

# 2019 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

## Part 1. Amendment Data

### A. Amendment Data

|   |  |   |             |
|---|--|---|-------------|
| <b>Round</b>                                  | Round 20-A.  | <b>Intake Date</b>  | May 8, 2019 |
| <b>Application Name</b>                       | West Boynton Center  | <b>Concurrent?</b>  | No          |
| <b>Acres</b>                                  | 6.85 acres   | <b>Text Amend?</b>  | Yes         |
| <b>PCNs</b>                                   | 00-42-43-27-05-050-1171  |   |             |
| <b>Location</b>                               | Northwest corner of Boynton Boulevard and Acme Dairy Road  |   |             |
|   | <b>Current</b>   | <b>Proposed</b>   |             |
| <b>Tier</b>                                   | Ag Reserve   | No Change   |             |
| <b>Use</b>                                    | Commercial & Agricultural  | Commercial  |             |
| <b>Zoning</b>                                 | Agricultural/General Commercial  | Multiple Use Planned Development (MUPD)                                   |             |
| <b>Future Land Use Designation</b>            | Commercial Low   | No Change   |             |
| <b>Underlying Future Land Use Designation</b> | Agriculture  | No Change   |             |
| <b>Conditions</b>                             | Ordinance 2016-036 restricts the site to a maximum of 48,000 square feet of commercial retail uses, or other uses which do not exceed the equivalent traffic generating trips. | The applicant proposes to delete the prior condition of approval in full. |             |

### B. Development Potential

|   | <b>Current FLU</b>            | <b>Proposed FLU</b>   |
|---|-------------------------------|---|
| <b>Density/ Intensity:</b>  | 1 Dwelling Units per 10 Acres | No Change   |
| <b>Maximum Dwelling Units<sup>1</sup></b> (residential designations)    | 1 DU/10 Acres x ac. = 1 DU    | No Change   |
| <b>Maximum Beds (for CLF proposals)</b>                                 | Not Applicable                | Not Applicable  |
| <b>Population Estimate</b>  | 1 max du x 2.39 = 2.39        | No Change   |
| <b>Maximum Square Feet<sup>2,4</sup></b> (non-residential designations) | 0.2 FAR x 6.85 ac = 59,677 SF | 0.2 FAR x 6.85 ac = 59,677 SF   |
| <b>Proposed or Conditioned Potential<sup>3,4</sup></b>                  | 48,000 SF Commercial Limit    | Commercial -15,000 SF<br>Fast Food Restaurant – 5,000 SF<br>Self-Storage – 130,000 SF |
| <b>Max Trip Generator</b>   | General Commercial, ITE # 820 | General Commercial, ITE # 820   |

|                                |   |   |
|--------------------------------|---|---|
|                                | $\ln(T) = 0.68 \ln(x) + 5.57$   | $\ln(T) = 0.68 \ln(x) + 5.57$<br>Fast Food , ITE #934<br>470.95 tpd/1000 SF<br>Self-Storage, ITE #151<br>1.51 tpd/1000 SF |
| <b>Maximum Trip Generation</b> | 1928 daily trips (conditioned)  | 2,321 daily trips (maximum potential)<br>2,072 daily trips (proposed potential)   |
| <b>Net Daily Trips:</b>        | 393 daily trips (maximum minus current)<br>144 daily trips (proposed minus current) |   |
| <b>Net PH Trips:</b>           | 7 AM, 36 PM (maximum)<br>97 AM, -8 PM (proposed)                                    |   |

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

# 2019 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

## Part 2. Applicant Data

### A. Agent Information

|                           |   |
|---------------------------|---|
| <b>Name</b>               | Ken Tuma & Alessandria Palmer   |
| <b>Company Name</b>       | Urban Design Kilday Studios   |
| <b>Address</b>            | 610 Clematis Street, CU-02  |
| <b>City, State, Zip</b>   | West Palm Beach, FL 33401   |
| <b>Phone / Fax Number</b> | 561-366-1100  |
| <b>Email Address</b>      | <a href="mailto:ktuma@udkstudios.com">ktuma@udkstudios.com</a> and <a href="mailto:apalmer@udkstudios.com">apalmer@udkstudios.com</a> |

### B. Applicant Information

|                           |  |
|---------------------------|--|
| <b>Name</b>               | Gary Smigiel, General Partner                            |
| <b>Company Name</b>       | West Boynton Center, Ltd. For Smigiel Partners VII, Ltd. |
| <b>Address</b>            | PO Box 540669  |
| <b>City, State, Zip</b>   | Lake Worth, FL 33467                                     |
| <b>Phone / Fax Number</b> | Please contact agent                                     |
| <b>Email Address</b>      | Please contact agent                                     |
| <b>Interest</b>           | Property Owner   |

# 2019 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

## Part 3. Site Data

### A. Site Data

|  |   |
|--|---|
| <b>Built Features</b>                  | The subject property contains structures that house 10,425 s.f. of store space (retail), 3,475 s.f. of multi-family, apartment space and 320 s.f. of office space and the remainder of the property is used as a nursery and vehicular parking. See Attachment F for Built Feature and Inventory Map. |
| <b>PCN</b>                             | 00-42-43-27-05-050-1171<br><br>Please see Attachment A for Legal and Attachment P for the Survey.   |
| <b>Street Address</b>                  | 8521 Boynton Beach Boulevard  |
| <b>Frontage</b>                        | Approximately 443 lineal feet along Boynton Beach Boulevard; and<br>Approximately 620 lineal feet along Acme Dairy Road.  |
| <b>Legal Access</b>                    | Currently two (2) access points from/to Boynton Beach Boulevard and one (1) access point from/to Acme Dairy Road  |
| <b>Contiguous under same ownership</b> | <i>None</i>   |
| <b>Acquisition details</b>             | Property was purchased for \$460,000.00 by Smigiel Partners VII from Operation Concern, Inc. on February 4, 1999 per the Warranty Deed recorded in ORB 10953, PG 1733 on February 26, 1999.   |
| <b>Size purchased</b>                  | The parcels acquired were not part of a larger property. Please see Attachment A for a copy of the deed and the applicable corporation documents.   |

### III. Development History

|   |  |
|---|--|
| <b>Previous FLUA Amendments</b>         | <p>January 27, 2016 - 2.5 acres of the subject property was approved for a FLUA Amendment change from AGR to CL/AGR through County Initiated amendment LGA 2016-015 that was adopted by the Board of County Commissioners by way of Ordinance 2016-13.</p> <p>August 22, 2016 – 6.85 acres in full was approved for a FLUA amendment change from AGR to CL/AGR adopted by the Board of County Commissioners by way of Ordinance 2016-36.</p>   |
| <b>Zoning Approvals, Control Number</b> | There have been no previous Zoning approvals granted on the subject property; however, per the Final Order (attached) that was issued in the Special Master Hearing case of Gary Smigiel, L.C. and West Boynton Center, Ltd., Appellants, v. Palm Beach County, Appellee, the southern approximately 2.5-acres of the subject property were zoned General Commercial (CG) and contained an approximately 14,220 square-foot, two-story building with 10,425 square feet of store space, 3,475 square feet of apartment space, and 320 square feet of office space. |

|                          |  |
|--------------------------|--|
| <b>Concurrency</b>       | Concurrency exists for the existing structures/uses on the subject property. The appropriate concurrency for the proposed structures/uses will be applied for at the appropriate time. |
| <b>Plat, Subdivision</b> | The subject property is part of the Palm Beach Farms Company Plat No. 3; however, it is not subject to a master plan and has not been subdivided.                                      |

