 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING AND BEING IN PALM BEACH COUNTY, FLORIDA AND CONTAINING 111,052 SQUARE FEET (2.5494 ACRES), MORE OR LESS.

## Exhibit 2

### Consistency with Comprehensive Plan

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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, and 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.;*
  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 has prepared a Justification Statement (Exhibit 2) which is summarized as follows:

- The subject site is appropriate for industrial development as its location is accessible from major roadways, including the Florida's Turnpike, and is in close proximity to other industrial land use designations and uses.
- Since the adoption of the 1989 Comprehensive Plan, Jog Road and Belvedere Road have been completed, re-aligned and widened. As a result, surrounding properties have developed with industrial uses, altering the character of the area.
- The proposed Industrial future land use would allow for the development of a warehouse, a less intense use with lower traffic generation than the previously approved gas station.

**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. The development potential for the site under the current designation is conditioned up to 22,215 square feet of commercial uses (.20 FAR) with the existing Commercial Low designation, or 5 dwelling units utilizing the underlying 2 unit per acre density. The applicant proposes to change the land use designation to Industrial which allows up to 49,985 square feet of industrial uses. The underlying density will remain unchanged. Staff is proposing a condition of approval to limit uses under the Industrial designation to light industrial uses only and to prohibit commercial uses allowed within the IND FLU.

With regard to the justification, the proposed IND designation and warehouse use is not out of character with the area. The site is part of a corridor of industrial and utility/transportation designations along this portion of Belvedere Road and Jog Road, which continues west and north of the Florida's Turnpike. These corridors are characterized by large non-residential nodes at the major intersections. There have been many amendments to the Future Land Use Atlas in this area since the adoption of the 1989 Comprehensive Plan. Amendments approved include the adoption of additional industrial and utility/transportation designations that expanded the non-residential corridor, and the approval of an amendment to Commercial Low on subject site in 2007 to allow a gas station and retail sales.

Considering the low impact nature of the proposed light industrial use, the surrounding corridors and the changes adopted since 1989, the change is appropriate on the subject site. Therefore, the proposed amendment meets the requirements for adequate justification.



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.*

**Staff Analysis:** Several County Directions are relevant to the proposed amendment:

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

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

**Staff Analysis:** The proposed amendment to IND would allow for the development of a warehouse facility which is not out of character or inappropriate at this location given the non-residential uses approved around and on the site. In addition, staff has included two conditions of approval in order to ensure the appropriateness of the proposed future land use change and to ensure compatibility between the proposed warehouse use and the surrounding properties. Therefore, the amendment is consistent with County directions.

3. **Piecemeal Development - 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 the 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 definition of piecemeal development in the Comprehensive Plan describes “A situation where land, under single ownership or significant legal or equitable interest (by a person as defined in Section 380.0651[4] F.S., is developed on an incremental basis, or one piece at a time, with no coordination or overall planning for the site as a whole.” There are no other parcels under the same or related ownership adjacent to the subject site. Therefore, the land use amendment would not encourage piecemeal development.

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

**Staff Analysis:** The Comprehensive Plan’s Introduction and Administration Element defines residual parcel as “a property under the same or related ownership that has been left out of a development area, resulting in a parcel which has limited development options and connections to surrounding properties.” The proposed amendment will not create residual parcels as there are no adjacent sites under common ownership. Therefore, the proposed amendment is consistent with this policy.

## **B. Consistency with Urban/Suburban Tier Requirements for the Specific FLU**

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.....”

1. **FLUE Policy 1.2-a:** *Within the Urban/Suburban Tier, Palm Beach County shall protect the character of its urban and suburban communities by:*

1. *Allowing services and facilities consistent with the needs of urban and suburban development;*
2. *Providing for affordable housing and employment opportunities;*
3. *Providing for open space and recreational opportunities;*
4. *Protecting historic, and cultural resources;*
5. *Preserving and enhancing natural resources and environmental systems; and,*
6. *Ensuring development is compatible with the scale, mass, intensity of use, height, and character of urban or suburban communities.*

**Staff Analysis:** As previously discussed in other portions of this report, the subject site fronts on a corridor with non-residential uses and the proposed light industrial use is considered a low-impact, low-trip generating use and compatible with residential uses. Therefore, this amendment is consistent with this policy.

2. **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:** This policy promotes industrial future land uses at appropriate locations in order to provide additional employment opportunities. The proposed amendment is requesting an industrial future land use designation in order to develop a warehouse development with 10 bays. The amendment is appropriate at this location as it is located along a major corridor with an existing commercial future land use and in the immediate vicinity of other industrial uses. In addition, the site is located within the Palm Beach International Airport (PBIA) Approach Path Conversion Area Overlay which allows for the conversion of qualifying sites to industrial without a future land use amendment. Therefore, the amendment is consistent with this policy.

3. **FLUE Policy 2.2.4-d: Industrial Uses.** Industrial uses shall be considered either light or heavy as defined below.

**Light Industrial.** Light industrial development's typical operation is not likely to cause undesirable effects, danger or disturbance upon nearby areas and typically does not create negative impacts on immediately adjoining uses. These uses typically do not cause or result in the dissemination of dust, smoke, fumes, odor, noise, vibration light, or other potentially objectionable effects beyond the boundaries of the lot on which the use is conducted. Examples of Light Industrial uses include: storage, warehouse, research, laboratories, dispatch, landscape service, flex space, media production, and light manufacturing and processing.

