



PRIVATELY INITIATED TEXT AMENDMENT AMENDMENT ROUND 25-A

BCC MEETING, MAY 1, 2024

I. General Data

Project Name:	Park West (fka Tenderly Reserve) Text Initiation
Proposed Text Amendment:	<p>The privately proposed text amendment request is to revise Future Land Use Element (FLUE) policies regarding the Agricultural Reserve Tier, specifically to:</p> <ul style="list-style-type: none"> • Add a third commercial mixed use intersection in the Tier; • Allow additional commercial and mixed uses to be located at the intersection of the Florida's Turnpike and Atlantic Avenue; • Establish the Mixed Use Center (MUC) Multiple Land Use (MLU) Option which permits projects to utilize 100% of the residential density (up to 12 units per acre) and commercial intensity calculated over the entire site with design elements and 25% workforce housing onsite; • Exempt the site from the commercial square footage cap; • Require 20% of the total land area over 16 acres to be provided as onsite preserve and allow water management tracts within the preserve area; and • Exempt the site from the long range traffic requirement within FLUE Policy 3.5-d.
Proposed FLUA Amendment:	If the Board of County Commissioners initiates this text amendment, the applicant will seek a land use amendment from Agricultural Reserve (AGR) to Multiple Land Use with Commercial Low, Commerce and 12 units per acre (MLU, CL/CMR/12) on 61.19 acres.
ULDC Revisions:	The applicant is requesting to allow a Hotel use within Multiple Use Planned Development (MUPD) Zoning District with the Mixed Use Center MLU Option in the Agricultural Reserve Tier and a Commercial Low (CL) Future Land Use designation that is consistent with proposed FLUE Policy 1.5.1-v.
Applicant/Owner:	Paul Okean, Morningstar Nursery, Inc.
Agent:	Jennifer Morton, JMorton Planning & Landscape Architecture
Project Manager:	Stephanie Gregory, Principal Planner
Staff Recommendation:	Staff recommends to not initiate the proposed text amendment.

II. Item Summary

Initiation Phase I: The item before the Board is to consider the initiation of a privately proposed text amendment to the Comprehensive Plan, considered “Phase I”. If the amendment is initiated, staff will accept the associated future land use amendment, and return to the Board with the text and future land use amendments through the public hearing process as part of “Phase II”.

Staff Assessment: Staff recommends that the Board deny the request for initiation. The Agricultural Reserve Tier’s objective is to preserve the farmland and wetlands of the Tier to maintain agriculture, environmentally sensitive lands, water resources, and open space. This is accomplished through primarily low density development patterns and limited commercial development for the preservation of agricultural, water management, open space or other similar uses. This request proposes changes to the Comprehensive Plan that represent major departures from most of the fundamental policy concepts directed by the Board of County Commissioners, and adopted into the Comprehensive Plan.

The proposed location at the edge of the Tier, and at a Turnpike interchange, is inconsistent with policies requiring centrally-located, neighborhood serving commercial locations and exceeds the commercial cap. In addition, the applicant’s request is beyond the maximum density just established by the Board through Essential Housing with a significantly reduced preserve requirement. Finally, the amendment will impact existing and long range traffic as the applicant is proposing an exemption to FLUE Policy 3.5-d.

As an alternative to a text amendment, the applicant has the option to pursue a tier change as the site is located contiguous to the Urban/Suburban Tier. The development scenario proposed by the applicant could be accommodated in the Urban/Suburban Tier without the need for extensive text amendments which are major departures from fundamental policy concepts of the Tier. In addition, associated revisions to the Unified Land Development Code (ULDC) would also not be necessary. The requested land use designations (including densities, intensities and uses) are all allowed within the Urban/Suburban Tier and could be accompanied by the purchase of Transfer of Development Rights (TDRs) and by utilizing the workforce housing density bonus program in order to achieve the desired unit count. However, a text amendment for the FLUE Policy 3.5-d exemption would still be needed based on a preliminary traffic analysis.

III. Meeting History

Local Planning Agency/Planning Commission (LPA/PLC): *To be provided in agenda.*

Board of County Commissioners (BCC):

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Privately Initiated Text Amendment

Park West (fka Tenderly Reserve) Text Initiation



Site Data

Size: 61.19 acres
 Existing Use: Agriculture, Nursery
 Proposed Use: Residential and Commercial
 Current FLU: AGR
 Proposed FLU: MLU (CL/HR-12/CMR)

Future Land Use Designations

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

Date: 4/4/24
 Contact: PBC Planning
 Filename: T:\Planning\AMEND\24-A2\Text-Priv\TenderlyReserve\
 Note: Map is not official, for presentation purposes only.

Site
 AGR Preserves



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



IV. Private Text Amendment Request

Proposed Text Amendment. The privately proposed text amendment request is to revise Comprehensive Plan policies regarding the Agricultural Reserve Tier, specifically to:

- Add a third commercial mixed use intersection in the Tier and allow additional commercial and mixed uses to be located at the intersection of the Florida's Turnpike and Atlantic Avenue;
- Establish the Mixed Use Center (MUC) Multiple Land Use Option which permits projects to utilize 100% of the residential density (up to 12 units per acre) and commercial intensity calculated over the entire site with design elements and 25% workforce housing onsite;
- Exempt the site from the commercial square footage cap;
- Require 20% of the total land area over 16 acres to be provided as onsite preserve and allow water management tracts within the preserve area; and
- Exempt the site from the long range traffic requirement within FLUE Policy 3.5-d.

Associated Future Land Use Amendment. If the Board initiates the text amendment, the applicant will submit a future land use amendment in May 2024 to amend the future land use designation from Agricultural Reserve (AGR) to Multiple Land Use with Commercial Low, 12 units per acre and Commerce (MLU, CL/CMR/12) on 61.19 acres.

Associated Zoning Applications. The companion zoning application will request a rezoning from Agricultural Residential (AGR) to Multiple Use Planned Development (MUPD). The applicant intends to request 734 multifamily units, 100,000 square feet of self-service storage or warehouse/office uses, a 150 room hotel and 200,000 square feet of commercial retail and office.

Associated Unified Land Development Code (ULDC) Applications. The applicant is requesting to allow a Hotel use within Multiple Use Planned Development (MUPD) Zoning District with the Mixed Use Center MLU Option in the Agricultural Reserve Tier and a Commercial Low (CL) Future Land Use designation that is consistent with proposed FLUE Policy 1.5.1-v. This will require an amendment to Article 4.B.2.C.17 to allow "Hotel" as a Class A conditional use.

V. Background

A. Agricultural Reserve Tier Background

In 1999, the County adopted the Managed Growth Tier system to recognize the County's diverse geographic regions and lifestyles by establishing tiers that have common densities/intensities and public service availability. The subject site is located within the Agricultural Reserve Tier, an area established to support very low density residential, as well as agricultural operations and equestrian uses. The Agricultural Reserve Tier consists of approximately 22,000 acres. The Agricultural Reserve Tier is located in the southern portion of the County between Florida's Turnpike and the Arthur R. Marshall National Wildlife Refuge.

The purpose of the Agricultural Reserve Tier is described in the Comprehensive Plan as Objective 1.5 below:

- **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.

The Tier was formally designated as the Agricultural Reserve in the 1980 Comprehensive Plan with an emphasis on the preservation of agriculture. In 1998, the BCC directed development of a Master Plan for the Agricultural Tier which established a goal to *preserve and enhance agricultural activity and environmental and water resources in the Agricultural Reserve, and produce a master development plan compatible with this goal.* The BCC did not adopt the Master Plan, but adopted amendments to the Comprehensive Plan in Round 01-1 incorporating the majority of the recommendations of the final Master Plan. The surrounding area has therefore stayed primarily in agricultural uses and low density single-family residential with limited commercial uses serving the Tier.

B. History of the Subject Site. The site has previously been the subject of two amendments:

Morning Star MLU (LGA 2017-008). In 2017, the northern 50.99 acre portion of the site was the subject of a text and future land use atlas (FLUA) amendment. The text amendment included revisions to Agricultural Reserve Tier policies to:

- Increase the commercial square footage cap;
- Eliminate the requirement that commercial be located central to the Tier;
- Add a new mixed use intersection to the Tier;
- Allow the MLU designation within ¼ mile of the mixed use intersection;
- Allow a density of 8 units per acre and eliminate the preserve area requirements provided that 40% of the units were developed as workforce housing; and
- Exempt the site from the long range traffic requirements of FLUE Policy 3.5-d.

The concurrent future land use amendment requested a change from Agricultural Reserve (AGR) to Multiple Land Use with Commercial Low and High Residential, 8 units per acre (MLU, CL & HR-8). The proposed development included 360 multifamily units (7 units per acre), 115 bed Congregate Living Facility, 155,000 square feet of commercial retail and a 130 room hotel. Staff recommended denial as the “proposed amendments essentially rewrite fundamental Agricultural Reserve provisions of the Comprehensive Plan through private text amendments to accommodate the subject site.” The Planning Commission on July 14, 2017 voted 5 to 4 to recommend approval with modifications. The Board of County Commissioners postponed the amendment at the request of the applicant at the July 26, 2017 BCC Hearing. The applicant subsequently withdrew the amendment.

Star Key Industrial (LGA 2021-015). More recently, in 2021, the northern 50.99 acre portion of the site was the subject of a future land use atlas amendment. The request included a change in the future land use designation from Agricultural Reserve (AGR) to Industrial (IND) in order to develop up to 999,506 square feet of industrial uses. The applicant withdrew the amendment prior to the scheduling of public hearings.

VI. Issues and Implications

The purpose of this Phase I report is to identify potential issues and implications of the concept proposed by the text amendment, for the Board to consider when making the policy decision on whether to initiate the privately proposed text amendment. This report is not intended to provide

all of the information necessary in order to approve or deny the adoption of the text and future land use amendments. This report is intended to provide sufficient background information and identification of topics for consideration in order for the Board to make a decision on whether to initiate this amendment.

- A. Commercial Uses in the Tier.** The applicant is requesting to modify FLUE policy 1.5-k and 1.5-m to add the intersection of the Florida's Turnpike and Atlantic Avenue as an eligible location for commercial and mixed uses within the Tier. In addition, the applicant is requesting to modify FLUE policy 1.5-n to exempt the site from the Agricultural Reserve Tier commercial square footage cap.

