



**AGENDA**  
**BOARD OF COUNTY COMMISSIONERS**  
**PUBLIC HEARING**

**Wednesday, February 5, 2020**

**9:30 a.m.**

**BCC Chambers 6th Floor, Jane M. Thompson Memorial Chambers**  
**301 N. Olive Avenue, West Palm Beach, FL 33401**

- 1. CALL TO ORDER**
  - A. Roll Call
  - B. Invocation and Pledge of Allegiance
  - C. Proof of Publication - Motion to receive and file
- 2. AGENDA APPROVAL**
  - A. Additions, Deletions, Substitutions
  - B. Adoption of the Agenda
  - C. Postponements
- 3. PUBLIC HEARING – 20-A & 20-A1 Adoption Hearing (Pages 2-3)**
- 4. PUBLIC HEARING – 20-A2 Transmittal Hearing (Pages 4-5)**
- 5. REGULAR AGENDA (Page 6-7)**
- 6. COMMENTS (Page 8)**
- 7. ADJOURNMENT (Page 8)**

### 3. PUBLIC HEARING – Amendment Adoption

#### 3.A. County Proposed Amendments Round 20-A

##### 3.A.1. [Fire Rescue Element Updates](#)

**Summary:** This text amendment to the Comprehensive Plan is proposed at the request of the Fire Rescue Department as summarized below:

- Revise the Fire Rescue Element to revise the minimum number of employees staffed on an in-service emergency response unit and to update data and references to reflect the latest information
- Revise the Introduction and Administration Element to update definitions to reflect latest terminology and practices
- Revise and update the Existing and Future Fire Station Locations Map FR 1.1

**Staff Assessment.** This proposed amendment was requested by the Fire Rescue Department to revise and update the Comprehensive Plan to reflect current conditions. There are no policy implications and there are no associated ULDC changes resulting from this amendment.

**Staff Recommendation.** *Approval*

**Planning Commission/LPA Recommendation.** *Approval*, motion by Lori Vinikoor, seconded by Cara Capp, passed in a 13 to 0 vote at the October 11, 2019 public hearing. There was minimal discussion and no public comment.

**BCC Transmittal Action:** *Transmit*, motion by Commissioner McKinlay, seconded by Vice Mayor Kerner, passed in a 7 to 0 vote at the October 28, 2019 public hearing. There was minimal Board discussion and no public comment.

**State Review Comments:** There were no negative State Agency comments.

**MOTION:** To *adopt an ordinance* for the Fire Rescue Element Updates amendment

##### 3.A.2. [Annual Capital Improvement Element \(CIE\) Tables](#)

**Summary:** This proposed text amendment is to update the Comprehensive Plan to reflect the annual Capital Improvement Program including the 5 Year Road Program and capital improvements identified by the School District.

**Staff Assessment.** The Planning Commission and BCC Transmittal Hearings are not required for this item. Annual table updates only require one public hearing.

**Staff Recommendation.** To *adopt an ordinance* for the CIE Annual Update

**MOTION:** To *adopt an ordinance* for the CIE Annual Update

### 3.B. County Proposed Amendments Round 20-A1

#### 3.B.1. [Water Supply Facilities Work Plan](#)

**Summary:** This text amendment is proposed to revise the Utility and Capital Improvements Elements to adopt the County's updated Water Supply Facilities Work Plan by reference into the Comprehensive Plan as required by Section 163.3177(6)(c), Florida Statutes (F.S.).

**Staff Assessment.** The proposed amendment would adopt the County's 10 Year Water Supply Facilities Work Plan by reference for consistency with the Florida Statutes and the South Florida Water Management District 2018 Lower East Coast Regional Water Supply Plan. There are no consistency issues with the Comprehensive Plan and no impacts on the Unified Land Development Code.

**Staff Recommendation.** *Approval*

**Planning Commission/LPA Recommendation:** Approval, motion by Lori Vinikoor, seconded by Jim Knight, passed in a 14 to 0 vote at the November 8, 2019 public hearing. Board discussion included questions regarding water projects and permitting. There was no public comment.

**BCC Transmittal Action:** Transmit, motion by Commissioner Berger and seconded by Vice Mayor Weinroth passed in a 7 to 0 vote at the November 25, 2019 public hearing. Questions from the Commissioners were related to Lake Okeechobee water levels, per capita use and the County's use of reclaimed water. There were no public comments.

**State Review Agency Comments:** The State Land Planning Agency issued a letter dated December 20, 2019 stating that the Agency had no comment on the proposed amendment. The South Florida Water Management District (SFWMD) issued comments.

**Changes Subsequent to Transmittal.** The Water Utilities Department revised the 10-Year Water Supply Facilities Work Plan to address SFWMD's comments by including information regarding involvement in regional issues, data about utilities serving unincorporated County, and addressing the Department's Eastern and Western Regions separately. The updated Plan is dated January 10, 2020. The proposed revisions in Exhibit 1 were modified to reflect changes made to the Facility Capacity Analysis tables of the Water Supply Plan.

