

2022 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

Part 1. Amendment Data

A. Amendment Data

Round	24-A	Intake Date	May 10, 2023
Application Name	Bedner Market	Control No.	2007-357 & 2012-424
Acres	14.00 Acres	Concurrent Zoning application?	Yes
		Text Amend?	Yes
PCNs	Parcel 1: 00-42-43-27-05-061-0311 – 5.00 Acres Parcel 2: 00-41-46-01-02-001-0000 – 9.00 Acres		
Location	West side of State Road 7, north & south of Lee Road, approximately 2 miles south of Boynton Beach Boulevard.		
	Current	Proposed	
Tier	Agricultural Reserve	Agricultural Reserve	
Use	Agriculture, Nursery Wholesale and Warehouse	Agriculture, Warehouse, Agricultural Market Place and Light Industrial	
Zoning	Agricultural Reserve	Light Industrial	
Future Land Use Designation	Agricultural Reserve	Commerce	
Underlying Future Land Use Designation	None	Agricultural Reserve	
Conditions	None	To Be Determined	
Density Bonus	None	Not Applicable	
Total Number of Units	None	Not Applicable	

B. Development Potential

	Current FLU	Proposed FLU
Density/Intensity:	1 unit per 5 acres for residential use or 0.15 FAR of agricultural uses	0.45 FAR
Maximum Dwelling Units¹ (residential designations)	Single Family, 1 unit 0.2 du/acre x 14.01 acres = 2.8 = 3 units	Singe Family, 1 unit 0.2 du/acre x 14.00 ac. = 2.8 = 3 units (per underlying AGR)
Maximum Beds (for CLF proposals)	Not Applicable	Not Applicable
Population Estimate	3 max du x 2.39 = 7 people	3 max du x 2.39 = 7 people (per underlying AGR)

Maximum Square Feet 2, 4 (non-residential designations)	0.15 FAR x 14.01 ac. = 91,541 SF of agricultural uses	0.45 FAR x 14.00 ac. = 274,428 SF of industrial uses
Proposed or Conditioned Potential 3, 4	----	None
Max Trip Generator	Nursery (Garden Center) – ITE 817: T = 108.10x; Nursery (Wholesale) – ITE 818: T = 19.5x	Light Industrial – ITE 110: T = 4.87x
Maximum Trip Generation	717 daily trips	1203 daily trips
Net Daily Trips:	486 daily trips (maximum minus current)	
Net PH Trips:	183 AM, 161 PM (maximum)	

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

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Part 2. Applicant Data

A. Agent Information

Name	Lauren McClellan / Jennifer Morton / Alex Ahrenholz
Company Name	JMorton Planning & Landscape Architecture
Address	3910 RCA Boulevard, Suite 1015
City, State, Zip	Palm Beach Gardens, FL 33410
Phone / Fax Number	(561) 721-4463 / (561) 500-5060 / (561) 721-4461
Email Address	lmcclellan@jmortonla.com / jmorton@jmortonla.com / aahrenholz@jmortonla.com

B. Applicant Information

Name	Stephen Bedner
Company Name	Bedner Farm Inc.
Address	10066 Lee Road
City, State, Zip	Boynton Beach, FL 33473
Phone / Fax Number	(561) 733-5490
Email Address	steve@bedners.com
Interest	Property Owner

Name	Stephen Bedner
Company Name	Bedner Bros. Farms Inc.
Address	10066 Lee Road
City, State, Zip	Boynton Beach, FL 33473
Phone / Fax Number	(561) 733-5490
Email Address	steve@bedners.com
Interest	Property Owner

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Part 3. Site Data

A. Site Data

Built Features	Parcel 1: There are no built features on this site. Parcel 2: There are multiple trailer homes on the Property, a 368 SF trailer, a 765 SF storage, and approximately 15,210 SF of barns. See Attachment F for Built Features.
PCN	Parcel 1: 00-42-43-27-05-061-0311 – 5.00 Acres Parcel 2: 00-41-46-01-02-001-0000 – 9.00 Acres
Street Address	10066 Lee Road
Frontage	Parcel 1: Approximately 467 feet along State Road 7 & 468 feet along Lee Road Parcel 2: Approximately 750 feet along State Road 7 & 525 feet along Lee Road
Legal Access	Lee Road & State Road 7
Contiguous under same ownership	Yes. PCN 00-41-46-0-102-002-0000
Acquisition details	The property was acquired on July 30, 2014, from Helena Chemical Company by Special Warranty Deed. According to the Special Warranty Deed, the Property was granted for the consideration of \$10.00. See Attachment A
Size purchased	Parcel 1: 5 acres Parcel 2: 14.01 acres

B. Development History

Control Number	2007-357 & 2012-424				
Previous FLUA Amendments	None.				
Concurrency	None.				
Plat, Subdivision	Parcel 1: Palm Beach Farms Co. Plat No. 3, Plat Book 2, page 45. Parcel 2: Bedner Oaks, Plat Book 103, page 91.				
Zoning Approvals & Requests	See list below.				
Reso. No.	App. No.	Status	Type	Description	Changes proposed (if any)
Parcel 1					
2022-832	DROE/W-2022-00832	Adopted	DRO Off the Board Approval	To finalize the plans approved by the Zoning Commission for a Subdivision Variance to allow access from an individual lot to be	

				permitted directly to a major street (Lyons Road); and, by the Board of County Commissioners to allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District, and for a Class A Conditional Use to allow a Congregate Living Facility (CLF). To eliminate the Incompatibility Buffer between Recreation and Residential	
ZR-2022-10	SV/PDD/CA-2021-00460	Adopted	Subdivision Variance	To allow access from an individual lot to be permitted directly to a major street (Lyons Road)	
R-2022-386	SV/PDD/CA-2021-00460	Adopted with conditions	Zoning Map Amendment	To allow a rezoning from the Agricultural Reserve (AGR) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District	
R-2022-387	SV/PDD/CA-2021-00460	Adopted with conditions	Class A Conditional Use	To allow a Congregate Living Facility (CLF)	
Parcel 2					
	DROE-2013-1609	Approved with conditions	Final Site Plan Approval	Final Site Plan approval to allow an Agriculture Marketplace use	
ZR-2013-018	ZV-2013-1063	Approved	Type II Variance	To eliminate interior and terminal landscape islands, divider medians and trees within the Phase 1 vehicular use overflow parking area	
R-2013-644	ABN/CA-2012-2097	Approved with conditions	Class A Conditional Use	To allow an Agriculture Marketplace	

R-2013-643	ABN/CA-2012-2097	Approved with conditions	Abandonment of Class A Conditional Use	To abandon a Class A Conditional Use for a Produce Stand approved via Resolution R-2008-917	
	ZAR-2010-1059	Approved	Agency Review Approval	Add 2000 SF Chickee (Shade Structure)	
	ZZR-2009-3465	Approved	Minor Site Plan Amendment	To increase the square footage of building (A) 362 sq. ft., relocate the freestanding sign south, eliminate the foundation planting on the north side of the cooler, and add a 5'x5' concrete pad on the south side of building (A) for the exit doors.	
2008-01024	DRO-2008-1024	Approved	Final Site Plan Approval	Final Site Plan Approval (exhibit 1)	
R-2008-917	CA-2007-1790	Approved with conditions	Class A Conditional Use	To allow a produce stand	

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Part 4. Consistency

A. Consistency

Justification Provide as G.1.	See Attachment G, Section G.1.
Residential Density Increases Provide as G.2.	See Attachment G, Section G.2.
Compatibility Provide as G.3.	See Attachment G, Section G.3.
Comprehensive Plan Provide as G.4.	See Attachment G, Section G.4.
Florida Statutes Provide as G.5.	See Attachment G, Section G.5.