# 2019 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

## Part 4. Consistency

### A. Consistency

|   |   |
|---|---|
| <b>Justification</b><br>Provide as G.1.                 | Please see Attachment G for Consistency with the Comprehensive Plan and Florida Statutes statement prepared by Urban Design Kilday Studios. |
| <b>Residential Density Increases</b><br>Provide as G.2. | Please see Attachment G for Consistency with the Comprehensive Plan and Florida Statutes statement prepared by Urban Design Kilday Studios. |
| <b>Compatibility</b><br>Provide as G.3.                 | Please see Attachment G for Consistency with the Comprehensive Plan and Florida Statutes statement prepared by Urban Design Kilday Studios. |
| <b>Comprehensive Plan</b><br>Provide as G.4.            | Please see Attachment G for Consistency with the Comprehensive Plan and Florida Statutes statement prepared by Urban Design Kilday Studios. |
| <b>Florida Statutes</b><br>Provide as G.5.              | Please see Attachment G for Consistency with the Comprehensive Plan and Florida Statutes statement prepared by Urban Design Kilday Studios. |

### B. Surrounding Land Uses.

| Adjacent Lands | Use   | Future Land Use     | Zoning                              |
|----------------|---|---------------------|-------------------------------------|
| <b>North</b>   | Agricultural  | Agriculture Reserve | Agriculture Reserve                 |
| <b>South</b>   | School, Elementary or Secondary (in a AGR-TMD preserve) | Agriculture Reserve | Traditional Marketplace Development |
| <b>East</b>    | Agricultural  | Agriculture Reserve | Agriculture Reserve                 |
| <b>West</b>    | Assembly, Nonprofit & Institutional (Caridad Center)    | Agriculture Reserve | Agriculture Reserve                 |

# 2019 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

## Part 5. Public Facilities Information

| <b>A. Traffic Information</b>  |   |  |
|--|---|--|
| Please see Attachment H for the Land Use Plan Amendment Application Traffic Statement prepared by Simmons & White.   |   |  |
|  | <b>Current</b>  | <b>Proposed</b>  |
| <b>Max Trip Generator</b>  | General Commercial, ITE # 820<br>$\text{Ln}(T) = 0.68 \text{Ln}(x) + 5.57$  | General Commercial, ITE # 820<br>$\text{Ln}(T) = 0.68 \text{Ln}(x) + 5.57$<br>Fast Food , ITE #934<br>470.95 tpd/1000 SF<br>Self-Storage, ITE #151<br>1.51 tpd/1000 SF |
| <b>Maximum Trip Generation</b>   | 1928 daily trips (conditioned)  | 2,321 daily trips (maximum potential)<br>2,072 daily trips (proposed potential)  |
| <b>Net Daily Trips:</b>  | 393 daily trips (maximum minus current)<br>144 daily trips (proposed minus current)   |  |
| <b>Net PH Trips:</b>   | 7 AM, 36 PM (maximum)<br>97 AM, -8 PM (proposed)  |  |
| <b>Significantly impacted roadway segments that fail Long Range</b>  | None  | None   |
| <b>Significantly impacted roadway segments for Test 2</b>  | None  | None   |
| <b>Traffic Consultant</b>  | Simmons & White Inc. – Kyle Duncan, Vice President  |  |
| <b>B. Mass Transit Information</b>   |   |  |
| <b>Nearest Palm Tran Route (s)</b>   | Palm Tran Route 73 runs along Boynton Beach Boulevard directly south of the subject property.   |  |
| <b>Nearest Palm Tran Stop</b>  | The nearest stop is on the north side of Boynton Beach Boulevard approximately 345 lineal feet west of the western property line of the subject property. |  |
| <b>Nearest Tri Rail Connection</b>   | Route 73 intersects with Route 70 which links directly to the Boynton Beach Tri-Rail Station.   |  |
| <b>C. Portable Water &amp; Wastewater Information</b>  |   |  |
| Please see Attachment I for the Level of Service Request letter from the PBC Water Utilities Department requesting confirmation of capacity for the proposed FLUA designation. |   |  |

|   |  |
|---|--|
| <b>Potable Water &amp; Wastewater Providers</b>   | Palm Beach County Water Utilities Department   |
| <b>Nearest Water &amp; Wastewater Facility, type/size</b>   | The nearest PBCWUD potable water facility is a 42" watermain adjacent to the median of Boynton Beach Boulevard that has a 24" watermain tie-in that extends north along the west side of Acme Dairy Road. The 24" watermain is currently plugged and was installed for future connection by the subject parcel. After tie-in to the existing 24" watermain, the newly constructed watermain will be looped through the site and tied back into the 24" watermain which will be extended along Acme Dairy Road to the north property line and then plugged for future connection by others. There is also a 24" forcemain along the north side of Boynton Beach Boulevard for wastewater service. As part of the development of the subject parcel, a private on-site lift station will be required. A private forcemain will extend from the lift station and tie directly into the 24" forcemain. |
| <b>D. Drainage Information</b>  |  |
| The subject property is within the SFWMD C-16 Basin. Legal positive outfall will be provided by the LWDD L-24 Canal which is located on the south side of Boynton Beach Boulevard. Please see Attachment J for Drainage Statement prepared by Simmons & White, Inc. |  |
| <b>E. Fire Rescue</b>   |  |
| <b>Nearest Station</b>  | Palm Beach County Fire-Rescue Station #47  |
| <b>Distance to Site</b>   | Approximately 1 mile   |
| <b>Response Time</b>  | 4 minutes, 30 seconds  |
| <b>Effect on Resp. Time</b>   | Please see letter from the Fire-Rescue Department in Attachment K in which the Department confirmed that the proposed FLUA Amendment will have minimal impact on Fire Rescue.  |
| <b>F. Environmental</b>   |  |
| <b>Significant habitats or species</b>  | The subject property has been developed and has been used for agricultural purposes. As such, there are no significant habitats or species on-site. Please see Attachment L for the Natural Feature Inventory Map prepared by the agent.   |
| <b>Flood Zone*</b>  | A submit property is located in Flood Zone B. Please see Attachment M for Floodplain Statement prepared by Simmons & White, Inc.   |
| <b>Wellfield Zone*</b>  | The subject property is located outside of the wellfield protection zones. Please see Attachment M for Wellfield Protection Zone Statement prepared by Simmons & White, Inc.   |
| <b>G. Historic Resources</b>  |  |
| Please see Attachment N for request of a Historic Resource Evaluation Letter from the County Historic Preservation Officer/Archeologist for the subject site.   |  |

## H. Parks and Recreation - Residential Only

Commercial Project

| Park Type | Name & Location    | Level of Svc.<br>(ac. per person) | Population Change | Change in Demand |
|-----------|--------------------|-----------------------------------|-------------------|------------------|
| Regional  | Commercial Project | 0.00339                           |                   |                  |
| Beach     | Commercial Project | 0.00035                           |                   |                  |
| District  | Commercial Project | 0.00138                           |                   |                  |

## I. Libraries - Residential Only

Commercial Project

| Library Name       | Commercial Project                  |                    |                  |
|--------------------|-------------------------------------|--------------------|------------------|
| Address            | Commercial Project                  |                    |                  |
| City, State, Zip   | Commercial Project                  |                    |                  |
| Distance           | Commercial Project                  |                    |                  |
| Component          | Level of Service                    | Population Change  | Change in Demand |
| Collection         | 2 holdings per person               | Commercial Project |                  |
| Periodicals        | 5 subscriptions per 1,000 persons   | Commercial Project |                  |
| Info Technology    | \$1.00 per person                   | Commercial Project |                  |
| Professional staff | 1 FTE per 7,500 persons             | Commercial Project |                  |
| All other staff    | 3.35 FTE per professional librarian | Commercial Project |                  |
| Library facilities | 0.34 sf per person                  | Commercial Project |                  |

