

2024 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

Part 1. Amendment Data

A. Amendment Data

Round	25-B	Intake Date	November 13, 2024
Application Name	Park West Commerce South	Revised Date	N/A
Acres	9.59 AC	Control Number	1997-00120
		Text Amend?	No
PCNs	00-42-46-20-01-000-0070		
Location	Southeast corner of Atlantic Avenue and Persimmon Avenue		
	Current	Proposed	
Tier	Agricultural Reserve	Agricultural Reserve	
Use	Agriculture, Nursery (545 SF one-story building)	Light Industrial	
Zoning	Agricultural Reserve (AGR)	Multiple Use Planned Development (MUPD)	
Future Land Use Designation	Agricultural Reserve (AGR)	Commerce (CMR) with underlying Agricultural Reserve (AGR)	
Conditions	None	TBD	

B. Development Potential

	Current FLU	Proposed FLU
Maximum Square Feet (for non-residential)	0.15 FAR x 9.59 acres = 62,661 SF	0.35 FAR x 9.59 acres = 146,209 SF
Maximum Units (for residential)	1 du/5 acres x 9.59 ac. = 2 units	1 du/5 acres x 9.59 ac. = 2 units
Maximum Beds (for CLF proposals)	Not Applicable	Not Applicable
Population Estimate	2 max du x 2.39 = 4.78 or 5 people	2 max du x 2.39 = 4.78 or 5 people

Part 2. Applicant Data

A. Agent Information

Name	Lauren McClellan
Company Name	JMorton Planning & Landscape Architecture
Address	3910 RCA Boulevard, Suite 1015
City, State, Zip	Palm Beach Gardens, FL 33410
Phone / Fax Number	(561) 500-5060 & (561) 721-4463
Email Address	lmcclellan@jmortola.com

B. Applicant Information

Name	Paul Okean, President
Company Name	Morningstar Nursery, Inc.
Address	505 South Flagler Drive, Suite 1100
City, State, Zip	West Palm Beach, FL 33401
Phone / Fax Number	
Email Address	pzo@okeanholdings.com
Interest	Owner

Part 3. Site Data

A. Site Data

Built Features	There is a +/- 545 SF one-story building
PCN	00-42-46-20-01-000-0070
Street Address	15100 Persimmon Avenue
Frontage	Approximately 680 feet on Atlantic Avenue & approximately 615 feet on Persimmon Avenue.
Legal Access	Persimmon Avenue and Atlantic Avenue
Contiguous under same ownership	None
Acquisition details	The property was acquired on October 20, 2021, by Morningstar Nursery, Inc. by Special Warranty Deed. According to the Special Warranty Deed, the Property was granted for the consideration of \$10.00.
Size purchased	10.2 acres

B. Development History

Previous FLUA Amendments	None
Concurrency	None
Plat, Subdivision	Palm Beach Farms Co. Plat No. 1, Sub in Plat Book 2, Pages 26 to 28

C. Zoning Approvals & Requests

Reso. No.	App. No.	Status	Type	Description	Changes proposed (if any)
R-1998-0851	Z-1997-00120	Approved	AGR Rezoning	To rezone parcels with an Agricultural Reserve (AGR) land use.	

Part 4. Consistency

A. Surrounding Land Uses.

Adjacent Lands	Use	Future Land Use	Zoning
North	NW - Bona Fide Agriculture NE - Agriculture use	Agricultural Reserve (AGR)	Agricultural Reserve (AGR)
South	Single Family Homes, 0.74 DU/AC, 96 DU total (Delray Lake Estates)	Agricultural Reserve (AGR)	Residential Estate (RE)
East	Single Family Homes, 0.74 DU/AC, 96 DU total (Delray Lake Estates)	Agricultural Reserve (AGR)	Residential Estate (RE)
West	Single Family Homes, 0.74 DU/AC, 96 DU total (Delray Lake Estates)	Agricultural Reserve (AGR)	Residential Estate (RE)

