

**PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION**

Application No.: ABN/CA-2012-02097
Application Name: Bedner Oaks
Control No.: 2007-00357
Applicant: Bedner Farm Inc
Owners: Bedner Farm Inc
Agent: Land Design South, Inc. - Jeff Brophy
Telephone No.: (561) 478-8501
Project Manager: Joyce Lawrence, Site Planner II

TITLE: a Development Order Abandonment REQUEST: to abandon Resolution R-2008-917 TITLE: a Class A Conditional Use REQUEST: to allow an Agriculture Marketplace

APPLICATION SUMMARY: Proposed is a Development Order Abandonment and a Class A Conditional Use to allow an Agriculture Marketplace, accessory to Bona Fide Agriculture for the Bedner Oaks development. The 81.8-acre site was previously by the Board of County Commissioners (BCC) on May 22, 2008 to allow a Produce Stand. The applicant is proposing to abandon Resolution R-2008-0917 and replace the use with a Class Use Conditional Use to allow an Agriculture Marketplace.

The Preliminary Site Plan indicates an overall total of 81.8 acres including 74.8 acres of Bonafide Agriculture use and 7 acres of redevelopment area which will be developed in 2 phases. Phase 1 indicates the existing site condition with an overall total of 20,607 square feet (s.f.) including 8,607 s.f. of Agriculture Marketplace and 12,000 s.f. of Open Space/Green Market area. Phase 2 indicates the ultimate final build out for an overall total of 36,000 s.f. of Market Place use including 24,000 s.f. for the Agriculture Marketplace and 12,000 s.f. of Outdoor Permanent Activities area. A total of 202 parking spaces will be provided and 1 access point to the site will remain from Lee Road.

SITE DATA:

Location:	Southwest corner of Lee Road and SR 7/US
Property Control Number(s)	00-41-46-01-02-001-0000
Existing Land Use Designation:	Agricultural Reserve (AGR)
Proposed Land Use Designation:	Same
Existing Zoning District:	Agricultural Reserve District (AGR)
Proposed Zoning District:	Same
Acreage:	81.8 acres (affected area 7.00 acres)
Tier:	Agriculture Reserve
Overlay District:	N/A
Neighborhood Plan:	West Boynton Community Plan
CCRT Area:	N/A
Municipalities within 1 Mile	N/A
Future Annexation Area	N/A

RECOMMENDATION: Staff recommends approval of the requests subject to 12 Conditions of Approval as indicated in Exhibit C.

PUBLIC COMMENT SUMMARY: At the time of publication, staff had received no contacts from the public regarding this project.

PROJECT HISTORY:

On May 22, 2008, via Resolution R-2008-0917, the BCC approved a Class A Conditional Use to allow a Produce Stand.

Pending Code Enforcement Violation:

On January 17, 2012, Code Enforcement Division staff issued a Notice of Violation (C-2011-11210020) to Bedner Oaks for some activities that were operating on the site and not in compliance with the approved Final Site Plan, Conditions of Approval, or requirements of the Unified Land Development Code (ULDC). On August 2012 the BCC adopted a new Agriculture Marketplace Use, which will address the Code Enforcement violation pending approval of the proposed requests.

SURROUNDING LAND USES:

NORTH:

FLU Designation: Agricultural Reserve (AGR)

Zoning District: Agricultural Reserve District (AGR)

Supporting: Agriculture (Issacson and Lines Incinerator, Control No 1992-043)

SOUTH:

FLU Designation: Agricultural Reserve (AGR)

Zoning District: Agricultural Reserve District (AGR)

Supporting: Agriculture

EAST:

FLU Designation: Agricultural Reserve (AGR)

Zoning District: Agricultural Reserve District (AGR)

Supporting: Agriculture

WEST:

FLU Designation: Agricultural Reserve (AGR)

Zoning District: Agricultural Reserve District (AGR)

Supporting: Preserve (Rainbow AGR PUD, Control No 1997-104)

FINDINGS:

Conditional Uses, Requested Uses and Development Order Amendments:

When considering a Development Order application for a Conditional or Requested Use, or a Development Order Amendment, the BCC and ZC shall consider Standards 1 – 8 listed in Article 2.B.2.B. of the ULDC. The Standards and Staff Analyses are indicated below. A Conditional or Requested Use or Development Order Amendment which fails to meet any of these standards shall be deemed adverse to the public interest and shall not be approved.

1. **Consistency with the Plan** – *The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.*

The Planning Division has reviewed the requests and has determined that the request is consistent with the site's Agricultural Reserve (AGR) Future Land Use designation. The subject site is within the Agricultural Reserve Tier.

FUTURE ANNEXATION AREAS: The subject site is not located within any future annexation areas.

INTERGOVERNMENTAL COORDINATION: The subject property is not located within one mile of any municipality.

CONSISTENCY WITH FUTURE LAND USE (FLU) PLAN DESIGNATION: The Planning Division has reviewed the request to abandon Resolution R-2008-917 for a produce stand and request a new approval for an Agricultural Marketplace Class A Conditional Use, and has found it to be consistent with the Land Use designation of the Comprehensive Plan.

Floor Area Ratio (FAR) is covered by the new Agriculture Marketplace regulations of the ULDC as outlined in Article 4.B.1.A.3.i.4).

- a). Floor Area; and
- b). Outdoor Open Space Area:

The Floor Area is limited to a maximum of 24,000 square feet and the Outdoor Area is limited to 12,000 total square feet of permanent outdoor activities. The maximum Floor Area and the Outdoor Spaces are exclusive of each other for calculation purposes. Additionally, the Seminole Chickee Hut is classified as permanent outdoor structures and is limited to a maximum of 2,000 square feet.

The previous approval contained a condition limiting the total square footage. This condition is proposed for deletion as these criteria is now addressed by the ULDC.

SPECIAL OVERLAY DISTRICT/NEIGHBORHOOD PLAN/PLANNING STUDY AREA: The subject property is located within the boundaries of the West Boynton Community Plan. The subject request is not inconsistent with the neighborhood plan. The applicant met with the neighborhood group, COBWRA on February 5, 2013 and on March 7, 2013 COBWRA issued a letter of support in favor of the requests. See Exhibit E.

FINDINGS: The request is consistent with the Land Use designation of the Palm Beach County Comprehensive Plan and is not inconsistent with the neighborhood plan recommendations.

- 2. **Consistency with the Code** - *The proposed use or amendment complies with all applicable standards and provisions of this Code for use, layout, function, and general development characteristics. The proposed use also complies with all applicable portions of Article 4.B, SUPPLEMENTARY USE STANDARDS.*

On August 2012 the BCC adopted a new Agriculture Use, Agriculture Marketplace Use. The applicant is proposing to abandon the prior Produce Stand use and replace it with the newly adopted use. The proposed request to modify the use will accommodate and address the existing site conditions bringing the site in compliance with Code requirements. As proposed and subject to the recommended Conditions of Approval, the proposed Agriculture Marketplace use will comply with all standards imposed on it by all other applicable provisions of the ULDC for use, layout, function, and general development characteristics.