Policy Directive: The policies adopted to implement the Master Plan set a cap on the total amount of commercial development and limited commercial development to internal sites within the Tier at the intersections of Boynton Beach Boulevard and Lyons Road, and Atlantic Avenue and Lyons Road.

Policy History: The Master Plan Consultants identified a need for a maximum of 1,100,000 square feet of commercial retail and office space in the Agricultural Reserve. The Phase II report, states: *"The amount of non-residential developments in the entire Ag Reserve should be limited to 500,000 square feet of retail, 600,000 square feet of office, and 330,000 square feet of industrial uses. The amount of civic uses should not be restricted within the two development areas."* The Phase II report also indicates that these figures had been derived from the appropriate ratio of non-residential development to the anticipated 14,000 dwelling units that were considered to be the maximum number of new units under the "Status Quo" Development Alternative. Therefore, taking the total maximum number of units considered by the Consultants (14,000 new units) and the maximum number of square footage (1,100,000), the ratio of total new commercial square footage for each new units can be calculated as a maximum of 79 square feet per dwelling unit ($1,100,000 \text{ sf} / 14,000 \text{ du} = 79 \text{ square feet per unit}$). At the time of transmittal, the maximum square footage was proposed as 1,100,000 square feet, but between transmittal and adoption, the staff report was revised to reflect a cap of 750,000 square feet due to the reduction in dwelling units (approximately 13,000 units) from the passing of the Bond referendum and County land purchases with the retirement of development rights.

The Consultants also recommended that this space be evenly divided between two mixed use centers, and that all new commercial development be required to require a 60% preserve area. The Consultants recommended the commercial cap and locating the centers in the interior of the Agricultural Reserve, to ensure that commercial does not exceed local demand and thereby serve as a draw from outside of the Tier. The Board adopted these recommendations by policy in 2001, with the exception that the commercial cap was reduced to 750,000 square feet, rather than the Consultant-recommended 1,100,000 square feet. This resulted in the development of the Canyon Town Center and Delray Marketplace, at the intersections of Boynton Beach Boulevard and Lyons Road, and Atlantic Avenue and Lyons Road respectively.

Changes over time: In 2016, following several privately initiated text amendment requests for commercial uses at other locations in the Tier, the Board adopted an increase in the commercial cap from 750,000 to 980,000 square feet in order to accommodate additional neighborhood serving services. Over the following 18 months, the Board approved several privately proposed future land use amendments which fit within the commercial cap. In 2017, the BCC adopted an increase of the cap by an additional 35,000

square feet for a total of 1,015,000 square feet to accommodate the expansion of another 'pre-existing' commercial site known as Three Amigos (LGA 2017-018). By 2019, the current cap of 1,015,000 square feet had been reached with approvals within the Tier.

Subsequently, in 2020 the Board adopted revisions to the commercial policies in the Tier to exempt self-storage from the commercial cap at the request of the applicant for West Boynton Center (LGA 2020-006) amendment to eliminate 28,000 square feet of approved commercial square footage thereby making that square footage available in the Tier. Most of this released square footage was quickly absorbed by the Atlantic Avenue Medical (LGA 2021-008) amendment which was adopted in December 2021 with a condition limiting the site to a maximum of 17,860 square feet of commercial uses. Finally, in 2022, the Board adopted amendments for the Feurring (LGA 2022-008) and Seneca (LGA 2022-009) sites to revise previously adopted conditions of approval to reduce the maximum allowable commercial square footage. This released 13,444 square feet from the commercial cap to be utilized by a concurrently adopted amendment, Atlantic Commercial and Self-Storage (LGA 2022-004), without increasing the cap.

Current Status: There are 10,227 square feet remaining within the cap. See Table below.

Table 1 - Commercial Approvals in the Agricultural Reserve

Site	Adoption	Acres	Built Sq. Ft.	Approved Sq. Ft.
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
	Pre-2016	81.07	525,153	590,210
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	35,169	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	30,693	38,538
Three Amigos (additional)	2017-D	3.60	0	35,000
	2016-2017	62.41	211,459	424,790
West Boynton Center reduction	2020-A2	0	0	-28,000
Atlantic Avenue Medical	2021-A2	2.05	0	17,860
	2020-2021	2.05	0	-10,140
Feurring and Seneca reduction	2022-A2	0	0	-13,444
Atlantic Com. and Self-Storage	2022-A2	9.89	0	13,357
	2022-now	9.89	0	-87
	Total	155.32	736,612	1,004,773

Policy Implications: The Agricultural Reserve Tier is the only location in the County where there is a cap on commercial development. A fundamental tenant of the Agricultural Reserve Master Plan was to focus the non-residential development internal to the Tier, at central locations, to ensure that commercial development does not exceed local demand and thereby serve as a draw from outside the Tier. As a result, the adopted policies of the Plan require that non-residential development is generally limited to ¼ mile of Lyons and Atlantic Avenue and Lyons and Boynton Beach Boulevard.

The applicant's proposed amendment would both increase the number of commercial nodes in the Tier and eliminate the requirement for their central location, to allow for interchange-style development of the subject site. The proposed location at the edge of the Agricultural Reserve, and at a Turnpike interchange, is inconsistent with the fundamental premise of centrally-located, neighborhood serving commercial locations. In addition to increasing the number of eligible locations, the applicant proposes to exempt the proposed square footage from the commercial cap. The Board increased the cap in 2016 to allow for additional neighborhood-serving, small scale commercial development in the Tier to be considered on a case by case basis. This project is proposing a total of 300,000 square feet of commercial uses: a 150 room hotel (100,000 square feet) and 200,000 square feet of retail and office uses. Currently, the Delray Marketplace is the largest commercial center in the Tier at 278,940 square feet of commercial uses and 73 multifamily units approved. If the applicant's request is approved, the subject site would surpass that with 300,000 square feet of commercial uses and 734 multifamily units. Finally, there is 10,227 square feet remaining within the cap and the applicant's proposed commercial square footage greatly exceeds this figure.

- B. Residential Density in the Tier.** The applicant is requesting to add a new policy to establish the Mixed Use Center (MUC) Multiple Land Use (MLU) Option which permits projects to utilize 100% of the residential density (up to 12 units per acre) and commercial intensity calculated over the entire site with design elements and requirement for 25% workforce housing onsite.

Policy Directive: To limit the amount of dwelling units in the Tier was one of the policy directives established by the Board as part of the Master Plan process.

Policy History: During the development of the Master Plan, it was often discussed that the estimated number of units in the Tier should be approximately 14,000 units. This was considered to be the development potential available under the 1998 regulations at the time, based upon a 1 unit per acre calculation of the 14,000 acres of 'land available for development'. It represented an estimate of what the development potential was at the time considering the current Agricultural Reserve development options available. It was used as a baseline, from which the County could illustrate the potential reduction in units that could be achieved with a successful Bond Referendum, as lands could be acquired through the bond funds, and the associated development rights (units) could be 'retired.' This figure was not adopted as a cap and it was not considered to be an exact figure to be achieved.

The Master Plan recommended that the County continue the low density and clustered residential development options already available in the Agricultural Reserve. The Board concurred that residential development in the Agricultural Reserve Tier, excluding farmworker housing and grooms quarters, would be limited to one of the following:

- 1 dwelling unit per 5 acres, or
- Two residential development options that are unique to this area of the County:

80/20 AGR Planned Unit Development. 1 dwelling unit per 1 acre, with a minimum of 40 contiguous acres. Units are to be clustered onto 20% of the land area, and the balance preserved as agriculture, passive recreation, or other open space use.

60/40 AGR Planned Unit Development. 1 dwelling unit per acre, with a minimum of 250 acres. Units are clustered onto 40% of the land area, and the balance preserved as agriculture, passive recreation, or other open space use. The preserved portion can be provided in multiple parcels, which need not be contiguous to one another nor to the development area; the development area must be located east of State Road 7.

In addition, the Board allowed for residential density to be included in the two marketplace developments (Canyon Town Center and Delray Marketplace) that were recommended by the Master Plan.

Changes Over Time: Since the adoption of policies implementing the Master Plan in 2001, the Board has adopted several changes which have increased the allowable density beyond 1 unit per acre in the Tier for residential development:

- **Reserve at Atlantic (LGA 2022-006).** The site was the subject of a text and future land use amendment to allow the Multiple Land Use (MLU) designation with up to 8 units per acre, a 25% workforce housing requirement and a 60% preserve area requirement. The companion text amendment limited the locations of parcels that would be eligible to apply for this FLU. On July 28, 2022, the Board adopted the amendment, which was the first density increase in the Tier not part of an 80/20 or 60/40 AGR PUD, resulting in 476 multifamily units.
- **Essential Housing Future Land Use (2022).** In 2021, during multiple public hearings where applications requesting higher densities in the Agricultural Reserve Tier were discussed, the Board expressed interest in considering amendments for multifamily development with a significant workforce housing component. During a Board workshop regarding the Agricultural Reserve Tier on October 26 and November 3, 2021, the Board discussed the potential of creating a new future land use for multifamily in the Tier. On February 2, 2022, the Board formally initiated a text amendment to the Comprehensive Plan for staff to proceed with the review and analysis of the proposed amendment. On August 25, 2022, the Board adopted the Essential Housing (EH) future land use designation to provide a higher-density category (up to 8 units per acre) with both a workforce housing (25% of total units onsite) and preserve requirement (60%) that meet specific location criteria (frontage on Atlantic Avenue from the Florida's Turnpike to ½ mile west of Lyons Rd or Boynton Beach Boulevard from the Florida's Turnpike to ½ mile west of Lyons Road). To date, only one site, **Logan Ranch Residential (LGA 2023-014)**, has requested and was subsequently adopted with the EH future land use designation with 314 multifamily units.

Current Status: As of March 2023, there are approximately 11,959 dwelling units approved in the residential AGR-PDDs and approximately 10,145 built units within the AGR-PDDs. The majority of the residential development that has occurred in the Tier since the Master Plan policies were adopted has been through 60/40 AGR-PUDs. The resulting net density of the development areas of the 60/40 AGR-PUDs is typically 2.5 to

3 units per acre and constructed as zero lot line or single-family housing types. The two mixed-use developments approved at the commercial nodes of the Tier have approvals for residential multifamily development. The Delray Marketplace and the Canyon Town Center mixed-use projects allow for 73 and 93 multi-family units, respectively, with 59 of the Canyons units assigned to the County owned pod of the development. To date, the units are unbuilt. In addition, the 476 units approved for Reserve at Atlantic and 314 units just approved in August 2023 for Logan Ranch Residential have not yet been built.