**Heavy Industrial.** Heavy industrial development's typical operation may cause or result in the dissemination of dust, smoke, fumes, odor, noise, vibration, light, or other potentially objectionable effects beyond the boundaries of the lot on which the use is conducted. These effects will be minimized through the application of performance standards established in the Unified Land Development Code. Heavy industrial uses 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. Examples of heavy industrial uses include, but are not limited to, salvage and junkyards, storage of regulated substances, asphalt and concrete mixing and product manufacturing, heavy manufacturing, construction and demolition recycling, and equestrian waste management.

**Staff Analysis:** Due to the site's location adjacent to residential future land use designations and in proximity to existing residential uses, staff is proposing a condition in Exhibit 1 to limit development of the site to the list of light industrial uses as described in this policy. In addition, due to the potential commercial uses allowed in the IND FLU which may not be compatible to the adjacent residential uses, staff is recommending a condition to prohibit these uses with the exception of self-service storage.

4. **Policy 2.2.4-f:** All requests for new industrial type future land use designations shall front an arterial roadway or have access to an arterial roadway through an existing commercial or industrial site. Arterial roadways are depicted on Map Figure TE 3.1, Functional Classification of Roads, unless otherwise identified within this element.

**Staff Analysis:** The subject site fronts Jog Road, an urban minor arterial roadway as identified on Map 3.1, Functional Classification of Roads on the Map Series.

### 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 surrounding land uses immediately abutting the site are the following:

**North:** Directly to the north of the subject site and across Belvedere Road is the Turnpike Crossing planned industrial development with an IND FLU designation and developed with over 1,000,000 square feet of industrial uses including warehouse, general wholesaling, distribution, manufacturing/processing, and, office. The Turnpike Crossing site was the subject of a large scale FLU amendment known as Belvedere/Jog Industrial (LGA 2008-014) that changed the land use designation from Low Residential, 3 units per acre (LR-3) to IND and contains a condition of approval that limits the site to a maximum of 1,023,921 sq. ft. of industrial warehouse development or equivalent industrial use. To the west of the Turnpike Crossing PIPD and bordering the Florida's Turnpike are two parcels with the Utilities and Transportation (U/T) and IND designations, respectively. To the northeast of the subject site is a County water treatment facility with a U/T FLU and the Public Ownership (PO) Zoning designation. The site was the subject of a large scale land use amendment known as PBC WUD Water 8 Treatment Plant 8 (LGA 2019-011) that changed the FLU designation from High Residential, 8 units per acre (HR-8) to U/T. To the east of the water treatment facility is Cam Estates, a residential neighborhood with an MR-5 FLU designation that is developed with single-family homes.

**West:** To the west of the subject site are several parcels with LR-2 FLU designation. The two parcels closest to the subject site are utilized as a nursery, while the three sites further west are developed with single-family homes. To the west and south of these properties and east of the Florida's Turnpike is the Terracina PUD with an LR-2 designation. Further west is the Banyan Ridge PUD, with a High Residential, 12 units per acre (HR-12) designation. The Banyan Ridge property was the subject of a large scale land use amendment (LGA 2019-001) that changed the land use designation from Commercial Recreational (CR) to HR-12.

**South:** A 5.75-acre parcel borders the subject site to the south and is currently approved for a 26,627 sq. ft. building for the County's Sheriff Office. The property is the civic pod of the Terracina PUD. To the south of the Civic Pod is the remainder of the Terracina PUD, which is developed with 460 single family units. The L-2 Lake Worth Drainage District canal borders the Terracina PUD to the south of the development.

**East:** To the east of the subject site is Jog Road and then a 11.41-acre vacant property with the MR-5 land use designation which is owned by Life Covenant Church, Inc. The site is approved for a 38,951 square foot place of worship and is currently under construction. Further to the east of this property are residential uses with the MR-5 designation and developed with single-family and multi-family units.

**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 proposed amendment is compatible with the surrounding uses since nearby properties have redeveloped from residential to industrial uses, altering the character of the area. Further, the proposed Industrial future land use would allow for the development of a warehouse, a less intense use a with lower traffic generation than the previously approved gas station.

**Staff Analysis:** As previously discussed in the compatibility section, the property is located on the southwest corner of Belvedere and Jog Roads, corridors that contain industrial and utility uses including warehouse, general wholesaling, distribution, manufacturing and processing and office uses. Considering the low impact (noise, activity, and trip generation) of the proposed light industrial use, and the nature of the corridor, the amendment is compatible with the surrounding 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 located within the Palm Beach International Airport Approach Path Conversion Area Overlay (PBAO) and the Turnpike Aquifer Protection Overlay (TAPO) which are discussed below.

### 2. Palm Beach International Airport (PBIA) Approach Path Conversion Area Overlay

**Policy 1.2.4-e:** *The following criteria must be met in order for a residentially built or approved parcel to be converted to industrial uses without a FLUA amendment:*

1. *At least 10 acres, if the parcel does not abut a roadway shown on the County's Thoroughfare Right-of-Way Identification Map; or*
2. *At least 5 acres, if the parcel does abut a roadway shown on the County's Thoroughfare Right-of-Way Identification Map.*

**Staff Analysis:** This site is located within the PBIA Approach Path Conversion Area Overlay. The purpose of the PBIA Overlay is to *“provide for future land uses that are compatible with existing neighborhoods and the future operations of PBIA.”* The Overlay provides provisions to allow property owners to convert to industrial uses while protecting existing residential from incompatible uses. The site contains an abandoned residential structure with a future land use of Commercial Low with an underlying two units per acre (CL/2). In addition the parcel abuts Jog Road, which is shown as 120 feet on the County's Thoroughfare Right-of-Way Identification map. However, the site is less than 5 acres. Therefore, the site is not eligible to convert to industrial uses without a future land use amendment.

