



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

**Monday, June 29, 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-A2 Adoption Hearing (Pages 2-3)**
- 4. PUBLIC HEARING – 20-B Transmittal Hearing (Pages 3-5)**
- 5. REGULAR AGENDA (Page 5-7)**
- 6. COMMENTS (Page 7)**
- 7. ADJOURNMENT (Page 7)**

### 3. PUBLIC HEARING – Amendment Round 20-A2 Adoption

#### 3.A. County Proposed Amendments

##### 3.A.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. *Approval***

**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.

**BCC Transmittal Action: *Transmit***, motion by Commissioner McKinlay, seconded by Vice Mayor Weinroth, passed in a 7 to 0 vote at the February 5, 2020 public hearing. There was minimal discussion and no public comment. One member of the public spoke in support.

**MOTION:** To ***adopt an ordinance*** for the Conservation Element & Map Updates amendment

##### 3.A.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. This amendment applies to future land use designations throughout **all Commission Districts.**

**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.

**BCC Transmittal Action: *Transmit,*** motion by Commissioner Weiss, seconded by Commissioner McKinlay, passed in a 7 to 0 vote at the February 5, 2020 public hearing. Under discussion, Board members discussed the intent of the amendment to reduce urban sprawl by utilizing non-residential and commercial lands more efficiently. One member of the public spoke in opposition.

**MOTION:** To *adopt an ordinance* for the Non-Residential Future Land Use amendment

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

##### 4.A. County Proposed Amendments

##### 4.A.1. [Peril of Flood](#)

**Summary:** This proposed amendment would revise the Coastal Management Element (CME) to add a new goal for “Coastal Resiliency”, and add a new objective for “Reduction of Flood Risk to Coastal Areas”, and adds policies to:

- Develop a County Resilience Action Plan by 2025;
- Incorporate sea level rise projections in public facility and infrastructure evaluation, planning and design;
- Encourage living shorelines and other nature-based shoreline protection alternatives;
- Require construction seaward of the coastal control line consistent with Florida Statutes
- Require consistency with the flood-resistant construction requirements in the Florida Building Code and flood plain management regulations in the Code of Federal Regulations;
- Continue participation in the Community Rating System and encourage rating improvement; and
- Maintain an inventory of repetitive loss properties and target hazard mitigation programs to those properties.

**Staff Assessment.** The intent of this amendment is to revise the Comprehensive Plan for compliance with the Peril of Flood Act that was signed into law by Florida Governor Scott in 2015. The Act added a requirement for the Coastal Management Element to be revised to address the peril of flood through the reduction of flood risk in coastal areas. Staff's assessment during the 2019 Evaluation and Appraisal review concluded that although the County currently utilizes a wide range of strategies to address flood risk, the Comprehensive Plan does not fully address all of the six requirements. Therefore, this amendment proposes revisions to address the deficiencies and acknowledge existing County programs and plans that reduce flood risk. This amendment applies throughout **all Commission Districts**.

**Staff Recommendation.** *Approve Transmittal*

**Planning Commission/LPA Recommendation.** *Approval*, motion by Lori Vinikoor, seconded by Angella Vann, passed in a 14 to 0 vote at the June 12, 2020 public hearing. Under discussion, one commission member asked questions, and one expressed support for the amendment. There was no public comment.

**MOTION:** To *transmit* the Peril of Flood amendment

#### **4.B. Privately Proposed Amendments**

##### **4.B.1. [Faith Farm Ministries – Agricultural Reserve](#)**

**Summary:** This privately proposed amendment requests to modify Future Land Use Element Policy 1.5-t which is specific to the operations of Faith Farm Ministries, a non-profit facility which predates the establishment of the Agricultural Reserve Tier. This policy was recently revised to add specificity to the long term accommodation facility which includes a place of worship, assembly non-profit, residential treatment, and education/vocational facilities. The proposed amendment will allow 24.74 acres of the 87.28 acre subject site with Institutional and Public Facilities with underlying Ag Reserve future land use (INST/AGR) to be rezoned to Agricultural Reserve Planned Unit Development (AgR-PUD) preserve area while proportionately reducing the future allowable maximum development potential. During the review of the amendment, the property owner raised concerns that the adopted Faith Farm policy limits the future sale of the site. Consequently, staff coordinated with the applicant and County attorney to add language stating that the owner could be either Faith Farm Ministries or another single non-profit entity whose primary mission is a residential treatment and recovery program.

**Assessment:** This policy was adopted specifically for Faith Farm to continue and expand 'supporting non-institutional uses' that are not otherwise allowed in the INST designation pursuant to the historic use of the property by Faith Farm Ministries. The expansion of the use allowed by this policy, and preceding language in the Plan, reflects the legislative decision by the Board of County Commissioners specific to this site reflecting its unique use and history. The proposed amendment is consistent with the Comprehensive Plan. This amendment will require implementing revisions to the ULDC and a concurrent zoning application. This amendment applies to a site in **Commission District 5**.

**Staff Recommendation. *Approve Transmittal***

**Planning Commission/LPA Recommendation. *Approval***, motion by Lori Vinikoor, seconded by Jim Knight, passed in a 8 to 5 vote, with Cara Capp, David Dinin, Michael Peragine, Kiley Harper-Larsen, and Marcia Hayden dissenting, and Eric Royal abstaining, at the June 12, 2020 public hearing. Under discussion, commission members expressed comments regarding the cost of housing in the Tier, concerns over increasing density, and that the request was within the confines of the County's rules for Agricultural Reserve Planned Developments. Two members of the public representing 1,000 Friends of Florida and the Sierra Club, spoke in opposition to the amendment.