Part 5. Public Facilities Information

A. Traffic Information		
	Current	Proposed
Max Trip Generator	Nursery (Garden Center) - ITE 817: T = 108.10x; Nursery (Wholesale) - ITE 818: T = 19.5x	Light Industrial – ITE 110: T = 4.87x; Flex Space IND FLU – PBC Rate: T= 7.86x; Landscape Services – PBC Rate: T = 121.70x
Maximum Trip Generation	630 Daily Trips	1,166 Daily Trips (Maximum) 1,033 Daily Trips (Restricted)
Net Daily Trips:	536 (maximum minus current) 403 (proposed minus current)	
Net PH Trips:	330 AM, 159 PM (maximum) 201 AM, 159 PM (proposed)	
Significantly impacted roadway segments that fail Long Range	None	None
Significantly impacted roadway segments for Test 2	None	None
Traffic Consultant	Simmons & White	
B. Mass Transit Information		
Nearest Palm Tran Route (s)	Route 81 – DLB Crosstown via Atlantic Avenue	
Nearest Palm Tran Stop	Stop No. 6409 (0.9 miles east) – Oriole Plaza, east side of Hagen Ranch Road approximately 0.1 miles north of Atlantic Avenue	
Nearest Tri Rail Connection	Via Route 81 – Delray Beach Tri-Rail Station, approximately 6.5 miles east	
C. Potable Water & Wastewater Information		
Potable Water & Wastewater Providers	Palm Beach County Water Utilities Department Service capacity is available for the proposed development.	
Nearest Water & Wastewater Facility, type/size	The nearest point of connection is a 42” potable water main, a 16” sanitary sewer force main and a 20” reclaimed water main located within Atlantic Avenue adjacent to the properties.	
D. Drainage Information		

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-34 Canal along the north side of the subject parcel.

E. Fire Rescue

Nearest Station	Palm Beach County Fire-Rescue Station # 42, located at 14276 Hagen Ranch Road
Distance to Site	2.25 miles
Response Time	Average response time is 7:29
Effect on Resp. Time	The proposed amendment will have some impact on the response time for Station # 42

F. Environmental

Significant habitats or species	There are no significant habitats or species on the Property. The property is currently used as a nursery
Flood Zone*	The Property is located in Zone X, which is not a flood zone
Wellfield Zone*	The Property is not located within a Wellfield Protect Zone

G. Historic Resources

There are no significant historic resources present on the Property.

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

Park Type	Name & Location	Level of Svc. (ac. per person)	Population Change	Change in Demand
Regional	<i>Indicate the name and location of the park.</i>	0.00339		
Beach	<i>Indicate the name and location of the park.</i>	0.00035		
District	<i>Indicate the name and location of the park.</i>	0.00138		

I. Libraries - Residential Only (Including CLF)

Library Name	<i>Indicate the name and location of the closest County Library</i>
Address	
City, State, Zip	
Distance	<i>Indicate the distance from the site to the nearest library.</i>

Component	Level of Service	Population Change	Change in Demand
Collection	2 holdings per person		
All staff	0.6 FTE per 1,000 persons		
Library facilities	0.6 square feet per person		
J. Public Schools - Residential Only (Not Including CLF)			
	Elementary	Middle	High
Name			
Address			
City, State, Zip			
Distance			

Part 6. Attachments

- A. **PCN List, Legal Description and Warranty Deed**
- B. **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**
- P. **Survey**

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

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

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Attachment F Built Feature Inventory & Map



+/- 545 SF one-story building

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 one parcel located at the southeast corner of Persimmon Ave. and Atlantic Ave. encompassing 9.59 acres of bona fide agriculture (herein referred to as “Property” PCN 00-42-43-27-05-061-0311). A concurrent application is being filed for a rezoning to Multiple Use Planned Development (MUPD) seeking to develop a light industrial use on the Property.

I. PROPOSED FLUA MAP AMENDMENT

The Applicant is proposing to amend the Future Land Use designation of the Property from Agricultural Reserve (AGR) to Commerce with an underlying Agricultural Reserve (CMR/AGR).