### 3. Turnpike Aquifer Protection Overlay (TAPO) District

**Objective:** Palm Beach County shall maintain the Turnpike Aquifer Protection Overlay District, for the purposes of: (1) protecting and safeguarding the public health, safety and welfare by enhancing the functions of natural groundwater recharge areas; (2) minimizing any potential adverse impacts on the "Turnpike" aquifer by limiting or restricting certain incompatible uses and developments; and, (3) preventing the continuing loss of prime water supply sites by requiring certain developments to identify and dedicate water supply sites, unless such dedication is contrary to law, or constitutes a taking for which compensation is due and for which no compensation has been paid.

**Staff Analysis:** The Comprehensive Plan states that *“the surficial aquifer is the primary source of freshwater for eastern Palm Beach County. The northern extension of the Biscayne Aquifer, locally known as the 'Turnpike' Aquifer, encompasses one of the most extremely productive portions of the surficial aquifer. The "Turnpike" Aquifer also serves as the present and future water supply for many of Palm Beach County's water treatment plants.”* The County's Department of Environmental Resources Management (ERM) has determined that the subject site is located in Wellfield protection zones 2, 3, and 4. The proposed development will be required to comply with all applicable restrictions associated with the TAPO. This may include restrictions for storage, processing, or handling of regulated substances. These restrictions will be imposed during the development review process by the appropriate agencies. In addition, staff is proposing conditions of approval to limit the site to light industrial uses which prohibit uses 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 regulated substances.

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

**Staff Analysis:** The subject site is location within the boundary of the Haverhill Area Neighborhood Plan (HANP). The HANP was completed and adopted by the County in 1992. The plan recommended maintaining parcels fronting Belvedere Road as a residential corridor and states that the roadway should not be developed as a commercial or industrial artery. This recommendation was proposed to be achieved by maintaining the

existing future residential land use designations located at the Belvedere/Jog Road intersection. The proposed amendment is also located within Jog Road Corridor Study (JRCS) area. The JRCS was completed in 1995 in response to the extension of Jog Road from Southern Boulevard to Okeechobee Boulevard through this area. The subject site is located within sub area VI of the study area and recommends that this site retain its residential future land use designation. However, since the adoption of both of these plans/studies, the Board in 2007 adopted a non-residential FLU of CL for the site.

## E. Public Facilities and Services Impacts

The proposed amendment will change the FLU designation from CL/2 to IND/2. For the purposes of the public facilities analysis, the amendment was considered at the current maximum commercial uses at .20 FAR (22,215 sq. ft.) and up to the proposed maximum .45 FAR of light industrial uses (49,985 sq. ft.) per condition of approval. Public facilities impacts are detailed in the table in Exhibit 4.

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

**Staff Analysis:** The proposed amendment was distributed to the County service departments for review. There are adequate public facilities and services available to support the amendment, and the amendment does not exceed natural or manmade constraints. Staff sent a request for departmental review of the proposed amendment to various County departments and external agencies for review of public facility impacts. No adverse comments were received from the following departments and agencies regarding impacts on public facilities:

Mass Transit (Palm Tran), Potable Water & Wastewater (Palm Beach County Water Utilities Department), Environmental (Environmental Resource Management), Historic Resources (PBC Archaeologist), Parks and Recreation, ULDC (Zoning), Land Development (Engineering), School Board, Health (PBC Dept. of Health), Fire Rescue, Lake Worth Drainage 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 floor area ratio of 0.45 and at a trip generation rate using the light industrial use, and limited to a maximum of 49,985 square feet. According to the County’s Traffic Engineering Department (see letter dated December 28, 2021 in Exhibit 5) the amendment would result in a decrease of 764 net daily trips from the current CL designation.

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

The Traffic Study was prepared by Simmons & White, 2581 Metrocentre Boulevard West, Suite 3, West Palm Beach, Florida 33407. Traffic studies and other additional supplementary materials for site-specific amendments are available to the public on the PBC Planning web page at: <https://discover.pbcgov.org/pzb/planning/Pages/Active-Amendments.aspx>

## II. Public and Municipal Review

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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 was sent to the County’s Intergovernmental Plan Amendment Review Committee (IPARC), a clearing-house for plan amendments, on January 20, 2023. Correspondence received is added to Exhibit 8.
- B. Other Notice:** Public notice by letter was mailed to the owner of properties within 500' of the perimeter of the site on January 20, 2023. Also on January 20, 2023, the Planning Division notified the following interested parties: Terracina Home Owners Association, Independence Home Owners Association (aka Waterways Taheri PUD), and Kindred Cove Home Owners Association. Correspondence received is added to Exhibit 8.



## Applicant's Justification

### Request

The 2.55-acre subject property (PCNs 00-42-43-27-05-005-0051; 00-42-43-27-05-005-0054) is located on the Southwest corner of Belvedere Road and Jog Road. Currently the subject property supports a Future Land Use Atlas (FLUA) designation of Commercial Low with an underlying Low Density Residential, 2 units per acre (CL/2) over both parcels. The entire site currently has a Zoning designation of Community Commercial (CC). The subject site does not currently have a site plan approval on file with Palm Beach County.