Policy Implications for Discussion: Limiting the density in the Agricultural Reserve has been one of the policy foundations in the Tier since its inception. Although the Master Plan anticipated that developers would cluster density for the development of multifamily at the same 1 unit per 1 acre density, this has not occurred and the housing in the Tier is nearly exclusively single family and zero lot line homes. As a result of several amendment requests for density increases in the Tier, the Board directed staff to create the Essential Housing (EH) future land use designation to focus higher densities on major corridors in proximity to the two existing mixed-use centers. This new designation was adopted by the Board in August of 2022. The northern portion of the subject site is an eligible site for the EH future land use which allows for up to 8 units per acre with a 25% workforce housing and 60% preserve requirement. This would result in a maximum potential of 408 units. However, the applicant is requesting up to 734 units (12 units/acre) which is calculated over the north and south portions of the site. The applicant's request is beyond the maximum density just established by the Board with a significantly reduced preserve requirement and a substantial amount of commercial uses (300,000 sf) at a location that is not consistent with the Master Plan or Comprehensive Plan policies. The implication for such density increases is that existing approvals or other uncommitted lands could seek a similar density and lead to potential inconsistencies with the Objective of the Agricultural Reserve Tier.

- C. Preserve Requirements in the Tier.** The applicant is requesting to require 20% of the total land area over 16 acres to be provided as onsite preserve and allow water management tracts within the preserve area.

Policy Directive: To foster the preservation of agriculture and natural lands within this area of the County is the fundamental policy directive of the Agricultural Reserve.

Policy History: There are three methods to preserving land in the Agricultural Reserve - through the bond referendum, government ownership, and through the preserve requirements for new development. The Bond Referendum approved by voters in March of 1999 provided \$150 million towards a land acquisition program for open space purposes to protect environmentally sensitive lands, land for water resources, greenways, agricultural lands, and open space. The Board of County Commissioners directed that \$100 million of the proceeds of this bond be dedicated to land acquisitions in the Agricultural Reserve and that \$50 million be dedicated to land acquisitions throughout the County for the purchase of natural areas.

Changes over Time: There have been no changes to the percentage of preserve requirements for residential 60/40 and 80/20 planned developments in the Tier. However, since 2016, the Board has adopted new or revised preserve requirements, as follows:

- **Additional Commercial (2016)** - On April 27, 2016, the BCC adopted a text amendment which allows for additional commercial square footage in the Tier for

sites meeting the commercial location criteria and exempts sites under 16 acres from the 60% preserve requirement. This amendment was directed by the BCC in order to allow neighborhood serving commercial uses to be considered in the Tier on a case by case basis.

- **Commerce Future Land Use (2021)** – With the creation of the Commerce future land use for light industrial uses in the Tier, the Board exempted sites under 16 acres. For sites over 16 acres, the first 16 acres are exempted and the remaining acreage must provide a 40% preserve. In addition, water management tracts that provide enhanced environmental features and improved water quality are allowed within the preserve area.
- **Essential Housing Future Land Use (2022)** – With the creation of the Essential Housing land use designation in the Tier, the Board adopted a 60% preserve requirement. In addition, up to 10% of the preserve area is allowed to have water management tracts that provide enhanced environmental features and improved water quality.

Current Status: To date, almost 13,400 total acres (60%) have been preserved through the bond, government ownership, and clustering options with the Agricultural Reserve planned developments (AGR-PDDs). The Bond Referendum as part of the Master Plan resulted in the County purchasing approximately 2,400 acres of land currently set aside for natural areas. Approximately 13,233 acres of the Agricultural Reserve Tier have been approved as AGR-PDDs. Of this acreage, approximately 7,958 acres have been set aside as AGR-PDD preserve areas, of which 4,907 acres are privately owned and 3,051 acres are owned by the South Florida Water Management District, Lake Worth Drainage District, or the County.

Policy Implications for Discussion: The subject site was not purchased with bond money and retains its development rights. To date the County has maintained the policy requirement for a minimum of 60% preserve area for all residential uses and commercial properties greater than 16 acres in size. The applicant is proposing a 20% preserve (with the ability to provide all of the required drainage (water management tracts) in the preserve area instead of the development area, which is typically for 60/40 PUDs. This additional use in the preserve will further reduce the amount of space that is provided for typical preserve uses, such as passive park, agriculture and community gardens. In addition, reducing the preserve requirement to 20% with water management tracts as an allowable use would provide a benefit not granted to other property owners who have provided the required 60% preserve area with their approved developments. In addition, there are no unique attributes to the subject site that provide a basis for abandoning the fundamental preserve requirements of the Tier as reducing preserve areas is not consistent with the stated objective of agricultural preservation in the Agricultural Reserve.

D. Traffic Impacts. The applicant is proposing an exemption to the long range traffic requirements in Future Land Use Element Policy 3.5-d.

Policy Directive: Ensure that proposed future land use amendments do not negatively impact the long range transportation network. This policy applies to proposed amendments throughout the County.

Implementation Mechanism: Comprehensive Plan FLUE Policy 3.5-d establishes that the County shall not adopt future land use amendments that negatively impact traffic by increasing density or intensity that generates additional traffic that significantly impacts

any roadway segment projected to fail to operate at adopted level of service standard “D” (long range analysis), or results in the failure of Test 2 (short range analysis). The long range traffic impacts of the Agricultural Reserve Master Plan were analyzed during the preparation of the Plan, and subsequent revisions were made to the Thoroughfare Right of Way Identification Map (TIM) to ensure that there were adequate planned roadways to support the intended growth.

Changes Over Time: There have only been five occasions during the lifespan of FLUE Policy 3.5-d, where the Board has adopted text amendments to exempt specific sites by policy, although these sites are not located within the Agricultural Reserve Tier.

- The **Agricultural Enclave (AGE) future land use designation** in order to accommodate the residential densities supported by legislation;
- The **Economic Development Overlay (EDO)** in order to foster economic development in an area near SR-7 and Southern Boulevard/SR-80;
- The **Inland Logistics Center (LGA 2010-024)** amendment in order for the site to proceed pursuant to the settlement agreement approved by the Board of County Commissioners in May 2010 to resolve the noncompliance finding for the 09-1 Okeelanta ILC amendment;
- The **Indian Trails Grove (LGA 2016-017)** amendment since the concurrency studies, and commitments by other developments, indicated that many of the long-term deficiencies could be effectively addressed by providing more lane and intersection capacity than what was expected in the long range model; and
- The **Johns Glades West (LGA 2017-003)** amendment in order for the site to develop an infill, mixed use project that demonstrated internal trip capture with functionally integrated land uses and the potential to reduce overall vehicle miles traveled by area residents by providing non-residential uses that typically generate off-peak vehicular trips. To offset any potential negative impacts, the adopting ordinance imposed mitigation measures through conditions of approval.

Current Status: Traffic requirements in Policy 3.5-d and concurrency apply throughout the unincorporated County, and are not limited to the Agricultural Reserve Tier.

Policy Implications for Discussion: The current and planned roadway network in the Agricultural Reserve was developed using the assumptions that all residential development would be built at 1 unit per 1 acre maximum density, and that the commercial development was limited. The proposed amendments will impact existing and long range traffic, although at this time the final traffic analysis has not yet been completed as it is not required in the initiation process. Based on a preliminary traffic analysis, there will be two roadway failures on Atlantic Avenue from Hagen Ranch to Jog Road and State Road 7 from Flavor Pict Road to Winner’s Circle.

E. Tier Change Alternative. As an alternative, the applicant can pursue a tier change as the site is located contiguous to the Urban/Suburban Tier.

Policy Implications for Discussion: In terms of processing the amendment for the Board’s consideration, the development scenario proposed by the applicant could be accommodated in the Urban/Suburban Tier without the need for extensive text amendments which are major departures from the fundamental policy concepts of the Tier. In addition, associated revisions to the Unified Land Development Code (ULDC) would also not be necessary. The requested land use designations (including densities,

intensities and uses) are all allowed within the Urban/Suburban Tier and could be accompanied by the purchase of Transfer of Development Rights (TDRs) and by utilizing the workforce housing density bonus program in order to achieve the desired unit count. However, a text amendment for the FLUE Policy 3.5-d exemption would still be needed based on a preliminary traffic analysis. See Table 1 below.

Table 1 – Text Amendment vs Tier Change Processing Comparison

Comp Plan Amendments	Text Amendment Path	Tier Change Path
Revise to allow 12 units/acre	Required	Not Needed
Revise Commercial Location policies	Required	Not Needed
Revise preserve requirement	Required	Not Needed
Exempt from Commercial Cap	Required	Not Needed
Policy 3.5-d exemption	Required	Required
Allow hotel use in CL FLU (ULDC)	Required	Not Needed

F. Unified Land Development Code (ULDC) Implications

A ULDC amendment is necessary to implement the proposed text amendment to the Plan as well as the subsequent future land use amendment. The ULDC revisions to Art. 4, Use Regulations would consist of the following:

- Allow Hotel within Multiple Use Planned Development (MUPD) Zoning designation with the Mixed Use Center Option in the Agricultural Reserve Tier and a Commercial Low (CL) Future Land Use designation; and
- Amendment to Article 4.B.2.C.17 reflecting Hotel as a Class A conditional use.

Staff Analysis: The Comprehensive Plan has two general commercial future land uses Commercial High (CH) and Commercial Low (CL). Commercial Low is the only one allowed within the Agricultural Reserve Tier. Since the hotel use is allowed within a CH MUPD but not a CL MUPD, the applicant is requesting a code amendment to allow the use within a CL MUPD for sites consistent with the newly proposed Mixed Use Center Option and CL future land use. The addition of the hotel use is consistent with the proposed Comprehensive Plan language to create a new development option which will allow for a full range of uses appropriate for a mixed use center.