Description of Site Vicinity

The Property, and all surrounding properties, have a Future Land Use designation of Agricultural Reserve. Within the vicinity of the Property are multiple agricultural uses including row crops and agriculture sales. The property to the immediate north does not yet have any approvals, but has been concurrently submitted with this application for a future land use amendment to Commerce.

Land uses directly abutting the Property include the following:

Adjacent Property	Land Use Designation	Zoning Designation	Existing Use	Control Number
North	Agricultural Reserve (AGR) & Proposed Commerce	Agricultural Reserve (AGR) & Proposed MUPD	Bona fide Agriculture & Proposed Light Industrial	N/A
South	Agricultural Reserve (AGR)	Residential Estate (RE)	Single Family Residential (Delray Lake Estates)	1979-00031
East	Agricultural Reserve (AGR)	Residential Estate (RE)	Single Family Residential (Delray Lake Estates)	1979-00031
West	Agricultural Reserve (AGR)	Residential Estate (RE)	Single Family Residential (Delray Lake Estates)	1979-00031

G.1 Justification

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

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

***Response:** The proposed Commerce Future Land Use designation is suitable and appropriate for the Property. The land use allows light industrial uses appropriate along Atlantic Ave. with the many other industrial properties to the west along the corridor and the Property’s proximity to the Florida’s Turnpike interchange with Atlantic Ave.*

The Commerce land use designation will provide for additional uses that are compatible with the single-family homes surrounding the Property. The proposed change would allow a light industrial use to provide a needed service to the neighboring agricultural uses, working in harmony with the continued preservation of agriculture

for the area. The Property's location along Atlantic Ave. provides for easy access to the site from elsewhere in the County.

Under the current land use and zoning designation, the Property could be permitted to have agricultural storage, equestrian arena, potting soil manufacturing, chipping and mulching, composting facility, commercial stable, or commercial nursery which are all incompatible with the adjacent single family residential homes. With the change to the Commerce designation, all uses will require site plan approval to confirm compatibility with surrounding uses, including large landscape buffers to screen all uses from the single family.

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 Agriculture Reserve Tier has recently been the subject of numerous changes. The commercial cap has been increased to accommodate new commercial projects along Boynton Beach Boulevard, State Road 7 and Atlantic Avenue. The Board of County Commissioners (BCC) also recognized the changing characteristics of the area and the compatibility concerns for certain agriculture uses with the increasing residential neighborhoods. Many permitted agricultural uses are industrial in nature and it was determined that a light industrial category could be established to complement those uses.

In 2022, the BCC adopted a new Land Use Designation of Commerce (CMR) to establish a third category of industrial uses specially for within the Agriculture Reserve Tier, with no other industrial land uses permitted in the Tier. The Commerce category is appropriate for this site to have non-intensive industrial uses that are compatible with adjacent single-family homes and further develops the Atlantic Avenue corridor with neighborhood-serving uses.

Commercial-Low (CL) designations have been established at the intersection of Lyons Rd. and Atlantic Ave, approximately 0.25 miles to the west of the Property and Industrial future land use designations on a string of properties beginning approximately one (1) mile west of the Property. This location is more compatible with commercial or industrial land use as it sits approximately 500 feet to the west of the interchange with Atlantic Ave. and Florida's Turnpike.

There have been multiple Commerce Future Land Use designations approved by the Board of County Commissioners throughout the Agriculture Reserve Tier since its creation including: LTG Sport Turf (LGA 2023-007), EJKJ Industrial (LGA 2023-004), SR7 Business Plaza (LGA 2023-006), BC Commerce Center (LGA 2023-003) and Bedner Oaks Commerce (LGA-2024-003). All of these changes and the recent direction from the BCC regarding additional light industrial uses in the Agriculture Reserve signify that additional land and opportunities for light industrial projects are needed and appropriate for properties fronting State Road 7, Boynton Beach Blvd. and Atlantic Ave.

