



## COMPREHENSIVE PLAN AMENDMENT STAFF REPORT AMENDMENT ROUND 20-A2

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DEO TRANSMITTAL, FEBRUARY 5, 2020

### A. Application Summary

#### I. General Data

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|                              |  |
|------------------------------|--|
| <b>Project Name:</b>         | <b>West Boynton Center Commercial AGR (LGA 2020-006)</b>   |
| <b>FLUA Summary:</b>         | <b>CL/AGR to revise conditions of approval</b>   |
| <b>Text Summary:</b>         | To amend the Comprehensive Plan to accommodate self-storage uses in commercially designated properties in the Agricultural Reserve Tier. |
| <b>Acres:</b>                | 6.85 acres   |
| <b>Location:</b>             | Northeast corner of Lyons Road and Linton Boulevard  |
| <b>Project Manager:</b>      | Lisa Amara, Principal Planner  |
| <b>Applicant/Owner:</b>      | West Boynton Center, Ltd. For Smigiel Partners VII, Ltd.   |
| <b>Agent:</b>                | Urban Design Kilday Studios  |
| <b>Staff Recommendation:</b> | Staff recommends <b>approval</b> based upon the conclusions contained within this report   |

#### II. Assessment & Conclusion

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The applicant proposes a text amendment to exempt self-storage facilities in order to be able to process a future land use amendment for a 6.85 acre parcel in the Agricultural Reserve Tier that has approval for Commercial Low future land use, and to modify conditions of approval limiting the amount of commercial uses on the site.

There is merit to the Board considering an exemption to self-storage uses from the commercial cap. The commercial cap was initially adopted to limit the amount of retail and office uses in the Tier, and self-storage is not related to either of these uses. The cap is intended to ensure that commercial does not exceed local demand and thereby serve as a draw from outside the Tier. Self-storage uses are not typically considered regional draws. Further, self-storage is already allowed within the Tier up to .45 FAR in the Industrial future land use designation which has no location requirements or cap. Allowing a higher FAR and cap for these uses in commercial would foster the clustering of self-storage in locations where commercial is currently allowed.

In addition, revising the conditions of approval to allow the additional square footage to accommodate the incorporation of self-storage uses on the site is consistent with the policy capping commercial uses in the Tier (with the text amendment to exempt self-storage), meets applicable Comprehensive Plan requirements including traffic requirements, and is compatible with surrounding land uses.

### III. Hearing History

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**Local Planning Agency: *Approval***, motion by Jim Knight, seconded by Angella Vann, passed in a 10 to 0 vote at the December 13, 2019 public hearing. Under discussion, Commission questioned the impact of the amendment on other sites and whether this amendment would continue to erode the commercial policies of the Tier. Under discussion, the commission discussed the attributes of commercial uses in the Tier, and the characteristics of self-storage uses. A representative from the Coalition of Boynton West Residential Associations spoke in support of the amendment.

**Board of County Commissioners Transmittal Public Hearing: *Transmit as modified at the hearing***, motion by Commissioner McKinlay, seconded by Commissioner Valeche, passed in a 4 to 3 vote with Mayor Kerner, Vice Mayor Weinroth and Comm. Berger dissenting, at the February 5, 2020 public hearing. The modification was to eliminate Condition 1, thereby releasing 28,000 square feet from the commercial cap (the applicant agreed to this modification). The Board discussion centered on the commercial cap, and the ability to release square footage for another site by eliminating Condition 1. Three members of the public spoke. One property owner in the Agricultural Reserve spoke in support of the amendment. One representative from COBWRA and one member of the public spoke in opposition.

#### **State Review Comments:**

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

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## B. Petition Summary

### I. Site Data

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#### Current Future Land Use

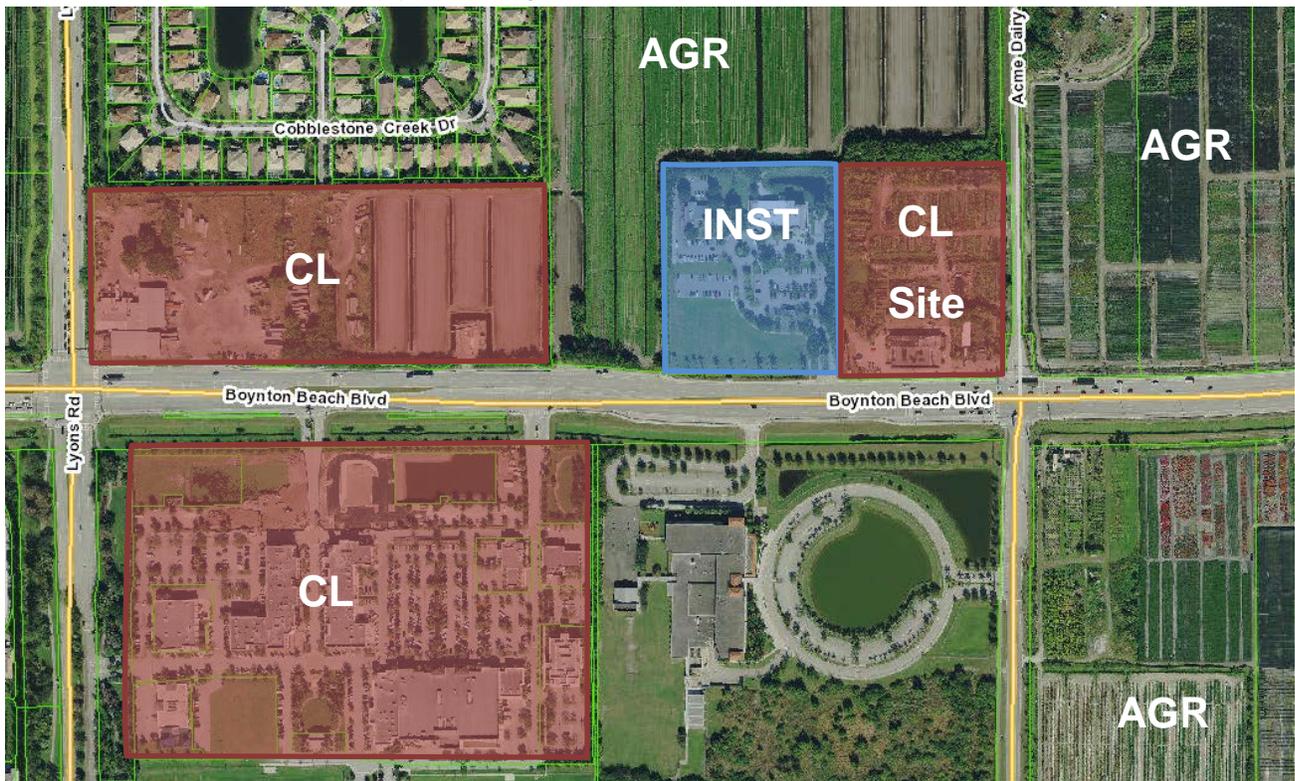
**Current FLU:** Commercial Low with an underlying Agricultural Reserve (CL/AGR)  
**Existing Land Use:** Commercial retail and vacant  
**Current Zoning:** Agricultural Reserve (AGR)  
**Current Dev. Potential Max:** Commercial, up to 48,000 s.f. by condition of approval (0.16 FAR)

#### Proposed Future Land Use Change

**Proposed FLU:** CL/AGR  
**Proposed Use:** Commercial uses up to 20,000 s.f. and self-storage uses up to 120,000 s.f.  
**Proposed Zoning:** AGR-MUPD  
**Dev. Potential Max/Conditioned:** Commercial uses up to 20,000 s.f. and self-storage uses up to 120,000 s.f.