6562 Belvedere LLC, herein referred to as the “Applicant,” requests a FLUA amendment from Commercial Low with Underlying Low Density Residential, 2 units per acre (CL/2) to Industrial with underlying Low Density Residential, 2 units per acre (IND/2) for the purpose of constructing a warehouse development on the site.

A follow up application to the PBC Zoning Division for an Official Zoning Map Amendment (rezoning) from the CC Zoning District to the Light Industrial (IL) district will be submitted at a later date. Below is a summary of surrounding properties:

Adjacent Lands	Uses	FLU	Zoning
Subject Property	Vacant Single Family (Existing) Warehouse (Proposed)	CL/2 (Existing) IND/2 (Proposed)	CC (Existing) IL (Proposed)
North	Industrial	IND	PIPD
South	Vacant	LR-2	PUD
East	Vacant	MR-5	RS
West	Commercial	LR-2	AR

## History

- **August 27, 2007 (Ordinance No. 2007-014)** - The Board of County Commissioners (BCC) approved a Small Scale Amendment (SCA-2007-0004) from Low Residential, 2 Units per Acre (LR-2) to Commercial Low, With an Underlying Residential Designation of Two Units Per Acre (CL/2).
  - The applicant is intending to delete the prior condition of approval to “limit the proposed development to 22,215 s.f. of commercial uses” as part of the proposed FLUA amendment from CL/2 to IND/2. This condition is no longer applicable as the applicant intends to construct a warehouse development on the site.

### Justification, Consistency & Compatibility

**G.1 - Justification:** The applicant is requesting to amend the FLUA designation of the subject property from CL/2 to IND/2. Per Policy 2.1-f of the Future Land Use Element (FLUE) of the PBC Comprehensive Plan (Plan) an applicant must provide adequate justification for the proposed future land use. To be considered adequate, the justification must demonstrate consistency with the factors 1 and 2.

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

**Response:** The proposed addition Industrial (IND) use designation is suitable and appropriate for the subject site. The subject site currently has a single family residential structure that is abandoned and vacant. Furthermore, the site is located just south of the Jog Road entrance and exit to Florida's Turnpike and has direct frontage on Jog Road. Additionally, the site is one of several legacy residential parcels located along Belvedere Road just west of Jog Road. In the past, these parcels may have been an ideal location for low density residential or even agricultural development, as they were located along a much quieter configuration of Belvedere and Jog Roads, and were far from intense urban development. However, as the County has been built out, the subject parcel is not among high

intensity urban development in a location that lends itself well to industrial uses that are dependent on transporting goods and services to and from the surrounding region. Therefore, the subject site is a suitable and appropriate location for an Industrial (IND) use designation.

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

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

**Response:** To the north of the subject site is a major Industrial Planned Development of regional scale called Turnpike Crossing. This site was previously designated Low Density Residential, 3 units per acre (LR-3) and was changed in 2008 to Industrial (IND). The resulting development is a +/- 780,000 s.f. industrial warehouse complex. This is proof of concept that market demand exists for industrial uses in this area, owing mainly to the proximity to Florida's Turnpike, and its geographic centrality to the Palm Beach County market. The site's existing CL/2 designation is in stark contrast to the FLU designations around it that also front on Belvedere Road and Jog Road. Commercial Low development may have been feasible and the highest use in the past, however, given recent industrial development in the area, development consistent with the CL designation is no longer marketable and stands out in contrast to neighboring use designations.

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

**Response:** The area surrounding the site has become relatively built out resulting in minimal vacant land for new development. Additionally, the market demand for warehousing has increased following a trend for ecommerce and other distribution and warehousing market conditions. Furthermore, the area around the site includes several major industrial developments of a regional scale, mostly made up of large footprint warehouse uses. The site's location nearby an entrance to Florida's Turnpike make it an ideal location for warehousing and transportation uses.

- *New information or change in circumstances which affect the subject site;*

**Response:** The area surrounding the site has nearly reached build-out since the adoption of the Comprehensive Plan. Recent trends in ecommerce and other market conditions have increased the demand for warehouse space dramatically for all shapes and sizes. The proposed FLUA Amendment would allow the development of warehouse space on the subject site with direct access onto Jog Road, which is a major arterial roadway. The site is also located at the corner of two major arterial roadways: Belvedere Road and Jog Road. At the time of the County's original adoption of the Comprehensive Plan, Jog Road had not yet been constructed in the vicinity of the site. Belvedere Road was also two lanes wide and followed a different alignment, which is now known as Old Belvedere Road and passes directly to the north of the site. The construction of Jog Road past the site in the mid-1990s and the expansion and realignment of Belvedere Road around the same time resulted in notable changes to the character of the surrounding area. Where it was once rural and forested, the area soon changed to become a suburban industrial and residential region of central Palm Beach County.

- *Inappropriateness of the adopted FLU designation;*

**Response:** The adopted CL/2 FLU designation for the site is not appropriate for the site. Whereas Commercial Low type uses were previously viable on the subject 2.55 acre site, the changed character of the surrounding area has reduced its viability. This along with the realignment of Belvedere Road has removed the site from the "hard" corner, thus reducing its commercial prospects. Furthermore, the site is located within the Palm Beach International Airport Overlay, which specifically promotes industrial uses as an ideal form of development due to external impacts caused by the airport approach path.