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

Response: Access to the Property is currently on Persimmon Ave and will remain in the existing location. The applicant is proposing to lose acreage to move the connection of Persimmon to Atlantic Ave. further east to align the roadway with Starkey Rd. to the north. This alignment will create the opportunity to provide a traffic signal in the future for the residents of Delray Lake Estates, the subject Property, and all current and future development along Starkey Rd. Atlantic Avenue is scheduled to be widened from 4 lanes to 6 lanes east of the Turnpike. The road will also be widened from 2 lanes to 4 lanes west of Lyons Rd. to better accommodate the future traffic impacts.

There are no approvals directly adjacent to the Property that would impact the developability or create an incompatible development pattern. As specified above, the recently approved industrial uses throughout the Agriculture Reserve Tier signify a change in circumstances of the area. All of these changes allow for additional businesses to serve the needs of the growing number of residents moving to the Agricultural Reserve as well as to complement the existing agricultural uses.

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 light 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 however, the addition of industrial land and industrial uses was not included. Twenty years have passed since these Agricultural Reserve policies were incorporated into the Comprehensive Plan and the Agricultural Reserve Tier is close to being “built out”. Of the 22,000 acres within the Agricultural Reserve, a small percentage remains without any entitlement for development or preservation.*

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

The proposed light industrial uses, submitted with the concurrent rezoning application will create a compatible development with the adjacent to the single family homes of Delray Lakes Estates. Additionally, the development of the Property will realign the connection of Persimmon Ave. to Atlantic Ave. which will facilitate the construction of a traffic signal. This will serve as a safer way for the residents to access their homes. As traffic has increased over the years, crashes are increasingly likely from Starkey and Persimmon and a signal would significantly improve the safety.

d. Inappropriateness of the adopted FLU designation.

Response: *N/A*

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

Response: *N/A*

G.2 Residential Density Increases

This proposed FLU amendment is not a request to increase residential density. In fact, the change to Commerce will eliminate the ability to have any residential use of the property that could be currently permitted.

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, a light industrial use can provide essential services to residents of surrounding neighborhoods, agricultural production nearby, 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.

- The Property is located on a major east/west transportation route (Atlantic Ave) and within 500 ft of the intersection entrance to the Florida’s Turnpike. Many uses along Atlantic Ave are industrial or commercial in nature. 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 Atlantic Avenue corridor.

As mentioned, many uses that are permitted and currently exist on the agriculture land within the Agricultural Reserve have similar impacts on adjacent properties. Farming activities often include: pesticide and herbicide spraying, heavy equipment storage and operation, produce packing activities, truck deliveries and loading including refrigeration trucks, 24 hour operations, noise, dust, and outdoor storage of materials and dead plants/vegetation. Agriculture activities are often not buffered from adjacent properties and uses. Additionally, the County code requires setbacks, buffers and landscaping for all on-site structures to ensure compatibility. All proposed uses with the concurrent zoning application will be designed with none of the above mentioned external impacts that can occur to the adjacent properties.

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 a light industrial use on a Property with frontage on Atlantic Avenue, a major east/west transportation route. The area surrounding the Property is single family residential. This use will create additional neighborhood serving businesses within the Agricultural Reserve Tier that can meet the needs of the existing and future residents of the area.*

- **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 frontage on Atlantic Ave contributes to timely, cost effective service provision. The proposed Commerce designation will allow for development of a use that will better serve the immediate and future needs of the community as it will provide additional services to the area’s residents.

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 Commerce Future Land Use designation establishes a third category allowing industrial uses; and allows an opportunity for light industrial uses in appropriate locations to allow employment-based uses at suitable locations along major thoroughfares while protecting adjacent residences from more intense uses. A change to the Commerce Future Land Use designation would allow for the development of 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. The Commerce Land Use designation established a third category for industrial uses, specifically light industrial uses. Development of a light industrial use on the Property would be consistent with the existing development pattern along Atlantic Ave near the interchange with Florida’s Turnpike. A change to the Future Land Use designation would allow for the development of a project that would provide additional services to the surrounding community.