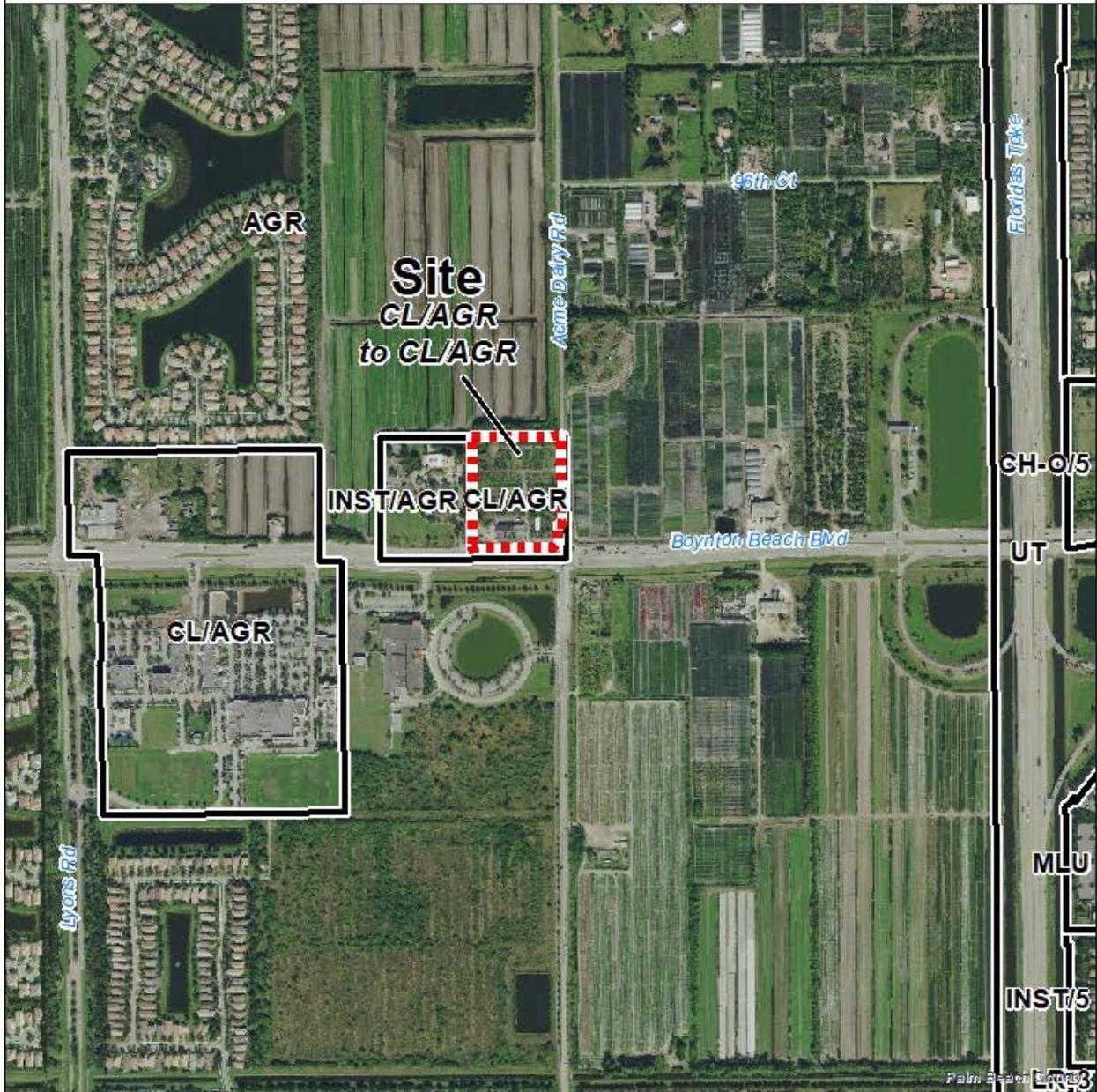
#### General Area Information for Site

**Tier:** Agricultural Reserve Tier – No Change  
**Utility Service:** Palm Beach County Water Utilities Department  
**Overlay/Study:** Agricultural Reserve Master Plan  
**Comm. District:** Mary Lou Berger, District 5



# Future Land Use Atlas Amendment

## West Boynton Center (LGA 2020-006)



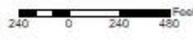
### Site Data

Size: 6.85 acres  
 Existing Use: commercial, agriculture  
 Proposed Use: commercial, restaurant, self-storage  
 Current FLU: CL/AGR  
 Proposed FLU: CL/AGR, delete conditions

### Future Land Use Designations

|        |   |          |                                |
|--------|---|----------|--------------------------------|
| LR-3   | Low Residential, 3 units/acre             | MLU      | Mixed Land Use                 |
| MR-5   | Medium Residential, 5 units/acre          | INST/5   | Institutional, underlying MR-5 |
| AGR    | Agricultural Reserve                      | INST/AGR | Institutional, underlying AGR  |
| CL/AGR | Commercial low, underlying AGR            | UT       | Utilities and Transportation   |
| CH-O/5 | Commercial High - Office, underlying MR-5 |          |                                |

Date: 5/14/2019  
 Contact: PBC Planning  
 Filename: Amend/20-A/Site/20-06  
 Note: Map is not official, for presentation purposes only.



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



## C. Introduction

### I. Intent of the Amendment

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The subject site is located in the in the Agricultural Reserve Tier, on the northwest corner of Boynton Beach Boulevard and Acme Dairy Road. The 6.85 acre site has a Commercial Low with an underlying Agricultural Reserve (CL/AGR) future land use designation. Since the adoption of the amendments to implement the Agricultural Reserve Master Plan were adopted in 2001, the Plan has limited the amount of commercial retail, service, and office uses in the Tier. The commercial cap in the Tier has been reached, and no additional square footage is allowed. The amendment includes a text amendment to the Comprehensive Plan and a future land use amendment as summarized below.

- **Text Amendment.** The applicant is requesting a text amendment to the Comprehensive Plan to allow additional square footage on a commercially designated property. The applicant is seeking an increase in square footage for the construction of a three story self-storage facility with secured lobby access to storage units by internal corridors. On January 28, 2019, the applicant requested, and the Board initiated, a text amendment to exempt self-storage uses in Commercial Low future land use in the Agricultural Reserve Tier from the commercial cap, and to make related changes to allow a higher FAR to accommodate the use. On October 28, 2019, the Board approved a revision to the text request to allow up to .65 FAR for the self-storage use.
- **Future Land Use Amendment.** The proposed future land use amendment is a request to revise conditions of approval that limit the amount of commercial square footage on the property to allow the construction of the self-storage facility. Currently the condition of approval caps the commercial uses to 48,000 square feet. The applicant is also requesting to modify the adopted condition of approval to also allow up to 20,000 square feet of commercial retail and office uses and a maximum of 130,000 square feet of self-storage uses.

**Amendment Background:** The subject site has held Commercial General (CG) zoning on 2.50 acres fronting Boynton Beach Boulevard since 1957, and recognized as a 'pre-existing commercial site' by the Agricultural Reserve Tier since the Ag Reserve Master Plan was implemented with 2001 amendments. The County adopted the Commercial Low (CL) future land use designation on this portion of the site through a County Initiated future land use amendment West Boynton Center (LGA 2016-015) by Ordinance 2016-013 following Board direction during the "Roundtable" process (discussed below) to assign the CL designation to all properties which held commercial prior to the adoption of the Master Plan. The remainder of the site, 4.35 acres, was approved by the County for CL through a privately proposed amendment by Ordinance 2016-036 along with a text amendment to the Comprehensive Plan that allowed this site to qualify as a 'major intersection' for the purposes of obtaining retail gas sales through a zoning application. Currently, the southern 2.50 acres is built with approximately 10,425 s.f. of general retail, 320 s.f. of office, and 3,475 s.f. of apartment. The northern portion of the site is utilized for a nursery.

**Zoning Application:** There is no concurrent zoning application. The uses on the southern 2.50 acres of the site were vested as non-conforming uses by Stipulation Agreement (AAI 2012-858) with the allowance for expansion up to 50%, resulting in potential total of 21,330 square feet under the agreement. The applicant is proposing to rezone the site from General Commercial (CG) and Agricultural Reserve (AGR) to Multiple Use Planned Development (MUPD) for 148,565 s.f. of uses, consisting of 129,000 s.f. of self-storage and 19,565 s.f. of retail uses (including restaurant). Control Number 2008-00339.

## II. Background/History

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### A. Agricultural Reserve Tier

The subject site is located within the Agricultural Reserve Tier, an area of the County with specific limitations on development options in the Comprehensive Plan that were largely established to implement the Agricultural Reserve Master Plan that was completed in 1999 through the adoption of policies in 2001. The purpose of the Tier is captured in the adopted Objective 1.5.

***OBJECTIVE 1.5, The Agricultural Reserve Tier.*** *Palm Beach County shall preserve the unique farmland and wetlands in order to preserve and enhance agricultural activity, environmental and water resources, and open space within the Agricultural Reserve Tier. This shall be accomplished by limiting uses to agriculture and conservation with residential development restricted to low densities and non-residential development limited to uses serving the needs of farmworkers and residents of the Tier. The Agricultural Reserve Tier shall be preserved primarily for agricultural use, reflecting the unique farmlands and wetlands within it.*

More recently, the Agricultural Reserve was the subject of a year-long “Roundtable” process directed by the Board of County Commissioners (BCC) to consider changes to policies in the Tier. At the March 2015 Workshop, the BCC considered the input received during the Roundtable process and directed staff to proceed with specific actions and Plan amendments. The concept proposed by this amendment was not addressed during the Roundtable process.

### B. Commercial Policies & Approvals in the Agricultural Reserve

The Comprehensive Plan includes specific limitations for both existing and new commercial future land uses and development within the Ag Reserve Tier. Since the adoption of the amendments to implement the Agricultural Reserve Master Plan were adopted in 2001, the Plan has limited the amount of commercial retail, service, and office uses in the Tier. The commercial cap in the Tier of 1,015,000 square feet of commercial retail, office, and service uses has been reached, and no additional square footage is allowed. The history of the Commercial policies in the Ag Reserve Tier and the list of the approvals are provided in Exhibit 9.

## III. Data and Analysis Summary

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

**A. Overview of the Area.** The subject site is located in the northern portion of the Agricultural Reserve Tier, on the north side of Boynton Beach Boulevard, west of Acme Dairy Road. This portion of Boynton Beach Boulevard is the northern ‘mixed use center’ identified in the Ag Reserve Master Plan. There are commercial and institutional uses on the north and south sides of the segment of Boynton Beach Boulevard from Acme Dairy Road to Lyons Road.

