



AGENDA
BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING

Monday, January 25, 2021

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. Postponements
 - C. Adoption of the Agenda
- 3. PUBLIC HEARING – CIE and 21-A Adoption Public Hearing (Page 2)**
- 4. PUBLIC HEARING – 21-A2 Transmittal Public Hearing (Pages 3-4)**
- 5. REGULAR AGENDA (Page 5-6)**
- 6. COMMENTS (Page 7)**
- 7. ADJOURNMENT (Page 7)**

3. PUBLIC HEARING – Amendment Adoption

3.A. County Proposed CIE Adoption

3.A.1. [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. Privately Proposed Amendments Round 21-A

3.B.1. [Military Hypoluxo Commercial \(LGA 2021-002\)](#)

Proposed FLUA Amendment: To revise conditions of approval on a site with Commercial High with an underlying 5 units per acre (CH/5)

Size: 24.02 acres

BCC District: Mayor Kerner, District 3

Location: Northeast corner of Military Trail and Hypoluxo Road

Summary: The request is to modify conditions of approval related to mixed use development and design adopted at the time the site was approved for CH/5 designation in 2008.

Staff Assessment. The amendment does not change the future land use designation, density, or intensity allowed on the site. The amendment revises conditions of approval related to design that are no longer warranted since the site to the north has been developed with a school.

Staff Recommendation. *Approval with conditions*

Planning Commission/LPA Recommendation. *Approval with conditions*, motion by Lori Vinikoor, seconded by Dagmar Brahs, passed in an 11 to 0 vote (with Jim Knight abstaining) at the September 18, 2020 public hearing. Under discussion, the PLC questioned the removal of the conditions. County staff explained that the amendment will remove the condition requiring connection to the 67th Place (a private right-of-way), and the remainder of the conditions were not necessary. Two members of the public spoke in support of removal of this condition, and expressed concern for flooding in the area.

BCC Transmittal Action: Transmit, motion by Vice Mayor Weinroth, seconded by Comm. Bernard passed in a 6 to 0 vote with Commissioner Berger absent at the October 28, 2020 public hearing. There was minimal discussion and no public comment.

State Review Agency Comments: The State Land Planning Agency reviewed this amendment under Round 20-09ESR and issued a letter dated December 2, 2020 stating that the Agency had no comment on the proposed amendment. There were no negative comments received from state agencies.

MOTION: To *adopt an ordinance* for the Military Hypoluxo amendment

4. PUBLIC HEARING – Amendment Round 21-A2 Transmittal

4.A. County Proposed Amendments

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

Summary: This proposed amendment would revise and update the Fire Rescue Element of the Comprehensive Plan to add background language for In-service Emergency Response staffing.

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. This amendment applies throughout **all Commission Districts.**

Staff Recommendation. *Approval*

Planning Commission/LPA Recommendation. *Approval*, motion by Evan Rosenberg, seconded by Eric Royal, passed in an 11 to 0 vote at the December 11, 2020 public hearing. There was minimal discussion and no public comment.

MOTION: To *Transmit* the Fire Rescue Element Updates amendment

4.B. Privately Proposed Amendments

4.B.1. [Plaza Delray AGR \(LGA 2021-006\)](#)

Proposed FLUA Amendment: From Agricultural Reserve (AGR) to Commercial Low with an underlying Agricultural Reserve (CL/AGR)

Size: 0.33 acres **BCC District: Comm. Sachs, District 5**

Location: South side of Atlantic Avenue, approximately 725 feet east of Lyons Road

Summary: The request is for a future land use amendment on a vacant .33 acre site within the Agricultural Reserve Tier. The intent is to add this parcel to the development to the west to create additional surface parking and landscaping for the approved Seneca Multiple Planned Unit Development (MUPD). In 2017, the Board adopted a future land use amendment for the 4.51-acre Seneca parcel to Commercial Low with a condition limiting the site to a maximum of 38,538 square feet of commercial or office uses.

Staff Assessment: Since the adoption of the amendments to implement the Agricultural Reserve Master Plan in 2001, the Comprehensive Plan has limited the amount of commercial retail, service, and office uses in the Tier through a commercial cap. The cap is intended to ensure that commercial does not exceed local demand and thereby serve as a draw from outside the Tier. As of the date of the writing of the staff report, there was 28,000 square feet remaining. However, the request includes a voluntary condition of approval that will not allow commercial intensity on the site, thereby having no impact on the remaining available square footage. The proposed amendment is consistent with the policies of the Comprehensive Plan, compatible with adjacent uses and meets service delivery standards.