Agriculture Production

The subject site shall remain contiguous to the Bona Fide Agriculture and shall continue to meet the minimum of 70% Bona Fide Agriculture requirements of the overall land area.

Phasing

Below is a breakdown of the proposed Phasing Chart. Phase 1 indicates the existing site condition and Phase 2 the ultimate build out, that will commence on April 24, 2016 as shown on the Preliminary Site Plan.

No. of Phase	Use	Phasing Timeline	Square footage
Phase 1 (Existing site Condition)	- Bona Fide Ag - Agriculture Marketplace - Outdoor Permanent Activities	April 25, 2013 to April 24, 2016	8,607 s.f.-Ag Marketplace 12,000 s.f.-Outdoor Permanent Activities Overall Total = 20,607 s.f.
Phase 2 (Proposed)	- Bona Fide Ag - Agriculture Marketplace - Outdoor Permanent Activities	April 25, 2016	24,000 s.f.-Ag Marketplace 12,000 s.f.-Outdoor Permanent Activities Overall Total = 36,000 s.f.

Number of Attendees

The ULDC limits the maximum number of participants, including a combination attending any special activities to not exceed 50 attendees. However, should the number exceed Code requirements, then

the applicant shall obtain a Special Permit and the overflow parking spaces shall be installed to accommodate the increased number of attendees. (Use Limitation Condition 1).

Parking

The new design will address parking that is taking place on the ultimate right of way for SR 441, creating a safer traffic and pedestrian circulation. The applicant shall ensure that adequate parking spaces are available to include a combination of attendees to the proposed Agriculture Marketplace and the Outdoor Activities areas. The proposed 80 overflow parking spaces indicated to the west of the development area on the PSP shall be installed in compliance with Code requirements provided sufficient parking spaces are not available. Parking Condition 1.

3. **Compatibility with Surrounding Uses** – *The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.*

As proposed and subject to the recommended Conditions of Approval, the proposed Marketplace Use Accessory to the existing Bona Fide Agriculture is compatible as defined in the ULDC and generally will remain consistent with some of the agricultural uses and character of the land surrounding and in the vicinity of the land proposed for development. Subject to the Conditions of Approval and compliance with the ULDC staff does not anticipate any adverse impacts to the surrounding properties from the requests.

4. **Design Minimizes Adverse Impact** – *The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.*

The applicant states in the Justification Statement that the site would be designed to meet or exceed all buffer requirements for the neighboring properties. In addition, the design of the proposed expansion minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands, by exceeding minimum ULDC setback requirements, other site design considerations, and through compliance with the recommended Conditions of Approval.

5. **Design Minimizes Environmental Impact** – *The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, storm water management, wildlife, vegetation, wetlands and the natural functioning of the environment.*

VEGETATION PROTECTION: The site presently supports the Bedner Agricultural operation and sales facility.

WELLFIELD PROTECTION ZONE: The property is not located with a Wellfield Protection Zone.

IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER: All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93 3. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93 15.

ENVIRONMENTAL IMPACTS: There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

6. **Development Patterns** – *The proposed use or amendment will result in a logical, orderly and timely development pattern.*

The subject site on three sides support agricultural uses with a preserve parcel for the AGR Planned Unit Development to the west of the site. The applicant is proposing to abandon the existing use which will replace the proposed Agriculture Marketplace use and the project design is consistent with the existing agricultural development pattern within the area. The proposed expansion of the site will result in logical, timely and orderly development pattern, and will not adversely affect local development pattern.

7. **Adequate Public Facilities** – *The extent to which the proposed use complies with Art. 2. F, Concurrency.*

ENGINEERING COMMENTS:

REQUIRED ENGINEERING RELATED PERMITS

The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department, Permit Section, prior to the application of a Building Permit.

The property owner shall obtain a Turnout Permit from the Palm Beach County Engineering Department, Permit Section, for access onto Lee Road.

PALM BEACH COUNTY HEALTH DEPARTMENT:

No Comments.

FIRE PROTECTION:

The Palm Beach County Department of Fire Rescue will provide fire protection.

SCHOOL IMPACTS:

No Comments.

PARKS AND RECREATION:

No Comments.

CONCURRENCY:

Concurrency has been approved for 36,000 square feet of Agriculture Marketplace use.

Finding - The proposed use complies with Article 2. F, Concurrency of the Unified Land Development Code (ULDC) [Adequate Public Facility Standards].

8. **Changed Conditions or Circumstances** – *There are demonstrated changed conditions or circumstances that necessitate a modification.*

The subject site was previously approved for a Produce Stand (R-2008-917). The applicant is proposing to replace the use with an Agriculture Marketplace use as defined by Ordinance 2012-027 and adopted by the BCC in August 2012. Pursuant to the ULDC, the proposed Agriculture Marketplace use is accessory to a Bona Fide Agricultural use in the AGR Tier. The applicant states that the proposed Agriculture Marketplace Use would help support local farmers and to reinforce the County's goal of preserving the Agriculture Reserve Tier for farming and agricultural related activities. The proposal is to meet the need of local residents by allowing them to have additional choices to obtain farm fresh produce in near vicinity and without having to travel long distances for fresh produce. This would also provide a venue for local growers to sell their produce directly to their customers.

CONDITIONS OF APPROVAL

EXHIBIT C

Conditional Use Class A

ALL PETITIONS

1. The Preliminary Site Plan is dated February 22, 2013. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

UNITY OF CONTROL

1. Prior to final approval by the Development Review Officer (DRO), the Property Owner shall submit a recorded copy of a Unity of Control. (DRO: ZONING - Zoning)

ENGINEERING

1. In order to comply with the Mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after May 22, 2011. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study, which complies, with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Article 2, Section E of the Unified Land Development Code. (DATE: MONITORING-Eng)