- *Whether the adopted FLU designation was assigned an error.*

**Response:** The adopted CL/2 FLU designation was assigned to the site was adopted in 2007 with the intention of developing a low intensity commercial development. However, this was prior to the development of surrounding industrial

warehouse uses that have now changed the characteristics of the immediate vicinity of the site. Because of these changed conditions, the site is now more viable for industrial uses, making the current CL/2 designation no longer viable for the highest and best use of the site.

**G.2 – Residential Density Increases**

**Response:** The applicant does not propose any increases to residential density as part of this application.

**G.3 – Compatibility with Surrounding and Adjacent Uses:** The applicant proposes amending the FLU designation of the site from CL/2 to IND/2. The site is located at the southwest corner of Belvedere Road and Jog Road, two major thoroughfare rights-of-way. Furthermore, the site is located in a section of central Palm Beach County that has seen a recent boom in warehouse and other industrial uses, due to its location nearby Florida’s Turnpike, its geographic centrality to the Palm Beach County market, and its proximity to the international airport. The subject site is no exception to these market forces, and is therefore seeking the subject amendment to allow warehouse uses to be developed. Adjacent land uses to the west are designated for residential, however they have been operating as commercial uses for more than a decade according to aerial imagery. Adjacent to the south is an LR-2 designated parcel, however it is currently approved for a Palm Beach County Sherriff’s Office substation (Control No. 2001-00076), which is a non-residential civic use. Across Jog Road to the east is a vacant parcel designated MR-5, however this site is separated by Jog Road, which is a major arterial roadway with a divider median that is more than 120 feet wide. Finally, to the north is the Turnpike Crossing planned industrial development with more than 780,000 s.f. of warehouse, which is compatible with the subject site’s proposed IND/2 FLU designation.

**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) Sub-Objective 1.2.4 – Palm Beach International Airport (PBIA) Approach Path Conversion Area Overlay:** This Special Planning Area Overlay includes the subject site within its boundary and is specifically intended to “provide opportunities for property owners to initiate conversion of their properties to non-residential uses.”

**Response:** The applicant specifically wishes to convert the property from the existing residential use to a non-residential use. The highest and best non-residential use for this site based on its location, frontage, and surrounding properties is an industrial development, therefore requiring the subject FLUA Amendment from CL/2 to IND/2. If the subject parcel were 5 acres in size a FLUA would not be required to develop the property as an industrial development.

- **Future Land Use Element (FLUE) Policy 1.2.4-d:** This policy falls under the Palm Beach International Airport Approach Path Conversion Area Overlay and specifically states: “All future land use designations within the Overlay shall be eligible to convert to Industrial uses.”

**Response:** The subject site is located within the PBIA Approach Conversion Area Overlay and is therefore eligible to be converted to industrial uses. Industrial uses are recognized to be the most compatible with the external impacts caused by the airport approach path.

- **Future Land Use Element (FLUE) Policy 1.2.4-f:** This policy falls under the Palm Beach International Airport Approach Path Conversion Overlay and specifically states: “The following criteria must be met in order for a vacant parcel to be converted to industrial uses without a FLUA amendment:
  1. 10 acres, if the parcel does not abut a roadway shown on the County’s Thoroughfare Right-of-Way Identification Map; and, only if the parcel is not contiguous on three or more sides to existing residential development; or,
  2. 5 acres, if the parcel abuts a roadway shown on the County’s Thoroughfare Right-of-Way Identification Map; and, only if the parcel is not contiguous on three or more sides to existing residential development.

**Response:** Although the subject site does not meet these criteria and therefore

must request a FLUA Amendment through the subject application process, this policy shows the County is specifically incentivizing industrial uses in the PBIA Approach Path Conversion Area Overlay. The proposed IND designation for this site is consistent with the intent of the Comprehensive Plan in this aspect.

- ***Future Land Use Element (FLUE) Policy 2.1-f:*** The following will detail how the impact of the proposed FLUA on the items listed:
  - *The natural environment, including topography, soils and other natural resources;*
    - **Applicant's Description:** Please see Attachment L for the Natural Feature Inventory & Map.
  - *The availability of facilities and services;*
    - **Applicant's Description:** Below is a detailed list of information on each of these facilities and services:
      - *Traffic:* Please see Attachment H for the FLUA Amendment Traffic Analysis.
      - *Mass Transit:* The nearest Palm Tran bus route is Route 44 and the closest Tri-Rail connection is the West Palm Beach Tri-Rail Station.
      - *Potable Water and Wastewater:* Please see level of service letter from the Palm Beach County Water Utilities Department in Attachment I that confirms that the proposed FLUA can be accommodated by existing facilities and services.
      - *Drainage:* Legal positive outfall is available to the site via discharge into the Lake Worth Drainage District L-3 Canal. The proposed project will meet all applicable rules and regulations for that outfall. Please refer to the Drainage Statement prepared by Simmons & White being included as Attachment J with this application for more details.
      - *Fire Rescue:* The nearest PBC Fire Rescue station is Fire Rescue Station #23 located at 5477 Okeechobee Boulevard that is approximately 3.50 miles from the subject property.
  - *The adjacent and surrounding development;*
    - **Applicant's Description:** To the north (across Belvedere Road, Old Belvedere Road, and Lake Worth Drainage Districts totaling more than 430 feet of width) is the Turnpike Crossing industrial development. This planned industrial development has an IND FLU designation and consists more than 780,000 s.f. of warehouse space. This use is compatible with the proposed IND designation for the subject site. To the south, directly abutting the property is a vacant site with an LR-2 FLU designation, however it has an existing approval for a civic use as part of the overall Terracina Planned Development, specifically a Palm Beach County Sheriff's Office substation. Directly abutting the site to the west is a property with an LR-2 FLU designation, however this property has had a commercial operation for more than a decade according to historical aerial imagery. Furthermore, the neighboring site to the west is also located within the PBIA Approach Conversion Area Overlay, which specifically discourages and dis-incentivizes new residential development. Finally, to the east across Jog Road, which is a major thoroughfare road with a divider median and approximately 140 feet wide, is a vacant parcel with an MR-5 FLU designation. Again, this parcel is located within the PBIA Approach Conversion Area Overlay which specifically discourages and dis-incentivizes new residential development. The separation of this property to the subject site by Jog Road also provides significant buffer space by a major thoroughfare roadway.
  - *The future land use balance;*
    - **Applicant's Description:** Palm Beach County is currently experiencing a lack of supply for industrial type uses. Recent trends in ecommerce have significantly increased demand for warehouse space, which is an industrial use in the County's ULDC. Therefore, industrial designated property in the County has increased in value