Staff Recommendation. *Approval with conditions*

Planning Commission/LPA Recommendation. *Approval with conditions*, motion by Evan Rosenberg, seconded by Glenn Gromann, passed in a 13 to 0 vote at the January 8, 2021 public hearing. Under discussion, one PLC member asked questions regarding the additional parking that the amendment would provide to the Seneca site, and whether that would allow additional square footage. Staff relayed that the amendment would not allow additional square footage yielding from the subject site per the proposed condition of approval, and that the Seneca site had remaining square footage adopted by its own ordinance. There was no public comment.

MOTION: To *transmit* the Plaza Delray amendment

4.B.2. [Atlantic Avenue Medical AGR \(LGA 2021-008\)](#)

Proposed FLUA Amendment: From Agricultural Reserve (AGR) to Commercial Low-Office with an underlying Agricultural Reserve (CL-O/AGR)

Size: 2.05 acres **BCC District: Comm. Sachs, District 5**

Location: North side of Atlantic Avenue, approx. 1,500 feet west of Lyons Road

Summary: The request is for a future land use amendment on 2.04 acres in order to develop medical office in the Agricultural Reserve Tier. The site is currently a Preserve Area (with a recorded conservation easement) for the Delray Marketplace Traditional Marketplace Development (TMD), and the concurrent zoning application proposes to remove the site from the TMD with a replacement of the preserve area on another property and removal of the conservation easement.

Staff Assessment: The subject site meets the commercial location requirements for the Tier and falls within the commercial cap, and the site is constrained to the east and west by commercial uses. The request for commercial future land use is appropriate at this location, and is compatible with surrounding land uses. The inclusion of the staff recommended conditions of approval to limit the commercial development on the site to office or the CL-O future land use designation, require connectivity to adjacent parcels when the opportunity arises, and to cap the commercial square footage will ensure that the request is consistent with Comprehensive Plan policies.

Staff Recommendation. *Approval with conditions*

Planning Commission/LPA Recommendation. *Approval as modified at the hearing*, motion by Evan Rosenberg, seconded by Eric Royal, passed in a 14 to 0 vote at the January 8, 2021 public hearing. The motion reflected the applicant's request at the hearing to change to Commercial Low-Office future land use designation with up to 17,860 square feet of commercial office uses. The CL-O future land use designation limits the site to office uses and is consistent with the staff proposed condition limiting the site to office. These changes have been reflected in Exhibit 1 and throughout the BCC Transmittal Report. Under discussion, the PLC members questioned the access to the site from Atlantic Avenue, inter-connectivity with adjacent properties, the prior text amendment request and the commercial cap, traffic impacts, the attributes of the replacement preserve, and the sequence of removing the site from the AGR-PUD Preserve and granting commercial future land use. There was no public comment.

MOTION: To *transmit* the Atlantic Avenue Medical amendment

5. REGULAR AGENDA

5.A. Amendment Round 21-B Initiation

Introduction: The three agenda items below are provided for Board consideration for initiation. The initiation step allows the Board to consider department or municipal proposed changes to the Comprehensive Plan prior to staff working on the amendments. The complete staff report for each amendment would return to the Board for discussion at subsequent hearings. Initiation does not obligate the Board to future action. The proposed amendments may require subsequent changes to the Unified Land Development Code.

5.A.1. [County Proposed Amendment Initiation](#)

Summary. The item before the Board is to consider the initiation of proposed amendments to the Comprehensive Plan requested by County departments as summarized below.

- Future Land Use amendments to change the land use designation for land purchased by the County to the Conservation (CON) future land use designation at the request of the Environmental Resources Management Department. **District 1**
- Text amendments related to the Westgate Belvedere Homes Community Revitalization Area (CRA) related to commercial future land uses and the Transportation Concurrency Exception area in coordination with the CRA. **District 2**
- Text amendments to modify Policy 3.5-d traffic analysis requirements for proposed future land use amendments. **All Districts**
- Text and future land use amendments related to non-residential future land use designations, including access requirements and may include related future land use revisions. **All Districts**
- Text and Map Series amendments to update the Urban Redevelopment Area policies. **Districts 2 & 3**
- Text and Map Series amendments to update the Library Services Element at the request of the Library Department. **All Districts**

Planning Commission/LPA Recommendation: *To recommend initiation with the addition of URA Revisions*, motion by Barbara Roth, seconded by Eric Royal, passed in an 11 to 0 vote at the December 11, 2020 meeting. Under discussion, PLC members questioned the difference between the long and short-range traffic analysis and expressed concerns of the existing condition of shallow lots within the Urban Redevelopment Area. County staff affirmed that proposed future land use amendments cannot be processed without passing Policy 3.5-d traffic requirements. There was no public comment.