## J. Public Schools - Residential Only

Commercial Project

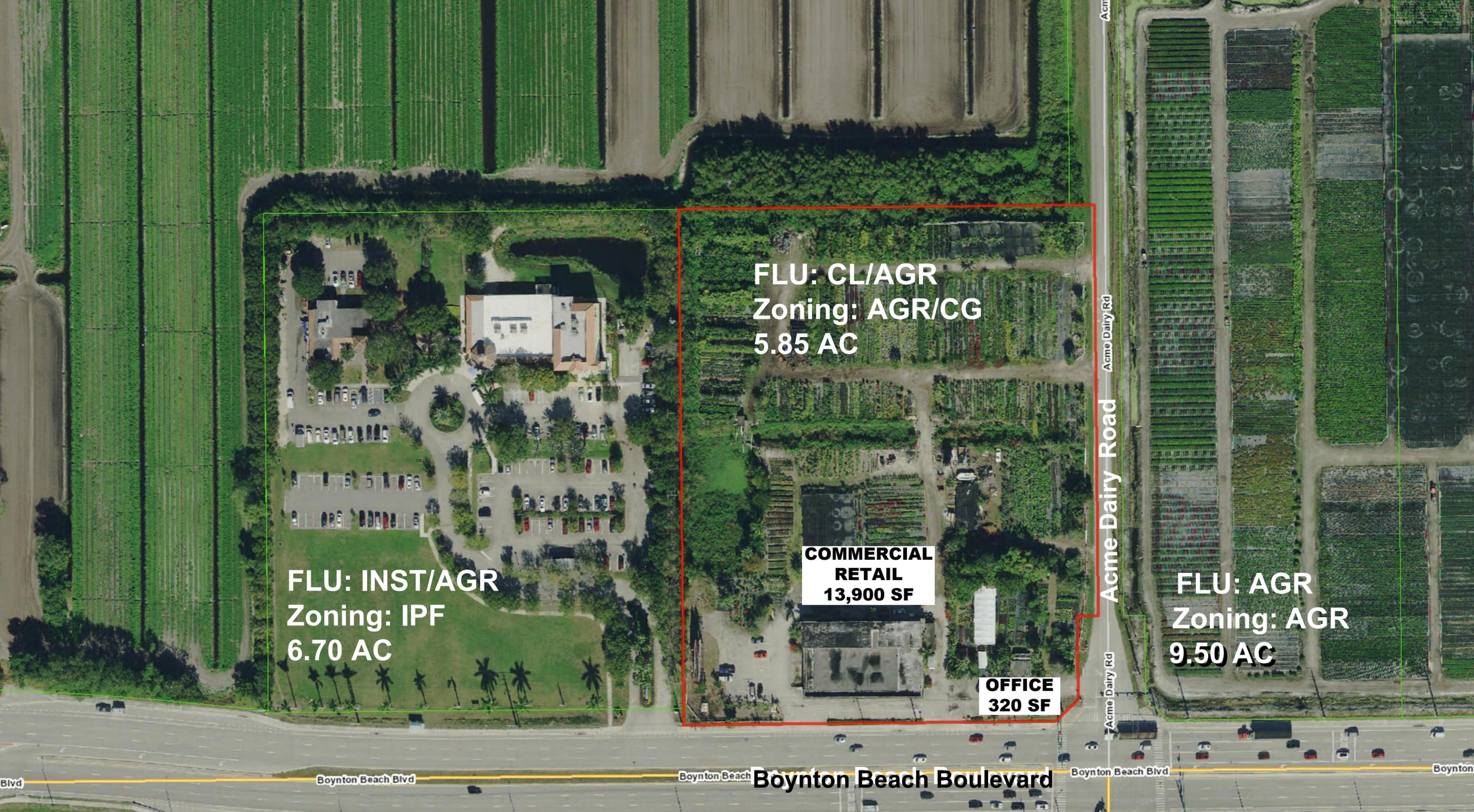
|                  | Elementary         | Middle | High |
|------------------|--------------------|--------|------|
| Name             | Commercial Project |        |      |
| Address          | Commercial Project |        |      |
| City, State, Zip | Commercial Project |        |      |
| Distance         | Commercial Project |        |      |

# 2019 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

## Part 6. Attachments

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



**FLU: INST/AGR**  
**Zoning: IPF**  
**6.70 AC**

**FLU: CL/AGR**  
**Zoning: AGR/CG**  
**5.85 AC**

**COMMERCIAL  
RETAIL  
13,900 SF**

**OFFICE  
320 SF**

**FLU: AGR**  
**Zoning: AGR**  
**9.50 AC**



# West Boynton Center

## Future Land Use Atlas Amendment



### Attachment G

Justification Statement



#### **REQUEST**

On behalf of the property owner, West Boynton Center, Ltd. for Smigiel Partners VII, Ltd. (hereinafter referred to as the applicant), Urban Design Kilday Studios (hereinafter referred to as the agent) has prepared and hereby respectfully submits this application for a Future Land Use Atlas (FLUA) Amendment and Comprehensive Plan Text Amendment to allow the following:

- Delete a condition in the most recent Future Land Use Atlas Amendment for the site in Ordinance 2016-036 as follows:
  - ~~Development on the site under the Commercial Low future land use designation is limited to a maximum of 48,000 square feet of commercial retail uses, or other uses which do not exceed the equivalent traffic generating trips.~~

This request is for a +/-6.85-acre property (hereinafter referred to as the subject property) located on the northwest corner of the intersection of Boynton Beach Boulevard and Acme Dairy Road. The subject property currently has a Future Land Use Atlas (FLUA) designation of Commercial Low with underlying FLUA designation of Agricultural Reserve (AGR). The subject property is within the Agricultural Reserve (AGR) Zoning District, in part, and the Commercial General (CG) Zoning District, in part. The subject property is comprised of parcel control number (PCN) 00-42-43-27-05-050-1171.

#### **PROJECT HISTORY**

While the subject property is located within the Agricultural Reserve it was previously recognized as having commercial uses. On November 25, 2012 a Final Order (attached) was issued in the Special Master Hearing case of Gary Smigiel, L.C. and West Boynton Center, Ltd., Appellants, v. Palm Beach County, Appellee. This final order had the following, among other, recitals related to the history of the subject property:

- Smigiel Partners VII purchased the subject property in February 1999 and continuously owned the parcel from the date of purchase until the date the order was issued;

- The southern approximately 2.5-acres of the subject property were zoned General Commercial (CG) and contained an approximately 14,220 square-foot, two-story building with 10,425 square feet of store space, 3,475 square feet of apartment space, and 320 square feet of office space;
- From at least 1984 and continuing until the subject property was sold to Smigiel Partners VII the previous property owner (Operation Concern, Inc.) utilized the subject property for a variety of activities, including the operation of a thrift store in the store space, educational classes for migrant workers and radio broad-casting activities in the office space, and the provision of low-cost residential space to migrant workers in the apartment space;
- The Commercial C-2 Zoning District (became the CG Zoning District) was established on the subject property in 1957 and became inconsistent with the Agricultural Reserve FLU designation established in 1980;
- In 2000 Smigiel Partners or its tenants proposed a retail nursery, fruit and vegetable market and sought a concurrency determination from the Planning Division;
- On February 4, 2000 then Planning Director Frank Duke issue a memorandum stating that the thrift store use on the subject property was a non-conforming use that pre-dated the restrictions on commercial activities in the Agricultural Reserve (AGR) FLU designation and that the property should be rezoned to AGR in its entirety to bring the zoning into consistency with the FLU designation;
- In June and July 2009 tenants of Smigiel Partners proposed a gourmet food market and landscaping company and the Zoning Director issued zoning confirmation letters determining neither use to be permissible under the current zoning and comprehensive plan designations. Neither of these letters was appealed;
- On May 18, 2011 West Boynton Center, Ltd., formerly known as Smigiel Partners VII, requested a zoning confirmation letter seeking confirmation that the subject property was grandfathered for “Retail Sales, General” based on the prior thrift store;
- On Marcy 7, 2012 Zoning Director Jon MacGillis issued Zoning Confirmation letter (number ZC 2012-249) determining that the thrift store use ceased operation in 1999 thereby divesting the subject property of its non-conforming use status pursuant to PBC Unified Land Development Code (ULDC) Article 1.F.4.C, Nonconformities, Discontinuance or Cessation, and therefore the subject property was not entitled to “grandfathered status” as requested;
- West Boynton Center, Ltd. timely appealed the zoning confirmation letter and provided additional information related to the “grandfathered” status of the “Retail Sales, General” use and the Zoning Division then agreed that the subject property should have been considered a non-conforming use for “Retail Sales, General” for the store space of the building on the subject property.