**B. Appropriateness of the Amendment.** The proposed text amendment to exempt self-storage uses from the cap on commercial square footage in the Agricultural Reserve Tier is appropriate for the following reasons:

- The Ag Reserve Tier is the only location in the County where there is a cap on development. The methodology identify commercial demand was based on multipliers for commercial retail and for commercial office in the original Ag Reserve Master Plan. There was a separate multiplier utilized for industrial development. Self-storage is technically neither retail or office, yet is classified in the ULDC use matrix as a commercial use. The trip generation and impacts on public facilities are much less for a self-storage use than typical retail or office facilities. These facilities often contain a high floor area ratio (FAR), but generate minimal impacts on surrounding uses. A review of the support documentation of the development of the Ag Reserve Master Plan provides no indication that the adopted commercial cap on retail, office, and service uses was intended to apply to self-storage uses. Therefore, there is a basis and it is appropriate to revise the Plan to provide an exemption for self-storage uses from the commercial cap.
- Further, the commercial cap was initially adopted to limit the amount of retail and office uses in the Tier, and self-storage is not related to either of these uses. The cap is intended to ensure that commercial does not exceed local demand and thereby serve as a draw from outside the Tier. Self-storage uses are not typically considered regional draws. Further, self-storage is already allowed within the Tier up to .45 FAR in the Industrial future land use designation which has no location requirements or cap. Allowing a higher FAR and cap for these uses in commercial would foster the clustering of self-storage in locations where commercial is currently allowed.
- Finally, this amendment is consistent with the intent of the commercial location policies in the Tier to cluster non-residential development along Atlantic Avenue and Boynton Beach Boulevard. Allowing the commercial properties to develop with higher FAR self-storage uses is consistent with this intent of the Tier to cluster higher intensity uses along these corridors.

**C. Compatibility.** The proposed amendment does not change the future land use designation, but proposes changes to the text of the Plan and adopted conditions of approval to allow greater intensity on the subject site. Self-storage uses are typically high FAR, but low trip generating, low impact compared to other uses allowed in the adopted Commercial Low future land use designation. There are no compatibility issues presented by this amendment.

**D. Assessment and Recommendation.** The applicant proposes a text amendment to exempt self-storage facilities in order to be able to process a future land use amendment for a 6.85 acre parcel in the Agricultural Reserve Tier that has approval for Commercial Low future land use, and to modify conditions of approval limiting the amount of commercial uses on the site.

There is merit to the Board considering an exemption to self-storage uses from the commercial cap. The commercial cap was initially adopted to limit the amount of retail and office uses in the Tier, and self-storage is not related to either of these uses. The cap is intended to ensure that commercial does not exceed local demand and thereby serve as a draw from outside the Tier. Self-storage uses are not typically considered regional draws. Further, self-storage is already allowed within the Tier up to .45 FAR in the

Industrial future land use designation which has no location requirements or cap. Allowing a higher FAR and cap for these uses in commercial would foster the clustering of self-storage in locations where commercial is currently allowed.

In addition, revising the conditions of approval to allow the additional square footage to accommodate the incorporation of self-storage uses on the site is consistent with the policy capping commercial uses in the Tier (with the text amendment to exempt self-storage), meets applicable Comprehensive Plan requirements including traffic requirements, and is compatible with surrounding land uses.

Therefore, staff recommends ***approval*** based upon the findings within this report.

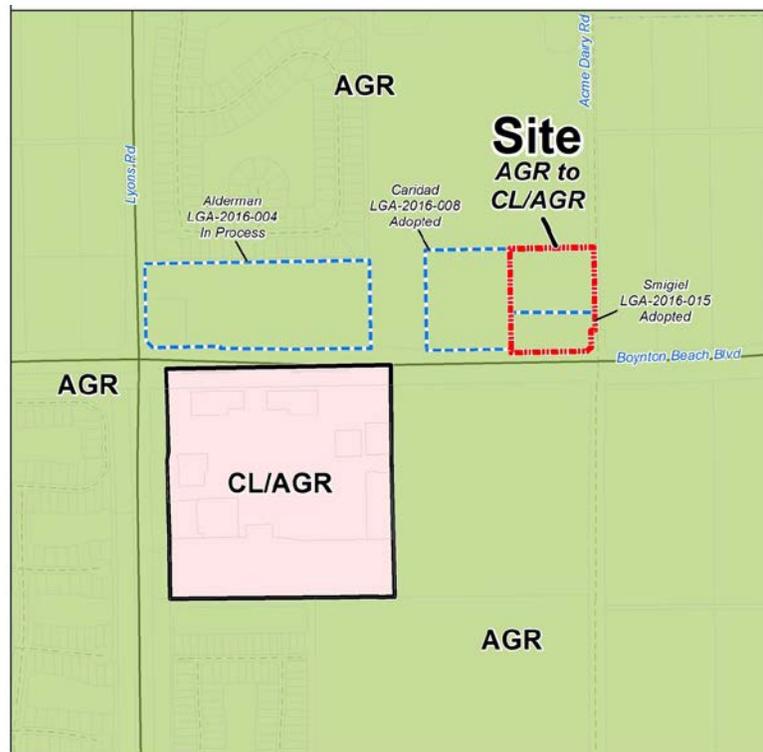
| <b>Exhibits</b>   | <b>Page</b> |
|---|-------------|
| 1A. Future Land Use Map & Legal Description   | E-1         |
| 1B. Applicant's Proposed Text Amendment   | E-3         |
| 2. Consistency with Comprehensive Plan  | E-4         |
| 3. Applicant's Justification/Consistency with Comprehensive Plan & Florida Statutes | E-13        |
| 4. Applicant's Public Facility Impacts Table  | E-22        |
| 5. Palm Beach County Traffic Division Letter  | E-24        |
| 6. Water & Wastewater Provider LOS Letter   | E-26        |
| 7. Applicant's Disclosure of Ownership Interests                                    | E-27        |
| 8. Urban Sprawl Analysis  | E-31        |
| 9. Ag Reserve Commercial Background   | E-33        |
| 10. Correspondence  | E-36        |

## Exhibit 1-A

|                        |   |
|------------------------|---|
| <b>Amendment No:</b>   | <b>West Boynton Center (LGA 2020-006)</b>   |
| <b>FLUA Page No:</b>   | 89  |
| <b>Future Land Use</b> | Commercial Low with an underlying Agricultural Reserve (CL/AGR)   |
| <b>Amendment:</b>      | To revise conditions of approval adopted by Ordinance 2016-036 as shown with added text underlined and deleted text struck out below. |
| <b>Location:</b>       | Northwest corner of Boynton Beach Boulevard and Acme Dairy Road   |
| <b>Size:</b>           | 6.85 acres  |
| <b>Property No:</b>    | 00-42-43-27-05-050-1171   |

**Conditions:** Development on the site under the Commercial Low future land use designation is limited to: *(Condition 1 deleted at Feb. 5, 2020 transmittal public hearing)*

- ~~1) a maximum of 48,000 square feet of commercial retail uses, or other uses which do not exceed the equivalent traffic generating trips of 48,000 square feet of commercial retail use; or~~
- 2) a maximum of 20,000 square feet of commercial uses and a maximum of 130,000 square feet of self-storage uses.



## Legal Description

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THE EAST ONE-HALF (E 1/2) OF TRACT 117 AND ALL OF TRACT 118, BLOCK 50, PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS THE SOUTH THIRTY FEET (S 30') OF SAID TRACTS AS CONVEYED TO THE COUNTY OF PALM BEACH FOR ROAD PURPOSES IN DEED RECORDED IN OFFICIAL RECORDS BOOK 158, PAGE 76; AND

LESS THE FOLLOWING AS DESCRIBED IN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 6366, PAGE 721:

A PORTION OF TRACTS 117 AND 118, BLOCK 50, PALM BEACH FARMS CO. PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING AND BEING IN SECTION 20, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE FOUND 1/2" REROD MARKING THE INTERSECTION OF THE BASELINE OF SURVEY FOR BOYNTON BEACH BOULEVARD (S.R. 804) AND THE BASELINE OF SURVEY FOR ACME DAIRY ROAD SOUTH; THENCE S 89°26'12" W ALONG THE SAID BASELINE OF SURVEY FOR BOYNTON BEACH BOULEVARD (S.R. 804), A DISTANCE OF 66.53 FEET; THENCE N 00°33'48" W, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING; THENCE ALONG A LINE 60 FEET NORTH OF, AS MEASURED AT RIGHT ANGLES TO THE SAID BASELINE OF SURVEY FOR BOYNTON BEACH BOULEVARD (S.R. 804) S 89°26'12" W, A DISTANCE OF 443.48 FEET; THENCE S 00°33'48" E, A DISTANCE OF 20.00 FEET TO A POINT ON A LINE 40 FEET NORTH OF AS MEASURED AT RIGHT ANGLES TO THE SAID BASELINE OF BOYNTON BEACH BOULEVARD; THENCE N 89°26'12" E ALONG SAID LINE, A DISTANCE OF 495.23 FEET; THENCE N 00°33'48" W, A DISTANCE OF 144.00 FEET; THENCE S 89°26'12" W, A DISTANCE OF 25.00 FEET; THENCE S 00°33'48" E, A DISTANCE OF 98.00 FEET; THENCE S 45°15'04" W, A DISTANCE OF 37.30 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA.  
CONTAINING 298,508 SQUARE FEET/6.8528 ACRES MORE OR LESS.  
SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

## Exhibit 1-B

### Proposed Text Amendment

**A. Future Land Use Element, West Boynton Center Commercial Ag Reserve**

**REVISIONS:** To exempt self-storage uses from the commercial cap in the Agricultural Reserve Tier. The revisions are numbered below, and shown with the added text underlined.