MOTION/Staff Recommendation: *To initiate* the proposed amendments

5.A.2. [Kirk Road TIM Initiation – Palm Springs Request](#)

Summary. The item before the Board is to consider the initiation of a proposed amendment to the Comprehensive Plan requested by the Village of Palm Springs. The request is to revise the Transportation Element and Thoroughfare Identification Map (TIM), TE 14.1, to establish language restricting the number of lanes to two for Kirk Road between Alameda Drive/Purdy Lane and Lake Worth Road. The TIM identifies the segment of Kirk Road from Alameda Drive/Purdy Lane to Lake Worth Road as an 80 foot right of way. The proposed amendment would add language to the TIM and to Transportation Element Policy 1.4-u to limit this segment to two lanes with any additional right-of-way being used for pedestrian/bicycle facilities and landscaping/buffering. The roadway segment is located in **District 3**

Staff Assessment: The Engineering Department has determined that the proposed amendment restricting Kirk Road to two lanes will hinder future transportation network and safety needs, and does not support initiation of the amendment.

Planning Commission/LPA Recommendation: *To recommend the amendment is not initiated*, motion by Glen Gromann, seconded by Edwin Ferguson, passed in a 9 to 1 vote, with Dagmar Brahs dissenting at the December 11, 2020 meeting. Under discussion, PLC members expressed concerns regarding the amendment that would restrict the number of lanes within the Kirk Road right of way and subsequent impacts on the roadway network. The PLC discussed the need to address sidewalk conditions along this corridor, and encouraged the Village of Palm Springs to work with School Board and County staff regarding sidewalk improvements. Eight members of the public, including representatives of the Village of Palm Springs, spoke in support of initiating the amendment, citing the impacts from potential future widening and the need for safe pedestrian and bicycle conditions.

MOTION/Staff Recommendation: *To not initiate* the Kirk Road TIM amendment

5.A.3. [County TIM Initiation](#)

Summary. The item before the Board is to consider the initiation of proposed amendments to the Transportation Element and Thoroughfare Identification Map (TIM), TE 14.1, requested by the County's Engineering Department as summarized below:

- **60th Street North**, to widen the roadway right-of-way segment between 140th Ave. North and 120th Ave. North, from 80 feet to 100 feet to allow ultimate 4/5 lanes. **District 6**
- **Okeechobee Connector**, to add an 80 foot roadway right-of-way segment from Southern Blvd. to the future extension of Okeechobee Blvd., approx. 2 miles west of Seminole Pratt-Whitney Rd. to allow ultimate 4/5 lanes. **District 6**
- **Northlake Boulevard West**, to widen the roadway right-of-way segment between the Western edge of the Palm Beach Gardens municipal golf course to State Road-7 Extension from 120 feet to 142 feet to allow ultimate 8 lanes. **District 6**
- **Northlake Boulevard East**, to widen the roadway right-of-way segment between the Beeline Hwy. and Military Trail from 120 feet to 142 feet to allow ultimate 8 lanes. **District 1**
- **10th Avenue North**, to widen the roadway right-of-way segment from Congress Ave. to I-95 from 80 feet to 110 feet to allow ultimate 6 lanes. **District 3**

Staff Assessment: The Engineering Department has determined a need for the expansion of the roadway network based upon initial projections of the future traffic conditions. Staff, therefore, supports the initiation.

Planning Commission/LPA Recommendation: *To recommend initiation*, motion by David Dinin, seconded by Glen Gromann, passed in a 9 to 1 vote, with Edwin Ferguson dissenting at the December 11, 2020 meeting. Under discussion, PLC members question the timing of the proposed rights-of-way and encouraged staff to coordinate with area jurisdictions and residents. The discussion focused on the newly proposed Okeechobee Connector, the widening of Northlake Boulevard, and the environmental impacts of the proposed right-of-way additions and expansions. One representative from Loxahatchee Grove and one representative from Indian Trail Improvement District spoke in opposition.

MOTION/Staff Recommendation: *To initiate* the County Proposed TIM amendments

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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