As a result of the above the parties agreed to the following items, among others:

- That the subject property was vested a non-conforming use for “Retail Sales, General” for 10,425 square feet of store space, 3,475 square feet of apartment space and 320 square feet of office space;
- The improvement value of the structure was \$323,914.30 and therefore the maximum improvement value, as multiplied by 125%, was \$404,892.90. With a one-time renovation, repair and maintenance allowance of 30% of the maximum improvement value the maximum improvement allowance was \$121,467.90;
- As a non-confirming use the allowable expansion of up to 50% allowed an expansion of up to 5,212 square feet for the retail use, 1737.5 square feet for the apartment use and 160 square feet for the office space use. These expansions would need to be approved through a Class A Conditional Use process.

On July 30, 2015, after years of consideration on the future of the Agricultural Reserve, the PBC Board of County Commissioners directed the following to PBC Staff:

- Initiate County amendments for pre-existing commercial and institutional sites;
- Allow privately initiated amendments for properties in the Agricultural Reserve Tier; and
- View privately initiated amendments for additional commercial land on a case-by-case basis.

On January 27, 2016, 2.5 acres of the subject property was considered for a FLUA Amendment change from AGR to Commercial Low (CL)/AGR through County Initiated amendment LGA 2016-015 that was approved by the Board of County Commissioners via Ordinance 2016-013.

On August 22, 2016, the entire 6.85 acres of the subject property was considered for a FLUA Amendment change from AGR to Commercial Low (CL)/AGR by an Applicant initiated amendment LGA 2016-025 that was approved by the Board of County Commissioner via Ordinance 2016-036.

## **CONSISTENCY & COMPATIBILITY**

- 1. Justification:** The applicant is requesting to delete a condition of approval restricting the square footage or equivalent trips to 48,000 square feet on the subject 6.85-acre parcel. Per Policy 2.1-f of the FLUE of the PBC Plan an applicant must provide adequate justification for the proposed future land use.

The voluntary condition was implemented by the applicant as part of the 2015 FLUA amendment approval because the applicant could not meet the stringent traffic requirements when the maximum FAR (0.2) was applied to the total acreage of the site. Several roadway improvements have been made since 2015 so the traffic engineer has reanalyzed the impact of the maximum FAR if applied to the overall parcel. The findings show that there is less impact and the proposed development is less significant today than in 2015. Therefore the applicant is submitting the above-referenced requests and asking that consideration be given to the subject property as a property.

### **2. Comprehensive Plan, Florida Statutes and Compatibility:**

- **Objective 2.1:** This objective states that PBC shall designate on the FLUA sufficient land area in each land use designation to manage and direct future development to appropriate locations to achieve balanced growth.
  - **Applicant's Description:** Allowing the requested deletion of the condition to allow more commercial uses on the subject property will provide necessary commercial services for the growing population within the Agricultural Reserve Tier. Furthermore, as PBC Planning Division Staff recognized in 2016 the subject property has existing commercial uses that predated the Agricultural Reserve Master Plan.
- **Policy 2.1-a:** Future land use designations, and corresponding density and intensity assignments, shall not exceed the natural or manmade constraints of an area and shall also not underutilize the existing or planned capacities of urban services.
  - **Applicant's Description:** As shown in Attachments H through O the subject property is adjacent to and able to connect to all of the necessary urban services including, but not limited to, the roadway network, water/wastewater and drainage facilities, mass transit opportunities, etc.
- **FLUE Policy 2.1-f:** The following will detail how the impact of the proposed FLUA on the items listed:
  - The proposed use is suitable and appropriate for the subject site;



- Station.
- c. *Potable Water and Wastewater*: Please see Attachment I for the Level of Service request letter to the PBC Water Utilities Department.
- d. *Drainage*: Please see Attachment J for Drainage Statement prepared by Simmons & White.
- e. *Fire Rescue*: Please see Attachment K for the Fire Rescue letter which confirms that the nearest PBC Fire Rescue station is Station #47 located at 7950 Enterprise Center Circle and is approximately 1 mile from the subject property.
- o The adjacent and surrounding development;
  - **Applicant's Description**: As PBC Planning Division Staff recognized in 2016, the subject property is located in the vicinity of existing and proposed commercial future land use designations.
- o The future land use balance;
  - **Applicant's Description**: As stated previously, the proposed deletion of a condition will be in conformance with all of the provisions of FLUE Policy 2.1-f. As such, the development proposal will continue to provide a balanced future land use in the area as it will allow both residential and non-residential uses.
- o Community Plans and/or Planning Area Special Studies recognized by the Board of County Commissioners; and
  - **Applicant's Description**: The subject property is within the Agricultural Reserve Tier which was originally formed through the Agricultural Reserve Master Plan; however, as PBC Planning Division Staff recognized in 2016, the subject property has existing commercial uses that predated the Agricultural Reserve Master Plan.
- **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.
  - o **Applicant's Description**: The proposed amendment would allow more commercial uses on the subject property that will serve the existing and future residents of the Agricultural Reserve Tier.
- **Policy 2.1-h**: The County shall not approve site specific FLUA amendments

that encourage piecemeal development.

- **Applicant's Description:** As PBC Planning Division Staff recognized in 2016, the subject property is located in the vicinity of existing and proposed commercial future land use designations. As such, the proposed infill amendment does not encourage piecemeal development, nor does it create residual parcels.
- **Policy 2.2.2-b:** All new Commercial High future land use designations shall be located on a roadway classified as an arterial on Figure TE 3.1 – Functional Classification of Roads.
  - **Applicant's Description:** Per the most recent Map TE 3.1, Boynton Beach Boulevard is classified as an Urban Principal Arterial roadway.
- **Florida Statutes, Section 163.3177.(6).(a).9.a:** 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.
    - **Applicant's Description:** As described below, per Florida Statutes, Section 163.3177(6).(a).9.b, the applicant has detailed how the project discourages the proliferation of urban sprawl.
  - 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.
    - **Applicant's Description:** As described below, per Florida Statutes, Section 163.3177(6).(a).9.b, the applicant has detailed how the project discourages the proliferation of urban sprawl.
  - Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.
    - **Applicant's Description:** As described below, per Florida Statutes, Section 163.3177(6).(a).9.b, the applicant has

detailed how the project discourages the proliferation of urban sprawl.

- 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.
  - **Applicant's Description:** As described below, per Florida Statutes, Section 163.3177(6).(a).9.b, the applicant has detailed how the project discourages the proliferation of urban sprawl.
- 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.
  - **Applicant's Description:** As described below, per Florida Statutes, Section 163.3177(6).(a).9.b, the applicant has detailed how the project discourages the proliferation of urban sprawl.
- Fails to maximize use of existing public facilities and services.
  - **Applicant's Description:** As described below, per Florida Statutes, Section 163.3177(6).(a).9.b, the applicant has detailed how the project discourages the proliferation of urban sprawl.
- Fails to maximize use of future public facilities and services.
  - **Applicant's Description:** As described below, per Florida Statutes, Section 163.3177(6).(a).9.b, the applicant has detailed how the project discourages the proliferation of urban sprawl.
- 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.
  - **Applicant's Description:** As described below, per Florida Statutes, Section 163.3177(6).(a).9.b, the applicant has detailed how the project discourages the proliferation of urban sprawl.