**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. Self-storage uses are not subject to the commercial cap.

**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 |
| 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>4,9</sup><br>.40 w/ TMD <sup>4</sup> | .10    |

**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 MXPDP, as defined in the ULDC.
3. A maximum FAR up to 1.0 may be permitted to allow for: infill development; mixed-use development (MXPDP); 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.

*Unaltered text omitted for brevity*

9. Industrial and ~~self-storage related~~ uses may be approved for up to .85 FAR in the industrial future land use designations the Urban Suburban Tier, and self-storage uses may be approved for up to .65 FAR in the commercial future land use designations in the Agricultural Reserve Tier.

## Exhibit 2

### Consistency with Comprehensive Plan

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This Exhibit examines the consistency of the amendment with the County's Comprehensive Plan, Tier Requirements, applicable Neighborhood or Special Area Plans, and the impacts on public facilities and services.

#### A. Consistency with the Comprehensive Plan - General

1. **Justification - FLUE Policy 2.1-f:** *Before approval of a future land use amendment, the applicant shall provide an **adequate justification** for the proposed future land use and for residential density increases **demonstrate that the current land use is inappropriate**. In addition, the County shall review and make a determination that the proposed future land use is compatible with existing and planned development in the immediate vicinity and shall evaluate its impacts on:*

1. *The natural environment, including topography, soils and other natural resources; (see Public Facilities Section)*
2. *The availability of facilities and services; (see Public Facilities Section)*
3. *The adjacent and surrounding development; (see Compatibility Section)*
4. *The future land use balance;*
5. *The prevention of urban sprawl as defined by 163.3164(51), F.S.; (See Consistency with Florida Statutes)*
6. *Community Plans and/or Planning Area Special Studies recognized by the Board of County Commissioners; and (see Neighborhood Plans and Overlays Section)*
7. *Municipalities in accordance with Intergovernmental Coordination Element Objective 1.1. (See Public and Municipal Review Section)*

The applicant provides a Justification Statement (Exhibit 3) which states that:

- *“The self-storage facility proposed is a multistory (3-level) structure and therefore requires a greater FAR than originally anticipated. This new concept consumes less land area, resulting in lower lot coverage but requires a higher FAR to accommodate for the additional floors. This diverse use provides an essential neighborhood service and addresses a need of the residential development pattern established within the Agricultural Reserve.”*
- *“Self-storage use also generates lower traffic than commercial use, resulting in a decrease in trips. Self-storage facilities are not a regional draw. Most self-storage customers live within a couple miles of their location for convenient access to their storage unit. The nature of the Ag Reserve is changing and now includes significantly more households than it did when the overlay was first contemplated. These residents need neighborhood services within close proximity to their homes in order to prevent an increase in vehicular trips on Boynton Beach Boulevard going outside of the Ag Reserve.”*

- *“As developable land becomes scarcer in the County, higher FAR’s will continue to be requested for uses such as self-storage where the option to go “up” is the only option. The 0.65 FAR will allow for the better use of the land leaving more land for open space and drainage purposes. It is our understanding that staff has already seen several other requests for increases in FAR for self-storage facilities throughout the County.”*

**Staff Analysis:** This policy is the umbrella policy over the entire FLUA amendment analysis and many of the items are addressed elsewhere in this report as identified above. With regards to justification, there are several themes presented by this amendment that are discussed individually.

This application brings forward a proposal that would foster a more efficient use of the commercially designated land in the Agricultural Reserve Tier. Although a major focus of the policies adopted to implement the Agricultural Reserve Master Plan focused on the mechanics of residential Planned Developments with their required preserve areas, and the mixed use form and limitations on commercial land uses, the underlying theme of the Master Plan was to ensure that non-agricultural uses all be developed in a sustainable pattern. The vision in the Master Plan Phase II was to foster sustainable development that would *“serve area residents with respect to providing employment, shopping, recreation, services, and quality of life. Reducing the necessity for area residents to travel outside the area to receive services lessens the impact on surrounding area services and roads.”* This mixed-use, sustainable development was envisioned to promote an efficient pattern of development that would minimize infrastructure costs to reduce impacts on County tax payers.

Essentially, this amendment is centered on a single issue – whether or not to either increase the commercial cap, or to exempt self-service storage from the commercial cap. The Agricultural Reserve is the only Tier or other geography in the County where there is a finite cap placed on the amount of development. The cap was identified as a necessity as part of the development of the Agricultural Reserve Master Plan in order to establish that the amount of commercial in the Tier would not exceed the demand projected for the population stemming from the 1 unit per acre residential development potential of the Tier. The Master Plan, and subsequently adopted policies in the Plan, specifically limit commercial development to uses which serve the needs of the farm worker community, existing and future residents, in order to discourage commercial in the Tier from exceeding local demand, thereby drawing customers from outside the Tier. Self-storage uses are not typically considered regional draws. A history of the commercial cap in the Tier is provided in Exhibit 9.

The methodology identifies that commercial demand was based on multipliers for commercial retail and for commercial office. There was a separate multiplier utilized for industrial development. Self-storage is technically neither retail or office, yet is classified in the ULDC use matrix as a commercial use. The trip generation and impacts on public facilities are much less for a self-storage use than typical retail or office facilities. These facilities are often high floor area ratio, but low impacts on surrounding uses. A review of the support documentation of the development of the Ag Reserve Master Plan provides no indication that the adopted commercial cap on retail, office, and service uses was intended to apply to self-storage uses. Therefore, there is an adequate justification to support the amendment.

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

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

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

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

**Staff Analysis:** The proposed amendment is consistent with the above County Directions as it allows additional square footage in an area already designated for commercial land uses and that is compatible with adjacent uses, and encourages the clustering of non-residential uses in the Agricultural Reserve Tier. Self-storage is allowed in Industrial future land use designation, which is allowed in the Tier with no location or square footage cap restrictions at a FAR of up to .45. This amendment proposes to allow self-storage at a higher FAR within the commercially designated properties, thereby encouraging some of the approved commercial development to be utilized in part with self-storage. The intent of the commercial location policies in the Tier is to cluster non-residential development along Atlantic Avenue and Boynton Beach Boulevard. Allowing the commercial properties to develop with higher FAR self-storage uses is consistent with this intent of the Tier to cluster higher intensity uses along these corridors.

3. **Piecemeal Development – FLUE Policy 2.1-h:** *The County shall not approve site specific Future Land Use Atlas amendments that encourage piecemeal development or approve such amendments for properties under same or related ownership that create residual parcels. The County shall also not approve rezoning petitions under the same or related ownership that result in the creation of residual parcels.*

**Staff Analysis:** There are no other parcels under the same or related ownership adjacent to the subject site that are not included in the proposed amendment whereby residual parcels would be created. Therefore, the proposed amendment would not constitute piecemeal development.

## B. Consistency with Agricultural Tier Requirements

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

### OBJECTIVE 1.5 The Agricultural Reserve Tier

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

**Staff Analysis:** The proposed amendment will allow self-storage uses to be built with additional square footage in commercial future land use designations within the Ag Reserve Tier. The amendment will not increase commercial acreage or serve as a regional draw, and therefore, is not in conflict with this policy.

### Commercial

1. **Policy 1.5-j:** *“Commercial uses permitted in the Agricultural Reserve Tier shall be limited to those, which serve the needs of the farmworker community, existing residents, and future residents of an AgR-PDD.”*

**Staff Analysis:** The proposed amendment does not add or changes uses allowed in the Tier, but allows additional square footage for self-storage. This change will not serve as a regional draw, and therefore, is not in conflict with this policy.

2. **Policy 1.5-i: Pre-Existing Commercial Sites.** *Within the Agricultural Reserve Tier there are existing and/or approved commercial sites which are benign to the purposes of the Tier and/or which provide essential services for farm workers and residents of the Tier. The commercial sites below are conforming uses under the Agricultural Reserve (AGR) future land use designation (FLU) and the Tier.*

6. **West Boynton Center,** *2.50 acres located at the northeast corner of Boynton Beach Boulevard and Acme Dairy Road, is allowed up to 16,118 square feet of commercial uses consistent with Commercial Low FLU under the AGR Zoning with AGR FLU. The site may apply for Commercial Low FLU and Commercial Zoning up to 6.85 acres through the FLUA amendment process.*

**Staff Analysis:** This is the pre-existing uses policy that has existed in the Comprehensive Plan since 1995 to accommodate commercial uses which predated the Ag Reserve Tier. The policy was revised in Round 16-A to specifically list each site by name. With regards to the subject site, the policy allows the subject site up to 16,118 square feet of commercial on a 2.50 acre portion of the site that was assigned Commercial Low future land use. The revised allows the

subject site to apply for Commercial Low future land use, and Zoning, for entire 6.85 acre site. The proposed amendment is consistent with this policy.

3. **Adopted 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.*

**Applicant Proposed Revision:** Add the following sentence to the end of the above policy

Self-storage uses are not subject to the commercial cap.

**Staff Analysis:** The subject site is currently limited to a maximum of 48,000 square feet of commercial retail uses by Ordinance 2016-036 and by Policy 1.5-n. The applicant proposes to exempt self-storage uses from the commercial cap, thereby allowing the condition of approval to be revised to allow additional square footage. The revised condition of approval (see Exhibit 1) would allow the 48,000 square feet of commercial uses or 20,000 square feet of retail and add up to 130,000 square feet of self-storage uses. The proposed future land use condition of approval change is inconsistent with Policy 1.5-n as currently worded, but consistent with the square footage exemption proposed by this amendment. See the Justification Section for discussion on the cap limitation.