2. Landscape Within the Median of SR 7

a. The Property Owner shall design, install and perpetually maintain the median landscaping within the median of all abutting right of way of SR 7 from Lee Road south a distance of 417 feet. This landscaping and irrigation shall strictly conform to the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Additional landscaping beyond OTIS requires Board of County Commissioners approval. Median landscaping installed by Property Owner shall be perpetually maintained by the Property Owner, his successors and assigns, without recourse to Palm Beach County, unless the Property Owner provides payment for maintenance as set forth in Paragraph D below. (ONGOING: ENGINEERING-Eng)

b. Prior to the issuance of the first building permit, the necessary permit(s) for this landscaping and irrigation shall be applied for. (BLDG PERMIT: MONITORING-Eng)

c. Prior to the issuance of the first certificate of occupancy, all installation of the landscaping and irrigation shall be completed. (CO: MONITORING-Eng)

d. At Property Owner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the Property Owner installed landscaping, payment for the maintenance may be provided to the County. The payment shall be in the amount and manner that complies with the schedule for such payments that exists on the date payment is made. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the Property Owner. The Property Owner shall first be required to correct any deficiencies in the landscaping and irrigation. This option is not available to medians with additional landscaping beyond OTIS standards, unless those medians are first brought into conformance with OTIS standards by the Property Owner. (ONGOING: ENGINEERING-Eng)

e. Alternately, at the option of the Property Owner, and prior to the issuance of a Building Permit, the Property Owner may make a contribution to the County's Only Trees Irrigation and Sod, OTIS program, unincorporated thoroughfare beautification program. This payment, for the County's

installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's foot frontage along SR7 from Lee Road south a distance of 417 feet. This payment shall be in the amount and manner that complies with the schedule for such payments as it currently exists or as it may from time to time be amended. (ONGOING: ENGINEERING-Eng)

3. Prior to final approval of the Site Plan by the Development Review Officer (DRO), the Property Owner shall relocate the access point on the south side of Lee Road westward to align with the parking drive aisle closest to the east side of the buildings. (DRO: ENGINEERING-Eng)

4. The Property Owner shall construct a west approach left turn lane and west approach right turn lane on Lee Road at SR 7.

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Prior to the issuance of the first Building Permit, the Property Owner shall obtain permits required from Palm Beach County and Florida Department of Transportation for this construction. (BLDG PERMIT: MONITORING-Eng)

b. Prior to the issuance of the first Certificate of Occupancy, construction shall be completed. (CO: MONITORING-Eng)

PALM TRAN

1. Prior to Issuance of the first Building Permit, the Property Owner shall convey and/or dedicate to Palm Beach County an easement for a Bus Stop Boarding and Alighting Area in a form with terms and conditions approved by Palm Tran. Supporting documentation, including but not limited to, a location sketch, legal description, affidavit of ownership, attorney title opinion and other related documents as deemed necessary by Palm Tran shall be required. (BLDG PERMIT:MONITORING - Palm Tran)

PARKING

1. Prior to an issuance of a Special Permit, the applicant shall demonstrate that sufficient parking spaces are indicated on the Final Site Plan for all participants and combination of activities. (ONGOING: CODE ENF - Zoning)

2. Prior to final approval of a Special Permit, the layout of the overflow parking spaces shall be installed in accordance to Code or the Property Owner shall seek a Type II Variance approval to deviate from Code requirements. (ONGOING: CODE ENF - Zoning)

USE LIMITATIONS-SPECIAL ACTIVITIES

1. The maximum number of participants attending any special activities on the subject site

a. shall not exceed Fifty (50) attendees; and

b. shall be subject to a Special Permit for number of attendees exceeding a maximum of Fifty (50) people. (ONGOING: CODE ENF - Zoning)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:

a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject

- property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
- b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
 - c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
 - d. Referral to Code Enforcement; and/or
 - e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning)

Figure 1: Land Use Map

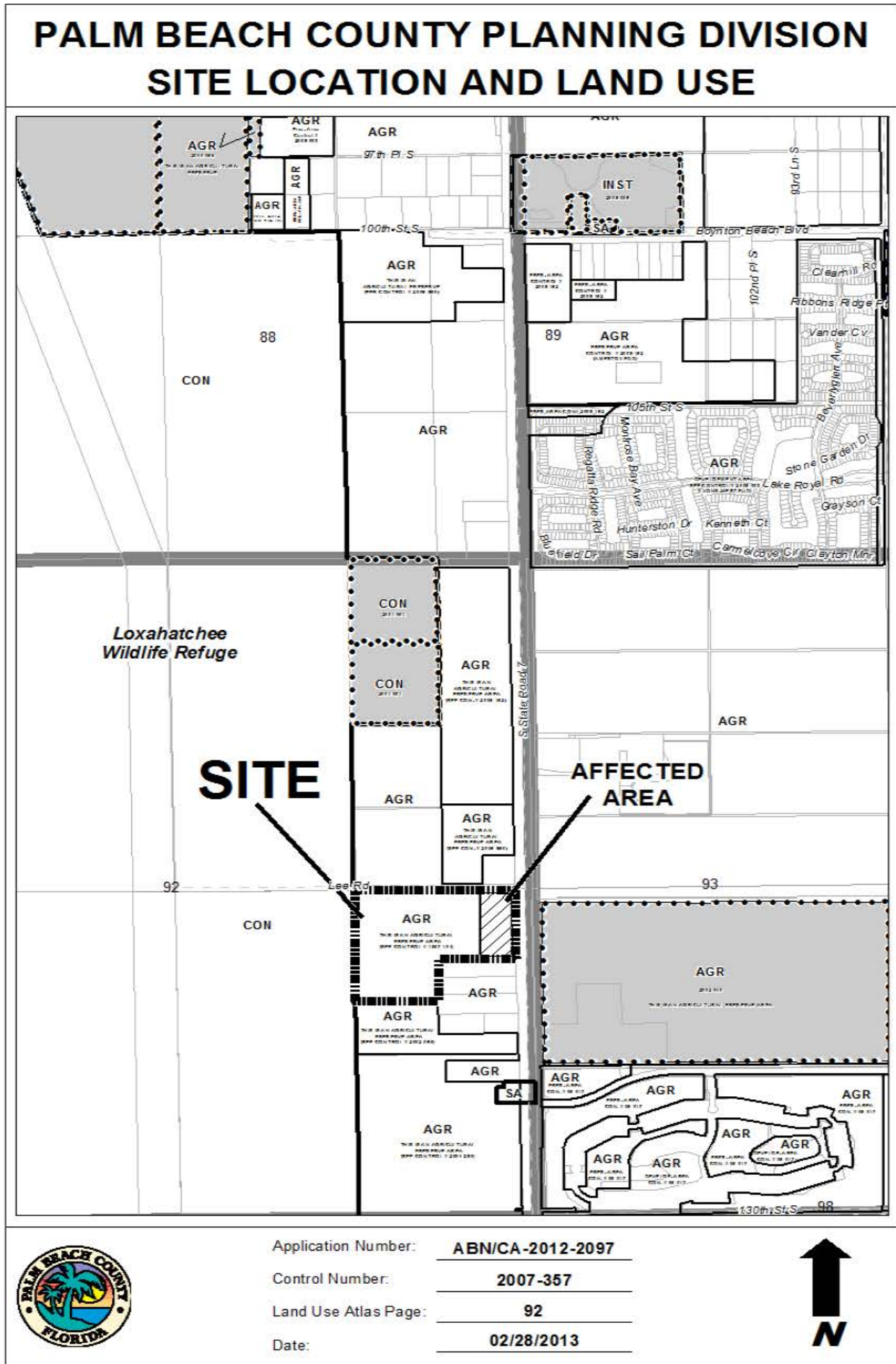


Figure 2 Zoning Map



Figure 3 Aerial

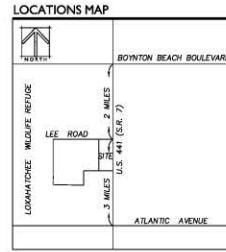


Figure 5 Preliminary Site Plan (PSP-2) dated February 22, 2013



Planning | Landscape Architecture
Environmental Services | Transportation
2101 Chestnut West Drive, Suite 100 • West Palm Beach, FL 33409
Telephone: 561-478-8501 • Fax: 561-478-8012