VII. Staff Recommendation

Staff recommends that the Board deny the request for initiation. The Agricultural Reserve Tier’s objective is to preserve the farmland and wetlands of the Tier to maintain the agriculture, environmentally sensitive lands, water resources, and open space. This is accomplished through primarily low density development patterns and limited commercial development for the preservation of agricultural, water management, open space or other similar uses. This request proposes changes to the Comprehensive Plan that represent major departures from most of the fundamental policy concepts directed by the Board of County Commissioners, and adopted into the Comprehensive Plan. The proposed location at the edge of the Tier, and at a Turnpike interchange, is inconsistent with policies requiring centrally-located, neighborhood serving commercial locations and exceeds the commercial cap. In addition, the applicant’s request is beyond the maximum density just established by the Board through Essential Housing with a significantly reduced preserve requirement. Finally, the amendment will impact existing and long

range traffic as the applicant is proposing an exemption to FLUE Policy 3.5-d.

As the site is located contiguous to the Urban/Suburban Tier, the applicant has the option to pursue a tier change. The development scenario proposed by the applicant could be accommodated in the Urban/Suburban Tier without the need for extensive text amendments which are major departures from the fundamental policy concepts of the Agricultural Reserve Tier. In addition, associated revisions to the Unified Land Development Code (ULDC) would also not be necessary. The requested land use designations (including densities, intensities and uses) are all allowed within the Urban/Suburban Tier and could be accompanied by the purchase of Transfer of Development Rights (TDRs) and by utilizing the workforce housing density bonus program in order to achieve the desired unit count. However, a text amendment for the FLUE Policy 3.5-d exemption would still be needed based on a preliminary traffic analysis.

Exhibits	Page
1. Applicant's Proposed Comprehensive Plan Text Amendment	E-1
2. Applicant's Justification	E-2
3. Applicant's Disclosure of Ownership Interests	E-6
4. Applicant's Proposed ULDC Revisions	E-10
5. Correspondence	E-12

Exhibit 1

Applicant's Proposed Text Amendment

A. Future Land Use Element, Tenderly Reserve Private Text

REVISIONS: To revise Agricultural Reserve policies to allow a new Multiple Land Use development option with criteria. The revisions are shown below with added text underlined and the deleted text in ~~strike-out~~.

1. **REVISED Policy 1.5-h:** Residential uses shall be permitted within the Agricultural Reserve Tier as further regulated by the Unified Land Development Code. Consistent with the provisions of Future Land Use Policy 2.1-b and Table 2.2.1-g.1, Residential Future Land Use Designation Maximum Density, the land shall be allowed to develop as follows:
 1. Within the Agricultural Reserve future land use designation with Agricultural Reserve zoning, the maximum density is one dwelling unit per five acres;
 2. Within the Agricultural Reserve Tier with a Planned Development zoning, the maximum future land use densities are as follows, with density calculated for the total land area and clustered onto the development area of the projects.
 - a. Agricultural Reserve future land use designation with AgR-PUD zoning, the maximum density is up to one dwelling unit per acre;
 - b. Commercial Low future land use designation with an underlying AGR FLU and TMD or MUPD zoning, the maximum density is up to one dwelling unit per acre;
 - c. Multiple Land Use future land use designation with MUPD zoning, the underlying future land use density pursuant to Policy 1.5.1-s and Policy 1.5.1-v.
 - d. Essential Housing future land use designation with 60/40 AgR-PUD, MUPD or TMD zoning, the maximum density is 8 units per acre.
2. **REVISED Policy 1.5-k:** Commercial and mixed uses in the Agricultural Reserve Tier shall be located central to the Tier or at the intersection of the Florida's Turnpike and Atlantic Avenue and designed at a neighborhood or community scale in order to be limited to serving the needs of the farmworker community, existing residents, and future residents the Tier.
3. **REVISED Policy 1.5-m:** In order to facilitate community growth, reduce traffic, and maintain open space, the County shall limit the locations of new commercial and mixed-use future land use designations within the Agricultural Reserve Tier to within ~~two~~ three commercial-mixed use centers. These centers are ~~central to the Tier and~~ intended to combine neighborhood shops, community commercial, offices, civic institutions, and housing opportunities. The ~~two~~ three commercial-mixed use centers define the areas within ¼ mile of the intersection of Lyons Road and Boynton Beach Boulevard, ~~and the intersection of Lyons Road and Atlantic Avenue,~~ and the intersection of the Florida's Turnpike and Atlantic Avenue. In addition, the pre-existing commercial properties identified in Policy 1-5-i are allowed, and the County may consider future lands use amendments for sites that share a common property line with pre-existing commercial properties identified in Policy 1.5-i to square off those location.

4. **REVISED 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 and office uses allowed within the Commerce future land use designation are not subject to the commercial cap. The Mixed-Use Center MLU specified in Policy 1.5.1.v shall be exempt from this square footage cap.

5. **Policy 1.5.1-d:** Agricultural Reserve Planned Developments shall be subject to the following minimum preserve area requirements:
 1. 80/20 AgR-PUD, 75 percent of the total land area;
 2. 60/40 AgR-PUD, 60 percent of the total land area; ~~and~~
 3. TMD or MUPD, 60 percent of the total land area pursuant to Policy 1.5.1-s and 1.5.1-q; ~~and~~
 4. MUPD, 20 percent of the total land area pursuant to Policy 1.5.1-v.

6. **Mixed-Use Center (MUC) MLU Option**

NEW Policy 1.5.1-v: The Mixed-Use Center (MUC) MLU Option is intended to provide for a sustainable development that will meet the needs of the existing and future community to ensure that the Agricultural Reserve is livable and supportive of economic, social and ecological resilience in the face of a changing natural environment. The County shall foster the provision of mixed uses including workforce housing in the Agricultural Reserve Tier by allowing densities greater than one unit per acre for planned developments with the Multiple Land Use future land use designation (FLUE 4.4.2-a). This option is subject to the following:

1. **Location.** The Development Area is limited to sites with frontage on Atlantic Avenue east of Starkey Road, and within one quarter (1/4) mile of Florida's Turnpike.
2. **Acreage.** The total land area, consisting of the Development area and Preserve area, shall be a minimum of 60 acres.
3. **Preserve.** Notwithstanding the requirements of Policy 1.5.1-q, the following regulations shall apply to preservation areas of the MUC:
 - a. The Preserve Area shall consist of at least 20 percent of the gross acreage less right-of-way identified on the Thoroughfare Identification Map.
 - b. The preserve area of an MUC shall be subject to an agricultural conservation easement in favor of Palm Beach County or deeded to the County.
 - c. Community vegetable gardens, as defined in the Unified Land Development Code, shall be permitted in the preserve area.
 - d. The preserve area requirements shall be based upon the acreage over 16 acres, shall be a minimum of 20% of the total land area over 16 acres, and allow water management tracts in preserve areas contiguous to the development area that provide enhanced environmental features and

improved water quality as demonstrated through the future land use amendment process.

e. Preserve areas shall be provided on-site. The exchange of preserve areas shall be prohibited.

4. **Density.** A maximum density is allowed up to 12 units per acre for the total land area.

5. **Workforce Housing.** A minimum of 25 percent of the total units are required to be built on-site as workforce housing units for household incomes from 60 to 140% of area median income.

6. **Sustainable Design.** In addition to Ag Reserve Design Elements as detailed in Policy 1.5.1-r, elements of a Mixed-Use Center shall be incorporated as conditions of approval and shall include, but not be limited to, block structures, pedestrian and vehicular connectivity within the site, structured parking, and public, usable open spaces. Design shall be compact, connected, and walkable to ensure ease of access to goods, services, and amenities. Vertical integration shall be encouraged, and design shall foster accessibility to and integration of open space, green space and recreation activities. Sustainable materials shall be used when possible, including green walls, green infrastructure, electric vehicle charging stations, and energy efficient systems that reduce carbon footprints.

7. **Uses.** The Mixed-Use Center shall consist of a mix of uses, of which one must be residential. Additional uses may include commercial retail, personal service, office, hotel, and light industrial.

7. **REVISED 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): ... *unaltered text omitted for brevity*

...This policy shall not be applicable to an Agricultural Enclave adopted pursuant to Policy 2.2.5-d. This policy shall not be applicable to the area designated as Industrial in the Urban Service Area of the Glades Tier amended by FLUA Amendment Inland Logistics Center (LGA 2010-024). This policy shall not be applicable to the Western Communities Residential Overlay. This policy shall not be applicable to the area designated as a Mixed-Use Center MLU, as amended by FLUA Amendment Park West (LGA 2024-xx).

Exhibit 2

Applicant's Justification for Text Amendment

In 1980, Palm Beach County adopted the Managed Growth Tier System as part of a Comprehensive Planning effort. The purpose of the Tier System is to protect viable existing neighborhoods and communities while directing the location and timing of future development. A significant objective of the Tier System is to “provide development timing and phasing mechanisms in order to prioritize the delivery of adequate facilities and services to correct deficiencies in existing communities and accommodate projected growth in a timely and cost effective manner.” The population of Palm Beach County continues to grow as retirees continue to relocate to South Florida, existing businesses expand operations and hire additional workforce, and new companies relocate to Palm Beach County bringing new residents to the area. FLUE Policy 1.1-a states, the County shall develop and implement strategies for each unique community and/or geographic area based upon common characteristics, including physical development patterns and service provision.” To date residential development within the Agricultural Reserve has predominantly been single family residential development. Limited neighborhood commercial uses have been developed primarily at the commercial nodes.

The Agricultural Reserve Tier is 22,000 acres. The Agriculture Master Plan was adopted in 2000. To date, approximately 13,000 acres have been preserved through the County's Bond Referendum, government ownership, and clustering options for AgR Planned Developments. The Bond Referendum allowed for the purchase of approximately 2,400 acres. Approximately 7,500 acres are preserved as part of approved AgR Planned Developments.

Since 2000, several large farming families have ceased operations and no longer farm, including Whitworth, Winsberg, Mazzonni, Amestoy, and Dubois. Over the past 20 years, these large tracts of farmland have been converted into single family residential planned developments, thus significantly impacting the development pattern of the Tier. A majority of the residential developments in the Agricultural Reserve are comprised of single family homes for the more affluent residents of the County. Until last year, residential development within this Tier had been limited to a density of 1 dwelling unit per acre thus, the area is still very homogeneous. With the approval of the first Essential Housing project, additional housing options are planned and anticipated to be constructed within the next year.