4. **Adopted Table 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 |
| Commercial Low<br>(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>4,9</sup><br>.40 w/ TMD <sup>4</sup> | .10    |

**Notes:**

*Unaltered text omitted for brevity*

9. Industrial and self-storage related uses may be approved for up to .85 FAR in the industrial future land use designations the Urban Suburban Tier, and self-storage uses may be approved for up to .65 FAR in the commercial future land use designations in the Agricultural Reserve Tier.

**Applicant Proposed Revision:** Add the language shown in underline to Table III.C.2, thereby allowing properties in the Ag Reserve Tier to achieve up to .65 FAR for self-storage uses.

**Staff Analysis:** The applicant is proposing to increase the allowable square footage for self-storage uses to allow up to a 3 story facility on the subject site. The allowing additional square footage would make more efficient use of space on the limited lands with commercial designations in the Tier. Typically self-storage uses are considered low-trip generating, low intensity uses that are compatible with surrounding residential properties. There are no negative issues identified with the proposed additional FAR as proposed by the applicant to be limited to self-storage.

5. **ULDC Implications:** This amendment does not require subsequent revisions to the Unified Land Development Code (ULDC).

### C. Compatibility

Compatibility is defined as a condition in which land uses can co-exist in relative proximity to each other in a stable fashion over time such that no use is negatively impacted directly or indirectly by the other use. The applicant lists the surrounding uses and future land use designations and provides a compatibility analysis in Exhibit 3.

**Surrounding Land Uses:** Surrounding the subject site are the following:

**North:** To the north of the subject site are lands designated with AGR FLU and are currently in agriculture as row crops. The properties together were previously aggregated to form a 100 acre property that was previously approved for an AgR-PUD known as Ravello AgR-PUD. The approval was abandoned and the property remains in agriculture.

**East:** To the east of the site across Acme Dairy Road are a series of five 9 to 10 acre properties with AGR FLU currently in agriculture as nurseries.

**West:** To the west adjacent to this property, is the Caridad Center Health Campus and Soup Kitchen on a roughly 6.7 acre property. Caridad provides comprehensive health and dental services to the uninsured, working poor families of the County. A county initiated amendment to change the FLU on this property from AGR to Institutional and Public Facilities with underlying AGR (INST/AGR) was recently adopted on January 27, 2016.

**South:** To the south is Boynton Beach Boulevard, a 6-lane divided road designated as a Principal Arterial roadway. Across this road to the southwest is the Canyon Towncenter Traditional Marketplace Development, a 60/40 AgR-MUPD. This 37 acre site has a CL/AGR future land use which was adopted in 2005. Additional land area, designated as the preserve land for the MUPD, is adjacent to the development to the east and directly south of the subject site. The Sunset Palms Elementary School is located within these lands and a County park is planned for much of the remaining preserve area south of the school.

**FLUE Policy 2.1-f states that** *“the County shall review and make a determination that the proposed future land use is compatible with existing and planned development in the immediate vicinity.”* And **FLUE Policy 2.2.1-b states that** *“Areas designated for Residential use shall be protected from encroachment of incompatible future land uses and regulations shall be maintain to protect residential areas from adverse impacts of adjacent land uses. Non-residential future land uses shall be permitted only when compatible with residential areas, and when the use furthers the Goals, Objectives, and Policies of the Plan.”*

**Staff Analysis:** There is a middle school to the south across Boynton Beach Blvd., the Caridad medical center is adjacent to the west, there is agriculture to the east (Nurseries) across Acme Dairy Rd., and to the north is a large tract currently in agriculture (row crops). There are currently no residential uses adjacent to the site. The proposed amendment does not change the future land use designation, but proposes changes to the text of the Plan and adopted conditions of approval to allow greater intensity on the subject site. Self-

storage uses are typically high FAR, but low trip generating, low impact compared to other uses allowed in the adopted Commercial Low future land use designation. There are no compatibility issues presented by this amendment.

**D. Consistency with County Overlays, Plans, and Studies**

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

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

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

**Staff Analysis:** The subject site is within the boundaries of the West Boynton Area Community Plan (WBACP). The plan was received by the BCC in October of 1995. Two subareas were created in the WBACP to address the diverse nature of the areas within the plan boundaries. Subarea 1 covers the region east of the Ag Reserve in the Urban/Suburban Tier. Subarea 2 delineates the northern Ag Reserve which is the area of the Ag Reserve north of the Lake Worth Drainage District (LWDD) L-30 Canal.

According to the WBACP, all recommendations in the plan only pertain to subarea 1, which is east of the Ag Reserve (i.e. east of Florida Turnpike), unless specifically noted.

The following recommendation from the WBACP was noted and intended to apply to the Agricultural Reserve (sub area 2, WBACP):

**Recommendation 3 (Summary)** - “Accept an agricultural future for the Agricultural Reserve.”

The full text of the recommendation states “accept the direction given by the BCC establishing as a primary goal an agricultural future for the Agricultural Reserve area...” As an Ag Reserve Study was ongoing at the time the WBACP was being formulated, prior to 1995, and so as not to conflict with the progress of or impede that Ag Reserve Study, this is the only recommendation that was included in the plan regarding the Ag Reserve. The BCC adopted Agricultural Reserve policies in the Comprehensive Plan subsequent to the 1999 Ag Reserve Master Plan in 2001, which guides the development of residential, commercial, and Institutional and Public Facilities uses while providing for the preservation of agriculture, wetlands and other open space. However, *the recommendation in the WBACP is too broad of a statement in order for staff to determine that the proposed FLUA and Text amendment is consistent or inconsistent.*

## E. Public Facilities and Services Impacts

The proposed amendment was reviewed at the proposed change to allow 15,000 square feet of general commercial, 5,000 square feet of fast food restaurant, and 130,000 square feet of self-storage uses. Public facilities impacts are detailed in the table in Exhibit 4.

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

**Staff Analysis:** The proposed amendment has been distributed to the County service departments for review and there are adequate public facilities and services available to support the amendment, and the amendment does not exceed natural or manmade constraints. No adverse comments were received from the following departments and agencies regarding impacts on public facilities:

Zoning (ULDC), Mass Transit (Palm Tran), Potable Water & Wastewater (PBC Water Utilities Dept.), Environmental (Environmental Resource Management), Traffic (Engineering), Historic Resources (PBC Archeologist), Parks and Recreation, Health (PBC Dept. of Health), Community Services (Health & Human Services) and Fire Rescue, School District.

2. **Long Range Traffic - Policy 3.5-d:** *The County shall not approve a change to the Future Land Use Atlas which:*

- 1) *results in an increase in density or intensity of development generating additional traffic that significantly impacts any roadway segment projected to fail to operate at adopted level of service standard “D” based upon cumulative traffic comprised of the following parts a), b), c) and d):.....*

**Staff Analysis:** The Traffic Division reviewed this amendment at a maximum 15,000 square feet of general commercial, 5,000 square feet of fast food restaurant, and 130,000 square feet of self-storage uses. According to the County’s Traffic Engineering Department (see letter dated May 7, 2019 in Exhibit 5).

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

The Traffic Study dated April 4, 2019 was prepared by Anna Lai, P.E. Traffic studies and other additional supplementary materials for site-specific amendments are available to the public on the PBC Planning web page at:

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

## E. Florida Statutes (FS) Consistency

**Consistency with Urban Sprawl Rule:** Section 163.3177(6)(a)9.a., F.S., establishes a series of primary indicators to assess whether a plan amendment does not discourage the proliferation of urban sprawl. The statute states that the evaluation of the presence of

these indicators shall consist of an analysis of the plan amendment within the context of features and characteristics unique to each locality. The analysis in Exhibit 4 indicates that the proposed amendment does not encourage the proliferation of urban sprawl.

## **II. Public and Municipal Review**

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

- A. Intergovernmental Coordination:** Notification of this amendment was sent to the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC) for review on November 22, 2019. To date, no comments have been received.
- B. Other Notice:** Public notice by letter was mailed to the owners of properties within 500' of the perimeter of the site on November 22, 2019. On the same date, several interested parties were notified by mail including The Alliance of Delray, the Coalition of Boynton West Residential Association (COBWRA), and the Cobblestone Creek HOA. Notification of this amendment, and other amendments related to the Ag Reserve Tier, was provided to the Ag Reserve email list of interested parties via email on December 3, 2019. As of the publication of the Planning Commission staff report, no correspondence has been received. Letters received are added to the Exhibits during the course of the amendment process.
- C. Informational Meeting:** The Planning Division hosted a meeting with area residents and interested parties to relay information regarding the amendment and development approval process on December 3, 2019. No members of the public attended.

## Exhibit 3

### Applicant's Justification/Consistency with Comprehensive Plan

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#### 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. The applicant must modify a condition in the most recent development approval for the subject property by way of a FLUA Amendment. The underlying Future Land Use, Commercial Low, will not change as a result of this request. The request will run alongside a Privately Initiated Amendment to the Future Land Use Element text also included in this request.

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.