**MOTION:** To *adopt an ordinance* for the Water Supply Facilities Work Plan

#### 4. PUBLIC HEARING – Amendment Round 20-A2 Transmittal

##### 4.A. Privately Proposed Amendments

##### 4.A.1. [West Boynton Center \(LGA 2020-006\)](#)

**Current FLU:** Commercial Low with an underlying Agricultural Reserve (CL/AGR)

**Proposed FLUA Amendment:** To revise conditions of approval to allow self-storage

**Proposed Text Amendment:** To amend the Future Land Use Element of the Comprehensive Plan to accommodate self-storage uses in commercially designated properties in the Agricultural Reserve Tier.

**Size:** 6.85 acres **BCC District: Comm. Berger, District 5**

**Location:** Northwest corner of Boynton Beach Blvd and Acme Dairy Rd

**Staff Assessment:** This is a privately proposed future land use and text amendment. There is merit to the Board considering an exemption to self-storage uses from the commercial cap. The commercial cap was initially adopted to limit the amount of retail and office uses in the Tier, and self-storage is not related to either of these uses. The cap is intended to ensure that commercial does not exceed local demand and thereby serve as a draw from outside the Tier. Self-storage uses are not typically considered regional draws. Further, self-storage is already allowed within the Tier up to .45 Floor Area Ratio (FAR) in the Industrial future land use designation which has no location requirements or cap. Allowing a higher FAR of up to .65 for self-storage and cap for these uses in commercial would foster the clustering of self-storage in locations where commercial is currently allowed. Revising the conditions of approval to allow the additional square footage to accommodate the incorporation of self-storage uses on the site is consistent with the policy capping commercial uses in the Tier (with the text amendment to exempt self-storage), meets applicable Comprehensive Plan requirements including traffic requirements, and is compatible with surrounding land uses.

**Staff Recommendation. *Approve Transmittal***

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

**MOTION:** To *transmit* the West Boynton Center amendment

## 4.B. County Proposed Amendments

### 4.B.1. [Conservation Element & Map Updates \(LGA 2020-009\)](#)

**Proposed Text Amendment:** To revise the Greenways & Linked Open Space Map, LU 8.1, add a new Conservation Lands Map LU 8.2, to identify the new map in the Conservation Element

**Proposed FLUA Amendment:** From Rural Residential, 1 unit per 20 acres (RR-20) to Conservation (CON)

**Size:** 3.60 acres **BCC District: Comm. Valeche, District 1**

**Location:** Adjacent to the Pine Glades Natural Area located east of Bee Line Highway along the north side of Indiantown Road.

**Staff Assessment:** This is a combined future land use, text, and map series amendment. The amendment complies with the requirement of Future Land Use Element Policy 2.2.7-b which states that “*the County shall initiate amendments to designate environmentally sensitive lands purchased by the County as Conservation...*” by changing the future land use designation for the acquired parcels to Conservation. The amendment also complies with several goals, objectives and policies by helping to guarantee the appropriate use of lands with significant native vegetation, protect the natural functions of the native communities and ecosystems, ensure that representative communities remain intact and preserve greenway/wildlife corridors that link conservation areas. The proposed amendment is consistent with the Comprehensive Plan and compatible with surrounding land uses.

**Staff Recommendation. *Approve Transmittal***

**Planning Commission/LPA Recommendation. *Approval***, motion by Dagmar Brahs, seconded by Angella Vann, passed in a 14 to 0 vote at the January 10, 2020 public hearing. There was minimal discussion and no public comment.

**MOTION:** To *transmit* the Conservation Element & Map Updates amendment

### 4.B.2. [Non-Residential Future Land Use](#)

**Summary:** This proposed County Initiated text amendment would revise the Future Land Use Element to modify policies and provisions related to non-residential future land use designations. Specifically, this amendment proposes to:

- Establish a table in the Plan identifying the consistent future land use and zoning for non-residential future land use designations;
- Revise the floor area ratio (FAR) for commercial future land use designations in the Urban Suburban Tier;
- Allow self-storage and light industrial uses in all of the commercial designations; and
- Modify policies related to mixed and multiple future land use designations and zoning.

**Staff Assessment.** This amendment proposes to revise policies and regulations related to the non-residential future land use designations. These changes will promote infill development within the Urban Suburban Tier and will not negatively impact the affected parcels. Each change

either eliminates restrictions or adds flexibility for uses or intensity within the non-residential future land use designations. This amendment will require implementing revisions to the ULDC.

**Staff Recommendation. *Approval***

**Planning Commission/LPA Recommendation. *Approval***, motion by Dagmar Brahs, seconded by Evan Rosenberg, passed in a 14 to 0 vote at the January 10, 2020 public hearing. There was minimal discussion and no public comment.