The recently adopted Essential Housing Future Land Use designation allows for higher density while providing critically needed workforce housing units. Mixed use developments are an efficient use of land and development pattern. However, as the County continues to approve more single family and multi-family residential developments in the Agricultural Reserve Tier the limitation on the amount of commercial uses that can be developed has negative impacts on the area. Residents have limited options for services and often have to travel outside of the Tier to obtain these services, including access to hotels. The addition of neighborhood serving commercial uses will complement the existing TMD's and reduce the amount of roadway trips to neighborhood serving commercial uses further away in the eastern part of the County.

Other changes to the Agricultural Reserve include increases to the commercial square footage cap in order to meet the demand for retail, restaurants and other services by the residents of the Agricultural Reserve. This has allowed for more commercial parcels to be developed in addition to the originally designated TMDs located at Boynton Beach Boulevard and Lyons Road and Atlantic Avenue and Lyons Road. Other non-residential uses have been developed in the area to support the residents of the Tier. A large regional hospital campus, several private and charter schools have been approved, developed, and even expanded along the Boynton Beach Boulevard corridor. These institutional uses serve the residents in the area as well as drawing in others from outside of the Agricultural Reserve Tier.

It is not uncommon for hospital patients to travel from outside of the area, region, or even state in order to obtain good healthcare. Access to a hotel within close proximity and within the Agricultural Reserve Tier

would complement the existing hospital as well as the residents in the area that have visitors. The commercial cap is proposed to be exempted for this new land use designation to provide approximately 300,000 square feet of commercial uses within the proposed project. This amount could be decreased or adjusted based upon the final design of the project.

The proposed commercial mixed use center will provide for preserve consistent with the intent of the Tier. The proposed Mixed-Use MLU option will require 20% of the land to be allocated on site for preservation.

The proposed exemption for Policy 3.5-d is being requested as a precaution as the Florida Department of Transportation is currently in process of widening various links of Atlantic Avenue. The timing of this expansion project for the portion of Atlantic Avenue east of the Florida Turnpike is currently unknown. By adding more housing options to the Agricultural Reserve Tier, travel distance and time is reduced. This reduction would lessen the impacts on the major rights-of-way in the Tier, thus decreasing the burden for service provision on County taxpayers. Reducing travel times also benefits the environment as it reduces carbon dioxide gas emissions.

This proposed Comprehensive Plan Text Amendment is consistent with the intent, objectives and policies of the Comprehensive Plan and Agricultural Reserve Master Plan, as follows:

Objective 1.5 Agricultural Reserve Tier - "Create a functional sustainable development pattern" and "minimize costs/impacts to County taxpayers".

Response: As mentioned above, if additional housing options were available within the Ag Reserve Tier, much of the workforce would have the opportunity to live close to their place of employment. Additionally, the increase in residential units will create a need for additional services in the area. A need for a hotel has existed in the area according to several residents. By adding more housing options and services to the Agricultural Reserve Tier, travel distance and time is reduced as many people travel outside of the Tier. This reduction would lessen the impacts on the major rights-of-way in the Tier, thus decreasing the burden for service provision on County taxpayers. Water and sewer lines have been installed along Atlantic Avenue to serve the various residential projects being developed within the Agricultural Reserve. All property owners with frontage along Atlantic Avenue were required to pay assessments for the extension of these water and sewer lines. Allowing development of the Property with a commercial mixed use project would be an efficient use of these existing public facilities. Another contribution to a sustainable development pattern would be the reduction of carbon dioxide gas emissions as travels times are reduced.

Sub-Objective 1.5.1 Planned Developments – "To achieve the goal of farmland protection and agricultural perpetuation, unique planned development options, which ensure the preservation of significant open space may be permitted."

Response: The proposed text language still will allow for the development of an additional mixed use project with additional housing options and more services within the Ag Reserve while still requiring a preservation set aside similar to other planned developments in the AGR Tier.

Policy 1.5.1-b: A residential AgR-PDD shall require the following:

1. That the development area be compact, contiguous, and arranged as a unified whole and appropriately buffered so as not to interfere with the continued or future function of the preserve area.
2. That the development area be situated adjacent to other existing, planned, or projected development areas.
5. That preserve areas be used only for agriculture or open space uses.

Response: The proposed development will provide the appropriate percentage of preserve area similar to other planned developments within the AGR Tier. The proposed project is located on Atlantic Avenue. The proposed project will accommodate the future planned road alignment for Starkey Road and Persimmon Road which will contribute to better access to all area properties with existing development approvals and future development projects.

County Goals.

Balanced Growth and Land Planning. Balanced growth is one of the key elements for good land use planning. Balanced growth refers to the amount, distribution and inter-relationships of appropriate land uses, which provide for the physical, social, cultural and economic needs of a community within the constraints of environmental conditions.

Response: Allowing additional housing opportunities and services within the Agricultural Reserve will encourage balanced growth. The Agricultural Reserve is comprised of affluent residents living in single family homes, most of which are planned gated communities. This is a homogeneous development pattern with little to no economic diversity. The recent changes to the Agricultural Reserve Master Plan have allowed increased housing options and services to be developed to support the increasing amount of residential development. However, few opportunities to accommodate more housing and services for those working in the service, education, and healthcare industries has been provided.

County Directions

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 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.

Response: Development in the Agricultural Reserve is comprised mainly of exclusive gated communities developed with single family homes. This homogeneous development pattern does not contribute to smart growth or an efficient use of land. Incorporating various housing types and more services ensures that those who work in the service, education, and healthcare industries are able to live close to their employment. Additionally, by providing additional restaurants, retail establishments and a hotel ensure that fewer people have to leave the Tier in order to obtain varied consumer products and services that are demanded.

Agricultural Reserve Master Plan

The Ag Reserve Master Plan recognized the need for affordable housing within the Ag Reserve by allowing and encouraging vertical and horizontal integration of residential units within the Traditional Marketplace Developments. However, this type of forced design was not affordable, feasible or marketable, especially at a density of 1 dwelling unit per acre. The Consultant recommended that the County permit density bonuses as a means of encouraging vertical integration and ensuring a greater diversity of housing types.

The Master Plan originally intended for development to be concentrated and radiate outward from two nodes (Boynton Beach Boulevard and Lyons Road and Atlantic Avenue and Lyons Road). Preservation parcels were anticipated to be located west of State Road 7 and within the core of the Agricultural Reserve. The proposed text amendment will allow for development to occur along Atlantic Avenue in an area originally designated by the Master Plan as a location for development.

Response: Until recently, multi-family was only approved within the two approved TMDs. Now with the creation of the Essential Housing Future Land Use category, the opportunities to create a sustainable Tier have been increased. The proposed text amendment changes will further a sustainable development pattern by creating an additional mixed-use development option. The proposed project will provide additional housing options and services within the AGR Tier that were originally contemplated but were never able to be developed. The proposed project location at the previously identified Economic Development Center location of the Turnpike and Atlantic Avenue will ensure the intent of the AgR Master Plan is realized.

Exhibit 3

Applicant's Disclosure of Ownership Interests

PALM BEACH COUNTY - ZONING DIVISION

FORM # 9

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

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

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Paul Okean, 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 President Morningstar Nursery, Inc. [position - e.g., president, partner, trustee] of Morningstar Nursery, Inc. [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: 505 South Flagler
Suite 1100
West Palm Beach, Florida 33401
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.

Paul J. Okeefe
Paul J. Okeefe Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 20th day of December, 2022 by Paul Okeefe (name of person acknowledging) He is personally known to me or has produced _____ (type of identification) as identification and did not take an oath (circle correct response).

Lauren McClellan
(Name - type, stamp or print clearly)

Lauren L. McClellan
(Signature)

My Commission Expires on: 2/28/25

NOTARY'S SEAL OR STAMP



LAUREN L. MCCLELLAN
Commission # HH 067806
Expires February 28, 2025
Booked Thru Budget Notary Services

EXHIBIT "A"
PROPERTY

A PORTION OF TRACTS 69, 70, 71, 72, 89, 90, 91, 102, 103, 104, 121, 122 AND 123 IN BLOCK 17, "PALM BEACH FARMS COMPANY PLAT NUMBER 1", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2 AT PAGES 26 THROUGH 28 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, INCLUDING PORTIONS OF WEST HOMEWOOD TERRACE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 14 AT PAGE 66 OF SAID PUBLIC RECORDS, ALL LYING IN SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 17, THENCE SOUTH 89°18'03" WEST, ALONG THE SOUTH LINE OF SAID SECTION 17, A DISTANCE OF 1784.90 FEET, THENCE NORTH 00°41'57" WEST, A DISTANCE OF 173.34 FEET TO THE POINT OF BEGINNING, THENCE SOUTH 89°18'03" WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF ATLANTIC AVENUE, AS DESCRIBED IN OFFICIAL RECORDS BOOK 20041 AT PAGE 1878 OF SAID PUBLIC RECORDS, A DISTANCE OF 669.0 FEET, THENCE NORTH 01°07'28" WEST, ALONG A LINE 30.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID TRACTS 121, 104, 89 AND 72, ALSO BEING THE EAST RIGHT-OF-WAY LINE OF STARKEY ROAD, ACCORDING TO OFFICIAL RECORDS BOOK 4325 AT PAGE 1671 OF SAID PUBLIC RECORDS, A DISTANCE OF 2613.98 FEET, THENCE NORTH 89°07'39" EAST, ALONG A LINE 36.96 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACT 72, A DISTANCE OF 311.08 FEET, THENCE SOUTH 01°07'55" EAST, ALONG THE EAST LINE OF SAID TRACT 72, A DISTANCE OF 1.32 FEET, THENCE NORTH 89°07'39" EAST, ALONG A LINE 38.28 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID TRACTS 69, 70 AND 71, A DISTANCE OF 847.13 FEET (THE LAST THREE DESCRIBED COURSES BEING COINCIDENT WITH THE SOUTH LINE OF THE LAKE WORTH DRAINAGE DISTRICT L-33 CANAL, ACCORDING TO CHANCERY CASE 407, AS RECORDED IN OFFICIAL RECORDS BOOK 6485 AT PAGE 761 OF SAID PUBLIC RECORDS), THENCE SOUTH 01°23'56" EAST, A DISTANCE OF 47.66 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE RIGHT, THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 828.47 FEET AND A CENTRAL ANGLE OF 40°00'00", A DISTANCE OF 578.99 FEET TO THE POINT OF TANGENCY, THENCE SOUTH 38°30'04" WEST, A DISTANCE OF 325.92 FEET TO THE POINT OF CURVATURE OF A CIRCULAR CURVE TO THE LEFT, THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 482.00 FEET AND A CENTRAL ANGLE OF 58°45'38", A DISTANCE OF 473.81 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE TO THE LEFT, AT WHICH THE RADIUS POINT BEARS SOUTH 75°19'36" EAST (THE LAST THREE DESCRIBED COURSES BEING COINCIDENT WITH THE WEST LINE OF THE LAKE WORTH DRAINAGE DISTRICT E-2 CANAL, AS RECORDED IN OFFICIAL RECORDS BOOK 319 AT PAGE 275 OF SAID PUBLIC RECORDS), THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 2394.00 FEET AND A CENTRAL ANGLE OF 16°04'28", A DISTANCE OF 671.64 FEET TO THE POINT OF TANGENCY, THENCE SOUTH 01°24'04" EAST, A DISTANCE OF 131.48 FEET, THENCE SOUTH 00°53'23" WEST, A DISTANCE OF 643.76 FEET TO THE POINT OF BEGINNING (THE LAST THREE DESCRIBED COURSES BEING COINCIDENT WITH THE WEST LINE OF FLORIDA'S TURNPIKE, AS RECORDED IN OFFICIAL RECORDS BOOK 20041 AT PAGE 1878 OF SAID PUBLIC RECORDS).