- Fails to provide a clear separation between rural and urban uses.
  - **Applicant's Description:** As described below, per Florida Statutes, Section 163.3177(6).(a).9.b, the applicant has detailed how the project discourages the proliferation of urban sprawl.
  
- Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.
  - **Applicant's Description:** As described below, per Florida Statutes, Section 163.3177(6).(a).9.b, the applicant has detailed how the project discourages the proliferation of urban sprawl.
  
- Fails to encourage a functional mix of uses.
  - **Applicant's Description:** As described below, per Florida Statutes, Section 163.3177(6).(a).9.b, the applicant has detailed how the project discourages the proliferation of urban sprawl.
  
- Results in poor accessibility among linked or related land uses.
  - **Applicant's Description:** As described below, per Florida Statutes, Section 163.3177(6).(a).9.b, the applicant has detailed how the project discourages the proliferation of urban sprawl.
  
- Results in the loss of significant amounts of functional open space.
  - **Applicant's Description:** As described below, per Florida Statutes, Section 163.3177(6).(a).9.b, the applicant has detailed how the project discourages the proliferation of urban sprawl.
  
- **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.
    - **Applicant's Description:** This amendment does not fail to protect and conserve natural resources as the subject property and surrounding parcels have either been developed or used for intensive agriculture purposes.

- Promotes the efficient and cost-effective provision or extension of public infrastructure and services.
  - **Applicant’s Description:** The proposed condition deletion will maximize the use of future public facilities and services existing and within an 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.
  - **Applicant’s Description:** The development will be designed with pedestrian interconnectivity required pathways to the adjacent roadways. As such, this will provide for an inviting, interconnected pedestrian environment. Additionally, the development will provide for additional commercial choices for population in the area and has access to the Palm Tran bus routes. Therefore, the proposal discourages the proliferation of Urban Sprawl.
  
- Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.
  - **Applicant’s Description:** Increasing the commercial uses on the subject property will provide additional commercial opportunities for the existing and future residents of the Agricultural Reserve.

In conclusion the requested deletion of a condition on the subject property is justified, consistent with the Plan and State of Florida laws and is compatible with surrounding uses.

On behalf of the applicants, Urban Design Kilday Studios, respectfully requests approval of this FLUA Amendment request to allow for the proposed development on the subject property. The Project Managers at Urban Design Kilday Studios are Ken Tuma, Managing Principal, and Alessandria Palmer, Senior Planner who can be reached at (561) 366-1100 or via email at [ktuma@udkstudios.com](mailto:ktuma@udkstudios.com) and [apalmer@udkstudios.com](mailto:apalmer@udkstudios.com).



May 28, 2019

**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**

Mack Bernard, Mayor  
Dave Kerner, Vice Mayor  
Hal R. Valeche  
Gregg K. Weiss  
Robert S. Weinroth  
Mary Lou Berger  
Melissa McKinlay

**County Administrator**

Verdenia C. Baker

Urban Design Kilday Studios  
610 Clematis Street Suite CU02  
West Palm Beach, Fl. 33401

RE: West Boynton Center  
PCN: 00-42-43-27-05-050-1171  
Service Availability Letter

Dear Mr. Palmer,

This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area. PBCWUD has the capacity to provide the level of service required at the current FLUA designation of Commercial Low (CL) restricting the site to a maximum of 48,000 square feet of commercial retail uses and the proposed amendment to allow Commercial, Retail and Self-Storage uses.

The nearest potable watermain and wastewater forcemain are located within Boynton Beach Blvd. right of way adjacent to the subject property. There is an existing reclaimed watermain located approximately 600 feet south of the subject property located within Acme Dairy Road right of way.

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 that reads "Jackie Michels".

Jackie Michels, P.E,  
Plan Review Manager



April 29, 2019  
Job No. 15-122B

LAND USE PLAN AMENDMENT APPLICATION  
STATEMENT OF LEGAL POSITIVE OUTFALL

West Boynton Center  
6.85 Acre Site  
Palm Beach County, Florida

SITE DATA

The subject parcel is located on the northwest corner of Boynton Beach Boulevard and Acme Dairy Road in Palm Beach County, Florida and contains approximately 6.85 acres. The Property Control Number (PCN) for the subject parcel is 00-42-43-27-05-050-1171. The property is currently designated as Commercial Low with underlying Agricultural Reserve (CCL/AGR) on the Palm Beach County Comprehensive Plan. The property owner is requesting to remove a restrictive covenant limiting building square footage under the existing CL/AGR land use designation.

SITE DRAINAGE

The site is located within the boundaries of the Lake Worth Drainage District (LWDD) and South Florida Water Management District C-16 Drainage Basin. Legal positive outfall is available to the site via connection to the LWDD L-24 Canal along the south side of Boynton Beach Boulevard. 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.

SITE DRAINAGE (CONTINUED)

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

---

Robert F. Rennebaum, P.E.  
FL Reg. No. 41168

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

**This item has been electronically signed and  
sealed by Robert F. Rennebaum, P.E. on 05/01/2019  
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.**



**Fire Rescue**

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



**Palm Beach County  
Board of County  
Commissioners**

Mack Bernard, Mayor  
Dave Kerner, Vice Mayor  
Hal R. Valeche  
Gregg K. Weiss  
Robert S. Weinroth  
Mary Lou Berger  
Melissa McKinlay

**County Administrator**

Verdenia C. Baker

May 7, 2019

Urban Design Kilday  
Attention: Alessandria Palmer  
610 Clematis Street  
Suite CU02  
West Palm Beach, FL 33401

Re: West Boynton Center

Dear Alessandria Palmer:

Per your request for response time information to the subject property located on the northwest corner of the intersection of Boynton Beach Blvd and Acme Dairy Road. This property is served currently by Palm Beach County Fire-Rescue station #47, which is located at 7950 Enterprise Center Circle. The subject property is approximately 1 mile from the station. The estimated response time to the subject property is 4 minutes 30 seconds. For fiscal year 2018, the average response time (call received to on scene) for this stations zone is 6:54.

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

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

Sincerely,

A handwritten signature in blue ink that reads "Cheryl Allan".

Cheryl Allan, Planner  
Palm Beach County Fire-Rescue

*"An Equal Opportunity  
Affirmative Action Employer"*

**FLUCFCS**

140 Commercial and Services

241 Tree Nurseries

245 Floriculture





April 29, 2019  
Job No. 15-122B

LAND USE PLAN AMENDMENT APPLICATION  
FLOOD PLAIN STATEMENT

West Boynton Center  
6.85 Acre Site  
Palm Beach County, Florida

SITE DATA

The subject parcel is located on the northwest corner of Boynton Beach Boulevard and Acme Dairy Road in Palm Beach County, Florida and contains approximately 6.85 acres. The Property Control Number (PCN) for the subject parcel is 00-42-43-27-05-050-1171. The property is currently designated as Commercial Low with underlying Agricultural Reserve (CCL/AGR) on the Palm Beach County Comprehensive Plan. The property owner is requesting to remove a restrictive covenant limiting building square footage under the existing CL/AGR land use designation.

FLOOD ZONE

The above referenced project is located in Flood Zone X as shown on the F.E.M.A. Flood Rate Insurance Map Panel 185 of 245 (Palm Beach County).

---

Robert F. Rennebaum, P.E.  
FL Reg. No. 41168

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

This item has been electronically signed and  
sealed by Robert F. Rennebaum, P.E. on 05/01/2019  
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.