- The Privately Initiated Text amendment request proposes a modification to Policy 1.5-n, the Agricultural Reserve Tier, and to Table III.C.2 Maximum Floor Area Ratios (FARs) for Non-Residential Future Land Use Categories and Non-Residential uses and the table notes.
- The FLUA application is to revise a condition in the most recent Future Land Use Atlas Amendment for the site in Ordinance 2016-036.

#### PROJECT HISTORY

The subject property is located within the Agricultural Reserve and was previously recognized as having historic 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 issued 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 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.

### ***PURPOSE***

The applicant must amend the text of the Comprehensive Plan to accommodate the proposed uses by way of a Privately Initiated Text Amendment (PIA), specifically the self-storage use. The model for self-storage use has changed over the last decade and is no longer designed with the sprawling one-story, land-intensive type building. The self-storage use proposed is a multistory (3-level) structure and therefore requires a greater FAR than the older self-storage model. Yet the new concepts consume less land area, resulting in lower building lot coverage. Additionally, self-storage use generates significantly lower traffic than general commercial use, resulting in a decrease in trips for the subject property. Additionally, the use will need to be excluded from the AgR square footage cap.

### ***JUSTIFICATION***

After working alongside the community and County staff for several years, the applicant has identified specific uses for the subject property that are consistent with the vision and intent of commercial properties within the Agricultural Reserve. The applicant must amend the text of the Comprehensive Plan to accommodate the proposed uses by way of a Privately Initiated Text Amendment (PIA), specifically the self-storage use. The model for self-storage use has changed over the last decade and is no longer designed with the sprawling one-story, land-intensive type building. The self-storage use proposed is a multistory (3-level) structure and therefore requires a greater FAR than the older self-storage model. Yet the new concepts consume less land area, resulting in lower building lot coverage. Additionally, self-storage use generates significantly lower traffic than general commercial use, resulting in a decrease in trips for the subject property.

The Comprehensive Plan allows for a .2 FAR for Commercial Low within the AgR tier if it is approved as an MUPD. The applicant is proposing 130,000 square feet of self-storage use to develop a viable three-story building in addition to other neighborhood commercial uses. The self-storage use alone far exceeds the .2 FAR permitted, leaving no other neighborhood commercial uses to be built on the property. The intent of the AgR commercial low land use is to provide multiple neighborhood commercial uses to support the existing and future residents of the area. Self-storage is a necessary use to be provided within residential areas of the County as it provides a service in high demand by County residents. Residents need self-storage that is accessible and near their homes so they can easily transfer their belongings to and from the facility when needed, whether its holiday decorations or the last ten years of tax returns. However the lower FAR in the AgR does not permit such a use to be provided and therefore a text amendment to the Comprehensive Plan Future Land Use Element is required to address this constraint.

The applicant is also requesting to modify a site-specific condition of approval restricting the square footage or equivalent trips to 20,000 square feet of commercial retail and office uses and a maximum

of 130,000 square feet of self-storage uses, or other uses which do not exceed the equivalent traffic generating trips up to a maximum of 48,000 square feet of commercial retail and office uses.

In 2016 Staff supported a text amendment to allow seven (7) properties that had commercial designations pre-dating the creation of the Agricultural Reserve Master Plan to retain and/or expand the commercial uses. These text amendments allow for changes in FLU designations on properties in the immediate area based on pre-existing conditions and based on the changing nature of the Tier.

The nature of the Ag Reserve is changing every day. It now represents significantly more Palm Beach County residents than it did when the overlay was first contemplated and implemented. With these new residents in the immediate areas to the subject site additional neighborhood services are required to support them and to prevent a significant increase in the number of east-west vehicular trips on roads like Boynton Beach Boulevard, where the site is located. The subject parcel will include neighborhood services to support the residents of the Ag Reserve so that they do not need to travel east for certain services, services like self-storage use.

Self-storage use is a necessity for home owners within communities that have associations who prevent the use of garages for storage. Many residents who have moved to the Ag Reserve area are retirees and have downsized from a larger home out of state or even in the County, but do not want to eliminate their most valuable possessions. As retirees typically purchase smaller homes with less bedrooms and storage space, the self-storage facility becomes imperative for the storage of these belongings. It is also important that the self-storage facility is within a short distance to their home so that it is convenient for them to access the facility whenever they may need something (holiday decorations, extra chairs and tables, tax returns, etc).

### ***CONSISTENCY & 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 modification of the condition to allow more uses on the subject property will provide necessary neighborhood 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.
- **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;
    - **Applicant's Description:** The characteristics of a livable community, per the

FLUE, include, but are not limited, to providing a central neighborhood or community focal point, such as a civic space or commercial area. As has been previously documented, the Agricultural Reserve Tier has limited commercial opportunities, especially higher intensity commercial uses that provide needed services to residential populations. Allowing more commercial use on the subject property will complement the residential, agricultural and commercial low uses currently within the Tier.

- o There is a basis for the proposed FLU change for the particular subject site based upon one or more of the following:
  - Changes in FLU designations on adjacent properties or properties in the immediate area and associated impacts on the subject site;
  - Changes in the access or characteristics of the general area and associated impacts on the subject site;
  - New information or change in circumstances which affect the subject site;
- o **Applicant's Description:** In 2016 Staff supported a text amendment to allow seven (7) properties that had commercial designations pre-dating the creation of the Agricultural Reserve Master Plan to retain and/or expand the commercial uses. These text amendments allow for changes in FLU designations on properties in the immediate area based on pre-existing conditions and based on the changing nature of the Tier.

The nature of the Ag Reserve is changing every day. It now represents significantly more Palm Beach County residents than it did when the overlay was first contemplated and implemented. With these new residents in the immediate areas to the subject site additional neighborhood services are required to support them and to prevent a significant increase in the number of east-west vehicular trips on roads like Boynton Beach Boulevard, where the site is located. The subject parcel will include neighborhood services to support the residents of the Ag Reserve so that they do not need to travel east for certain services, services like self-storage use.

Self-storage use is a necessity for home owners within communities that have associations who prevent the use of garages for storage. Many residents who have moved to the Ag Reserve area are retirees and have downsized from a larger home out of state or even in the County, but do not want to eliminate their most valuable possessions. As retirees typically purchase smaller homes with less bedrooms and storage space, the self-storage facility becomes imperative for the storage of these belongings. It is also important that the self-storage facility is within a short distance to their home so that it is convenient for them to access the facility whenever they may need something (holiday decorations, extra chairs and tables, tax returns, etc).

The subject site is one of the only commercial nodes in the Ag Reserve as approved in the previously mentioned text amendment. In order for the subject site to provide a self-storage use the subject amendment must be approved to modify the site-specific condition.

- o The natural environment, including topography, soils and other natural resources;
  - **Applicant's Description:** Please see Attachment L for the Natural Feature

Inventory & Map.

- The availability of facilities and services;
  - **Applicant's Description:** Below is more detailed information on each of those facilities and services:
    - a. *Traffic:* Please see Attachment H for the Comprehensive Plan Amendment Transportation Analysis prepared by Simmons & White.
    - b. *Mass Transit:* The nearest Palm Tran bus route is Route 73 that stops approximately 345 lineal feet west of the western property line of the subject property. The closest Tri-Rail connection is the Boynton Beach Tri-Rail 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.
- 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 appropriately located within the AgR.
- The future land use balance;
  - **Applicant's Description:** As stated previously, the proposed modification of the 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.
- 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.
  - **Applicant's Description:** The proposed amendment will allow for more neighborhood 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 development 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

**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. The proposed amendment allowing a greater FAR for self-storage use will promote less building coverage and more open space so that the facilities can be constructed on multiple levels.
- 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. The proposed amendment allowing a greater FAR for

self-storage use will promote less building coverage and more open space so that the facilities can be constructed on multiple levels.

**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. Quite contrary, the proposed amendment allowing a greater FAR for self-storage use will promote less building coverage and more open space so that the facilities can be constructed on multiple levels.
  
- Promotes the efficient and cost-effective provision or extension of public infrastructure and services.
  - **Applicant's Description:** The proposed condition modification will maximize the use of future public facilities and services existing and within an urban area. No facilities will 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 the Privately Initiated Text Amendment to the Comprehensive Plan Future Land Use Element as well as the 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).