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA, AND CONTAIN 50.999 ACRES, MORE OR LESS.

FORMERLY KNOWN AS:

PARCEL A:

A PORTION OF TRACTS 69 THRU 72, 89 THRU 92, AND 101 THRU 104, IN SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH FARMS COMPANY PLAT NO. 1, A SUBDIVISION IN PALM BEACH COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, IN PLAT BOOK 2, PAGE 26, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF THE LAKE WORTH DRAINAGE DISTRICT CANAL L-33 AND A POINT 15.00 FEET EAST OF THE WEST LINE OF SAID TRACT 72, THENCE N 89°30'37" E ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 1,255.32 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE FLORIDA STATE TURNPIKE, AS DESCRIBED IN MINUTES OF CIRCUIT COURT BOOK 67, PAGE 482, THENCE S 00°58'24" E ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 27.86 FEET TO A POINT OF CURVE, THENCE SOUTHWESTERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE, ALONG THE ARC OF A CIRCULAR CURVE TO THE RIGHT, HAVING A RADIUS OF 828.47 FEET, A CENTRAL ANGLE OF 40°00'00", AN ARC DISTANCE OF 578.99 FEET TO A POINT OF TANGENCY, THENCE S 39°01'30" WEST ALONG SAID WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 325.92 FEET TO A POINT OF CURVE, THENCE SOUTHERLY AND SOUTHEASTERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE, ALONG THE ARC OF A CIRCULAR CURVE TO THE LEFT, HAVING A RADIUS OF 482.00 FEET, A CENTRAL ANGLE OF 80°00'00", AN ARC DISTANCE OF 645.07 FEET TO A POINT OF TANGENCY, THENCE S 40°58'24" E ALONG SAID WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 203.11 FEET, THENCE S 89°22'15" W A DISTANCE OF 992.36 FEET TO A POINT 15.00 FEET EAST OF THE WEST LINE OF SAID TRACT 104, THENCE N 00°37'45" W ALONG A LINE 15.00 FEET EAST OF THE WEST LINES OF SAID TRACTS 104, 89 AND 72, A DISTANCE OF 1,562.87 FEET TO THE POINT OF BEGINNING.

PARCEL B:

A PORTION OF TRACTS 101 THROUGH 104, AND 121 THROUGH 124, IN SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH FARMS COMPANY PLAT NO. 1, A SUBDIVISION IN PALM BEACH COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF, RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT, IN AND FOR PALM BEACH COUNTY, FLORIDA IN PLAT BOOK 2, PAGE 26, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT 121, THENCE N 89°42'00" E ALONG THE SOUTH LINE OF SAID TRACT 121, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION, THENCE CONTINUE N 89°42'00" EAST ALONG THE SOUTH LINE OF SAID TRACTS 121 THROUGH 124, A DISTANCE OF 1271.82 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF FLORIDA STATE TURNPIKE, AS DESCRIBED IN MINUTES OF CIRCUIT COURT BOOK 67, PAGE 482, THENCE N 00°58'24" W ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 559.30 FEET TO A POINT OF CURVE, THENCE NORTHWESTERLY, ALONG THE ARC OF A CIRCULAR CURVE TO THE LEFT, HAVING A RADIUS OF 828.47 FEET, A CENTRAL ANGLE OF 40°00'00", AN ARC DISTANCE OF 578.99 FEET TO A POINT OF TANGENCY, THENCE N 40°58'24" W A DISTANCE OF 122.81 FEET, THENCE S 89°22'15" W A DISTANCE OF 992.36 FEET TO A POINT 15.00 FEET EAST OF THE WEST LINE OF SAID TRACT 104, THENCE S 89°37'45" E ALONG A LINE 15.00 FEET EAST OF THE WEST LINE OF SAID TRACTS 104 AND 121, A DISTANCE OF 1175.66 FEET TO THE POINT OF BEGINNING.

LESS PARCEL DESCRIBED AS: BEGINNING AT A POINT 21.15 FEET WEST OF THE SOUTHEAST CORNER OF TRACT 124 AS DIMINISHED BY EXISTING RIGHT OF WAY, GO WESTERLY ALONG THE SOUTH LINE OF SAID TRACT FOR A DISTANCE OF 200 FEET, THENCE NORTHERLY AT A 90° ANGLE FOR A DISTANCE OF 559.30 FEET, THENCE GO EASTERLY AT A 90° ANGLE TO THE WEST BOUNDARY LINE OF THE FLORIDA STATE TURNPIKE RIGHT OF WAY, THENCE GO IN A SOUTHERLY DIRECTION ALONG THE WEST BOUNDARY LINE OF THE FLORIDA STATE TURNPIKE RIGHT OF WAY TO THE POINT OF BEGINNING, SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT THAT PORTION CONVEYED TO PALM BEACH COUNTY RECORDED IN O.R. BOOK 4325, PAGE 1671, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT:

A PARCEL OF LAND PARTIALLY SHOWN ON SHEETS 2, 11, 12, 18 AND 19 OF THE RIGHT-OF-WAY MAP FOR S.R. 806, SECTION NO. 9300-2510 BEING A PORTION OF TRACTS 91, 101, 102, 121, 122, 123 AND 124, PALM BEACH FARMS CO. PLAT NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 26, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, TOGETHER WITH A PORTION OF LOTS 1 THROUGH 61, INCLUSIVE, OF WEST HOMEWOOD TERRACE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 14, PAGE 66, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, IN SECTION 17, TOWNSHIP 46 SOUTH, RANGE 42 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 17, THENCE SOUTH 89°18'06" WEST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 17 A DISTANCE OF 1180.99 FEET TO THE EXTENDED WESTERLY RIGHT OF WAY LINE OF LAKE WORTH DRAINAGE DISTRICT E-2 CANAL WEST, THENCE NORTH 01°24'01" WEST ALONG SAID EXTENDED WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING, THENCE SOUTH 89°18'06" WEST ALONG THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 806 (ATLANTIC AVE.) AND THE SOUTH LINE OF TRACT 123 AND 124 OF SAID PALM BEACH FARMS CO. PLAT NO. 1, A DISTANCE OF 807.52 FEET, THENCE DEPARTING SAID NORTH RIGHT-OF-WAY LINE, NORTH 00°53'29" EAST A DISTANCE OF 687.35 FEET, THENCE NORTH 01°24'01" WEST A DISTANCE OF 131.48 FEET TO A POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2394.00 FEET AND A CENTRAL ANGLE OF 16°04'28" (CHORD=NORTH 00°38'13" EAST, 669.45 FEET), THENCE NORTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 671.62 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT E-2 CANAL WEST, SAID POINT BEING ON A CURVE TO THE LEFT HAVING A RADIUS OF 482.00 FEET AND A CENTRAL ANGLE OF 21°14'29" (CHORD =SOUTH 30°48'49" EAST, 170.29 FEET), THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 171.27 FEET TO A POINT OF TANGENCY, THENCE CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE, SOUTH 41°24'02" EAST A DISTANCE OF 325.91 FEET TO A POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 828.47 FEET AND A CENTRAL ANGLE OF 40°00'00" (CHORD=SOUTH 21°24'01" EAST, 565.34 FEET), THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 578.99 FEET TO A POINT OF TANGENCY, THENCE CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE, SOUTH 01°24'01" EAST A DISTANCE OF 559.30 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH ALL RIGHTS OF INGRESS, EGRESS, LIGHT, AIR, AND VIEW BETWEEN THE GRANTOR'S REMAINING PROPERTY AND ANY FACILITY CONSTRUCTED ON THE ABOVE DESCRIBED PROPERTY.

AND

COMMENCE AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 17, THENCE SOUTH 89°18'06" WEST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 17 A DISTANCE OF 1180.99 FEET TO THE EXTENDED WESTERLY RIGHT OF WAY LINE OF LAKE WORTH DRAINAGE DISTRICT CANAL E-2, THENCE NORTH 01°24'01" WEST ALONG SAID EXTENDED WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 30.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD 806 (ATLANTIC AVE.) AND THE SOUTH LINE OF TRACT 123 AND 124 OF PALM BEACH FARMS CO. PLAT NO. 1, THENCE SOUTH 89°18'06" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE OF STATE ROAD 806 (ATLANTIC AVE.) AND THE SOUTH LINE OF TRACT 123 AND 124, A DISTANCE OF 807.52 FEET TO THE POINT OF BEGINNING, THENCE CONTINUE SOUTH 89°18'06" WEST ALONG THE SAID NORTH RIGHT-OF-WAY LINE AND THE SOUTH LINE OF SAID TRACT 121, 122 AND 123 A DISTANCE OF 694.30 FEET TO THE EAST LINE OF THE WEST 30 FEET OF SAID TRACT 121, PURSUANT TO RIGHT-OF-WAY DEED FILED IN OFFICIAL RECORDS BOOK 4325, PAGE 1671 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AS SHOWN ON THE SAID RIGHT-OF-WAY MAP FOR S.R. 806, SECTION NO. 9300-2510, THENCE NORTH 01°01'30" WEST ALONG SAID EAST LINE A DISTANCE OF 143.84, THENCE DEPARTING SAID EAST LINE NORTH 89°18'06" EAST A DISTANCE OF 669.0 FEET, THENCE SOUTH 00°53'28" WEST A DISTANCE OF 143.80 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
Paul Z. Okean	505 South Flagler, Suite 1100 West Palm Beach, Florida 33401
Blane M. Okean	505 South Flagler, Suite 1100 West Palm Beach, Florida 33401
Alexandra P. Okean	505 South Flagler, Suite 1100 West Palm Beach, Florida 33401

Exhibit 4

Applicant's Proposed ULDC Amendments

REVISIONS: To revise Article 4.B.2.C to allow a hotel use within an MUPD in the Agricultural Reserve Tier for sites consistent with proposed FLUE Policy 1.5.1-v. The revisions are shown below with added text underlined.