**MOTION:** To *transmit* the Faith Farm Ministries amendment

**5. REGULAR AGENDA**

**5.A. Privately Proposed Amendment Initiation – Agricultural Reserve**

**Introduction:** Staff will present an introduction to the following three items together prior to the applicant individual presentations. The three items are requesting that the Board of County Commissioners initiate privately proposed amendments to Comprehensive Plan policies for the Agricultural Reserve Tier, also considered "Phase I". If the amendments are initiated, staff will accept the associated Future Land Use Atlas amendments 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 future land use amendments through the public hearing process as part of "Phase II".

**Staff Assessment:** The three privately proposed text amendments are requesting changes to the Comprehensive Plan that represent major departures from nearly all of the fundamental policy concepts directed by the Board of County Commissioners, and adopted into the Comprehensive Plan, including requiring preserve area and limiting development in the Tier. Staff recommends that the Board deny initiation. If the County were to consider fundamental policy changes to the Tier, a more appropriate route is through a workshop, study, or consultant led comprehensive effort to address the Tier as a whole.

**Planning Commission Discussion:** The three Ag Reserve text amendment requests were presented and discussed together with votes taken on individual items. Under discussion, commission members expressed concerns regarding the proposed policy implications of the amendments including the reduction or elimination of preserves, and increases in density and intensity, that this location was not appropriate for high density, the need to examine the Boynton Beach and Atlantic corridors comprehensively, the cost of housing in the Tier and lack of housing diversity. Sixteen members of the public spoke, with nine speaking in opposition, including representatives from COBWRA, 1,000 Friends of Florida, and the Sierra Club. One person's comments were read into the record in opposition. Two members of the public spoke in favor of comprehensively addressing the issues in the Tier. Four members of the public spoke, and three comments were read into the record, in support of the amendments. Several emails and letters were received following the printing of the PLC report and added to the Exhibits of the staff reports.

5.A.1. [Privately Proposed Amendment Initiation – Reserve at Atlantic](#)

**Proposed Text Amendment:** To add a new Agricultural Reserve Planned Development option called Workforce Housing Residential that allows a residential density up to 8 units per acre in the Agricultural Reserve (AGR) future land use designation, smaller planned development size, and a reduction in preserve area for projects providing workforce housing.

**Associated FLUA Amendment:** To change the Agricultural Reserve (AGR) future land use designation on 4.5 acres to Industrial (IND) and 35.27 acres to remain Ag Reserve (AGR) with density up to 8 units per acre with workforce housing requirements on the 480 units. The 39.77 acre site is located on the southeast corner of Atlantic Ave and Half Mile Road. The request for Industrial future land use does not require the text amendment. This site is located in **District 5**.

**Staff Assessment:** See **Introduction** for summary.

**Staff Recommendation:** To *deny* the request for initiation.

**Planning Commission/LPA Recommendation.** *To deny initiation*, motion by Cara Capp, seconded by Kiley Harper-Larsen, passed in a 12 to 1 vote, with Jim Knight abstaining and Spencer Siegel dissenting, at the June 12, 2020 public hearing. A prior motion for approval by Spencer Siegel died for lack of a second. See **Introduction** for discussion summary.

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

5.A.2. [Privately Proposed Amendment Initiation – Boynton Technology Park](#)

**Proposed Text Amendment:** To allow the Economic Development Center (EDC) future land use in the Agricultural Reserve Tier as a multiple use commercial, industrial, and residential Planned Industrial Park Development, increase the commercial cap, allow a base density of 3 units per acre with no preserve requirement, and including a requirement for workforce housing.

**Associated FLUA Amendment:** To change the Ag Reserve (AGR) future land use designation to Economic Development Center with an underlying 3 units per acre (EDC/3). The 140 acre site is located on the north and south sides of Boynton Beach Boulevard, west of the Turnpike. The site is proposed to include 185,000 s.f. of commercial, a 140 room hotel commercial, industrial, and residential pods with the 420 units clustered. This site is located in **District 5**.

**Staff Assessment:** See **Introduction** for summary.

**Staff Recommendation:** To *deny* the request for initiation.

**Planning Commission/LPA Recommendation.** *To deny initiation*, motion by Lori Vinikoor, seconded by Dagmar Brahs, passed in a 11 to 2 vote, with Jim Knight and Spencer Siegel dissenting, at the June 12, 2020 public hearing. See **Introduction** for discussion summary.

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

**5.A.3. Privately Proposed Amendment Initiation – Ag Reserve Multiple Land Use**

**Proposed Text Amendment:** To allow the Multiple Land Use future land use designation with Commercial Low and Medium Residential 5 units per acre (MLU, CL/5) in the Agricultural Reserve Tier, to allow additional mixed use commercial and residential mixed use centers exempt from the commercial cap, allow Transfer of Density Rights and Workforce Housing Program bonus density, with reduced preserve area acreage and addition of new preserve area uses.

**Associated FLUA Amendment:** To change the Ag Reserve (AGR) future land use designation to Multiple Land Use (Commercial Low and Medium Residential 5) with density bonuses available through the Transfer of Development Rights and Workforce Housing Programs, for 432 dwelling units, 261,360 s.f. of commercial uses including retail, restaurant, grocer, office, theater, hotel, light industrial and fitness center. The 39.29 acre site is located at the southeast corner of Boynton Beach Boulevard and Lyons Road. The site is located in **District 5**.

**Staff Assessment:** See **Introduction** for summary.

**Staff Recommendation:** To *deny* the request for initiation.

**Planning Commission/LPA Recommendation.** *To deny initiation*, motion by Lori Vinikoor, seconded by Dagmar Brahs, passed in a 12 to 1 vote, with Jim Knight abstaining and Spencer Siegel dissenting, at the June 12, 2020 public hearing. See **Introduction** for discussion summary.

**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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