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

- **FLUE Policy 1.5-v:** “The County shall foster employment opportunities in the Agricultural Reserve Tier by allowing light industrial uses at appropriate locations to provide a balance of land uses for current and new residents of the Tier. All new future land use amendments requesting industrial type uses in the Agricultural Reserve Tier shall meet the following requirements:
 1. Limited to the Commerce (CMR) future land use designation.
 2. Located with frontage and access on State Road 7 (north of Rio Grande Avenue), Atlantic Avenue, Boynton Beach Boulevard or have access to these roadways through an existing commercial or industrial site. Sites located west of State Road 7 must share a common border with a property with commercial or industrial future land use;
 3. Be accompanied by a concurrent zoning application and conceptual site plan in order to demonstrate that the proposal meets the design, scale, and character requirements of the Tier;
 4. Have a minimum of 3 acres and a maximum of 50 acres (with the exception of lands dedicated to rights of way); and

5. Preserve shall be required for Commerce sites utilizing Light Industrial, Multiple Use Planned Development, or Planned Industrial Park Development zoning pursuant to FLUE Policy 1.5.1-q and subject to the following:
 - The preserve area requirements shall be based upon the acreage over 16 acres, shall be a minimum of 40% of the total land area over 16 acres, and allow water management tracts in preserve areas contiguous to the development area that provide enhanced environmental features and improved water quality as demonstrated through the future land use amendment process.

Response: The Project proposes a light industrial development on a 10-acre property located west of and with frontage and access to Atlantic Avenue. The Applicant is requesting a Land Use Designation of Commerce (CMR) corresponding with the concurrent request for a rezone to MUPD; and meeting the Performance Standards and Property Development Regulations. The Property is 10 acres and is not required per the Policy above to provide a preserve area.

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

Response: The Commerce Land Use designation establishes a third category allowing industrial uses, specifically light industrial uses and provides policy guidance on location requirements, limiting to major corridors. Providing additional industrial land within the Agricultural Reserve ensures the availability of employment opportunities and needed services to the residents of the Agricultural Reserve Tier. By adding valuable industrial land to the Agricultural Reserve Tier, economic diversity is ensured within the Tier and Palm Beach County.

- **FLUE Policy 2.2.4-c:** “The three Industrial future land use designations are intended to accommodate industrial uses which are defined as uses engaged in the manufacturing, assembly, processing, research and development, wholesale distribution, or storage of products, related uses and services, including Office of an Industrial Nature (as defined by the Introduction and Administration Element).
 1. **Commerce.** The Commerce (CMR) future land use designation is intended to accommodate light industrial uses to provide an option for low-trip generating non-residential and/or employment generating uses on arterial roadways. Industrial uses allowed shall be limited to those that demonstrate Light Industrial characteristics.

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

- **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 Commerce 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 Traffic Letter and Study, Drainage Statement, Fire Rescue Letter, and Water and Wastewater Provider Letter. Data and analysis discussing environmental and historical resources impacts are presented in Drainage Statement, Wellfield Zone Map, Natural Features Inventory and Map and Historic Resource Evaluation Letter. No negative environmental impacts are identified.

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

- Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single use development or uses.
Response: The applicant is requesting to change the FLU of the property from AGR to CMR with an underlying future land use of AGR for the purpose of providing additional services along the Atlantic Ave 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 Atlantic Ave. corridor which is not rural in nature as evidenced by urban services such as police, fire rescue and water/wastewater/drainage utilities are existing in the immediate area. The proposed Commerce designation is consistent near the interchange with the Florida's Turnpike.
- Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.
Response: The Property is not isolated in nature and currently supports a nursery.. The Property is surrounded by various commercial, residential and agricultural uses that would be considered infill development along a major west/west 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 as it is currently utilized for agricultural production. 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 for a small nursery business. 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 Commerce, no negative impacts to agricultural uses are anticipated with the land use change. The small size of the Property will not impact the larger parcels supporting agriculture operations in the Tier.
- Fails to maximize use of existing public facilities and services.
Response: This amendment will maximize the use of existing facilities and services. The Property's location within a Limited Urban Service Area (LUSA) means that services and public facilities are available to serve the Property.
- Fails to maximize use of future public facilities and services.