17. Hotel or Motel

a. Definition

An establishment typically licensed by the State of Florida, used, maintained, or advertised as a place where furnished sleeping accommodations are supplied to the guest for a short period of time.

b. Approval Process

1) TMD District – U/S Tier

The use may be Permitted by Right when located in the CH FLU designation. [Ord. 2020-020]

2) MUPD District- AGR Tier

A Hotel or Motel is subject to Class A Conditional Use approval when located in the CL FLU designation within Mixed-use Center MLU Option pursuant to FLUE Policy 1.5.1-v.

c. Zoning District – PO District

1) An existing Hotel located in the PO district shall be considered a conforming use.

2) Collocated Hotel

a) Approval Process – PARK FLU

A Hotel may be allowed as a collocated use to a PBC Regional Park with a PARK FLU, subject to Class A Conditional Use approval.

b) Park Resource Base

The Regional Park shall include a resource base which promotes heritage tourism, ecotourism, or is otherwise planned to attract patrons from a Countywide or greater population for historical, cultural, scientific, educational, or other similar purposes. Such resource base shall be operational prior to approval of a Hotel, or approved and permitted concurrently with a Hotel.

c) Conceptual Master Plan

A Hotel shall be a component of a Conceptual Master Plan or equivalent that is approved by the Board of County Commissioners.

d) Frontage and Access

The Regional Park in which a Hotel is located shall have frontage on an Arterial or Collector Street(s). Vehicular access to a Hotel shall be prohibited from any Residential Street abutting the park, unless approved by the BCC as part of the Conditional Use approval for the Hotel.

e) Site Plan – Affected Area

When a Site Plan is not required for the overall park site, the required Site Plan for the Hotel shall regulate only the development area for the Hotel and access related thereto.

d. Accessory Services

Hotels and Motels may provide services and facilities, such as food and beverage, recreational, meeting, or conference rooms, ballrooms, and laundry.

Exhibit 5

Correspondence

Item: IV.B.1

Alliance of Delray Residential Associations, Inc.

10290 West Atlantic Avenue #480504
Delray Beach, FL 33448
Phone: 561.495.4694
www.allianceofdelray.com



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- *Applying Resilience Thinking to Our Natural Resources*

April 11, 2024

Palm Beach County Planning Division
Att: Jeff Gagnon, Interim Planning Director
Vista Center Building
2300 North Jog Road, 2 nd Floor
West Palm Beach, Florida 33411

Re: Park West (fka Tenderly Reserve) Text Initiation Request 4/12/2024 Agenda Item IV.B.1

Dear Interim Planning Director Gagnon:

Regarding the Park West (fka Tenderly Reserve), Item #IV.B.1 on the Planning Commission Agenda for April 12, 2024, the Alliance of Delray does not object to the Text Initiation request.

Initiating this request will provide an opportunity to further address key elements in the County's Master Plan which will impact future development within the Agricultural Reserve. The Essential Housing (EH) future land use designation for higher densities in the Agricultural Reserve Tier adopted on August 25, 2022 has resulted in an increase of nearly 800 units and hundreds more can be expected along the major corridors. Using the formula of 79 square feet per unit, the request for more commercial square footage might be justified. Further, at least one parcel along the Atlantic Avenue corridor previously zoned as a General Commercial District with ~90,000 square feet of allowed commercial uses was rezoned to a Multiple Use Planned Development with largely institutional uses resulting in a large portion of the ~90,000 square feet of allowed commercial square footage never to be used.

There is also an opportunity for the 25% on-site workforce housing component of the request for initiation to be explored with more creativity.

The Alliance has reached out to member communities along Lyons Road and residents say "we want things to do." Restaurants, outdoor and indoor entertainment and activities, and an "autograph collection" hotel would be close to home and accessible. The private garage condominium complex would be a low traffic generator.

This project would also provide the opportunity to align and signalize Starkey Road and Persimmon Avenue for better controlled traffic flow.

It is of utmost importance that any concerns of Alliance member community Delray Lakes Estates (DLE) are satisfied since DLE is the most impacted of all the Alliance communities within the Agricultural Reserve and adjacent to the tier on Atlantic Avenue.

Density and Intensity of the project and the future expansion of Atlantic Avenue are large components that the Alliance is considering with respect to the proposed project. The Alliance will be following this application through the Planning and Zoning process so that the final product will be a development commensurate with what is expected to serve the needs of the residents of and visitors to the Agricultural Reserve.

Sincerely,

Lori Vinikoor

Dr. Lori Vinikoor, President

Cc: Mayor Sachs; Vice Mayor Marino; Commissioners Baxter, Barnett, Bernard, Weiss, Woodward; County Administrator Baker; Assistant County Administrator Rutter; Principal Planner Stephanie Gregory

OFFICERS AND DIRECTORS OF THE ALLIANCE:

Lori Vinikoor, *President*
Arnie Katz, *Executive Vice President* Norma Arnold, *Vice President* John Gentithes, *Vice President*
Susan Zuckerman, *Vice President* Carol Klausner, *Secretary* Deborah Borenstein, *Treasurer*
Directors: Sylvia Borrellie Rob Cuskaden York Freund Judy Goldberg
Assistants to the President: Rose DeSanto Joel Vinikoor
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April 9, 2024

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Philip Leslie
Kenneth Sanden
Dr. Richard Carrington

VIA EMAIL ONLY
Stephanie Gregory, AICP
Principal Planner
Palm Beach County Planning Division
SGregor1@pbcgov.org

Cc:
Patrick Rutter, Assistant County Administrator PRutter@pbcgov.org
Jeff Gagnon, Interim Planning Director JGagnon@pbcgov.org
Steve Wallace, COBWRA President wallacelaw1@me.com
Barbara Roth, COBWRA 1st Vice President rothcosys@comcast.net
Debbie Murphy, COBWRA 2nd Vice President demurph@bellsouth.net
Irwin Cohen, COBWRA Director icohencpa@aol.com
Cheryl Dodes, COBWRA Secretary secretary@cobwra.org

Palm Beach County Planning Division
Vista Center
2300 N. Jog Rd.
West Palm Beach, FL 33411

For distribution to All Palm Beach County Planning Commissioners for April 12, 2024
RE: IV.B.1 Park West (fka Tenderly Reserve) Text Initiation

Dear Planning Commissioners,

COBWRA agrees with the Planning Staff recommendation to DENY Initiation of the proposed Text Amendment, Park West. We respectfully quote from their report:

“The Agricultural Reserve Tier’s objective is to preserve the farmland and wetlands of the Tier to maintain agriculture, environmentally sensitive lands, water resources, and open space. This is accomplished through primarily low-density development patterns and limited commercial development for the preservation of agricultural, water management, open space or other similar uses. This request proposes changes to the Comprehensive Plan that represent major departures from most of the fundamental policy concepts directed by the Board of County Commissioners and adopted into the Comprehensive Plan. The proposed location at the edge of the Tier, and at a Turnpike interchange, is inconsistent with policies requiring centrally located, neighborhood serving commercial locations and exceeds the commercial cap. In addition, the applicant’s request is beyond the maximum density just established by the Board through Essential Housing with a significantly reduced preserve requirement. Finally, the amendment will impact existing and long-range traffic as the applicant is proposing an exemption to FLUE Policy 3.5-d.”

However, COBWRA strongly disagrees with the suggestion that the Applicant pursue a Tier change to Urban/Suburban. The negative impacts of exceeding the commercial cap, extreme density, and traffic in that location would remain the same regardless of what the Tier is called.

COBWRA's member communities along Lyons Road would be adversely affected, as would the surrounding residents of the Ag Reserve.

We respectfully request that you Deny Initiation of Park West.

Steve Wallace
COBWRA President

PO Box 740814, Boynton Beach, FL 33474-0814 • 561-572-9151

www.linkedin.com/company/cobwra

E-mail: info@cobwra.org • www.cobwra.org • www.facebook.com/COBWRA



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www.HartsellOzery.com

April 11, 2024

Planning Commission
Palm Beach County, Florida
2300 N Jog Road
West Palm Beach, FL 33411-2741

Submitted via email:

SGregor1@pbc.gov; PZB-PlanPOC@PBC.gov; JGagnon@pbcgov.org;

Re: April 12, 2024, Planning Commission; Public Comments Agenda Item IV. B.1

Dear Planning Commissioners:

On behalf of our client, Irish Acres of Florida LLC (hereinafter “Irish Acres”), please kindly accept these comments to the Planning Commission and include them in the public record for the upcoming April 12, 2024, meeting regarding the following Agenda Items: IV.B.1 Park West (FKA Tenderly Reserve) Text initiation.

Irish Acres is located at 14375 Starkey Road, unincorporated Delray Beach, Florida in the Agricultural Reserve (hereinafter “Ag Reserve”). Irish Acres is a 60-Acre premier horse boarding farm and stables located adjacent to the proposed Park West (Tenderly Preserve) development site. Irish Acres is depicted on Page 3 of the County Planning Staff Report as the property immediately north of 145th Street and west of Starkey Road. Irish Acres has invested a considerable amount of resources in creating a state of the art horse boarding and riding facility which includes newly refurbished barns, trails, pasture, stalls, grass track, dressage area, jumps, and event space. The extensive trail system for Irish Acres includes onsite and miles of off property riding, including Starkey Road where the this above reference project seeks to be located. Irish Acres is a family owned and operated enterprise and has an investment backed expectation of the protections found within the County’s Comprehensive Plan and ULDC to “preserve” the rural lifestyle, its business, and the safety of its riders. Irish Acres will no doubt be adversely affected by any changes in the County’s Comprehensive Plan or ULDC that would increase densities and intensities on Tenderly Reserve parcels.