BEDNER OAKS
PREPARED FOR BEDNER FARMS, INC.
PALM BEACH COUNTY, FLORIDA



SITE DATA

NAME OF PROJECT	BEDNER OAKS
CONTROL NO.	2007-357
APPLICATION NO.	ABN/CA 2012-02097
PROJECT NO.	00730-012
LAST BCC APPROVAL DATE	5/22/08
RESOLUTION NUMBER (TO BE ABANDONED)	2008-0917
TIER	AG RESERVE
EXISTING / PROPOSED LAND USE	AGR
EXISTING / PROPOSED ZONING	AGR
SECTION, TOWNSHIP, RANGE	0116441
PCN NUMBER (67.8 AC. BONA-FIDE AG PRESERVE)	00-41-46-01-02-002-0000
PCN NUMBER (14 AC. BONA-FIDE AG NON-PRESERVE)	00-41-46-01-02-001-0000
APPROVED USES	BONA FIDE AG / PRODUCE STAND
PROPOSED USES	BONA FIDE AG / AGRICULTURE MARKETPLACE
GROSS SITE AREA	81.8 ACRES
PARCEL 1: PUD PRESERVE AREA- AGRICULTURE PRODUCTION	67.8 ACRES
PARCEL 2: NON-PRESERVE- AG MARKETPLACE, AG PRODUCTION	14 ACRES

CONCURRENCY APPROVAL *	
AGRICULTURE MARKETPLACE	24,000 S.F.
OUTDOOR PERMANENT ACTIVITIES	12,000 S.F.

*CONCURRENCY IS APPROVED FOR THE ABOVE USES AND AMOUNTS SHOWN ON THIS PLAN.
REQUIRED PARKING FOR AGRICULTURE MARKETPLACE (1 SP. / 200 SF) 43 SPACES
EXISTING PARKING FOR AGRICULTURE MARKETPLACE 66 SPACES
REQUIRED HANDICAPPED PARKING 3 SPACES
EXISTING HANDICAPPED PARKING 3 SPACES
REQUIRED PARKING FOR CO-LOCATED USES 83 SPACES
EXISTING PARKING FOR CO-LOCATED USES 83 SPACES
BUILDING HEIGHT 33' MAX
TAZ 747

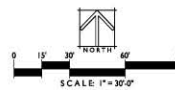
AMENDMENTS

NO AMENDMENTS

ZONING STAMP

ZONING STAMP

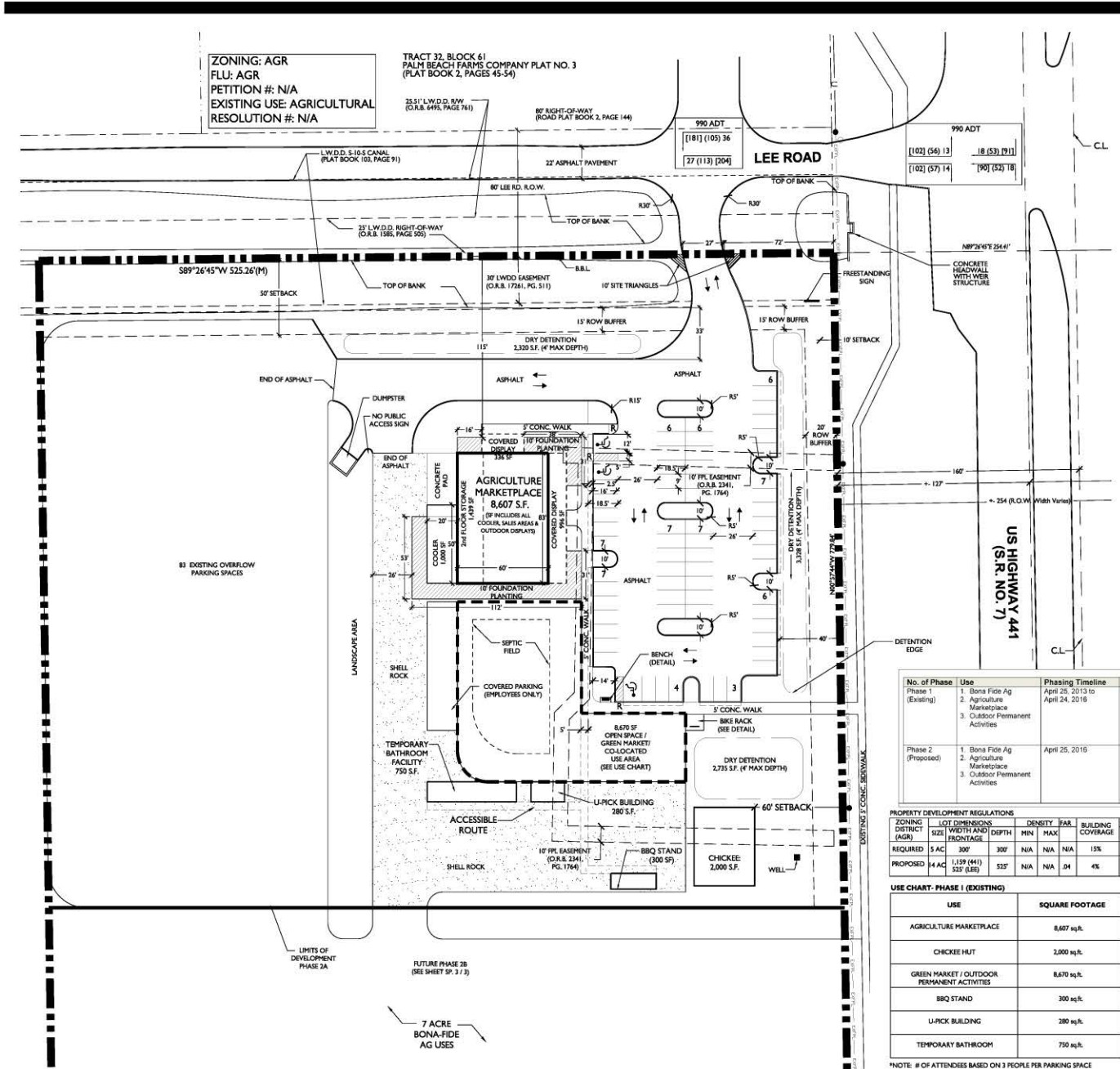
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PRELIMINARY SITE PLAN - PHASE I (EXISTING)