JKD/sa: x:/docs/trafficanddrainage/lupafp.15122b



April 29, 2019  
Job No. 15-122B

LAND USE PLAN AMENDMENT APPLICATION  
WELLFIELD PROTECTION ZONE STATEMENT

West Boynton Center  
6.85 Acre Site  
Palm Beach County, Florida

SITE DATA

The subject parcel is located on the northwest corner of Boynton Beach Boulevard and Acme Dairy Road in Palm Beach County, Florida and contains approximately 6.85 acres. The Property Control Number (PCN) for the subject parcel is 00-42-43-27-05-050-1171. The property is currently designated as Commercial Low with underlying Agricultural Reserve (CCL/AGR) on the Palm Beach County Comprehensive Plan. The property owner is requesting to remove a restrictive covenant limiting building square footage under the existing CL/AGR land use designation.

WELLFIELD PROTECTION ZONE

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

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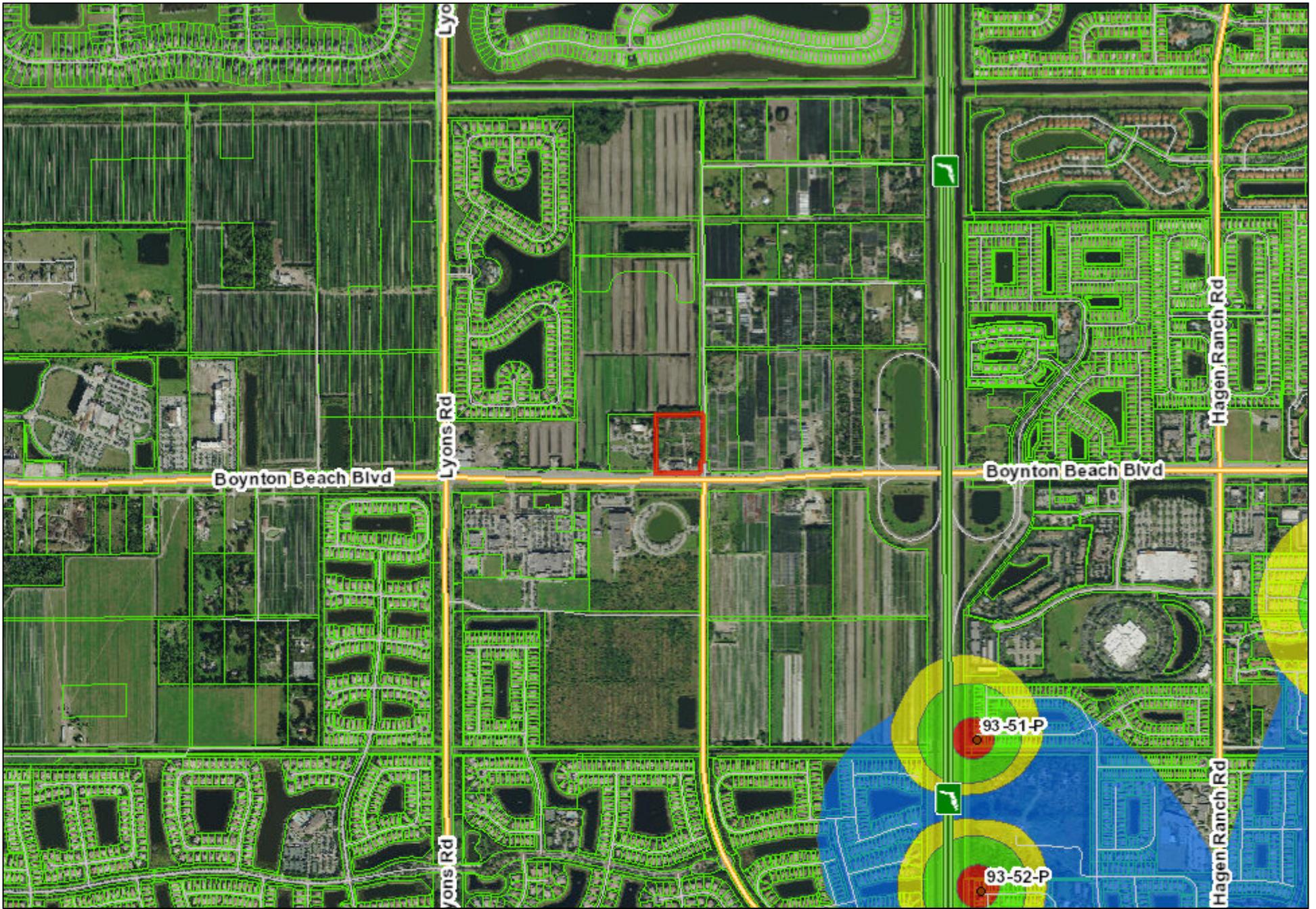
Robert F. Rennebaum, P.E.  
FL Reg. No. 41168

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

This item has been electronically signed and  
sealed by Robert F. Rennebaum, P.E. on 05/01/2019  
using a SHA-1 Authentication Code.

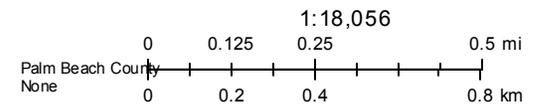
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be verified on any electronic copies.

JKD/sa: x:/docs/trafficedrainage/lupawellfield.15122b



# Wellfield Zone Map

Created by: Palm Beach County May 7, 2019





**Department of Planning,  
Zoning & Building**

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

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

**Palm Beach County  
Board of County  
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Mack Bernard, Mayor

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Gregg K. Weiss

Robert S. Weinroth

Mary Lou Berger

Melissa McKinlay

**County Administrator**

Verdenia C. Baker

*"An Equal Opportunity  
Affirmative Action Employer"*

May 10, 2019

Alessandria Palmer  
Urban Design Kilday Studios  
610 Clematis Street, Suite CU02  
West Palm Beach, FL 33401

**RE: Historical and Archaeological Resource Review for: West Boynton  
Center, PCN: 00-42-43-27-05-050-1171.**

Dear Ms. Palmer,

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

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

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

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

Sincerely,

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

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



## 2019 COMPREHENSIVE PLAN TEXT AND MAP SERIES AMENDMENT APPLICATION and INSTRUCTIONS

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**Palm Beach County Planning Division**  
2300 North Jog Road, WPB, FL 33411, (561) 233-5300

### INTRODUCTION

The Palm Beach County Comprehensive Plan's Future Land Use Atlas (FLUA) identifies the future land use (FLU) designation for every parcel in unincorporated County. Pursuant to Board of County Commissioner (BCC) direction on July 15, 2008 and reaffirmed on October 11, 2011, proposed FLUA amendments that are violation of in violation of a clearly prohibitive (shall/shall not) policy identified pursuant to the Prohibitive Policy Directive of the FLUA Amendment application will not be processed. Pursuant to BCC direction on February 23, 2012, property owners may submit an application to request a Text Amendment to the Comprehensive Plan. These requests must be made in conjunction with a site specific FLUA Amendment or Development Order and requested in order to alleviate an inconsistency with a prohibitive policy of the Comprehensive Plan. Amendments are legislative; submittal of an application and the payment of the required processing fees does not convey any entitlements to the subject parcel(s), and does not imply that the BCC will ultimately approve amendment.

### INITIATION

Privately proposed text amendments to the Comprehensive Plan require a review and recommendation by the Planning Commission and Initiation by the Board of County Commissioners. Any privately proposed text amendment that requires an amendment to the ULDC for implementation requires that the applications for the text and ULDC applications be considered by the Board of initiation concurrently.

### INSTRUCTIONS

The following guidelines provide instructions for the completion of the application. This application is available via the Planning website (<http://www.pbcgov.com/pzb/Planning/>).