significantly, thus implying there is not enough industrial designated land to meet current demand. Furthermore, the market for retail uses has seen a decline in the last decade. The site's current Commercial Low FLU designation is consistent with this type of use, and is therefore significantly less valuable than it had been in the past. Commercial Low designated parcels are less desirable today than they were in the recent past, indicating there is too much supply of commercial designated lands than is needed in current and projected market conditions. Therefore, the proposed amendment to IND/2 results in additional land area being designated for industrial uses, resulting in a much-needed increase in the supply of industrial designated lands, therefore helping to re-balance future land uses in the vicinity of the site.

- *The prevention of urban sprawl as defined by 163.3164(52) in the Florida Statutes (F.S.);*
  - **Applicant's Description:** The request is not in conflict with Florida Statutes Section 163.3177.(6).(a).9.b in that:
    - The proposed IND designation allows for the re-development of the site from an existing single family residential use, to an infill industrial use.
    - The site is easily serviced by existing infrastructure, more specifically, Jog Road is a major urban arterial roadway which has the ability to handle additional traffic generated by the proposed use, water and wastewater capacity exists for the site, and legal positive outfall can be achieved;
    - Does not remove land intended for agricultural uses; and
    - Creates a balance of uses in the area as the applicant is proposing industrial use designations similar to what exists in the immediate area surrounding the site.
- *Community Plans and/or Planning Area Special Studies recognized by the Board of County Commissioners; and*
  - **Applicant's Description:** The subject property is located within the Palm Beach International Airport Approach Conversion Area Overlay (PBIAO) and the Turnpike Aquifer Protection Overlay District (TAPO).
    - The PBIAO is specifically intended to protect the areas beneath the approach path west of Palm Beach International Airport from noise generated by the airport. The overlay specifically discourages residential uses and encourages non-residential uses, particularly industrial uses. The proposed amendment results in an Industrial land use designation applied to the site that would replace an existing residential use with an industrial use.
    - The TAPO is intended to protect the public health and welfare from any negative impacts to the underground drinking water supply in the aquifer area located east of the Turnpike in the vicinity of Belvedere and Jog Roads. Developments in this area must meet additional requirements which may include providing dedicated space for new drinking wells, subject to South Florida Water Management District review. The proposed development for this site will comply with these additional requirements as part of the development review process.

In conclusion it is the agent's contention that the requested FLUA Amendment from CL/2 to IND/2 is justified, consistent with the Plan and State of Florida laws and is compatible with surrounding uses.

**Exhibit 4**  
**Applicant's Public Facility Impacts Table**

A. Traffic Information		
	Current	Proposed
Max Trip Generator	General Commercial, ITE # 820 Ln(T) = 0.68 Ln(x) + 5.57	Light Industrial, ITE # 110 Ln(T) = 4.96 trips/1,000 SF
Maximum Trip Generation	2183 daily trips	233 daily trips
Net Daily Trips:	Decrease of 1960 daily trips (maximum minus current)	
Net PH Trips:	31 AM, 28 PM (maximum)	
Significantly impacted roadway segments that fail Long Range	None	None
Significantly impacted roadway segments for Test 2	None	None
Traffic Consultant	Simmons & White – Kyle Duncan	
B. Mass Transit Information		
Nearest Palm Tran Route (s)	44 (Belvedere Road)	
Nearest Palm Tran Stop	Stop 4001 (north side of Belvedere Road approximately 112’ northeast of the intersection of Belvedere Road & Drexel Road) is approximately 0.60 miles from the subject property.	
Nearest Tri Rail Connection	West Palm Beach, 209 South Tamarind Avenue	
C. Portable Water & Wastewater Information		
The application must include a Potable Water & Wastewater Level of Service (LOS) comment letter as <b>Attachment I</b> . This letter should state the provider/s of potable water and wastewater is/are able to maintain their current level of service standard established by the potable water provider, while accommodating the increase of density/intensity of the proposed amendment.		
Potable Water & Wastewater Providers	Palm Beach County Water Utilities Department	
Nearest Water & Wastewater Facility, type/size	The nearest potable water is a 16” watermain located within the Jog Road right-of-way approximately 230 feet north of the subject property and the nearest sanitary sewer connection is an 8” sanitary sewer force main located within the Jog Road right-of-way approximately 1,300 feet south of the subject property.	
D. Drainage Information		
The site is located within the boundaries of the Lake Worth Drainage District and South Florida Water Management District C-51 Drainage Basin. Legal positive outfall for the project is available to the site via discharge into the Lake Worth Drainage District L-3 Canal. Please refer to the Drainage Statement prepared by Simmons & White being included as Attachment J with this application for more details.		
E. Fire Rescue		