SCALE:	1"=60'
DRAWN BY:	AMH / JNB
DRAWING #: 2013-03-15_PSP-02	
FILE #:	1148.1
DATE:	1/22/13
L.D.S. PROJECT SCHEDULE	
DATE	DESCRIPTION
1/22/13	Site V. Confirmed On The Applicant's Website
1/22/13	Site V. Confirmed On The Applicant's Website
1/22/13	Site V. Confirmed On The Applicant's Website
1/22/13	Site V. Confirmed On The Applicant's Website
1/22/13	Site V. Confirmed On The Applicant's Website

SHEET #
SP.2 / 3



No. of Phase	Use	Phasing Timeline	Square Footage
Phase 1 (Existing)	1. Bona Fide Ag 2. Agriculture Marketplace 3. Outdoor Permanent Activities	April 25, 2013 to April 24, 2016	8,607 s.f. - Ag Marketplace 12,000 s.f. - Open space/Green Market (including Chickee Hut, BBQ Stand, U-Pick Building and Temporary Bathroom) Total: 20,607 s.f.
Phase 2 (Proposed)	1. Bona Fide Ag 2. Agriculture Marketplace 3. Outdoor Permanent Activities	April 25, 2016	24,000 s.f. - Ag Marketplace 12,000 s.f. - Open space/Green Market (including Chickee Hut, BBQ Stand and U-Pick Building) Total: 36,000 s.f. (Final overall build out)

PROPERTY DEVELOPMENT REGULATIONS									
ZONING DISTRICT (AGR)	LOT SIZE	WIDTH AND FRONTAGE	DEPTH	DENSITY	YAR	BUILDING COVERAGE	SETBACKS		
				MIN	MAX		FRONT	SIDE	REAR
REQUIRED	5 AC	300'	300'	N/A	N/A	15%	100'	50'	100'
PROPOSED	14 AC	1,159 (641) 525 (382)	535'	N/A	N/A	4%	115'	60'	115' (441) 801'

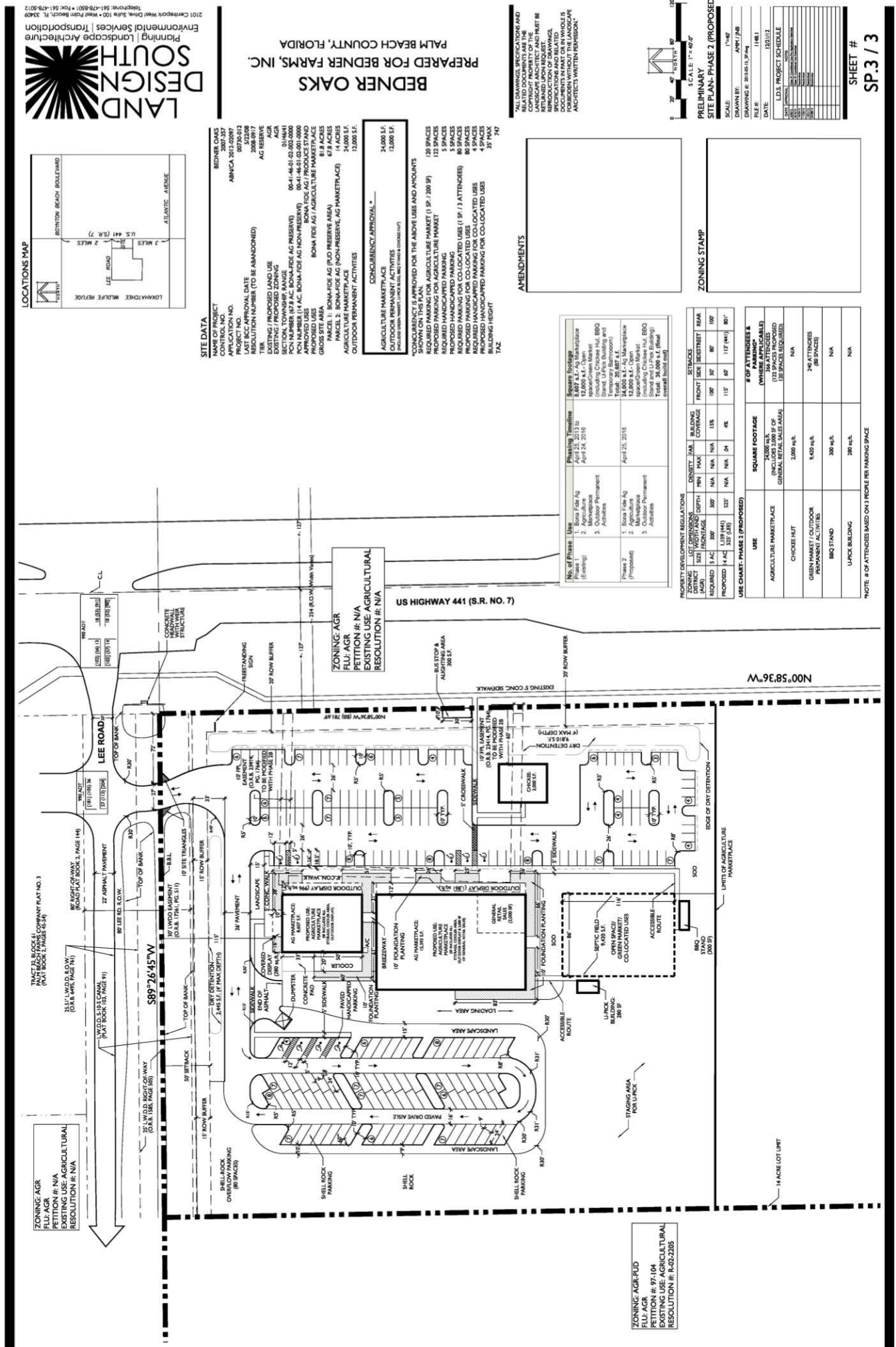
USE CHART - PHASE I (EXISTING)		
USE	SQUARE FOOTAGE	# OF ATTENDEES & PARKING* (WHERE APPLICABLE)
AGRICULTURE MARKETPLACE	8,607 sq.ft.	176 ATTENDEES (64 PROPOSED SPACES 43 SPACES REQUIRED)
CHICKEE HUT	2,000 sq.ft.	N/A
GREEN MARKET / OUTDOOR PERMANENT ACTIVITIES	8,670 sq.ft.	249 ATTENDEES (83 SPACES)
BBQ STAND	300 sq.ft.	N/A
U-PICK BUILDING	280 sq.ft.	N/A
TEMPORARY BATHROOM	750 sq.ft.	N/A