**MOTION:** To *transmit* the Non-Residential Future Land Use amendment

## 5. REGULAR AGENDA

### 5.A. Privately Proposed Amendment Initiation

#### 5.A.1. [Privately Proposed Amendment Initiation – Reach Office Acreage](#)

**Summary:** The item before the Board is to consider the initiation of a privately proposed initiated amendment to the Comprehensive Plan, also considered “Phase I”. If the amendment is initiated, staff will accept the associated Future Land Use Atlas amendment for processing, proceed with the review and analysis of the proposed amendments, prepare a staff report, and return to the Board with the text and FLUA amendment through the public hearing process as part of “Phase II”.

**Associated FLUA Amendment:** The subject site is a 1.67 acre parcel located in the Exurban Tier in the Acreage Neighborhood Planning Area in Indian Trails Improvement District. The applicant proposes this text amendment in order to proceed with a future land use change for either Commercial Low Office future land use, and to rezone the subject site to the Commercial Low Office zoning district to allow .05 FAR of professional office uses. This site is located in **District 6**.

**Staff Assessment:** The proposed amendment would introduce a new style of commercial office development to the Exurban Tier, one that is limited by proposed policy criteria and requirements to blend into the area almost as a ‘residential office’ type of development. The sites that may apply for Commercial Office under this policy must be located ‘adjacent’ to sites that are approved for Commercial Low future land use, preserve vegetation, and be very low intensity. The intent of the amendment is to allow additional office uses in a manner that is compatible with the character of the rural area and offer a transition from the existing commercial plaza on Seminole Pratt-Whitney Road and Orange Boulevards. The text amendment would apply to the Exurban Tier which is located in **District 6**.

**Staff Recommendation:** Staff recommends that the Board *approve* the request for initiation.

**Planning Commission/LPA Recommendation. *To recommend initiation***, motion by Evan Rosenberg, seconded by Lori Vinikoor, passed in a 10 to 0 vote at the December 13, 2019 meeting. There was minimal discussion and no public comment.

**MOTION:** To *initiate* the proposed amendment

**5.A.2. Privately Proposed Amendment Initiation – Delray Marketplace Office AGR**

**Summary:** The item before the Board is to consider the initiation of a privately proposed amendment to the Comprehensive Plan, also considered “Phase I”. If the amendment is initiated, staff will accept the associated Future Land Use Atlas (FLUA) amendment for processing, proceed with the review and analysis, prepare a staff report, and return to the Board with the text and FLUA amendment through the public hearing process as part of “Phase II”.

**Associated FLUA Amendment:** The subject site is a 2.05 acre Agricultural Reserve preserve area of the Delray Marketplace Traditional Marketplace Development (TMD) with a conservation easement. The applicant proposes this text amendment in order to proceed with a future land use change to the Commercial future land use, then to remove the 2.05 acre site from the TMD, remove the conservation easement, add 2.05 acres of preserve area to the TMD from another property, and to rezone the subject site to a zoning district that would allow medical office. This site is located in **District 5**.

**Staff Assessment:** The applicant proposes two options for consideration to allow additional medical office in the Ag Reserve Tier. Option 1 proposes to increase the commercial cap. Although the commercial cap has been reached, the unique circumstances of this site warrant consideration for the proposed small increase. Option 2 proposes to exempt the Commercial Low-Office designation. This change is problematic since it is impossible to measure the impacts and size of future requests that may apply for Commercial Low Office, and does not allow the subject site to remain within the Delray Marketplace TMD. The proposal to remove the conservation easement and preserve, to develop this site as a free-standing, 133-foot wide parcel with office uses is inappropriate. However, if the Board chooses to initiate an amendment, Option 1 (to increase the commercial cap for this site) should be considered since it allows the site to remain part of the TMD and allow replacement of the preserve area off site. The text amendment would apply to the Ag Reserve Tier which is located in **District 5**.

**Staff Recommendation:** Staff recommends that the Board **deny** the request for initiation.

**Planning Commission/LPA Recommendation:** *To recommend initiation of Option 1*, motion by Spencer Siegel, seconded by Edwin Ferguson, passed in a 7 to 6 vote with David Dinin, Barbara Roth, Lori Vinikoor, Alex Garcia, Dagmar Brahs and Evan Rosenberg dissenting, at the January 10, 2020 meeting. Under discussion, commission questioned the need for more commercial and the office square footage allowed at the hospital. Under discussion, several commission members suggested that the County re-examine, and possibly update, the Ag Reserve Tier as a whole considering the changes that have occurred over the past 20 years since the Master Plan was completed, and the characteristics of remaining lands and corridors. One member of the public spoke in support.

**MOTION:** To **deny initiation** of the proposed amendment

## **6. COMMENTS**

- A. County Attorney
- B. Planning Director
- C. Zoning Director
- D. Executive Director
- E. Assistant County Administrator
- F. Commissioners

## **7. ADJOURNMENT**

Be advised that anyone choosing to appeal any action with respect to any matter discussed by the Board of County Commissioners will need a record of the proceedings, and may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

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