<b>Nearest Station</b>	Station 23, 5477 Okeechobee Blvd.
<b>Distance to Site</b>	Station 23 is 3.50 miles from the subject site
<b>Response Time</b>	Based on the information provided by PBC Fire-Rescue the estimated response time is 9 minutes and 30 seconds. PBC Fire Letter provided at Attachment K.
<b>Effect on Resp. Time</b>	Based on the information provided by PBC Fire-Rescue, there will be an extended response time of 9 minutes 30 seconds to this property. PBC Fire Letter provided at Attachment K.
<b>F. Environmental</b>	
<b>Significant habitats or species</b>	The subject property does not support any significant habitats or Listed Species. The applicant will utilize their best efforts to preserve the existing vegetation if the site is developed as intended.
<b>Flood Zone*</b>	The subject parcel is located in Flood Zone X & Flood Zone AE
<b>Wellfield Zone*</b>	The subject property is within wellfield protection zones #2-4. A detailed map has been provided at Attachment M
* If the site is located within an A or V flood zone and/or within a Wellfield Protection zone, requests for greater intensity may be viewed unfavorable.	
<b>G. Historic Resources</b>	
The subject parcels do not contain any historic or architecturally significant resources located on or within 500 feet of the site. To the best of our knowledge the parcels do not contain or are located within 500 of the subject properties. Comment Letter as Attachment N.	

Exhibit 5

Palm Beach County Traffic Division Letter



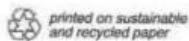
Department of Engineering  
and Public Works  
P.O. Box 21229  
West Palm Beach, FL 33416-1229  
(561) 684-4000  
FAX: (561) 684-4050  
www.pbcgov.com

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Board of County  
Commissioners

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

County Administrator  
Verdenia C. Baker

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December 28, 2021

Anna Lai, P.E., PTOE  
Simmons & White  
2581 Metrocentre Boulevard West, Suite 3  
West Palm Beach, Florida 33407

RE: Windsor Industrial  
FLUA Amendment Policy 3.5-d Review  
Round 2021-22-B

Dear Ms. Lai:

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 December 22, 2021, 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:	Southwest corner of Belvedere Road and Jog Road	
PCN:	00-42-43-27-05-005-0051 (other on file)	
Acres:	2.55 acres	
	Current FLU	Proposed FLU
FLU:	Commercial Low (CL)/Low Residential, 2 units per acre (LR-2)	Industrial (IND)/ Low Residential, 2 units per acre (LR-2)
Zoning:	Community Commercial (CC)	Industrial Light (IL)
Density/ Intensity:	0.2 FAR	0.45 FAR
Maximum Potential:	General Commercial = 22,215 SF (As per ORD 2007-014)	Light Industrial = 49,985 SF
Proposed Potential:	None	None
Net Daily Trips:	-764 (maximum – current)	
Net PH Trips:	31 (28/3) AM, 28 (4/24) PM (maximum)	
* Maximum indicates typical FAR and maximum trip generator. Proposed indicates the specific uses and intensities/densities anticipated in the zoning application.		

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



Anna Lai, P.E., PTOE  
December 28, 2021  
Page 2

of the Palm Beach County Comprehensive Plan at the **maximum potential** density shown above.

Please note the proposed amendment will have a reduce impact for the long-range analysis and an insignificant impact for Test 2 analysis.

Please contact me at 561-684-4030 or email to [DSimeus@pbcgov.org](mailto:DSimeus@pbcgov.org) with any questions.

Sincerely,

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

Dominique Simeus, P.E.  
Professional Engineer  
Traffic Division

DS:qg

cc: Addressee  
Quazi Bari, P.E., PTOE – Manager – Growth Management, Traffic Division  
Lisa Amara – Director, Zoning Division  
Bryan Davis – Principal Planner, Planning Division  
Stephanie Gregory – Principal Planner, Planning Division  
Khurshid Mohyuddin – Principal Planner, Planning Division  
Kathleen Chang – Senior Planner, Planning Division  
Jorge Perez – Senior Planner, Planning Division

File: General - TPS - Unincorporated - Traffic Study Review  
N:\TRAFFIC\Development Review\Comp Plan\22-B\Windsor Industrial.docx

**Exhibit 6**  
**Water & Wastewater Provider LOS Letter**

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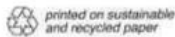
**Water Utilities Department  
Engineering**  
8100 Forest Hill Blvd.  
West Palm Beach, FL 33413  
(561) 493-6000  
Fax: (561) 493-6085  
www.pbcwater.com



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

**County Administrator**  
Verdenia C. Baker

*"An Equal Opportunity  
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November 3, 2021

Schmidt Nichols  
1551 N Flagler Dr. Ste. 102  
West Palm Beach, FL 33401

Project: Windsor Industrial  
2.55 Acres  
PCN 00-42-43-27-05-005-0051 & 00-42-43-27-05-005-0054

Dear Mr. Sperling,

This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area.

The nearest potable water is 16" watermain located within Jog Road right of way approximately 230 feet north of to the subject property and the nearest sanitary sewer connection is an 8" sanitary sewer forcemain located within Jog Road right of way approximately 1300 feet south of the subject property.