*NOTE: # OF ATTENDEES BASED ON 3 PEOPLE PER PARKING SPACE

ZONING: AGR
FLU: AGR
PETITION #: N/A
EXISTING USE: AGRICULTURAL
RESOLUTION #: N/A

TRACT 32, BLOCK 61
PALM BEACH FARMS COMPANY PLAT NO. 3
(PLAT BOOK 2, PAGES 45-54)

Figure 6 Preliminary Site Plan (PSP-3) dated February 22, 2013



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PRELIMINARY REGULATING PLAN

SCALE:	N.T.S.
DRAWN BY:	AMM / JNB
DRAWING #: 2013-03-15_2P.dwg	
FILE #:	1146.1
DATE:	12/11/12
L.D.S. PROJECT SCHEDULE	
DATE	DESCRIPTION
12/11/12	Site & Contextual Site Analysis/Concept
01/15/13	Site & Contextual Site Analysis/Concept
02/15/13	Site & Contextual Site Analysis/Concept
03/15/13	Site & Contextual Site Analysis/Concept
04/15/13	Site & Contextual Site Analysis/Concept
05/15/13	Site & Contextual Site Analysis/Concept
06/15/13	Site & Contextual Site Analysis/Concept
07/15/13	Site & Contextual Site Analysis/Concept
08/15/13	Site & Contextual Site Analysis/Concept
09/15/13	Site & Contextual Site Analysis/Concept
10/15/13	Site & Contextual Site Analysis/Concept
11/15/13	Site & Contextual Site Analysis/Concept
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01/15/14	Site & Contextual Site Analysis/Concept
02/15/14	Site & Contextual Site Analysis/Concept
03/15/14	Site & Contextual Site Analysis/Concept
04/15/14	Site & Contextual Site Analysis/Concept
05/15/14	Site & Contextual Site Analysis/Concept
06/15/14	Site & Contextual Site Analysis/Concept
07/15/14	Site & Contextual Site Analysis/Concept
08/15/14	Site & Contextual Site Analysis/Concept
09/15/14	Site & Contextual Site Analysis/Concept
10/15/14	Site & Contextual Site Analysis/Concept
11/15/14	Site & Contextual Site Analysis/Concept
12/15/14	Site & Contextual Site Analysis/Concept

SHEET #
RP.4

Figure 7 Preliminary Regulating Plan dated February 22, 2013

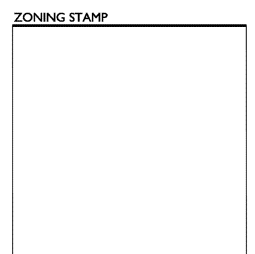
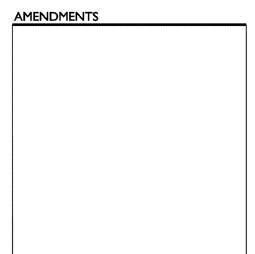
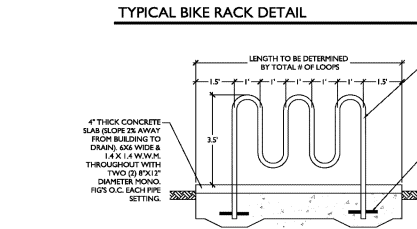
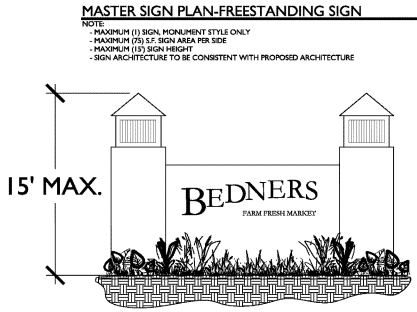
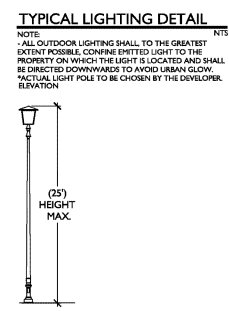
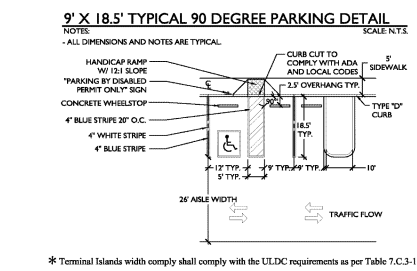
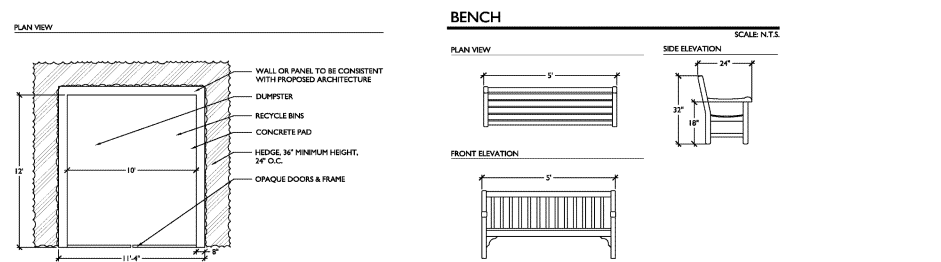
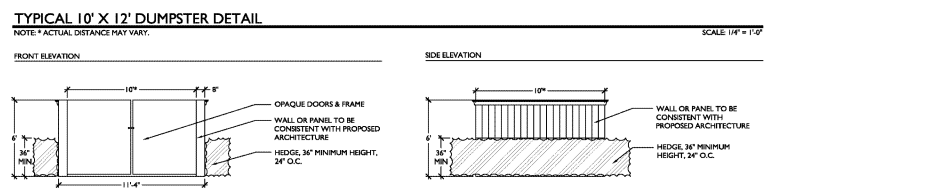
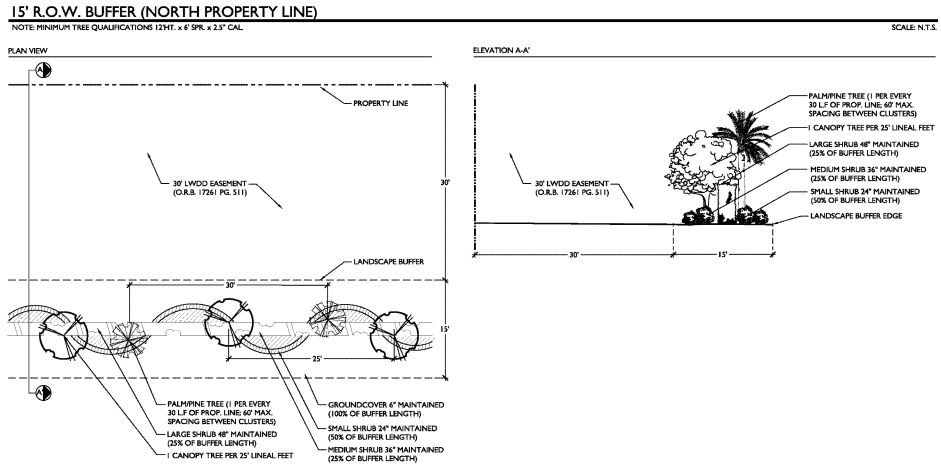
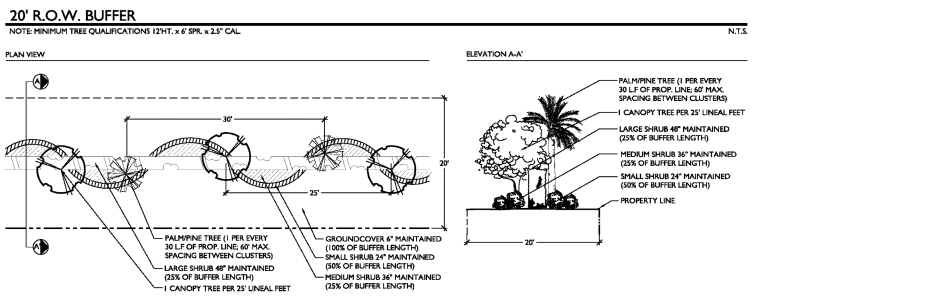