1. **Pre-Application Meetings:** A Pre-Application Meeting is required to be held prior to the Text Amendment Application intake date to identify the scope of the amendment request. Proposed text amendments that will have ULDC implications require a pre-application meeting with both Planning and Zoning Division staff.
2. **Application Fee:** The Text Amendment application requires the submittal of fees as established by the BCC as detailed below (see <http://www.pbcgov.com/pzb/Fees.pdf>)
  - a. **Text Amendment Initiation Fee.** This fee is due with the submittal of the Text Amendment Request Application.
  - b. **Text Amendment Processing Fee.** This fee is due with the submittal of the associated FLUA Amendment Application is for the processing.
3. **Text Amendment Application Intake:** In order to be accepted for processing, a proposed text amendment must be structured to meet the following parameters:

- a. The affected Policies and proposed changes must be identified. Proposed changes may be provided in strike out and underline. The changes must directly related to and required in order to process the FLUA amendment; broad policy implications shall not be processed.
- b. Following the submittal of the Text Amendment Application, staff will identify whether the text amendment is sufficient for processing and will identify any additional data and analysis that will be required as part of the FLUA intake.
- c. Any identified sufficiency issues must be resolved prior to the FLUA intake or the FLUA application will not be accepted for processing.

**4. Amendment Submittal:** Applications must be filed by appointment with the Planning Division, 2300 N. Jog Road, 2nd Floor, WPB, FL 33411, before 4:00 p.m. on the intake date. The following items are required as part of the application submittal, and the application will **not be accepted** unless all of the items are submitted on the intake date.

| <b>Text Initiation Application Intake</b>  | <b>FLUA Application Intake</b>   |
|--|--|
| Submit to Planning Division by appointment   | Submit to Planning Division by appointment   |
| <b>Fee paid to PZB Cashier:</b><br>Text Fee 04100 (if text amendment included)   | <b>Fee paid to PZB Cashier:</b><br>SCA Fee 05480 <b>or</b> LGA Fee 05470<br>Advertising/ Admin. Fee 05400<br>Large Scale Only:<br>Text Fee 04120 (if text amendment included)<br>DRI & Tier Change Fees (if included)  |
| <b>FLUA Application Part 1 &amp; Part 2 Text Application Table Attachments:</b><br>A. PCNs, Legal Description, Warranty Deed<br>B. Agent Consent Form<br>C. Applicant's Ownership Affidavit  | <b>FLUA Application – All Parts Text Application Table as Attachment Q</b><br><b>All Attachments</b><br>Within 3 ring binder with tabs   |
| Copy of Traffic Study  | Copy of Traffic Study  |
| CD with Application <ul style="list-style-type: none"> <li>• Microsoft Word document files of the application, justification statement, and legal description.</li> <li>• Adobe PDF files of the application and all attachments, including the survey; and</li> <li>• JPEG files of the disclosure of ownership interests form(s).</li> </ul> | CD with Application <ul style="list-style-type: none"> <li>• Microsoft Word document files of the application, justification statement, and legal description.</li> <li>• Adobe PDF files of the application and all attachments, including the survey; and</li> <li>• JPEG files of the disclosure of ownership interests form(s).</li> </ul> |
| ---  | Envelopes for Property Notice with Postage   |
| ---  | 3.5-d Traffic Compliance Letter  |



## 2019 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

### Part 7. Text Amendment Application

*Instructions are provided in italics. Applicants are required to replace any italicized instructions with non-italicized information. Provide information as indicated in the table, or summarize in the table and provide details within an Attachment.*

#### A. Proposed Text Amendment Summary

|   |  |
|---|--|
| <p><b>Elements &amp; Policies to be revised</b></p> | <p><i>Future Land Use Element</i></p> <ol style="list-style-type: none"> <li>1. <i>OBJECTIVE 1.5 The Agricultural Reserve Tier - Policy 1.5-n</i></li> <li>2. <i>III. FUTURE LAND USE ATLAS REGULATION - TABLE III.C.2 Maximum Floor Area Ratios (FARs) For Non-Residential Future Land Use Categories and Non-Residential Uses</i></li> </ol>   |
| <p><b>Purpose</b></p>                               | <p><i>Explain the purpose of the amendment and how the current Plan language is hindering the associated FLUA amendment from being processed. A relationship between the proposed FLUA amendment &amp; text change must be specific.</i></p> <p>A new use, self-storage, is being proposed within the AgR. This use does not exist in the AgR today. The self-storage proposed is a multistory (3-story) structure with secured lobby access to storage units by internal corridors. The use is being proposed on a property that holds underlying Commercial Low (CL) land use. Self-storage use, by design, requires a greater FAR than typical commercial buildings. And this particular model will require a higher FAR than the typical one-story, exterior accessed self-storage model. However both types of self-storage require a higher FAR than what the AgR currently permits (0.15). That being said self-storage generates very low service needs (i.e. traffic). To provide for such a use in the AGR it will require a greater FAR with a stipulation specific to this unique type of use.</p> <p>Additionally the use may need to be separated from the general commercial uses permitted in the Agricultural Reserve in regard to the AGR square footage cap.</p>                              |
| <p><b>Justification</b></p>                         | <p><i>Provide a justification statement and supporting data and analysis for the amendment. During the initial review phase, the Planning Division will review the adequacy of the data provided and may require additional data at the time of the submittal of the FLUA Amendment.</i></p> <p>A new use, self-storage, is being proposed within the AgR that does not exist in the AgR today. Yet self-storage is a basic need of most residents in Palm Beach County, including those that live in the AgR. The closest self-storage use is east of the turnpike. This particular self-storage model is a multistory (3-story) structure with secured lobby access to storage units by internal corridors so it will require a higher FAR than the typical one-story, exterior accessed self-storage model.</p> <p>Fortunately self-storage generates very low level of service needs. This use is somewhat unique because it is a much lower intensity and traffic generating use than the majority of commercial uses permitted in the CL land use category. Yet, this diverse use provides an essential service in most communities and addresses a need created by the suburban residential development pattern established within the Agricultural Reserve. Additionally, self-storage use typically</p> |

|                           |  |
|---------------------------|--|
|                           | <p>serves as a benefit to the community because it acts as a transitional use between residential and commercial uses.</p>   |
| <p><b>Consistency</b></p> | <p><i>Identify how the proposed amendment furthers other Goals, Objectives or Policies within the Comprehensive Plan. The supporting data and analysis must provide an analysis of the implications of the amendment and demonstrate consistency with other aspects of the Plan.</i></p> <p>These Comprehensive Plan Text Amendments will ensure that the proposed project can provide services that are currently lacking in the general area. More specifically, the requested Comprehensive Plan Text Amendments are consistent with the intent, objective and policies of the Comprehensive Plan (verbatim language from Plan is italicized) as follows:</p> <p><i>OBJECTIVE 1.1 Managed Growth Tier System</i><br/> <i>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 to:</i></p> <ol style="list-style-type: none"> <li><i>1. Ensure sufficient land, facilities and services are available to maintain a variety of housing and lifestyle choices, including urban, suburban, exurban, and rural living;</i></li> <li><i>2. Preserve, protect, and improve the quality of natural resources, environmentally sensitive lands and systems by guiding the location, type, intensity, and form of development;</i></li> <li><i>3. Accommodate future growth but prohibit further urban sprawl by requiring the use of compact forms of sustainable development;</i></li> <li><i>4. Enhance existing communities to improve or maintain livability, character, mobility, and identity;</i></li> <li><i>5. Facilitate and support infill development and revitalization and redevelopment activity through coordinated service delivery and infrastructure upgrades;</i></li> <li><i>6. Protect agricultural land for farm uses, including equestrian uses;</i></li> <li><i>7. Strengthen and diversify the County's economic base to satisfy the demands of the population for employment growth, and provide opportunities for agricultural operations and employment centers; and,</i></li> <li><i>8. Provide development timing and phasing mechanisms in order to prioritize the delivery of adequate facilities and services to correct deficiencies in existing communities and accommodate projected growth in a timely and cost effective manner.</i></li> </ol> <p>Applicant's Consistency Statement: The continuation of commercial uses and introduction of lacking commercial uses on the subject property would ensure that there are sufficient and convenient commercial services in the area, such as self-storage.</p> <p><i>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</i></p> |