Irish Acres www.irishacresfl.com

The Agricultural Reserve Tier Must Remain Preserved

Palm Beach County, supported by its residents, has carved out a unique tier unlike any other in South Florida, the Agricultural Reserve Tier (Ag Reserve), that has development regulations set in place in order to preserve agricultural lands, environmental and water resources, and open space for the immediate benefit of the County and for future generations to come 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.” Objective 1.5 FLUE.

However, time and time again this Commission is presented with requests from developers and landowners to grant exceptions and alterations to these specific regulations without consideration of the environmental consequences of expanding density and intensity beyond those anticipated in the creation of this Tier. This is a fundamental departure from the long-standing principles set out in the Comprehensive Plan for the preservation of the Ag Reserve. The law is clear that a comprehensive plan is to act as a “a constitution for all future development,” *Machado v. Musgrove*, 519 So.2d 629, 631 (Fla. 3d DCA 1987), and is to be enforced by citizens and not the State. *Pinecrest Lakes, Inc. v. Shidel*, 795 So. 2d 191, 199 (Fla. 4th DCA 2001).

There must be a reckoning of the importance of the Ag Reserve and the benefits inured to the County residents as a whole, rather than any obligation that this Commission may feel to any one individual landowner or developer that seeks to modify the founding principles for their own gain. Despite the “justifications” of applicants, sustainable growth within the Ag Reserve ***does not necessitate modifying*** the Comprehensive Plan to accommodate additional densities and intensities. The founding principles of the Ag Reserve, and the associated bond paid for by the residents of the County to secure the preservation lands, require an ***unwavering dedication to the purpose and intent of this unique Tier.***

The Ag Reserve provides great benefits to Palm Beach County by (1) buffering detrimental

impacts from development on water quality, (2) improving flood control, (3) engaging in highly beneficial carbon sequestration that reduces air pollution and mitigates climate change, (4) providing wildlife habitat for native flora and fauna, as well as threatened and endangered species, and a safe haven for transient and migratory wildlife and (5) providing equestrian recreational opportunities for the residents of the Urban Suburban Tier who otherwise could not maintain appropriate facilities in those densely populated areas.

Most importantly, the Ag Reserve is situated just east of the Arthur R. Marshall Loxahatchee National Wildlife Refuge (“Loxahatchee Refuge”), which supports more than 100 jobs, provides the County with nearly \$2 million in sales tax revenue, and spans 145,189 acres of the northern Everglades and cypress swamp. The ecological and economic benefits of the Refuge are well understood by the County Planning Staff.

This Board in the past has taken these concerns to heart and recommended denial of applications that would essentially modify the purpose of preserving the Ag Reserve right out of the Comprehensive Plan. We urge you to remain steadfast on these principles and deny the application discussed in greater detail herein.

IV. B. 1
Privately Proposed Text Amendment and ULDC Revisions

The property at issue is located on Starkey Road and Atlantic Avenue just west of Florida’s Turnpike on approximately 61-Acres. The applicant is requesting an amendment to change the fundamental Future Land Use Element (FLUE) policies protecting the AG Reserve to (1) add a third mixed use intersection in the Tier; (2) allow commercial and mixed uses in the Ag Reserve; (3) Establish a new high intensity land use categories within the Tier (MUC and MLU); (4) Exempt the project from existing Ag Reserve commercial square footage cap; and (5) exempt the project site from long range traffic requirements of FLUE Policy 3.5-d causing at least two roadway failures between Atlantic Avenue from Hagen Ranch Road to Jog Road, and State Road 7 from Flavor Pict Road to Winners Circle.

The ULDC revisions will allow a Hotel, Multiple Use Planned Development, Mixed Use, and a commercial low land use designation.

In sum, the requested Plan Amendments and ULDC revisions will allow for densities and intensities far above anything contemplated in the Agricultural Reserve Master Plan to the detriment of the farmers, ranchers, nurserymen, and horse farms that rely on existing limitations on development.

County Planning Staff has recommended denial, providing a sound basis of compatibility and consistency concerns, as it has consistently recommended on most applications for increased densities and intensities in the Ag Reserve. Staff concludes that **“This request proposes changes to the Comprehensive Plan that represent major departures from most of the fundamental policy concepts directed by the Board of County Commissioners, and Adopted into the Comprehensive Plan.”** *Staff report at 2 (emphasis added)*. Irish Acres concurs.

The requirement to adhere to the regulations governing the land to which one knowingly purchased and now is prevented from utilizing or selling for a purpose not authorized by these governing regulations is not a valid cause for altering the principles of the Comprehensive Plan protecting the Ag Reserve Tier.

The danger of a highest and best use mindset that will place the needs of a landowner and/or developer above that of the general public that will benefit from open space cannot be overstated. Time and time again, the Commission has been advised that *vacant land is not land waiting to be developed*; there are so many recreational and ecological benefits discussed herein that can be lost were a property to be exempted from the principles of the Ag Reserve in contradiction to the very constitution governing the Tier.

The Ag Reserve Tier has achieved the preservation of acreage that would otherwise have been overdeveloped and the recreational, and environmental benefits forever lost. There is no expiration of the Ag Reserve once it is “built out.” There is still a need to maintain the integrity of the Tier to ensure that all that has been preserved is not degraded by increased densities and intensities of uses inappropriate for this unique agricultural area endowed with recreational, environmental and water resources, and open spaces to act as a rural “safe haven” and environmental buffer from the urban and suburban tiers.

It is in this light, that Irish Acres and the County also cannot and should not entertain or support the alternative “work around” by adjusting the Tiers and depriving the Ag Reserve of critical mass necessary to functionally and safely operate an agricultural business.

Developers should not look to the Ag Reserve for exemptions from the fundamental preserve, density, and intensity requirements unique to this Tier. “Balanced growth” does not mandate that the guiding policies and objectives of the Comprehensive Plan be displaced; rather, smarter, and more sustainable, development must be achieved in conformity with the regulations already set forth to protect the Ag Reserve Tier.

Irish Acres respectfully request that the Planning Commission adopt the Planning Staff’s recommendation of denial, and issue a recommendation to the County Commissioners to deny the West Park (Tenderly Preserve) application and not move forward with any precedent setting Tier adjustment work around.

Thank you for your time and consideration of these comments.

Respectfully,

/s/ Robert Hartsell
Robert N. Hartsell, Esq.
Hartsell Ozery, P.A.
Fla. Bar No. 636207



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5352 Linton Boulevard
Delray Beach, FL 33484
(561) 498-4440

April 11, 2024

Palm Beach County Board of County Commissioners
Palm Beach County Planning Division
2300 North Jog Road
West Palm Beach, Florida 33411

Re: Park West Comprehensive Plan Text Initiation Application

Dear Mayor Sachs & Commissioners:

I recently learned of the proposed plans for the Park West project through our Florida Atlantic University partners. Subsequently, I reached out to the property owner/developer, (Paul Okean), to learn more about his proposed development. I learned that Park West would contain a mix of uses including residential, office, retail, restaurant, and hotel uses. There are many elements of Park West that would benefit Delray Medical Center.

The residential component includes over 700 multifamily units of which 25% are set aside as Workforce Housing units. We need housing, but especially the workforce housing units, as they will provide housing opportunities for the hospital residents, doctors and staff. Our hospital's single limiting factor for hiring qualified staff is housing affordability. The workforce units will provide critical housing opportunities at a time when housing costs continue to escalate beyond the means of our resident's doctors, nurses, and staff.

Additionally, we support the proposed hotel. There are no hotels located in the western Delray area where visiting doctors and family members of patients can stay within close proximity of the Delray Medical Center. The addition of the hotel would greatly benefit our hospital.

In conclusion, the Park West development would be an asset to the area and to our hospital. I am in total support of this project.

Sincerely,



Daniel Listi, CEO
Delray Medical Center

**DELRAY LAKES ESTATES
HOMEOWNERS' ASSOCIATION, INC.
8927 Hypoluxo Road
Suite A-4 #188
Lake Worth, FL 33467**

April 11, 2024

Palm Beach County Commission
2300 Jog Road
West Palm Beach, FL 33413

Re: Park West (fka Tenderly Reserve) Text Initiation - Planning Commission April 12, 2024 – No
Objection to Initiating Text Amendment Application

Dear Planning Commissioners:

The property owner, Morningstar Nursery, Inc., and its agent, Jennifer Morton, (the "Applicant") have requested a letter of support from the Delray Lakes Estates Homeowners Association, Inc., Board of Directors ("Delray Lakes Estates Board") for the proposed mixed-use project on Atlantic Avenue, west of the Turnpike (the "Mixed-Use Development"). Specifically, the Applicant has requested support for the initiation of the application to amend the Palm Beach County Comprehensive Plan ("Plan") so as to allow an application for the Mixed-Use Development to be filed and considered.

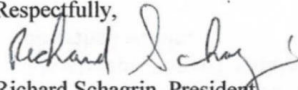
Delray Lakes Estates is directly adjacent to the portion of the Mixed-Use Development lying south of Atlantic Avenue. With the proximity of the project to Delray Lakes Estates, the community is particularly affected by any use of the property.

Although the DLE Board has some reservations with the Mixed-Use Project, they recognize that the matter being considered at this time is only an authorization to file for the text amendment, and there are multiple steps to obtaining the ultimate approval, including public hearings on the text amendment and the application itself.

The concern of the Delray Lakes Estates Directors generally is the intensity of the project, especially the scale of the residential use, and the additional traffic that will be generated on Atlantic Avenue.

Again, with multiple opportunities to evaluate the text amendment and project itself, the Delray Lakes Estates Board has no objection to initiating the proposed text amendment. Ultimately the community may not support the project, but the Delray Lakes Estates Board looks forward to working with the Applicant and County in reviewing the proposals.

Respectfully,


Richard Schagrin, President