B. Surrounding Land Uses.

Adjacent Lands	Use	Future Land Use	Zoning
North	Agriculture (Preserve Parcel)	Agricultural Reserve	Agricultural Reserve- Planned Unit Development
South	Turf supply and installation, 4,800 SF	Agricultural Reserve	Agricultural Reserve
East	Agriculture (Proposed SF Residential – Whitworth AGR-PUD)	Agricultural Reserve	Agricultural Reserve- Planned Unit Development
West	Agriculture (Preserve Parcel)	Agricultural Reserve	Agricultural Reserve- Planned Unit Development

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Part 5. Public Facilities Information

A. Traffic Information		
	Current	Proposed
Max Trip Generator	Nursery (Garden Center) – ITE 817: T = 108.10x; Nursery (Wholesale) – ITE 818: T = 19.5x	Light Industrial – ITE 110: T = 4.87x
Maximum Trip Generation	717 daily trips	1203 daily trips
Net Daily Trips:	486 daily trips (maximum minus current)	
Net PH Trips:	183 AM, 161 PM (maximum)	
Significantly impacted roadway segments that fail Long Range	None.	None.
Significantly impacted roadway segments for Test 2	None.	None.
Traffic Consultant	Simmons & White.	
B. Mass Transit Information		
Nearest Palm Tran Route (s)	Route 73 – Boynton Beach Crosstown via Boynton Beach.	
Nearest Palm Tran Stop	Stop #6793 – Boynton Beach Blvd at Somerset, northside of Boynton Beach Boulevard approximately 7,778 feet east of State Road 7.	
Nearest Tri Rail Connection	Via Route 73 - Boynton Beach Tri-Rail Station, west side of I-95, approximately 0.2 miles east of High Ridge Road, approximately 12 miles to the northeast of the Property.	
C. Potable Water & Wastewater Information		
Potable Water & Wastewater Providers	Palm Beach County Water Utilities Department. Service capacity is available for the proposed development. Connections will require offsite improvements and a lift station. See Attachment I for letter from Palm Beach County Water Utilities Department.	
Nearest Water & Wastewater Facility, type/size	The nearest point of connection is a 12" potable water main located approximately 4,000 feet south of the property within State Road 7. An 8" sanitary sewer force main is located approximately 5,800 feet south of the property within State Road 7.	

D. Drainage Information

The site is located within the boundaries of the Lake Worth Drainage District and South Florida Management District C-15 Drainage Basin. Legal positive outfall is available via discharge to the Lake Worth Drainage District S-10S canal along the north side of the site. See Attachment J for Drainage Statement.

E. Fire Rescue

Nearest Station	Palm Beach County Fire-Rescue Station # 47, located at 7950 Enterprise Center Circle.
Distance to Site	4.75 miles
Response Time	Average response time is 7:52
Effect on Resp. Time	The proposed amendment will have some impact on the response time for Station # 47. See Attachment K.

F. Environmental

Significant habitats or species	There are no significant habitats or species on the Property. The site has previously been utilized for agricultural row crops. An aerial of the Property is provided as Attachment L.
Flood Zone*	The Property is located in Zone X, which is not a flood zone.
Wellfield Zone*	The Property is not located within a Wellfield Protect Zone. See Wellfield Map as Attachment M.

G. Historic Resources

There are no significant historic resources present on the Property. See Attachment N for letter.

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

Park Type	Name & Location	Level of Svc. (ac. per person)	Population Change	Change in Demand
Regional		0.00339		
Beach		0.00035		
District		0.00138		

I. Libraries - Residential Only (Including CLF)

Library Name	
Address	
City, State, Zip	

Distance	<i>Indicate the distance from the site to the nearest library.</i>		
Component	Level of Service	Population Change	Change in Demand
Collection	2 holdings per person		
All staff	0.6 FTE per 1,000 persons		
Library facilities	0.6 square feet per person		
J. Public Schools - Residential Only (Not Including CLF)			
	Elementary	Middle	High
Name			
Address			
City, State, Zip			
Distance			

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Part 6. Attachments

- A. **PCN's, Legal Description and Warranty Deed** (include Legal in PDF & Word)
- B. **Agent Consent Form**
- C. **Applicant's Ownership Affidavit**
- D. **Applicant's Notice Affidavit, Property Appraiser List, and Labels**
- E. **Disclosure of Ownership Interests**
- F. **Built Feature Inventory & Map**
- G. **Consistency with the Comprehensive Plan and Florida Statutes** (include in PDF & Word)
- H. **Traffic Approval Letter & Traffic Study**
- I. **Water & Wastewater Provider LOS Letters**
- J. **Drainage Statement**
- K. **Fire Rescue Letter**
- L. **Natural Feature Inventory & Map**
- M. **Wellfield Zone**
- N. **Historic Resource Evaluation Letter**
- O. **Survey**
- P. **Text Amendment Application** (Part 7, if applicable, in PDF & Word)

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

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

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Attachment F Built Feature Inventory & Map

There are no built features on this site

Parcel 1

Lee Road

State Road 7

This area is not part of the submittal

Parcel 2

+/- 765 SF Wood Storage

+/- 15,210 SF Barns

+/- 368 SF Trailer

+/- 4,853 SF Trailer Homes

+/- 1,088 SF Trailer Home



Attachment G
Consistency with the Comprehensive Plan and Florida Statutes

Introduction

On behalf of the Applicant, JMorton Planning & Landscape Architecture is requesting a Comprehensive Plan Future Land Use Atlas amendment for two parcels located at the northwest corner and southwest corner of State Road 7 and Lee Road. The Bedner’s Farm Fresh Market is the southern parcel (10066 Lee Rd) encompassing 14 acres of land. The north parcel, across Lee Road, encompasses 5 acres of bona fide agriculture, currently under a conservation easement as a preserve parcel for the All Seasons Delray AGR-MUPD (2012-00242). A concurrent application has been filed for a text amendment to include Agricultural Marketplace uses within an AGR-MUPD preserve. The 5 acre AGR-MUPD preserve designation on the north parcel will be transferred in its entirety to a new 5 acre parcel, carved out of the existing 14 acre market site. The remaining 14 acres are subject of this application, encompassing the below parcels (“Property”).

Parcel 1- 5.00 Acres north of Lee Rd. (PCN 00-42-43-27-05-061-0311)

Parcel 2- the southern 9.00 acres of the existing market parcel (PCN 00-41-46-01-02-001-0000)

I. PROPOSED FLUA MAP AMENDMENT

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

Description of Site Vicinity

The Property, and all surrounding properties, have a Future Land Use designation of Agricultural Reserve. Within the vicinity of the Property are multiple agricultural uses including row crops and agriculture sales.

Land uses directly abutting the Property include the following:

Adjacent Property	Land Use Designation	Zoning Designation	Existing Use	Control Number
North	Agricultural Reserve (AGR)	Agricultural Reserve- Planned Unit Development (AGR-PUD)	Agriculture (preserve parcel for residential PUD)	2006-00550
South	Agricultural Reserve (AGR)	Agricultural Reserve (AGR)	Turf supply and installation	
East	Agricultural Reserve (AGR)	Agricultural Reserve- Planned Unit Development (AGR-PUD)	Agriculture (preserve parcel for residential PUD)	2021-00031
West	Agricultural Reserve (AGR)	Agricultural Reserve- Planned Unit Development (AGR-PUD)	Agriculture (preserve parcel for residential PUD)	1997-00104

G.1 Justification

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

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

Response: The proposed Commerce Future Land Use designation is suitable and appropriate for the subject site. The land use works in conjunction with the existing produce market on the subject Property that will be maintained as agricultural land use. The intensive agriculture, to the immediate south and east has allowed

accessory storage buildings and outdoor storage of farm equipment, materials and trucks. Any allowable Commerce use would not be incompatible with these facilities.

This Property has been a retail farm stand, intensive agriculture and educational center for many years along State Road 7. The farmer's market will remain as a designated preserve parcel for the All Seasons Delray MUPD. The commerce land use designation will provide for additional uses that are compatible with and supportive to the agricultural marketplace. Additional services may include but are not limited to landscape services, flex office and warehouses for contractors, self-storage and similar uses are necessary to support the growing population in the immediate area as well as accessory support for the agriculture surrounding the site. The proposed change would allow a small industrial use to provide a needed service to the neighboring agricultural uses, working in harmony with the continued preservation of agriculture for the area. The Property's location along State Road 7 provides for easy access to the site from elsewhere in the county.