**Exhibit 4**  
**Applicant's Public Facilities Table**

| <b>A. Traffic Information</b>  |   |  |
|--|---|--|
| Please see Application Attachment H Traffic Statement prepared by Simmons & White.   |   |  |
|  | Current   | Proposed   |
| <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 Application 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 Application 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 Application 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 Application 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 Application Attachment M for Wellfield Protection Zone Statement prepared by Simmons & White, Inc.   |
| <b>G. Historic Resources</b>  |  |
| Please see Application Attachment N for request of a Historic Resource Evaluation Letter from the County Historic Preservation Officer/Archeologist for the subject site.   |  |

## Exhibit 5 Traffic Division Letter



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

■

**Palm Beach County  
Board of County  
Commissioners**

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

*"An Equal Opportunity  
Affirmative Action Employer"*



May 7, 2019

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

**RE: West Boynton Center  
FLUA Amendment Policy 3.5-d Review  
Round 2020-A**

Dear Ms. Lai:

Palm Beach County Traffic Division has reviewed the Land Use Plan Amendment Application Traffic Statement for the proposed Future Land Use Amendment for the above referenced project, revised April 4, 2019, pursuant to Policy 3.5-d of the Land Use Element of the Palm Beach County Comprehensive Plan. The project is summarized as follows:

|                                |  |  |
|--------------------------------|--|--|
| <b>Location:</b>               | NW corner of Boynton Beach Boulevard and Acme Dairy Road   |  |
| <b>PCN:</b>                    | 00-42-43-27-05-050-1171  |  |
| <b>Acres:</b>                  | 6.85 acres   |  |
|                                | <b>Current FLU</b>   | <b>Proposed FLU</b>  |
| <b>FLU:</b>                    | Commercial Low<br>(CL)/Agriculture Reserve (AGR)   | Commercial Low<br>(CL)/Agriculture Reserve (AGR)   |
| <b>Zoning:</b>                 | Agricultural/General Commercial  | Mixed Used Planned<br>Development (MUPD)   |
| <b>Density/<br/>Intensity:</b> | 0.2 FAR  |  |
| <b>Maximum<br/>Potential:</b>  | General Commercial =<br>48,000 SF (per ORD 2016-036)   | General Commercial =<br>59,677 SF  |
| <b>Proposed<br/>Potential:</b> |  | General Commercial = 15,000 SF<br>Fast Food Restaurant + DT =<br>5,000 SF<br>Mini-Warehouse/SS = 130,000<br>SF |
| <b>Net Daily<br/>Trips:</b>    | 393 (maximum – current)<br>144 (proposed – current)  |  |
| <b>Net PH<br/>Trips:</b>       | 31 (19/12) AM, 203 (98/105) PM (maximum)<br>121 (64/57) AM, 159 (79/80) PM (proposed)  |  |
|                                | <i>* Maximum indicates typical FAR and maximum trip generator. Proposed indicates the specific uses and intensities/densities anticipated in the zoning application.</i> |  |



Anna Lai, P.E., PTOE  
May 7, 2019  
Page 2

Based on the review, the Traffic Division has determined that the traffic impacts of the proposed amendment meets Policy 3.5-d of the Future Land Use Element of the Palm Beach County Comprehensive Plan at the maximum potential density shown above. The proposed change will have an insignificant impact for both the long range and Test 2 analyses.

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

Sincerely,

A handwritten signature in black ink that reads "Quazi Bari".

Quazi Bari, P.E.  
Senior Professional Engineer - Traffic Division

QB:DS:gg

cc: Dominique Simeus – Project Coordinator II, Traffic Division  
Steve Bohovsky – Technical Assistant III, Traffic Division  
Lisa Amara – Senior Planner, Planning Division  
Khurshid Mohyuddin – Principal Planner, Planning Division  
Jorge Perez – Senior Planner, Planning Division

File: General - TPS – Unincorporated - Traffic Study Review  
N:\TRAFFIC\Development Review\Comp Plan\20-A\West Boynton Center.docx

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

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**Water Utilities Department  
Engineering**

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



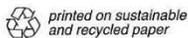
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Mary Lou Berger  
Melissa McKinlay

**County Administrator**

Verdenia C. Baker

*"An Equal Opportunity  
Affirmative Action Employer"*



May 28, 2019

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

# Exhibit 7

## Disclosure of Ownership Interests

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PALM BEACH COUNTY - ZONING DIVISION

FORM # 09

### DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

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

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

STATE OF FLORIDA  
COUNTY OF PALM BEACH

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

1. Affiant is the  individual or  Gen Partner, West Boynton Center Ltd [position - e.g.,  
*president, partner, trustee*] of for Smigiel Partners VII, Ltd. [name and type of  
entity - e.g., *ABC Corporation, XYZ Limited Partnership*] that holds an ownership  
interest in real property legally described on the attached Exhibit "A" (the "Property").  
The Property is the subject of an application for Comprehensive Plan amendment or  
Development Order approval with Palm Beach County.
  
2. Affiant's address is: P.O. Box 540669  
Lake Worth, FL 33467
  
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of  
every person or entity having a five percent or greater interest in the Property.  
Disclosure does not apply to an individual's or entity's interest in any entity  
registered with the Federal Securities Exchange Commission or registered pursuant  
to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
  
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County  
policy, and will be relied upon by Palm Beach County in its review of application for  
Comprehensive Plan amendment or Development Order approval affecting the  
Property. Affiant further acknowledges that he or she is authorized to execute this  
Disclosure of Ownership Interests on behalf of any and all individuals or entities  
holding a five percent or greater interest in the Property.
  
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to  
reflect any changes to ownership interests in the Property that may occur before the  
date of final public hearing on the application for Comprehensive Plan amendment  
or Development Order approval.
  
6. Affiant further states that Affiant is familiar with the nature of an oath and with the  
penalties provided by the laws of the State of Florida for falsely swearing to  
statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief it is true, correct, and complete.

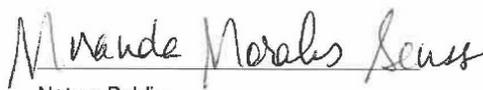
FURTHER AFFIANT SAYETH NAUGHT.



Gary Smigiel \_\_\_\_\_, Affiant

(Print Affiant Name)

The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of May, 2019, by Gary Smigiel \_\_\_\_\_, [  ] who is personally known to me or [  ] who has produced \_\_\_\_\_ as identification and who did take an oath.



Notary Public



\_\_\_\_\_  
(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: \_\_\_\_\_

**EXHIBIT "A"**

**PROPERTY**

THE EAST ONE-HALF (E ½) OF TRACT 117 AND ALL OF TRACT 118, BLOCK 50, PALM BEACH FARMS COMPANY PLAT NO. 3, AS RECORDED IN PLAT BOOK 2, PAGES 45 THROUGH 54, INCLUSIVE, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE SOUTH 30 FEET OF SAID TRACTS AS CONVEYED TO THE COUNTY OF PALM BEACH FOR ROAD PURPOSES;

LESS AND EXCEPT THE FOLLOWING AS DESCRIBED IN THE ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 6366, PAGE 721, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

PARCEL NO. 104:

A PORTION OF TRACTS 117 AND 118 OF BLOCK 50, OF THE PALM BEACH FARMS CO. PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 49, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LYING NAD BEING IN SECTION 20, TOWNSHIP 45 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE FOUND 1/2" REROD MARKING THE INTERSECTION OF THE BASELINE OF SURVEY FOR BOYNTON BEACH BOULEVARD (S.R. 804) AND THE BASELINE OF SURVEY FOR ACME DAIRY ROAD SOUTH; THENCE SOUTH 89 DEGREES 26 MINUTES 12 SECONDS WEST ALONG THE SAID BASELINE OF SURVEY FOR BOYNTON BEACH BOULEVARD (S.R. 804), A DISTANCE OF 66.53 FEET; THENCE NORTH 00 DEGREES 33 MINUTES 48 SECONDS WEST, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING; THENCE ALONG A LINE 60 FEET NORTH OF, AS MEASURED AT RIGHT ANGLES TO THE SAID BASELINE OF SURVEY FOR BOYNTON BEACH BOULEVARD (S.R. 804) SOUTH 89 DEGREES 26 MINUTES 12 SECONDS WEST, A DISTANCE OF 20.00 FEET TO A POINT ON A LINE 40 FEET NORTH OF AS MEASURED AT RIGHT ANGLES TO THE SAID BASELINE FOR BOYNTON BEACH BOULEVARD; THENCE NORTH 89 DEGREES 26 MINUTES 12 SECONDS EAST ALONG SAID LINE, A DISTANCE OF 495.23 FEET; THENCE NORTH 00 DEGREES 33 MINUTES 48 SECONDS WEST, A DISTANCE OF 144.00 FEET; THENCE SOUTH 89 DEGREES 26 MINUTES 12 SECONDS WEST, A DISTANCE OF 25.00 FEET; THENCE SOUTH 00 DEGREES 33 MINUTES 48 SECONDS EAST, A DISTANCE OF 98.00 FEET; THEN SOUTH 45 DEGREES 15 MINUTES 04 SECONDS WEST, A DISTANCE OF 37.30 FEET TO THE POINT OF BEGINNING.

**EXHIBIT "B"**

**DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY**

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

| Name  | Address              |
|---|----------------------|
| Lantana Farm Associates, Inc.-50% PO Box 541779 | Lake Worth, FL 33454 |
| Daveson, LLC- 36.15% 2255 Glades Rd. Ste 218-A  | Boca Raton, FL 33431 |
|   |                      |
|   |                      |
|   |                      |
|   |                      |
|   |                      |
|   |                      |
|   |                      |
|   |                      |