Exhibit D: Disclosures

PALM BEACH COUNTY - ZONING DIVISION

FORM # 08

DISCLOSURE OF OWNERSHIP INTERESTS - APPLICANT

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 Stephen W. Bedner, 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 Sec/tros [position—e.g., president, partner, trustee] of Bedner Farms, Inc. [name and type of entity—e.g., ABC Corporation, XYZ Limited Partnership], (hereinafter, "Applicant"). Applicant seeks Comprehensive Plan amendment or Development Order approval for real property legally described on the attached Exhibit "A" (the "Property").

2. Affiant's address is: 14186 Stalky Road
Delray Beach FL 33446

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 Applicant. 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 Applicant's application for Comprehensive Plan amendment or Development Order approval. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of the Applicant.

5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Applicant that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.

Disclosure of Beneficial Interest –Applicant form

Created 01/30/2007

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.



Stephen Bedner, Affiant
(Print Affiant Name)

The foregoing instrument was acknowledged before me this 9th day of November 2007, by Stephen W. Bedner, who is personally known to me or [] who has produced _____ as identification and who did take an oath.





Notary Public


(Print Notary Name)

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: _____

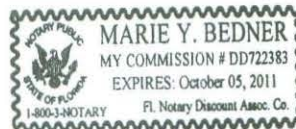


EXHIBIT "A"
PROPERTY

LEGAL DESCRIPTION

BEING A PARCEL OF LAND IN THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA.

COMMENCING AT THE NORTHEAST CORNER OF SECTION 1 AS MARKED BY AN 8" ROUND CONCRETE MONUMENT WITH A DISK MARKED "PRECISE SURVEY CITY OF WEST PALM BEACH" AS SET BY BROCKWAY, WEBER & BROCKWAY; THENCE SOUTH 89° 26' 55" WEST (STATE PLANE GRID DATUM) ALONG THE NORTH LINE OF SECTION 1, A DISTANCE OF 94.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 7, AS RECORDED IN ROAD BOOK 1, PAGE 38, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID POINT BEING THE POINT OF BEGINNING OF THE PARCEL DESCRIBED HEREIN; THENCE SOUTH 89° 26' 55" WEST ALONG SAID NORTH LINE, 2539.75 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 1 AS MARKED BY A 1-1/4" PIPE SET BY BROCKWAY, WEBER & BROCKWAY IN 1955; THENCE SOUTH 00° 53' 50" EAST ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 1, A DISTANCE OF 1814.18 FEET TO A POINT ON A LINE THAT IS 990.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE NORTHEAST QUARTER OF SECTION 1; THENCE NORTH 89° 34' 49" EAST, PARALLEL WITH SAID SOUTH LINE, 1216.78 FEET TO AN IRON ROD; THENCE NORTH 01° 04' 52" WEST, 110.04 FEET TO THE SOUTHWEST CORNER OF THE JOHN I. WHITWORTH PARCEL AS MARKED BY A 4" SQUARE CONCRETE MONUMENT; THENCE NORTH 01° 24' 23" EAST ALONG THE WEST LINE OF THE JOHN I. WHITWORTH PARCEL, 550.15 FEET TO THE NORTHWEST CORNER OF SAID PARCEL AS MARKED BY A 1-1/2" PIPE; THENCE NORTH 89° 34' 49" EAST ALONG THE NORTH LINE OF SAID PARCEL, 1304.14 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD NO. 7; THENCE NORTH 01° 10' 14" WEST ALONG SAID RIGHT-OF-WAY LINE, 380.61 FEET TO THE POINT OF INTERSECTION (P.I.) BEING THE STATE ROAD DEPT. STATION NUMBER 621+00 AS DELINEATED ON SAID RIGHT-OF-WAY MAP; THENCE NORTH 00° 58' 33" WEST ALONG SAID RIGHT-OF-WAY LINE, 779.50 FEET TO THE POINT OF BEGINNING OF THE PARCEL DESCRIBED HEREIN.

LESS

A PORTION OF THE NORTHEAST QUARTER OF SECTION 1, TOWNSHIP 46 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A FOUND PALM BEACH COUNTY BRASS DISC IN CONCRETE MARKING THE NORTHEAST CORNER OF SAID SECTION 1, THENCE SOUTH 89° 28' 58" WEST ALONG THE NORTH LINE OF SAID SECTION 1, A DISTANCE OF 5.735 METERS (18.82 FEET) TO A POINT ON THE BASELINE OF SURVEY FOR STATE ROAD 7 (U.S. 441) AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP FOR SECTION 93210-2524; THENCE NORTH 00° 57' 44" WEST ALONG SAID BASELINE OF SURVEY, A DISTANCE OF 0.557 METERS (1.83 FEET); THENCE SOUTH 89° 02' 16" WEST AT A RIGHT ANGLE TO THE PREVIOUSLY DESCRIBED COURSE, A DISTANCE OF 71.635 METERS (235.02 FEET) TO THE POINT OF BEGINNING AND A POINT ON THE NORTH LINE OF SAID SECTION 1; THENCE NORTH 89° 28' 58" EAST ALONG SAID NORTH SECTION LINE, A DISTANCE OF 48.777 METERS (160.03 FEET) TO A POINT ON THE WESTERLY EXISTING RIGHT-OF-WAY LINE AND A LINE 22.860 METERS (75.00 FEET) WEST OF AND PARALLEL WITH SAID BASELINE OF SURVEY; THENCE SOUTH 00° 57' 44" EAST ALONG SAID WESTERLY EXISTING RIGHT-OF-WAY LINE AND SAID PARALLEL LINE, A DISTANCE OF 237.223 METERS (778.29 FEET); THENCE SOUTH 01° 10' 57" EAST CONTINUING ALONG SAID WESTERLY EXISTING RIGHT-OF-WAY LINE AND SAID PARALLEL LINE, A DISTANCE OF 115.893 METERS (380.23 FEET); THENCE SOUTH 89° 34' 42" WEST, A DISTANCE OF 48.770 METERS (160.61 FEET); THENCE NORTH 01° 10' 57" WEST, A DISTANCE OF 115.338 METERS (378.41 FEET); THENCE NORTH 00° 57' 52" WEST, A DISTANCE OF 237.697 METERS (779.84 FEET) TO A POINT ON THE NORTH LINE OF SAID SECTION 1 AND TO THE POINT OF BEGINNING.