Under the current land use and zoning designation, the site could be permitted to have single family residential, community residential, indoor and outdoor auctions, kennel, veterinary clinic, assembly, daycare, and chipping and mulching operations. All of these residential and commercial uses are permitted within the district as anticipated to serve the area. The addition of Commerce uses such as landscape services, warehousing, and self-storage to promote more functional and productive buildings for this area and support job creation. It further reinforces the separation of light industrial uses from residential developments and neighborhood commercial use found in other areas of the agricultural reserve.

2. There is a basis for the proposed FLU change for the particular subject site based upon one or more of the following:

a. Changes in FLU designations on adjacent properties or properties in the immediate area and associated impacts on the subject site.

***Response:** The Agricultural Reserve Tier has recently been the subject of numerous changes. The commercial cap has been increased to accommodate new commercial projects along Boynton Beach Boulevard, State Road 7 and Atlantic Avenue. The Board of County Commissioners (BCC) recognized the changing characteristics of the area and the compatibility concerns for certain agriculture uses that are industrial in nature as currently permitted uses.*

In 2022, the BCC adopted a new Land Use Designation of Commerce (CMR) to establish a third category of industrial uses specially for lighter industrial uses. The commerce category is appropriate for this site to have non-intensive industrial uses that are compatible with intensive agricultural production.

There have been two Commerce Future Land Use designations since its creation, both on the west side of State Road 7. The LTG Sport Turf (LGA 2023-007) property along 100th street was approved by the BCC on March 23, 2023. The BCC also approved a Commerce Future Land Use Designation for the 3 acre Morin/ Connolly property on the west side of State Road 7, north of Boynton Beach Boulevard. These approvals further increased the industrial potential for some of the smaller parcels within the Agriculture Reserve.

There are also currently submitted applications for Commerce Future Land Use designations elsewhere in the Agricultural Reserve Tier, including EJKJ Industrial (LGA 2023-004), SR7 Business Plaza (LGA 2023-006), and BC Commerce Center (LGA 2023-003).

All of these changes and the recent direction from the BCC regarding additional light industrial uses in the Agricultural Reserve signify that additional land and opportunities for light industrial projects is needed and appropriate for properties fronting State Road 7.

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

Response: As mentioned above, the characteristics of State Road 7 within the Agricultural Reserve have changed since the Agricultural Reserve Master Plan's inception. Multiple residential projects have been developed between State Road 7 and Florida's Turnpike. The residential and commercial development that has been constructed within the central part of the Tier along Boynton Beach Boulevard, Atlantic Avenue, and Lyons Road has forced several agricultural operations to relocate. The Alderman Farms Packing Plant relocated from the northeast corner of Boynton Beach Boulevard to the west side of State Road 7 after approval of the Cobblestone Commons retail plaza. The Thomas Packing Plant closed and relocated out of the area after approval of the comprehensive plan amendment removing that property located at the northeast corner of Clint Moore Road and State Road 7 from the Agricultural Reserve Tier and designating it as Commercial Low, with an underlying 2 units per acre (CL/2).

Additionally, other recent Future Land Use amendments approved on the west side of State Road 7 allow for industrial uses and recognize the changed circumstances of the Agricultural Reserve. Approvals include: Stop and Shop (LGA 2016-023), Homrich Commercial (LGA 2016-019), Sunflower Light Industrial (LGA 2021-016), LAS Farms (LGA 2022-001), and Morin-Connolly Commerce (LGA 2023-002). All of these changes allow for additional businesses to serve the needs of the growing number of residents moving to the Agricultural Reserve as well as to complement the existing agricultural uses.

These changes indicate the Agricultural Reserve has continued to change from a rural agricultural area to a suburban community with a growing population that needs various services and goods within proximity of their homes. A sustainable community is a community that is planned, built and modified to promote a living environment that focuses on urban infrastructure, social equity, efficient provision of utility services and economic sustainability. Sustainable communities incorporate principles that improve access to affordable housing, increase transportation options, and lower transportation costs while protecting the environment. Approval of additional light industrial land will allow for needed services to be located near existing housing, thus reducing vehicle trips outside of the Agricultural Reserve and ultimately contributing to less traffic congestion and better access throughout the Agricultural Reserve.

c. New information or change in circumstances which affect the subject site.

Response: The consultants that prepared the Agricultural Reserve Master Plan recognized the industrial corridor along Atlantic Avenue between State Road 7 and Smith Sundry Road/Half Mile Road. Furthermore, the consultant recommended 330,000 square feet of additional industrial square footage within the Agricultural Reserve. When the Board of County Commissioners reviewed the Agricultural Reserve Master Plan and directed Staff to prepare additional Comprehensive Plan policies for the Agricultural Reserve Tier however, the addition of industrial land and industrial uses was not included. Twenty years have passed since these Agricultural Reserve policies were incorporated into the Comprehensive Plan and the Agricultural Reserve Tier is close to being "built out". Of the 22,000 acres within the Agricultural Reserve, a small percentage remains without any entitlement for development or preservation.

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

d. Inappropriateness of the adopted FLU designation.

Response: N/A

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

Response: N/A

G.2 Residential Density Increases

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

G.3 Compatibility

Compatible land uses are defined as those which are consistent with each other in that they do not create or foster undesirable health, safety or aesthetic effects arising from direct association of dissimilar activities, including the impacts of intensity of use, traffic, hours of operation, noise vibration, smoke, hazardous odors, radiation, and other land use conditions. The definition of “compatibility” under the repealed Rule 9J-5, FAC, is “a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted, directly or indirectly by another use or condition”. With this definition in mind, the requested change would maintain the subject Property’s compatibility with the surrounding properties, some of which have undergone land use amendments while preventing land area for needed services.

To be compatible, it is not necessary that two uses have the exact same function (e.g. residential, commercial, institutional, etc.). Rather, compatibility is attained when uses do not adversely affect each other. Further, two uses whose functions are different can complement and support each other. For example, a light industrial use can provide essential services to residents of surrounding neighborhoods, agricultural production nearby, as well as the community at-large. In addition, buffering, screening, setback, height, and landscaping requirements can further enhance compatibility, and reduce the potential negative effects of functionally different land uses.

Several factors lead to the conclusion that the proposed FLUA Amendment designation will be compatible with neighboring uses.

- Primary access is available from State Road 7, a right-of-way designated as an Urban Arterial road, thus directing traffic away from local roads in the vicinity.
- The Property is located on a major north/south transportation route (State Road 7). Many uses along this transportation route are industrial or commercial in nature even though they are technically agricultural uses. For example, there are multiple agriculture sales and service establishments, produce packing houses, agricultural storage locations for farm equipment and materials, a chipping and mulching facility, and a farmers’ market all located on the west side of State Road 7. On this basis, the proposed development concept at this location is determined to be compatible.
- The proposed use is consistent with the existing development pattern and adjacent uses that have occurred along the State Road 7 corridor.

As mentioned, many uses that are permitted and currently exist on the agriculture land within the Agricultural Reserve have similar impacts on adjacent properties. Farming activities often include: pesticide and herbicide spraying, heavy equipment storage and operation, produce packing activities, truck deliveries and loading including refrigeration trucks, 24 hour operations, noise, dust, and outdoor storage of materials and dead plants/vegetation. Agriculture activities are often not buffered from adjacent properties and uses. Additionally, the County code requires setbacks, buffers and landscaping for all on-site structures to ensure compatibility.

G.4 Comprehensive Plan

The proposed Future Land Use Atlas Amendment is consistent with various goals, objectives, and policies in the Palm Beach County Comprehensive Plan as detailed below.

Goals – The proposed FLUA amendment furthers the County’s goals as described below.

- Strategic Planning** – “...to recognize the diverse communities within the County, to implement strategies to create and protect quality livable communities respecting the lifestyle choices for current residents, future generations, and visitors, and to promote the enhancement of areas in need of assistance.”