Response: Reports and letters are provided with this application to show the availability of roadway capacity, water/sewer service, drainage outfall and fire response. This amendment will maximize the use of any future facilities proposed or constructed in the future and provide additional tax base. Therefore, the proposal will maximize the existing public services in the area.

- Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.

Response: Public services and facilities are already available in the immediate vicinity. The proposed amendment will provide for infill development and fit in with the existing land use pattern.

- Fails to provide a clear separation between rural and urban uses.

Response: Approval of a Commerce Future Land Use designation will be consistent with the type of development to the north. 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 further to the west. 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 small Property that is consistent with the existing and proposed uses along Atlantic Ave. 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: There are no directly adjacent industrial or commercial uses that could be connected.

- Results in the loss of significant amounts of functional open space.

Response: This amendment does not result in a loss of any functional open space as the subject property is currently not utilized as functional open space.

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

- Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.

Response: This amendment does not fail to protect and conserve natural resources as the property does not contain natural resources. The site is located outside of any wellfield protection zone. As required by the ULDC, any native plant material will be addressed during the zoning approval process.

- Promotes the efficient and cost-effective provision or extension of public infrastructure and services.

Response: The proposed Future Land Use amendment will maximize the use of public facilities and services. Public infrastructure already exists within this 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 Ave. 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 Commerce (CMR) is consistent with the Goals, Objectives, and Policies of Palm Beach County's Comprehensive Plan and the Florida State Statutes. The proposed amendment is also compatible with the surrounding area, does not contribute to urban sprawl and is consistent with the Comprehensive Plan and will not negatively impact service provision. The CMR designation will be able to complement the existing residential and commercial uses along Atlantic Ave. and nearby agriculture by providing additional light industrial uses not currently provided nearby.

II. ULDC CHANGES

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



**Water Utilities Department
Engineering**

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



**Palm Beach County
Board of County
Commissioners**

Maria Sachs, Mayor
Maria G. Marino, Vice Mayor
Gregg K. Weiss
Michael A. Barnett
Marcy Woodward
Sara Baxter
Mack Bernard

County Administrator

Verdenia C. Baker

*"An Equal Opportunity
Affirmative Action Employer"*

August 23, 2024

Morton
3910 RCA Boulevard
Palm Beach Gardens, Fl. 33410

RE: Park West (South)

PCN 00-42-46-20-01-000-0070
Service Availability Letter

Dear Ms. Velasco,

This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area. Based on a review of current PBCWUD infrastructure and existing customers within the general vicinity of the referenced property, PBCWUD currently has the capacity to provide the level of service required for the land use amendment from Agricultural Reserve (AGR) to Commerce (CMR) on approximately 10.2 acres.

The nearest point of connection is a 42" potable water main, a 16" sanitary sewer force main and a 20" reclaimed water main located within Atlantic Avenue adjacent to the subject properties.

Please note that this letter does not constitute a final commitment for service until the final design has been approved by PBCWUD. In addition, the addition of new developments/customers prior to service initiation to the property may affect the available capacity. PBCWUD does not make any representations as to the availability of capacity as of the future service initiation date.

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

Sincerely,

Jackie Michels, P.E.
Project Manager

November 12, 2024
Job No. 22-196B

LAND USE PLAN AMENDMENT APPLICATION
STATEMENT OF LEGAL POSITIVE OUTFALL

Park West Commerce South
Palm Beach County, Florida

SITE DATA

The subject parcel is located in the southeast corner of Atlantic Avenue and Persimmon Avenue in Palm Beach County, Florida and contains approximately 9.58 acres. The Property Control Number (PCN) for the subject parcel is 00-42-46-20-01-000-0070. The subject property is currently designated as Agricultural Reserve (AGR) on the Palm Beach County Comprehensive Plan. The property owner is requesting a change in the parcel's future land use designation to Commercial (CMR).

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-34 Canal along the north side of the subject parcel. 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 elevations to be at or above the level produced by the 100 year 3 day rainfall event.
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.

DRAINAGE (CONTINUED)

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.