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

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

Sincerely,

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

Jackie Michels, P.E.,  
Project Manager

Exhibit 7

Disclosure of Ownership Interests

PALM BEACH COUNTY - ZONING DIVISION

FORM # 9

DISCLOSURE OF OWNERSHIP INTERESTS -- PROPERTY

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

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

STATE OF FLORIDA  
COUNTY OF PALM BEACH

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

1. Affiant is the [ ] Individual or [x] President 6562 Belvedere LLC [position - e.g., president, partner, trustee] of 6562 Belvedere 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: 11410 S.W. 95th Avenue  
Miami, FL 33176
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.

  
 Shawn Chemtov, 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 26 day of October, 20 21 by Shawn Chemtov (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).

Alicia Cabrera  
 (Name - type, stamp or print clearly)

Alicia Cabrera  
 (Signature)

My Commission Expires on: 7-1-25

NOTARY'S SEAL OR STAMP





EXHIBIT "A"

PROPERTY

A PORTION OF THE EAST HALF OF TRACT 5, BLOCK 5, "PALM BEACH FARMS COMPANY PLAT No. 3", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGES 45-54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF TRACT "R", "TERRACINA TRACT "R-1" REPLAT", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 109, PAGE 117 OF SAID PUBLIC RECORDS, SAID POINT BEING THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF JOG ROAD WITH THE SOUTH LINE OF SAID TRACT 5; THENCE SOUTH 89°03'03" WEST ALONG SAID SOUTH LINE, ALSO BEING THE NORTH LINE OF SAID TRACT "R" 189.17 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF SAID TRACT 5; THENCE NORTH 00°56'57" WEST ALONG THE WEST LINE OF THE EAST HALF OF SAID TRACT 5 FOR 633.57 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-3 CANAL; THENCE NORTH 89°03'03" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE 159.93 FEET TO A POINT ON THE AFOREMENTIONED WESTERLY RIGHT-OF-WAY LINE OF JOG ROAD; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE, THE FOLLOWING FOUR (4) COURSES AND DISTANCES; 1) SOUTH 03°13'49" EAST 76.91 FEET; 2) SOUTH 04°08'49" EAST 36.00 FEET; 3) SOUTH 04°08'46" EAST 213.94; 4) SOUTH 03°13'49" EAST 307.42 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING AND BEING IN PALM BEACH COUNTY, FLORIDA AND CONTAINING 111,052 SQUARE FEET (2.5494 ACRES), MORE OR LESS.

DEED LEGAL:

PARCEL 1:

THE WEST HALF (W 1/2) OF THE EAST HALF (E 1/2) OF TRACT 5, BLOCK 5, "THE PALM BEACH FARMS CO. PLAT No. 3", WHICH LIES SOUTH OF THE PALM BEACH CANAL, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE NORTH 28 FEET THEREOF AS CONVEYED IN DEED BOOK 67, PAGE 412.

PARCEL 2:

THE EAST QUARTER (E 1/4) OF TRACT 5, BLOCK 5, LYING WEST OF THE JOG ROAD RIGHT-OF-WAY, "THE PALM BEACH FARMS CO. PLAT No. 3", WHICH LIES SOUTH OF THE PALM BEACH CANAL, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 45, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

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	
Shawn Chemtov	11410 S.W. 95th Avenue, Miami, FL 33176	100%

## Exhibit 8

### Correspondence

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#### Correspondence provided at the 2/10/23 Planning Commission Public Hearing

Item: III.A.2

January 16, 2023

Lisa Amara, Zoning Director  
Palm Beach County, Zoning Division  
2300 North Jog Road  
West Palm Beach FL 33411  
Phone: (561) 233-5234  
Email: [lamara@pbcgov.org](mailto:lamara@pbcgov.org)

RE: Windsor Industrial (Application No. ZV/ABN/Z – 2021-01863)

Dear Ms. Amara,

I am the owner of the properties located at 6584 and 6594 Belvedere Road (total of +/- 19 acres) adjacent to the west of the development site under consideration. The purpose of this letter is to express my support for the proposed requests sought for the Windsor Industrial project as follows:

1. Future Land Use Map Amendment
2. Development Order Abandonment
3. Rezoning
4. Type II Variance for Landscape buffer reduction (west property line)

The previous approval on the property was for a gas station. That said, the proposed light industrial development will better complement my business and the surrounding developments. The corridor has become dominated by non-residential uses as encouraged by the PBC Airport Overlay. The proposed reduction of the landscape buffer along my adjoining property line will not cause any negative impacts with the proposed 8' hedge and fence along with adequate trees. I met with the applicant who walked me through the proposal and I feel comfortable with all aspects of the project. My property is the only affected party and I have no issues and as stated before support the project.

I would ask that the Commission support the proposed requests as this would bring a much needed industrial building to the corridor and avoid a gas station development which may bring unwanted people in and around my property. The proposed use will be low impact and still provide landscaping along our shared property line.

You may reach me via email at [bruce@armstronglandscapegroup.com](mailto:bruce@armstronglandscapegroup.com).

Best Regards,

  
Bruce Armstrong, Armstrong Landscaping

cc: Wendy Hernandez, Deputy Zoning Director, PBC Zoning Division, via email  
Imene Haddad, Site Planner II, PBC Zoning Division, via email

1980 Hypoluxo Road, Lake Worth, FL 33462 | T: 561.684.6141 | [jckosem@yahoo.com](mailto:jckosem@yahoo.com)