Response: Approval of this proposed FLU amendment will allow for the development of a light industrial use on a Property with access to State Road 7, a major north/south transportation route. The area surrounding the Property is a mix of agricultural and commercial uses. Residential PUDs are prohibited from being located on the west side of State Road 7. This use will ensure that the Agricultural Reserve Tier is a diverse community that can meet the needs of the existing and future residents located on the east side of State Road 7 and within the Tier.
- Land Planning** – “...to create and maintain livable communities, promote the quality of life, provide for a distribution of land uses of various types, and at a range of densities and intensities, and to balance the physical, social, cultural, and environmental and economic needs of the current and projected residents and visitor populations. This shall be accomplished in a manner that protects and maintains a diversity of lifestyle choices, and provides for the timely, cost-effective provision of public facilities.”

Response: The Property is located within the Agricultural Reserve Tier which is a Limited Urban Service Area (LUSA) where services and public facilities are already available. The Property’s location on a major transportation route with access/frontage on State Road 7 contributes to timely, cost effective service provision. The proposed Commerce designation will allow for development of a use that will better serve the immediate and future needs of the community as it will provide additional services and employment opportunities.

Objectives – The proposed FLUA amendment furthers the County’s objectives as further described below.

- FLUE Objective 2.2 Future Land Use Provisions - General** – “Palm Beach County shall ensure development is consistent with the County’s diverse character and future land use designations. All public and private activities concerning the use, development and redevelopment of a property, and the provisions of facilities and services shall be consistent with the property’s future land use designation, and the applicable Goals, Objectives and Policies of this Element.”

Response: The newly adopted Commerce Future Land Use designation establishes a third category allowing industrial uses; and allows an opportunity for light industrial uses in appropriate locations in order to allow employment based uses at suitable locations along major thoroughfares while protecting adjacent residences from more intense uses. A change to the Commerce Future Land Use designation would allow for the development of additional uses to support the growing residential communities within the Agricultural Reserve by providing additional services to the residents within the Tier and without further impacting the roadway network leading to the Urban/Suburban Tier.
- FLUE Objective 3.1 Service Areas - General** – “Palm Beach County shall establish graduated service areas to distinguish the levels and types of services needed within a Tier, consistent with sustaining the characteristics of the Tier. These characteristics shall be based on the land development pattern of the community and services needed to protect the health, safety and welfare of residents and visitors; and, the need to provide cost effective services based on the existing or future land uses.”

Response: The Property is located within the Agricultural Reserve Tier which is a Limited Urban Service Area (LUSA) with services and public facilities available. The recently adopted Commerce Land Use designation established a third category for industrial uses, specifically light industrial uses. Development of a light industrial use on the Property would be consistent with the existing development pattern along State Road 7. A change to the Future Land Use designation would allow for the development of a project that would provide an employment opportunity and additional services to the surrounding community.

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

- FLUE Policy 1.5-v:** “The County shall foster employment opportunities in the Agricultural Reserve Tier by allowing light industrial uses at appropriate locations to provide a balance of land uses for current and

new residents of the Tier. All new future land use amendments requesting industrial type uses in the Agricultural Reserve Tier shall meet the following requirements:

1. Limited to the Commerce (CMR) future land use designation.
 2. Located with frontage and access on State Road 7 (north of Rio Grande Avenue), Atlantic Avenue, Boynton Beach Boulevard or have access to these roadways through an existing commercial or industrial site. Sites located west of State Road 7 must share a common border with a property with commercial or industrial future land use;
 3. Be accompanied by a concurrent zoning application and conceptual site plan in order to demonstrate that the proposal meets the design, scale, and character requirements of the Tier;
 4. Have a minimum of 3 acres and a maximum of 50 acres (with the exception of lands dedicated to rights of way); and
 5. Preserve shall be required for Commerce sites utilizing Light Industrial, Multiple Use Planned Development, or Planned Industrial Park Development zoning pursuant to FLUE Policy 1.5.1-q and subject to the following:
 - The preserve area requirements shall be based upon the acreage over 16 acres, shall be a minimum of 40% of the total land area over 16 acres, and allow water management tracts in preserve areas contiguous to the development area that provide enhanced environmental features and improved water quality as demonstrated through the future land use amendment process.
- **Response:** *The Project proposes a light industrial development on a 14-acre property located west of and with frontage along State Road 7. The Applicant is requesting a Land Use Designation of Commerce (CMR) corresponding with the concurrent request for a rezone to Light Industrial; and meeting the Performance Standards and Property Development Regulations. The Property is 14 acres and is not required per the Policy above to provide a preserve area.*
 - **FLUE Policy 2.2.4-a:** “The County shall apply Industrial future land use categories at appropriate locations and intensities to satisfy the need for industrial space, provide opportunities for the retention and expansion of industrial and employment based economic activities, and to promote economic development consistent with the County’s economic development directives. The County shall also encourage a broad range of employment opportunities and shall discourage Future Land Use Atlas amendments that result in the loss of industrially designated land.”

Response: *The recently adopted Commerce Land Use designation establishes a third category allowing industrial uses, specifically light industrial uses and provides policy guidance on location requirements, limiting to major corridors. Providing additional industrial land within the Agricultural Reserve ensures the availability of employment opportunities and needed services to the residents of the Agricultural Reserve Tier. By adding valuable industrial land to the Agricultural Reserve Tier, economic diversity is ensured within the Tier and Palm Beach County.*
 - **FLUE Policy 2.2.4-c:** “The three Industrial future land use designations are intended to accommodate industrial uses which are defined as uses engaged in the manufacturing, assembly, processing, research and development, wholesale distribution, or storage of products, related uses and services, including Office of an Industrial Nature (as defined by the Introduction and Administration Element).
 1. **Commerce.** The Commerce (CMR) future land use designation is intended to accommodate light industrial uses to provide an option for low-trip generating non-residential and/or employment generating uses on arterial roadways. Industrial uses allowed shall be limited to those that demonstrate Light Industrial characteristics.
 - **Response:** *Development of a light industrial use on the Property would be consistent with the existing development pattern along State Road 7. A change to the Future Land Use designation would allow for the development of a project that would provide an employment opportunity and additional services to the surrounding community.*

- **FLUE Policy 2.2.4-d:** “Industrial uses shall be considered either Light or Heavy as defined below.
Light Industrial. Light industrial development’s typical operation is not likely to cause undesirable effects, danger or disturbance upon nearby areas and typically does not create negative impacts on immediately adjoining uses. These uses typically do not cause or result in the dissemination of dust, smoke, fumes, odor, noise, vibration, light, or other potentially objectionable effects beyond the boundaries of the lot on which the use is conducted..”
Response: As previously indicated, agriculture uses often generate dust, smoke, fumes, odor, noise, vibration and other objectionable effects such as aerial spraying of pesticides, etc. on adjacent properties. The proposed Future Land Use amendment to Commerce would ensure the development of a light industrial use that is located away from residential development and would not have such similar negative impacts on adjacent properties.

G.5 Florida Statutes

Data and analysis demonstrating that the proposed development can be supplied by necessary services without violating adopted LOS standards are presented in Attachment H (Traffic Letter and Study), J (Drainage Statement), K (Fire Rescue Letter), and I (Water and Wastewater Provider Letter). Data and analysis discussing environmental and historical resources impacts are presented in Attachments J (Drainage Statement), M (Wellfield Zone), L (Natural Features Inventory and Map) and N (Historic Resource Evaluation Letter). No negative environmental impacts are identified.