Robert F. Rennebaum, Professional Engineer, State of Florida, License No. 41168

This item has been electronically signed and sealed by Robert F. Rennebaum, P.E., on 11/12/2024 using a SHA-1 Authentication Code.

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





August 23, 2024

Fire Rescue

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



**Palm Beach County
Board of County
Commissioners**

Gregg K. Weiss, Mayor
Maria Sachs, Vice Mayor
Maria G. Marino
Michael A. Barnett
Marci Woodward
Sara Baxter
Mack Bernard

County Administrator

Verdenia C. Baker

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

Re: Park West (South)

Dear Maryori Velasco:

Per your request for response time information to the subject property located on the southeast corner of Atlantic Avenue and Persimmon Avenue. This property is served currently by Palm Beach County Fire-Rescue Station #42, which is located at 14276 Hagen Ranch Road. The maximum distance traveled to subject property is approximately 2.25 miles from the station. The estimated response time to the subject property is 7 minutes. For fiscal year 2023, the average response time (call received to on scene) for this stations zone is 7:29.

Changing the land use of this property will have some impact on Fire Rescue.

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

Sincerely,

Cheryl Allan, Planner II
Palm Beach County Fire-Rescue

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Attachment L Natural Feature Inventory & Map



Atlantic Avenue

Starkey Road

Florida's Turnpike

Site

Property currently used a nursery. Trees will be addressed during the Site Plan approval process. Exotic plant material to be removed.



Attachment L
Natural Feature Inventory

The Property is currently utilized entirely for an ornamental landscape nursery. There are no natural habitats to support significant populations of any listed species. The buffers along the south and east contain a variety of trees. No listed plant species have been identified within this area. A tree survey and tree disposition plan will be prepared and submitted with the concurrent zoning application materials. The site trees have the potential of supporting bird nests for listed species, though none have been documented. Many of the native trees on the Property's perimeter will remain with future development and, if nests are discovered, proper mitigation strategies will be implemented to ensure the species survival.

November 12, 2024
Job No. 22-196B

LAND USE PLAN AMENDMENT APPLICATION
WELLFIELD PROTECTION ZONE STATEMENT

Park West Commerce South
Palm Beach County, Florida

SITE DATA

The subject parcel is located in the southeast corner of Atlantic Avenue and Persimmon Avenue in Palm Beach County, Florida and contains approximately 9.58 acres. The Property Control Number (PCN) for the subject parcel is 00-42-46-20-01-000-0070. The subject property is currently designated as Agricultural Reserve (AGR) on the Palm Beach County Comprehensive Plan. The property owner is requesting a change in the parcel's future land use designation to Commercial (CMR).