## Exhibit 8 Urban Sprawl Analysis

| Primary Indicators that an amendment does not discourage urban sprawl   | Staff Assessment  | Sprawl Indicated? |
|---|---|-------------------|
| <b>Criteria Related to Land Use Patterns</b>  |   |                   |
| Promotes, allows or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.   | This amendment does not promote, allow or designate a substantial area of the County to develop as low-intensity, low-density, or single-use development or uses.   | No                |
| Promotes, allows or designates urban development in radial, strip, isolated or ribbon patterns generally emanating from existing urban developments.  | This amendment does not designate urban development emanating from existing urban development. The site is within a Limited Urban Service area where urban services are provided and in allocation that is appropriate for additional neighborhood serving commercial.  | No                |
| Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.  | This amendment does not discourage or inhibit infill development or the redevelopment of existing neighborhoods and communities.  | No                |
| Fails to encourage functional mix of uses.  | This amendment will introduce additional commercial uses that are neighborhood serving  | No                |
| Results in poor accessibility among linked or related land uses.  | The proposed amendment does not result in poor accessibility among related land uses. The subject site is at a node where commercial is intended to be allowed.   | No                |
| Results in the loss of significant amounts of functional open space.  | The proposed amendment on this site will not result in the loss of significant amounts of functional open space. A portion of this single parcel is already developed with and adopted as commercial and allowed to expand.   | No                |
| <b>Criteria related to sites located outside or at the edge of the Urban Service Area</b>   |   |                   |
| Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development   | The site is located within in the Agricultural Reserve, a Limited Urban Service Area (LUSA) which allows for a mix of urban and rural levels of service, and therefore, does not promote, allow, or designate a significant amount of urban development to occur in rural areas at substantial distances from existing urban areas. | No                |
| Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems | The property does not contain any environmentally sensitive areas. The site is not within a Wellfield Protection Area.  | No                |

| Primary Indicators that an amendment does not discourage urban sprawl   | Staff Assessment  | Sprawl Indicated? |
|---|---|-------------------|
| Fails adequately to protect adjacent agricultural areas and activities, including silviculture, and including active agricultural and silvicultural activities as well as passive agricultural activities and dormant, unique and prime farmlands and soils.  | Appropriate buffering will be required through the zoning process for adjacent property to north that is currently in Agriculture and this amendment will not impact adjacent agricultural nursery areas.   | No                |
| Fails to provide a clear separation between rural and urban uses.   | The AGR Tier is intended to support and preserve agricultural while allowing low density development and limited commercial development. Institutional uses are restricted from locating west of State Road 7. The Agricultural Preserve provisions therefore allow for a mix of uses to support the allowed residential, commercial, and other non-residential development while protecting and preserving other areas within the Tier and west of State Road 7. The ULDC provides for regulations that are intended to allow for continuation of agriculture and implement the provisions in the Plan for the Tier. | No                |
| <b>Criteria Related to Public Facilities</b>  |   |                   |
| Fails to maximize use of existing public facilities and services.   | Public facilities and services will be provided and water and wastewater will be available.   | No                |
| Fails to maximize use of future public facilities and services.   | The AGR LUSA allows for a mix of urban and rural levels of service. Development would be expected to utilize existing public facilities and services. The subject site would maximize the use of future public facilities available in the area.  | No                |
| Allows for land use patterns or timing which disproportionately increase the cost in time, money and energy, of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government. | The site is within the AGR LUSA, which intends that urban levels of service serve development. There are no adverse impacts to public facilities and services as indicated by service providers through department review.  | No                |
| <b>Overall Assessment:</b> As demonstrated above, the proposed amendment does not meet any of the indicators of urban sprawl, and would not contribute to urban sprawl in the county.   |   |                   |

## Exhibit 9

### AGR Commercial Background

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#### A. Agricultural Reserve Tier

In order to understand the context of the Agricultural Reserve policies in the Comprehensive Plan, it is essential to have an understanding of the history and documents associated with the entire Ag Reserve Master Planning effort. Many of the fundamental principles and objectives were well established within the Ag Reserve Master Planning documents and generally understood by the Board, staff, and the public upon the completion of the Final Master Plan document in 1999. Consequently, the 2001 amendments that incorporated the Master Plan recommendations into the Comprehensive Plan focused on establishing the regulatory aspects of the Final Master Plan rather than reiterating or incorporating the fundamental framework of principles that established the true objective and policy concepts behind each of these regulatory items. The result has been that the County and public must rely on referring to the Final Master Plan to identify the objectives of these regulatory Plan policies. Even then, in order to trace the Board direction and consultants' data and analysis, often it is necessary to trace further back through the initial Master Planning documents (Phase I and Phase II). For this request, the basis for each of the current Plan policies has been researched within all of the published Master Plan documents. This amendment proposes to establish the fundamental principals in the Plan as ideally should have been established with the adoption of the 2001 amendments, to serve as a clear foundation for both existing and proposed policies.

In summary:

- **1998.** The Board of County Commissioners (BCC) directed the development of a Master Plan with purpose statement: *To preserve and enhance agricultural activity and environmental and water resources in the Ag Reserve, and produce a master development plan compatible with these goals.* Intent was to address the current 60/40 options in place and explore future development options that would meet this objective, which also lead to the bond referendum.
- **1998, Phase I.** During 1998, the Consultants prepared Phase I with significant stakeholder input through workshops and a charrette, laid out three alternative development scenarios for the Agricultural Reserve, Status Quo, Bond Alternative and No Bond Alternative. Each alternative was developed and evaluated considering the following objectives which were developed through the course of Phase I:
  - Preserve and Enhance the Potential for Agriculture, including Equestrian Uses
  - Enhance Environmental Resource Value
  - Enhance Water Management Capability
  - Enhance Accessible Open Space
  - Create a Functional, Self-Sustaining Form of Development
  - Minimize Cost/Impacts to Countywide Taxpayers

Upon completion, the BCC directed a bond referendum on land acquisition and the Consultants to continue with Phase II. The \$150 million Conservation Bond Referendum was passed in March 1999 with \$100 million for the Ag Reserve.

- **1999, Phase II.** Phase II “built upon the assumptions used in Phase I, seeking to refine the Bond Alternative and suggest the programs and regulatory revisions to implement”. Upon completion, the BCC directed staff to research and return with additional information on several issues. This document included all of the final consultant recommendations
- **2000, Addendum.** Staff presented the Addendum which summarized and recommended modifications to the Consultants recommendations. The BCC reviewed each recommendation and provided direction.
- **2000, Final Master Plan.** The document often referred to as “The Master Plan” is dated October 2000. The document is a summary of all of the recommendations and Board direction made to date.
- **2001, Adoption of Plan Amendments.** The Final Master Plan was never adopted by the Board. The staff recommendations and Board direction, contained within the Final Master Plan were incorporated into the Comprehensive Plan in Amendment Round 01-1. Each proposed policy was supported by a justification largely tracing back to the findings of the Consultants (established in the Phase I and Phase II reports) or, in some cases, to staff findings (in the Addendum) or to Board direction (as summarized in the Final Master Plan). The Final Master Plan was provided as an attachment to the amendment as supporting documentation. However, since the Final Master Plan was just a summary of the data and analysis prepared by the consultants, the bulk of the actual data and analysis for the concepts and recommendations is located within the Phase I and Phase II documents.
- **2016, Adoption of Commercial Amendments.** In 2014, the BCC directed a “Roundtable” to consider changes to the Tier policies following a set of proposed changes presented by a group of property owners. At a workshop in March 2015, the BCC considered the input received during the Roundtable and directed staff to proceed with several different actions, including a text amendment to allow additional opportunities for neighborhood serving commercial projects at a smaller scale within the Tier. The County adopted commercial policy changes by Ordinance 2016-28 to this end that eliminated the requirement for commercial to be developed as Traditional Marketplace Developments, eliminated the preserve requirement for small commercial sites, and increased the commercial cap from 750,000 s.f. to 980,000 s.f., and eliminated the maximum number of acres for commercial in the Tier. Over the following 18 months, the County approved several privately proposed future land use amendments up to the commercial cap. In 2017, the BCC adopted a privately proposed text and site specific amendment, Three Amigos LGA 2017-018, to increase the cap by 35,000 s.f. in order to accommodate the expansion of another one of the ‘pre-existing’ commercial sites. The current cap of 1,015,000 s.f. has been reached with the commercial approvals within the Tier.

The table below identifies the commercially designated properties in the Agricultural Reserve Tier, including the acreage and square footage approved.

**Table 1 - Commercial Approvals in the Ag Reserve**

| <b>Site</b>               | <b>Adoption</b>  | <b>Acres</b>  | <b>Built Sq. Ft.</b> | <b>Approved/<br/>Proposed Retail<br/>&amp; Office Sq. Ft.</b> |
|---------------------------|------------------|---------------|----------------------|---|
| Canyons Town Center       | 2004             | 26.75         | 195,494              | 211,933   |
| Delray Marketplace        | 2004             | 33.20         | 278,940              | 278,940   |
| Small CL Sites            | Pre-1999         | 1.83          | 22,712               | 22,712  |
| Pre-existing Commercial   | Pre-1999         | 19.29         | 28,007               | 76,625  |
|                           | <b>Pre-2016</b>  | <b>81.07</b>  | <b>525,153</b>       | <b>590,210</b>  |
| Alderman                  | 2016-B           | 15.34         | 112,779              | 133,642   |
| Homrich                   | 2016-B           | 13.44         | 0                    | 29,400  |
| Delray Growers            | 2016-B           | 11.15         | 0                    | 86,744  |
| Feurring                  | 2016-C           | 4.91          | 34,885               | 42,776  |
| Smigiel (additional)      | 2016-C           | 4.35          | 0                    | 26,670  |
| Stop & Shop (additional)  | 2016-D           | 5.11          | 32,818               | 32,020  |
| Seneca Commercial         | 2017-A           | 4.51          | 0                    | 38,538  |
| Three Amigos (additional) | 2017-D           | 3.60          | 0                    | 35,000  |
|                           | <b>Post-2016</b> | <b>62.41</b>  | <b>180,482</b>       | <b>424,790</b>  |
|                           | <b>Total</b>     | <b>143.48</b> | <b>705,635</b>       | <b>1,015,000</b>  |

**Exhibit 10**  
**Correspondence**

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