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

- Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single use development or uses.
 - *Response: The applicant is requesting to change the FLU of the property from AGR to CMR with an underlying future land use of AGR for the purpose of providing additional services along the State Road 7 corridor. The amendment does not promote low intensity/density or single-use development.*
- Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.
 - *Response: The Property is located within the State Road 7 corridor which is not rural in nature as evidenced by urban services such as police, fire rescue and water/wastewater/drainage utilities are existing in the immediate area. The proposed Commerce designation is consistent with the surrounding commercial and agricultural uses and activities.*
- Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.
 - *Response: The Property is not isolated in nature and currently supports a farmers market.. The Property is surrounded by various commercial, and intensive agricultural uses that would be considered infill development along a major north/south transportation corridor.*
- Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.
 - *Response: This amendment does not fail to protect and conserve natural resources as the proposed development will have no negative impact on any other significant natural system. The Property does not support any environmentally sensitive areas as it is currently utilized for intensive agricultural production. No listed species were located on the property and it is located outside of any wellfield protection zone. As required by the ULDC, any native plant material will be addressed during the zoning approval process.*

- Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.
 - **Response:** *The Property is currently utilized for intensive agriculture. Several changes have already been granted to properties within the immediate area that allow the development of commercial and industrial uses. The area has been changing from agriculture to commercial and industrial uses since 2006. Since the proposed request is for Commerce, no negative impacts to agricultural uses are anticipated with the land use change. The small size of the Property will not impact the adjacent larger parcels supporting agriculture operations.*
- Fails to maximize use of existing public facilities and services.
 - **Response:** *This amendment will maximize the use of existing facilities and services. The Property's location within a Limited Urban Service Area (LUSA) means that services and public facilities are available to serve the Property.*
- Fails to maximize use of future public facilities and services.
 - **Response:** *Reports and letters are provided with this application to show the availability of roadway capacity, water/sewer service, drainage outfall and fire response. This amendment will maximize the use of any future facilities proposed or constructed in the future and provide additional tax base. Therefore, the proposal will maximize the existing public services in the area.*
- Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.
 - **Response:** *Public services and facilities are already available in the immediate vicinity. The proposed amendment will provide for infill development and fit in with the existing land use pattern.*
- Fails to provide a clear separation between rural and urban uses.
 - **Response:** *Approval of a Commerce Future Land Use designation will be consistent with the type of development to the south. While the property is located within the Agricultural Reserve Tier of the County, this major roadway corridor has been changing as new commercial and industrial uses are approved and developed. The surrounding residential developments are supporting and increasing the demand for these uses. Therefore, the proposal discourages the proliferation of Urban/Sprawl.*
- Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.
 - **Response:** *This amendment will allow for the development of a small Property that is consistent with the existing and proposed uses to the south. Future development on the Property will serve the current and future needs for the surrounding communities.*
- Fails to encourage a functional mix of uses.
 - **Response:** *Approval of this proposed amendment will allow the development of industrial uses that will provide services to the surrounding existing residential communities and regional hospital rather than allowing the current single use development pattern that has occurred in the Agricultural Reserve to continue. Development of the Property will allow the community needs to be met within the Tier which will cause trips to remain in the Agricultural Reserve Tier.*
- Results in poor accessibility among linked or related land uses.
 - **Response:** *The proposed development will be designed with pedestrian connections and cross access to the farmer's market as feasible through the site plan approval process.*
- Results in the loss of significant amounts of functional open space.
 - **Response:** *This amendment does not result in a loss of any functional open space as the subject property is currently not utilized as functional open space.*

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

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

- **Response:** *This amendment does not fail to protect and conserve natural resources as the property does not contain natural resources. The site is located outside of any wellfield protection zone. As required by the ULDC, any native plant material will be addressed during the zoning approval process.*
- Promotes the efficient and cost-effective provision or extension of public infrastructure and services.
 - **Response:** *The proposed Future Land Use amendment will maximize the use of public facilities and services. Public infrastructure already exists within this relatively urban area. No facilities would be required to be installed in rural or sparsely populated areas, thereby maximizing the use of the existing facilities. Therefore, the proposal discourages the proliferation of Urban Sprawl.*
- Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.
 - **Response:** *The development will be designed with pedestrian connections to State Road 7 as required through the site plan approval process.*
- Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.
 - **Response:** *Approval of this proposed amendment will allow the development of an industrial use that will allow for the additional employment opportunities within an area of the County that has historically only been developed with low density single family residential development. In order to meet the growing demand, additional industrial land is needed in this area. Therefore, the proposed amendment would contribute to livable communities and help balance the land uses within the Agricultural Reserve while maintaining the character of the community.*

Conclusion

As described above, the proposed FLU amendment from Agricultural Reserve (AGR) to Commerce (CMR) is consistent with the Goals, Objectives, and Policies of Palm Beach County's Comprehensive Plan and the Florida State Statutes. The proposed amendment is also compatible with the surrounding area, does not contribute to urban sprawl and is consistent with the Comprehensive Plan and will not negatively impact service provision. The CMR designation will be able to complement the existing Bedner's Agricultural Marketplace and adjacent bona fide agriculture by providing additional light industrial uses not currently provided nearby. The proposed privately initiated text amendment being submitted concurrently with this application will serve to preserve the marketplace for the agricultural services it currently provides by placing it within a conservation easement. This will allow the land within the north 5-acre parcel to develop with new light industrial uses.

II. ULDC CHANGES

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



**Water Utilities Department
Engineering**

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



**Palm Beach County
Board of County
Commissioners**

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

County Administrator

Verdenia C. Baker

April 28, 2023

Morton
3910 RCA Boulevard
Palm Beach Gardens, Fl. 33410

RE: Bedner Market
PCN 00-42-43-27-05-061-0311 & 00-41-46-01-02-001-0000
Service Availability Letter

Dear Ms. Velasco,

This is to confirm that the referenced property is located within Palm Beach County Utility Department (PBCWUD) utility service area. Based on a review of current PBCWUD infrastructure and existing customers within the general vicinity of the referenced property, PBCWUD currently has the capacity to provide the level of service required for the land use amendment from Agricultural Reserve (AGR) to Commerce (CMR) with an underlining Agricultural Reserve (CMR/AGR). The proposed change will allow for Warehouse and Light Industrial uses while allowing the 5-acre marketplace to remain as AGR..

The nearest point of connection is a 12" potable water main located approximately 4000' south of the subject property within SR7. There is an 8" sanitary sewer force main located approximately 5800' south of the subject property within SR&. Offsite improvements and a lift station will be required.

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

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

Sincerely,

Jackie Michels, P.E.
Project Manager

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Affirmative Action Employer"



May 4, 2023
Job No. 22-191

LAND USE PLAN AMENDMENT APPLICATION
STATEMENT OF LEGAL POSITIVE OUTFALL

Bedner Farms Commerce
14.01 Acre Site
Palm Beach County, Florida

SITE DATA

The subject parcel is generally located on the southwest corner of State Road 7 and Lee Road in Palm Beach County and contains approximately 14.01 acres. The Property Control Numbers (PCN's) for the subject parcel are 00-41-46-01-02-001-0000 (southern 9 acres) and 00-42-43-27-05-061-0311. The property is currently designated as Agricultural Reserve (AGR) on the Palm Beach County Comprehensive Plan. The property owner is requesting a change in the 14.01 acre parcel's designation to Commerce (CMR) with an underlying Agricultural Reserve on the Palm Beach County Comprehensive Plan.

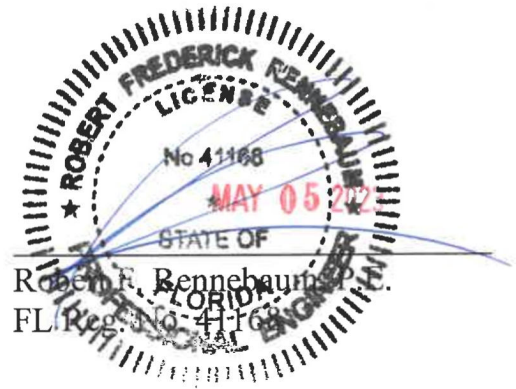
SITE DRAINAGE

The site is located within the boundaries of the Lake Worth Drainage District and South Florida Water Management District C-15 Drainage Basin. Legal positive outfall is available via discharge to the Lake Worth Drainage District S-10S canal along the north side of the site. Drainage design is to address the following:

1. On-site retention of the runoff from the 3 year, 1 hour rainfall event.
2. No runoff to leave the site except through an approved control structure up to the level produced by the 25 year, 3 day rainfall event.
3. Building floor revelations to be at or above the level produced by the 100 year 3 day rainfall event.
4. Parking lots to be protected from flooding during a 3 year, 24 hour event, or the 5 year, 24 hour event if exfiltration trench is used.

SITE DRAINAGE (CONTINUED)

5. Allowable discharge to be in accordance with South Florida Water Management District Basin criteria.
6. Due to consideration to water quality.