WELLFIELD PROTECTION ZONE

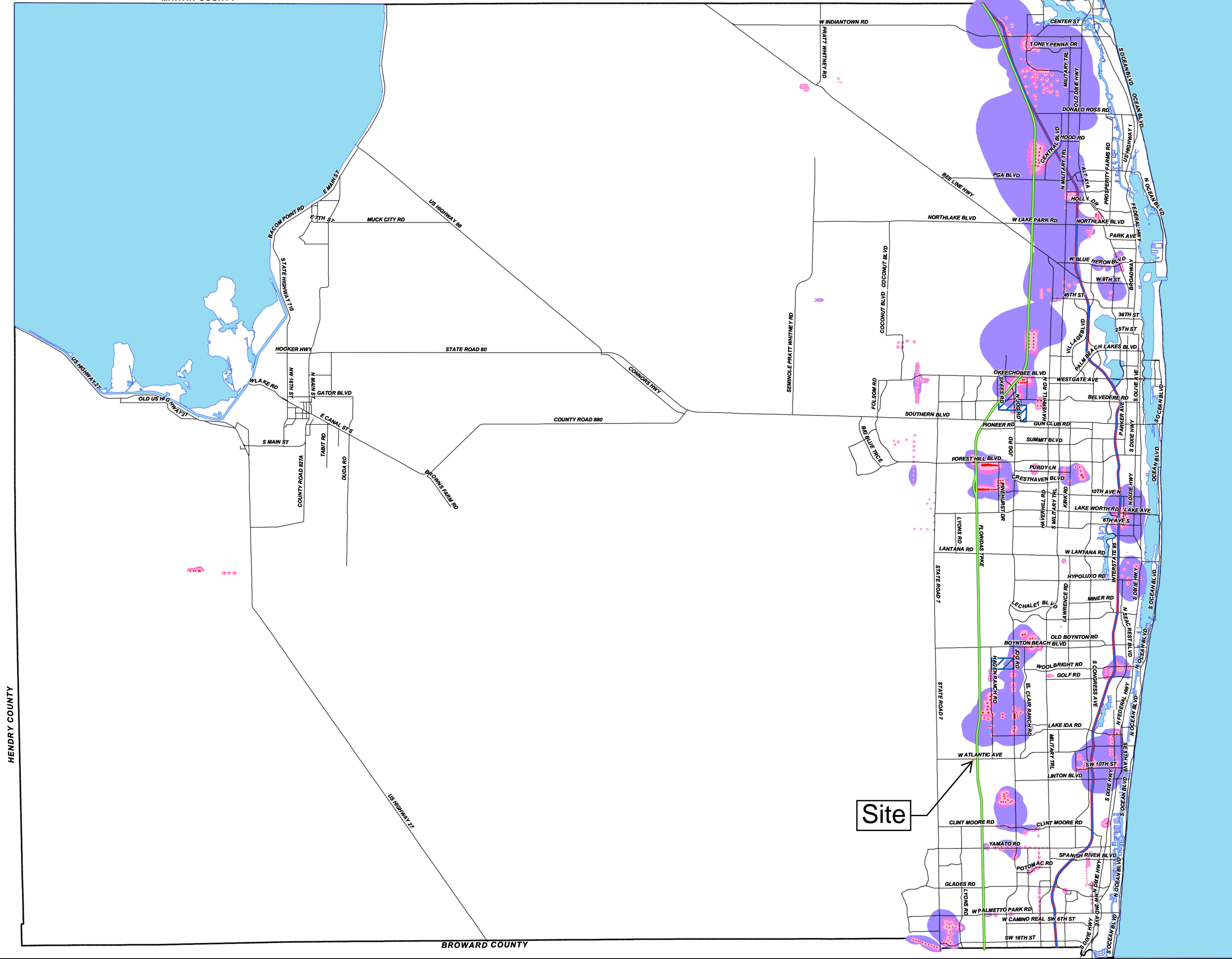
The above referenced project is not located within any Wellfield Protection Zones as shown on the "Wellfield Protection Zones of Influence in Palm Beach County, Florida," exhibit, adopted June 12, 2015.

Robert F. Rennebaum, Professional Engineer, State of Florida, License No. 41168






This item has been electronically signed and sealed by Robert F. Rennebaum, P.E., on 11/12/2024 using a SHA-1 Authentication Code.

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

MARTIN COUNTY



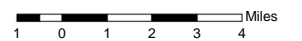
MAP LU 4.1
WELLFIELD PROTECTION
ZONES IN PALM BEACH
COUNTY, FLORIDA

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

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



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

HENDRY COUNTY

BROWARD COUNTY

Site



**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



**Palm Beach County
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Gregg K. Weiss

Michael A. Barnett

Marci Woodward

Sara Baxter

Mack Bernard

County Administrator

Verdenia C. Baker

August 21, 2024

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: **Park West (South)**, under PCN: 00-42-46-20-01-000-0070.

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 Chapter 827 Florida Statutes, 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: Thuy Shutt, AIA, NCARB, FRA-RA, Planning Director, PBC Planning Division
Jeff Gagnon, AICP, Deputy Planning Director, PBC Planning Division
Bryan Davis, CNU-A, Principal Planner, PBC Planning Division
Nydia I. Pontón-Nigaglioni, PhD, RPA, PBC Archaeologist / Planner I

T:\Planning\Archaeology\County Departments\Planning\Land Use Amendments and Development Review\J. Morton\ Project: Park West(South)_PCN_0042461701000070_Letter_8-21-2024.doc

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