CONTAINING 3,566,710 SQUARE FEET OR 81.880 ACRES, MORE OR LESS.

NOW KNOWN AND RECORDED AS BEDNER/OAKS IN PLAT BOOK 103, PAGES 91 AND 92, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

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.

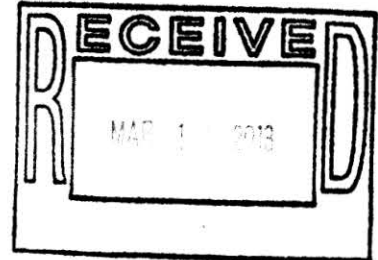
Name	Address
Steve Bedner (33.3%)	10066 Lee Road Boynton Beach, FL 33473
Charles Bedner (33.3%)	10066 Lee Road Boynton Beach, FL 33473
Bruce Bedner (33.3%)	10066 Lee Road Boynton Beach, FL 33473

COBWRA

COALITION OF BOYNTON WEST
RESIDENTIAL ASSOCIATIONS
• P.O. BOX 740814, BOYNTON BEACH, FL 33474-0814 •
• SERVING WEST BOYNTON SINCE 1981 •
FAX: (561) 742-3939 • E-MAIL: cobwra@cobwra.org
www.cobwra.org • https://www.facebook.com/COBWRA

March 7, 2013

Jeff Brophy
Land Design South
400 Columbia Drive. Suite 110
West Palm Beach, FL 33409



Dear Jeff

RE: Bedner Oaks- Designated as PBC Agriculture Marketplace

Phase 1: will allow for the Agriculture Marketplace use within the existing 8,607 sq. ft. building. In addition, the 2000 sq. ft. tiki hut, 300 sq. ft BBQ stand and 9,420 sq. ft. open space area will remain for outdoor use.

Phase 2: will allow for the ultimate expansion of the Agriculture Marketplace, if economic conditions prove favorable. It provides for a maximum of 24,000 sq. ft. building and sales area, which includes the existing Produce Stand building. The remainder will be housed in a new structure to the south of it.

When built, sales will occur entirely within the new building. The existing building will be used for processing. The tiki hut and BBQ stand will remain. The Bender retail business is being taxed as a commercial entity, but the farm portion is tax exempt.

On February 20, 2023 at the COBWRA Delegate meeting, the Delegates voted 48-1 to recommend these changes to the county.

Regards,
Stu
Stuart Caine
President
COBWRA

CC; Jon MacGillis
Joyce Lawrence
Rebecca Caldwell
Gerry Morrison

• ABERDEEN • ALDEN RIDGE • AVALON ESTATES • BANYAN SPRINGS • BAY ESTATES • BELLAGGIO • BELLA VERDE • BENT TREE GARDENS WEST • BENT TREE VILLAS EAST • BENT TREE VILLAS WEST
• BILTMORE TERRACE • BOYNTON OASIS • BOYNTON WATERS • BRIGHTON LAKES • CANYON ISLES • CANYON LAKES • CASCADE LAKES • COBBLESTONE CREEK • COCOA PINE ESTATES • COCOPLUM • COLONIAL ESTATES
• CORAL LAKES • CORONADO ESTATES • COUNTRY FAIR • COUNTRY GREENS • CYPRESS CREEK • DELRAY DUNES • FAIRMONT PLACE • GRANDE PALMS • GREEN CAY VILLAGE • GREENTREE VILLAS • GREYSTONE
• GROVE ISLE • HAMPTON LAKES • INDIAN SPRING • JAMAICA BAY • JOURNEY'S END • LAKE CHARLESTON • LAKERIDGE AT WESTCHESTER • LAKERIDGE FALLS • LAKERIDGE GREENS • LAKES OF WESTCHESTER
• LANTERN KEY • LE CHALET • LEXINGTON LAKES • LIMETREE • MADISON LAKES • MAJESTIC ISLES • MELROSE PARK • MIRROR LAKES • MIZNER FALLS • NORTHPOINTE AT WESTCHESTER • NORTHTREE • OAKWOOD LAKES
• PALLADIUM • PALM CHASE • PALM CHASE LAKES • PALM ISLES • PALM ISLES WEST • PALM SHORES AT GABLES END • PINE TREE COUNTRY CLUB ESTATES • PINE TREE VILLAGE • PIPERS GLEN ESTATES
• PLATINA • PONTE VECCHIO • PONTE VECCHIO WEST • PRESTWICK • QUAIL RIDGE • RAINBOW LAKES • RIVERMILL • ROYAL LAKES • SAN MARCO AT WESTCHESTER • SANDHURST • SAVANNAH ESTATES
• SHERBROOKE ESTATES • STARLIGHT COVE • SUN VALLEY • SUN VALLEY EAST • TARA ESTATES • THE CASCADES • THE CLUB AT INDIAN LAKES • THE COLONY AT BOYNTON BEACH • THE ENCLAVE AT WESTCHESTER
• THE GROVE AT BOYNTON BEACH • TIVOLI LAKES • TIVOLI RESERVE • TUSCANY BAY • VALENCIA ISLES • VALENCIA LAKES • VALENCIA POINTE • VALENCIA SHORES • VENETIAN ISLES • VILLAGGIO • VILLAS OF PINE TREE
• WINSTON TRAILS • WYNDSONG ESTATES • WYNDSONG ISLE ESTATES (97 MEMBER COMMUNITIES AS OF MAY 1, 2012)

- OFFICERS
- STUART CAINE
President
- MYRNA ROSOFF
First Vice President
- MITCH RUBIN
Second Vice President
- DEBBIE MURPHY
Secretary
- GLEN HARVE
Treasurer
- DIRECTORS
- PAUL FASS
- STANLEY KAZERMAN
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- PAST PRESIDENTS
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- SANDRA GREENBERG
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