May 4, 2023
Job No. 22-191

LAND USE PLAN AMENDMENT APPLICATION
FLOOD PLAIN STATEMENT

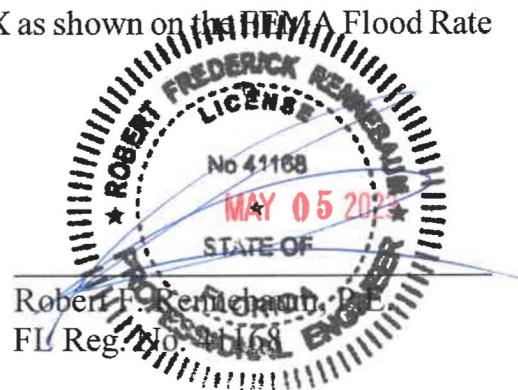
Bedner Farms Commerce
14.01 Acre Site
Palm Beach County, Florida

SITE DATA

The subject parcel is generally located on the southwest corner of State Road 7 and Lee Road in Palm Beach County and contains approximately 14.01 acres. The Property Control Numbers (PCN's) for the subject parcel are 00-41-46-01-02-001-0000 (southern 9 acres) and 00-42-43-27-05-061-0311. The property is currently designated as Agricultural Reserve (AGR) on the Palm Beach County Comprehensive Plan. The property owner is requesting a change in the 14.01 acre parcel's designation to Commerce (CMR) with an underlying Agricultural Reserve on the Palm Beach County Comprehensive Plan.

FLOOD ZONE

The above referenced project is located in Flood Zone X as shown on the FEMA Flood Rate Insurance Map Panel 955 (Palm Beach County).



mb: x:/docs/trafficanddrainage/lupafps.22191



April 7, 2023

JMorton Planning Landscape Architecture
3910 RCA Boulevard
Suite 1015
Palm Beach Gardens, FL 33410

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

Re: Bedner Market

Dear Maryori Velasco:

Per your request for response time information to the subject property located on the west side of State Road 7, north and south of Lee Road, approximately 2 miles south of Boynton Beach Boulevard. This property is served currently by Palm Beach County Fire-Rescue station #47, which is located at 7950 Enterprise Center Circle. The maximum distance traveled to subject property is approximately 4.75 miles from the station. The estimated response time to the subject property is 12 minutes. For fiscal year 2022, the average response time (call received to on scene) for this stations zone is 7:52.

Property owners need to be aware of the extended response time of 12 minutes to the subject property, which is much greater than our standard of 7 minutes 30 seconds. Changing the land use will have some impact on Fire Rescue, generating approximately 77 calls/year.

Per the Fire Rescue Capital Improvement Plan, a new fire station will be built at the southwest corner of Lyons Rd and Flavor Pict Rd. extension. Once Flavor Pict Rd. is extended to State Rd. 7 and the new station is built, it will serve this property and lower the response time. The maximum distance from the new station traveled to the subject property using the new Flavor Pict extension is 1.75 miles. The estimated response time from the new station to the subject property is 6 minutes.

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

Sincerely,

Cheryl Allan, Planner II
Palm Beach County Fire-Rescue



**Palm Beach County
Board of County
Commissioners**

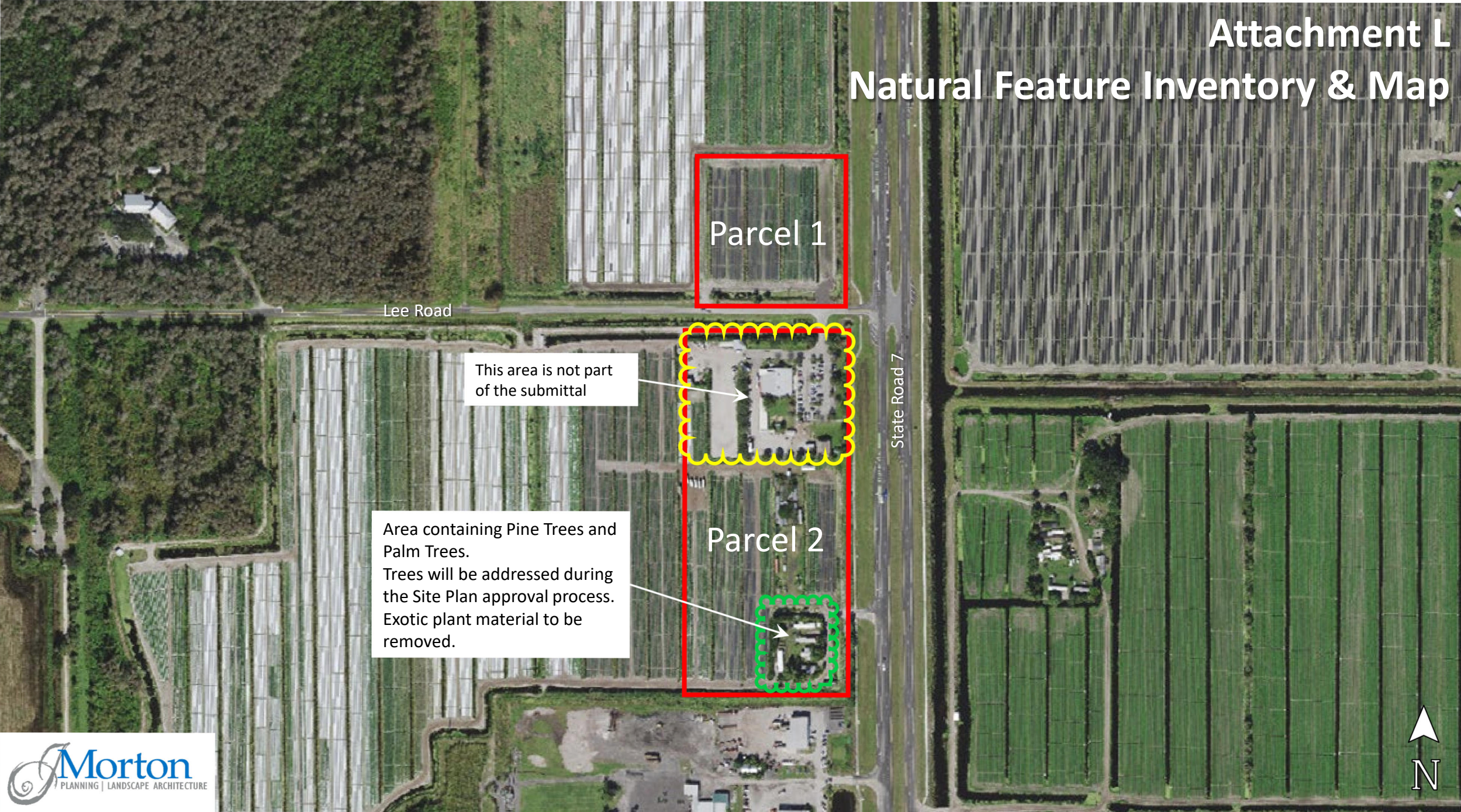
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Maria Sachs, Vice Mayor
Maria G. Marino
Michael A. Barnett
Marci Woodward
Sara Baxter
Mack Bernard

County Administrator

Verdenia C. Baker

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Attachment L Natural Feature Inventory & Map



Parcel 1

Lee Road

This area is not part of the submittal

Area containing Pine Trees and Palm Trees. Trees will be addressed during the Site Plan approval process. Exotic plant material to be removed.