|                            |   |
|----------------------------|---|
|                            | <p><i>available facilities and services. Assignments shall not be made that underutilize the existing or planned capacities of urban services.</i></p> <p>Applicant's Consistency Statement: After analyzing the adjacent natural resources, wellfield zone locations, infrastructure, etc., will not exceed the natural or manmade constraints of the area.</p> <p><i>Policy 2.1-c: The Comprehensive Plan shall use population projections and associated dwelling unit projections to guide public and private entities in planning for urban development and redevelopment. The projections shall also guide the location, timing and capacity of urban services and facilities, where other regulatory planning tools do not apply.</i></p> <p>Applicant's Consistency Statement: Market study and population projections were analyzed to justify the need for the proposed self-storage use.</p>   |
| <p><b>Text Changes</b></p> | <p><i>Provide a description of the proposed amendments. The changes must directly related to and required in order to process the FLUA amendment; broad policy implications shall not be processed. Following the submittal of the Text Amendment Application, staff will identify whether the text amendment is sufficient for processing and will identify any additional data and analysis that will be required as part of the FLUA intake. Any text amendment sufficiency issues must be resolved prior to the FLUA intake or the FLUA application will not be accepted for processing. Optional – provide the actual Plan language with changes shown with added text underlined and deleted text struck out.</i></p> <p><b>Option 1:<br/>Future Land Use Element</b><br/>OBJECTIVE 1.5 The Agricultural Reserve Tier - Policy 1.5-n: The County shall ensure a sustainable development pattern is achieved in the Agricultural Reserve by allowing commercial uses while ensuring that the supply of commercial square footage does not exceed the demand of the farm workers and residents of the Tier. The County may approve a maximum of <del>4,015,000</del> <u>1,101,352</u> square feet of commercial uses (retail, service and office) within the Tier.</p> <p><b>Option 2:<br/>Future Land Use Element</b><br/>OBJECTIVE 1.5 The Agricultural Reserve Tier - Policy 1.5-n: The County shall ensure a sustainable development pattern is achieved in the Agricultural Reserve by allowing commercial uses while ensuring that the supply of commercial square footage does not exceed the demand of the farm workers and residents of the Tier. The County may approve a maximum of 1,015,000 square feet of commercial uses (retail, service and office) within the Tier, <u>excluding self-storage use when collocated with commercial uses.</u></p> |

**TABLE III.C.2  
Maximum Floor Area Ratios (FARs) For Non-Residential Future Land Use Categories  
and Non-Residential Uses**

| Future Land Use                                    | FLU Category               | Tier  |                   |                        |  |                           |
|--|----------------------------|---|-------------------|------------------------|--|---------------------------|
|  |                            | Urban/Suburb  | Exurban           | Rural                  | Ag Reserve   | Glades                    |
| Residential  | All Residential Categories | .35 (Low Density)<br>.45 (Medium & High Density)                                | .20               | .20                    | .15  | .20                       |
| Agriculture  | AP                         | not allowed   | not allowed       | not allowed            | not allowed  | .10                       |
|  | SA                         | .15   | .15               | .15                    | .15  | .15                       |
|  | AgR                        | not allowed   | not allowed       | not allowed            | .15  | not allowed               |
|  | AGE                        | not allowed   | not allowed       | See note <sup>10</sup> | not allowed  | not allowed               |
| Commercial Low (Neighborhood Commercial)           | CL-O                       | .35   | .20               | .20                    | .20 w/MUPD <sup>4</sup>  | .20                       |
|  | CL                         | .20 w/o PDD <sup>1,3</sup><br>.25 w/ PDD <sup>1,3</sup>                         | .10<br>1.0 w/ TMD | .10<br>1.0 w/ TMD      | .10 <sup>5</sup><br>.20 w/MUPD <sup>4</sup><br>.40 w/ TMD <sup>4</sup> | .10                       |
| Commercial High (Community or Regional Commercial) | CH-O                       | .35 w/o PDD<br>.50-.85 w/ PDD <sup>2</sup>                                      | not allowed       | not allowed            | not allowed  | not allowed               |
|  | CH                         | .35 w/o PDD <sup>1</sup><br>.50-.85 w/ PDD <sup>2</sup><br>.85-1.0 <sup>3</sup> | not allowed       | not allowed            | not allowed  | not allowed               |
| Industrial   | IND                        | .45-.85 <sup>9</sup>  | not allowed       | not allowed            | .45  | .45                       |
|  | EDC                        | .45-.85 <sup>9</sup>  | not allowed       | not allowed            | not allowed  | not allowed <sup>11</sup> |
| Commercial Recreation                              |                            | .10-.50   | not allowed       | .05                    | .05  | .05                       |
| Parks & Recreation                                 |                            | .10-.45   | .10               | .10                    | .10  | .10                       |
| Conservation                                       |                            | .05   | .05               | .05                    | .05  | .05                       |
| Institutional & Public Facilities <sup>9</sup>     |                            | .1-.45  | .20               | .10                    | .15<br>.35 <sup>6</sup>  | .10                       |
| Transportation & Utilities                         |                            | .10-.45   | .10               | .05                    | .05<br>.15 <sup>7</sup>  | .05                       |
| Traditional Town Development                       |                            | 1.0   | not allowed       | not allowed            | not allowed  | not allowed               |

**Notes:**

**Notes:**

1. For Commercial Low (CL) and Commercial High (CH), the maximum allowable FAR for medical or professional offices and self-storage projects is .50.
2. For Commercial High (CH) and Commercial High Office (CH-O), the maximum allowable FAR is .50 for MUPD, and .85 for MXP, as defined in the ULDC.
3. A maximum FAR up to 1.0 may be permitted to allow for: infill development; mixed-use development (MXP); Traditional Neighborhood Development (TND); Traditional Market Place Development (TMD); or Lifestyle Commercial Centers (LCC).
4. For Ag Reserve TMDs and Ag Reserve MUPDs, the FAR is calculated on the total area of the development, including both the developed and preserve area.
5. Commercial properties which received a commercial future land use designation prior to January 31, 2016 and/or identified in Policy 1.5-i are limited to a maximum FAR of .10 unless developed as an AGR-MUPD or AGR-TMD.
6. An FAR greater than .15 is only permitted for a) hospitals and related hospital campus uses, and b) AgR-MUPDs that meet the Preserve Area requirements.
7. An FAR greater than .05 is only permitted east of S.R. 7
8. Institutional and Public Facilities uses within any FLU designation are allowed to utilize the maximum allowable FAR of the Institutional and Public Facilities FLU designation per the

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|                            | <p>applicable Tier. In the case of multiple or mixed use projects, only proposed institutional and public facility uses shall be permitted to exceed the FAR of the project's FLU designation.</p> <p>9. Industrial and storage related uses may be approved for up to .85 FAR.</p> <p>10. The intensity of an Agricultural Enclave shall be determined utilizing the provisions of Policy 2.2.5-d, and shall be clearly indicated in the Site Data of the adopted Conceptual Plan for each Agricultural Enclave.</p> <p>11. Within the Economic Development Center (EDC) future land use designation in the Glades Area Protection Overlay, the FAR of the Urban/Suburban Tier shall apply.</p> <p><u>12. For Commercial Low (CL) in the AgR, the maximum allowable FAR for self-storage projects is .50.</u></p> |
| <p><b>ULDC Changes</b></p> | <p><i>Provide a description of associated ULDC amendments required by this amendment. Optional – show changes with added text underlined and deleted text struck out.</i></p> <p>N/A</p>   |