Parcel 2

State Road 7





May 4, 2023
Job No. 22-191

LAND USE PLAN AMENDMENT APPLICATION
WELLFIELD PROTECTION ZONE STATEMENT

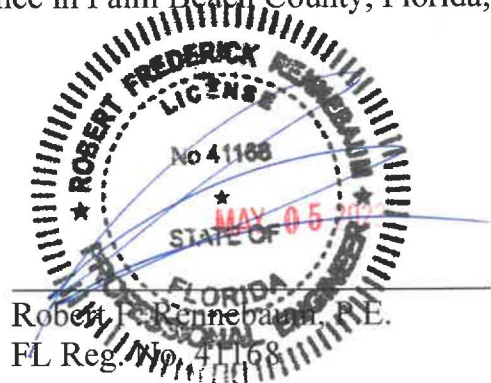
Bedner Farms Commerce
14.01 Acre Site
Palm Beach County, Florida

SITE DATA

The subject parcel is generally located on the southwest corner of State Road 7 and Lee Road in Palm Beach County and contains approximately 14.01 acres. The Property Control Numbers (PCN's) for the subject parcel are 00-41-46-01-02-001-0000 (southern 9 acres) and 00-42-43-27-05-061-0311. The property is currently designated as Agricultural Reserve (AGR) on the Palm Beach County Comprehensive Plan. The property owner is requesting a change in the 14.01 acre parcel's designation to Commerce (CMR) with an underlying Agricultural Reserve on the Palm Beach County Comprehensive Plan.

WELLFIELD PROTECTION ZONE

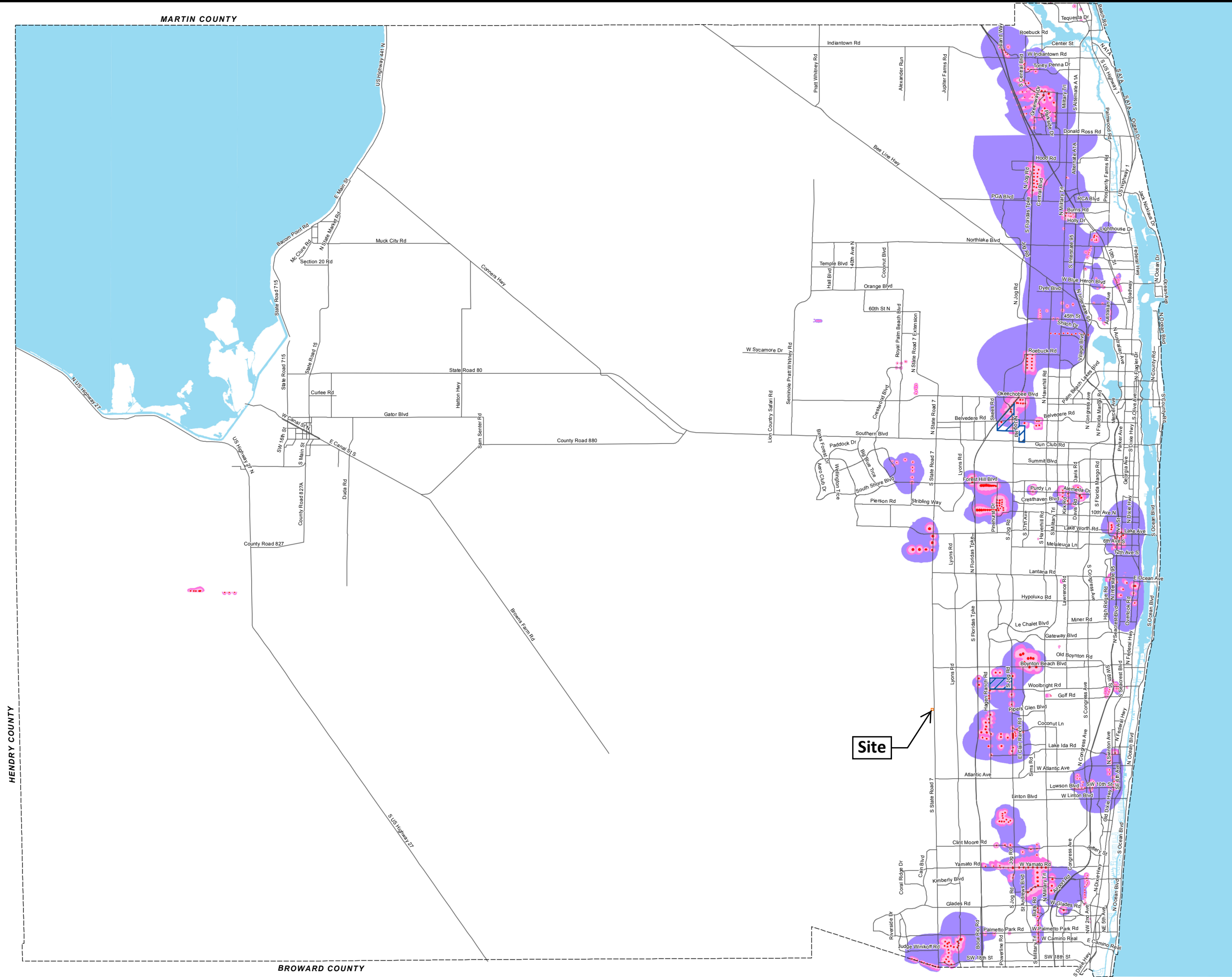
The above referenced project is not located within any designated Wellfield Protection Zones as shown on the "Wellfield Protection Zones of Influence in Palm Beach County, Florida," exhibit, adopted June 12, 2015.



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

mb: x:/docs/trafficanddrainage/lupawellfield.22191

MARTIN COUNTY



HENDRY COUNTY

BROWARD COUNTY

MAP LU 4.1

GENERALIZED WELLFIELD MAP

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

SOURCES:
PBC Dept. of Environmental Resources Management

Note: Official Wellfield Protection Maps are kept at, and can be obtained from, the Palm Beach County Department of Environmental Resources Management.

The information presented represents the most readily available data. No guarantee is made as to the completeness or accuracy of the information displayed. Consult appropriate County staff for final determination.

Last Amended in Round 15-1 by Ord. 2015-015



PALM BEACH COUNTY COMPREHENSIVE PLAN MAP SERIES



Effective Date: 6/12/2015
 Filename: N:\Map Series\MXDs\Adopted
 Contact: PBC Planning Dept.



**Department of Planning,
Zoning & Building**

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

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



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County Administrator

Verdenia C. Baker

April 4, 2023

Maryori Velasco
J. Morton, Planning & Landscape Architecture
3910 RCA Boulevard, Suite 1015
Palm Beach Gardens, Florida 33410

RE: Historical and Archaeological Resource Review for project name: Bedner Market, under PCN's: 00-42-43-27-05-061-0311 and 00-41-46-01-02-001-0000.

Dear Ms. Velasco:

This correspondence is in response to your request for a review of the above referenced properties in regards to the identification of any cultural resources (historical and archaeological resources) located on or within 500 feet of the properties.

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

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

However, should any artifacts or skeletal remains be encountered during construction, per Chapter 827 Florida Statutes, construction must stop around the remains and the local sheriff and medical examiner contacted.

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

Sincerely,

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

cc: Kevin Fischer, AICP, Planning Director, PBC Planning Division
Bryan Davis, Principal Planner, CNU-A, PBC Planning Division
Nydia I. Pontón-Nigaglioni, PhD, RPA, PBC Archaeologist / Planner I

T:\Planning\Archaeology\County Departments\Planning\Land Use Amendments and Development Review\J. Morton\Project: Bedner Market_PC�_00-42-43-27-05-061-0311 & 00-41-46-01-02-001-0000_Letter_4-4-2023.doc

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2022 FUTURE LAND USE ATLAS AMENDMENT APPLICATION

Part 7. Text Amendment Application

A. Proposed Text Amendment Summary

Elements & Policies to be revised	<ul style="list-style-type: none"> • Introduction & Administration Element, Add definition for Agricultural Marketplace • Future Land Use Element, Revise Policy 1.5.1-q
Purpose	<p>The purpose of the proposed Text Amendment is to define Agricultural Marketplace within the Palm Beach County Comprehensive Plan and to allow the use within the preserve areas of AgR-MUPDs.</p>
Justification	<p>The 14- acre Subject Property is a bona fide agricultural use and is currently improved, on a 7-acre portion, with an Agricultural Marketplace, approved under a Class A Conditional Use issued in May 2008. The proposed Text Amendment will allow an agriculture marketplace within a preserve area. Agriculture marketplaces support bona fide agricultural production, provide a stream of revenue, and educate the general public about the agricultural industry.</p>
Consistency	<p>The proposed amendment is consistent with and will further the Goals, Objectives, and Policies of the County by providing high value-added agricultural use, and support to the agriculture industry. The proposed text amendment is consistent with the Florida State Statutes, Palm Beach County Comprehensive Plan and the Palm Beach County Code regarding bona fide agriculture and the accessory activities that support that use. The Subject Property is bona fide agricultural and is currently improved with a permitted Agricultural Marketplace. The existing Agricultural Marketplace would support a bona fide agricultural production by providing a stream of revenue and by educating the general public about the agricultural industry. As such the Text Amendment will allow for the existing use within a Preserve area.</p> <p>The proposed Text Amendment is consistent with Goal 1 of the Future Land Use Element “to recognize the diverse communities within the County, to implement strategies to create and protect quality livable communities respecting the lifestyle choice for current residents, future generations, and visitors, and to promote the enhancement of areas in need of assistance.” The proposed Text Amendment defines Agritourism within the Comprehensive Plan and allows support of bona fide agricultural production, while providing a stream of revenue and educating the general public about the agricultural industry.</p> <p>In support of this Goal, is Objective 1.5 The Agricultural Reserve Tier, which states “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 with the Agricultural Reserve Tier.” The proposed Text Amendment is seeking to Preserve Agricultural farmland in an effort to enhance agricultural activity by allowing for Agricultural Marketplace within the Preserve Area.</p>
Text Changes	<p>Introduction & Administration Element <u>AGRICULTURE MARKETPLACE - A use that is accessory, incidental and subordinate, to a Bona Fide Agriculture use in the AGR Tier, conducted to allow for the sale of agricultural products or enhanced opportunities for visitors, which generates income for the owner or operator of the Bona Fide Agriculture use, adding economic viability to</u></p>

	<p><u>farming operations. An Agricultural Marketplace shall be consistent with the supplementary use standards outlined Article 4 of the Unified Land Development Code.</u></p> <p>Future Land Use Element REVISED Policy 1.5.1-q: AGR-Multiple Use Planned Development. New Agricultural Reserve Multiple Use Planned Developments (AgR-MUPD) in the Ag Reserve Tier shall meet the following requirements:</p> <ol style="list-style-type: none"> 1. Preserve Areas shall not be required for a property that is 16 acres or less in size as of January 1, 2016. For purposes of this policy, the term 'property' is defined as a property control number as configured on January 1, 2016. The acreage shall be exclusive of right-of-way as shown on the Thoroughfare Right of Way Identification Map; 2. Preserve Areas shall be required for a property that is greater than 16 acres in size as of January 1, 2016. For purposes of this policy, the term 'property' is defined as a property control number as configured on January 1, 2016. For such properties, the Development Area shall not exceed 40 percent of the gross acreage less right-of-way as shown on the Thoroughfare Identification Map; 3. The Development Area for commercial and mixed use projects shall meet the Ag Reserve Design Elements; and 4. Required Preserve Areas shall be subject to the standards and requirements of an AgR-TMD preserves. <u>An Agriculture Marketplace, as defined in the Introduction and Administration Element, is allowed within the required preserve area of an AGR-MUPD.</u>
<p>ULDC Changes</p>	<p>Concurrently with the proposed Text Amendment will be a Privately Initiated Amendment to the Unified Land Development Code to further define and allow Agriculture Marketplaces in a Preserve Area. Art. 4.B.6.C.1.j. is proposed to be modified as follows:</p> <p>j. Agriculture Marketplace A use that is accessory, incidental and subordinate, to a Bona Fide Agriculture use in the AGR Tier, conducted to allow for the sale of agricultural products or enhanced opportunities for visitors, which generates income for the owner or operator of the Bona Fide Agriculture use, adding economic viability to farming operations.</p> <p>1) Approval Process Class A Conditional Use.</p> <p>2) Location Criteria</p> <ol style="list-style-type: none"> a) Tier and Zoning District <u>AGR Tier and Zoning District only. An Agricultural Marketplace is limited to sites within the AGR Tier with an AGR or AGR-MUPD Zoning District.</u> b) Location The Agriculture Marketplace shall be located adjacent to an Arterial Road designated on the PBC Functional Classification of Roads Map. c) Proximity to Residential Uses The parcel or area designated on the Final Site Plan for an Agriculture Marketplace shall be located at least 500 feet measured from the property line, if adjacent to existing residential uses, or approvals for PUD or TMD Development Areas with residential uses. <p>3) Minimum Acreage and Production May be allowed if the land area has a minimum of 75 <u>70</u> contiguous acres. A Unity of Control shall be required at the time for the approval of the Class A Conditional Use.</p> <ol style="list-style-type: none"> a) Agriculture Preserve Parcels The minimum acreage requirements may <u>shall</u> include parcels under an agricultural conservation easement, identified as an AGR-PUD Preserve or AGR-TMD Preserve, or other similar protections, provided that the Agriculture Marketplace is not located on those parcels.

b) Agriculture Production

A minimum of 70 percent of the overall land area must meet the requirements for Bona Fide Agriculture.

4) Use Limitations and Sale of Products

The area designated as an Agriculture Marketplace shall be limited to the retail sales of agricultural products such as fruits, vegetables, flowers, containerized house plants and other agricultural food products such as jelly, jam, honey and juice. This shall not preclude any structures from being used for the coordination of activities for permitted collocated uses, or other accessory, educational or recreational uses permitted on the Bona Fide Agriculture operation. The sale of grocery or convenience-type foods or products shall not be permitted nor shall vending machines or other similar equipment be permitted, unless stated otherwise herein.

a) Floor Area

A maximum of 24,000 square feet of GFA, including outdoor display areas. The floor area shall not include any FAR transferred from the portions of the site that is dedicated to Bona Fide Agriculture production or otherwise encumbered with a conservation easement, Preserve Area or other similar protection.

b) Outdoor Open Space Area

Areas set aside as outdoor open space for collocated uses and outdoor permanent activities shall be limited to a maximum of 12,000 square feet. Permanent shelters, such as Seminole chickee huts shall be limited to a maximum of 2,000 square feet.

c) Collocated Uses

Additional uses may be permitted subject to compliance with the Supplemental Use Standards for each use and the following:

(1) General Retail Sales

Ten percent or 2,000 square feet, whichever is less, of the GFA of the Agriculture Marketplace may be devoted to General Retail Sales. There shall be no exterior signage advertising to the public of the sale of grocery or other retail products. Approval shall be part of the Class A Conditional Use.

(2) Permanent Green Market

Subject to DRO approval. An Open Flea Market may be permitted in conjunction with a Green Market. The Open Flea Market shall be limited to ten percent of the total square footage of the Permanent Green Market.

(3) Retail Sales, Mobile or Temporary and Special Event

Mobile sales shall be permitted subject to approval of a Temporary Use through the ZAR process. [Ord. 2018-002]

d) Outdoor Permanent Activities

Activities shall be clearly shown and labeled on the Site Plan and shall function with other uses on the site. Impacts from these uses, including but not limited to, traffic, parking, rest rooms, or nuisances, shall be addressed as part of the Class A Conditional Use approval. The BCC may impose conditions of approval to address these activities. Additional activities, such as: cooking classes and charity events, shall be Permitted by Right, subject to the following:

- (1) Shall be located within the GFA of the Agriculture Marketplace or permitted Outdoor Open Space areas;
- (2) The maximum number of participants, including a combination of special activities, shall not exceed 50 attendees; and,
- (3) Overflow parking is provided. A minimum of one parking space shall be provided for each three attendees. This shall require the posting of adequate on-site directional signage to preclude any inappropriate parking activity, such as parking in rights of way or on adjacent properties.

e) Outdoor Display

Shall be limited to agricultural products only, located along the property's frontage or other area, except within required setbacks.

f) Storage

Motor vehicles, including vans, trucks, semi-trucks, mobile homes, travel trailers, and other permanent or temporary structures shall not be used for storage or display purposes.

g) Parking

Off-site parking within a public or private R-O-W, or to areas accessed by other than an approved access way, shall be prohibited.

h) Hours of Operation

- (1) 8:00 a.m. to 6:00 p.m. Monday through Saturday; and
- (2) 10:00 a.m. to 6:00 p.m. Sunday.