



**BOARD OF COUNTY COMMISSIONERS
COMPREHENSIVE PLAN PUBLIC HEARING
WEDNESDAY, FEBRUARY 2, 2022, 9:30 A.M.
ADD, DELETE & SUBSTITUTION**

4. PUBLIC HEARING – Amendment Round 22-A2 Transmittal

4.A. Privately Proposed Amendments in the Agricultural Reserve

4.A.1. REVISIONS [Atlantic Commercial & Self-Storage \(LGA 2022-004\)](#), [Feurring II \(LGA 2022-008\)](#) and [Seneca II \(LGA 2022-009\)](#)

The agent agrees to the modifications of Condition 1 in Exhibit 1-A based on discussion at the January 14, 2022 Planning Commission public hearing:

1. A maximum of 13,357 square feet of commercial uses (other than self-storage) and a maximum of ~~493,864~~ 100,000 square feet of self-storage uses.



AGENDA
BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING

Wednesday, February 2, 2022

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 Tables and 22-A Adoption Public Hearing (Pages 2-4)**
- 4. PUBLIC HEARING – 22-A2 Transmittal Public Hearing (Page 4-5)**
- 5. REGULAR AGENDA (Page 5-7)**
- 6. COMMENTS (Page 7)**
- 7. ADJOURNMENT (Page 7)**

3. PUBLIC HEARING – CIE and Amendment Round 22-A 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. County Proposed Text and Map Series Amendments 22-A Adoption

The amendments for adoption in Round 22-A were transmitted by the Board on November 3, 2021 and reviewed by State Land Planning Agency under Round 21-08ESR. There were no comments on the amendments in their review letter dated December 15, 2021, and no negative comments received from state review agencies.

3.B.1. [Westgate/Belvedere Homes CRA TCEA Modifications](#)

Summary: This amendment proposes to revise the Transportation Element to delete the conditions associated with the Westgate/Belvedere Homes Community Redevelopment Area (CRA) Transportation Concurrency Exception Area (TCEA) because they are no longer appropriate in light of the proportionate share legislation. **Commission Districts 2 & 7.**

Staff Recommendation: *Approval*

Planning Commission/LPA Recommendation: *Approval*, motion by Rick Stopek, seconded by Glenn Gromann, passed in a 14 to 0 vote at the August 13, 2021 public hearing. Under discussion, Commission member asked whether the deleted conditions will be covered by the Unified Land Development Code (ULDC). Staff stated that some of the conditions have been completed, and some are implemented through the zoning/DRO process.

BCC Transmittal Public Hearing: *Transmit*, motion by Commissioner Weiss, seconded by Commissioner McKinlay, passed in a 6 to 0 vote (with Commissioner Bernard absent) at the November 3, 2021 public hearing. There was minimal Board discussion and no public comment.

MOTION: To *adopt* the Westgate/Belvedere Homes CRA TCEA amendment.

3.B.2. [Pioneer Road Rural Enclave Overlay](#)

Summary: This amendment proposes to revise the Comprehensive Plan to establish an Overlay for the Pioneer Road Neighborhood Plan area. Specifically, the amendment proposes to add a new Sub-Objective and policies to establish the Pioneer Road Rural Enclave Overlay; and add a note to the Special Planning Areas Map (LU 3.1) Map Series stating that the boundaries of the depicted Pioneer Road Neighborhood Plan also reflect the new Overlay. **Commission District 2.**

Staff Recommendation: *Approval*

Planning Commission/LPA Recommendation: *Approval with modifications, with recommendation to delete the super majority vote requirement for New Policy 1.2.7-b*, motion by Spencer Siegel, seconded by Barbara Roth, passed in an 11 to 2 vote (with John Carr and Rick Stopek dissenting) at the October 1, 2021 public hearing. Under discussion, Commission members had concerns about the proposed policy that would require approval by at least five members of the Board of County Commissioners for applications that increase density. The Commission also deliberated the Overlay boundaries, including the boundary bisecting Winner’s Church and a potential “opt out” for property owners within the Overlay. The Commission also recognized the traffic issues affecting the properties fronting Pioneer Road immediately west of Jog Road. There were four members of the public who spoke in support of the proposed Overlay, in addition to one comment card in support but not wishing to speak. There were eight members of the public who spoke in opposition, and requested to be excluded from the Overlay.

BCC Action: *Transmit as recommended by staff*, motion by Commissioner Weiss, seconded by Commissioner McKinlay, passed in a 6 to 0 vote (with Commissioner Bernard absent) at the November 3, 2021 public hearing. Under discussion, Commissioners asked about the history of the overlay area and discussed the potential for property owners to “opt out” of the overlay or adding language for an overlay transition zone for properties near Jog and Pioneer Road. The Board also discussed the requirement for approval by at least 5 BCC members, property development rights and ability for property owners within the overlay to apply for future land use changes. Twenty-nine members of the public, including representatives of the Pioneer Road Property Owners Association, spoke in support of the overlay citing the need to protect this area. Nine members of the public, including legal counsel representing property owners, spoke in opposition of the overlay language as presented by staff and requested the Board to consider a transitional zone or to be removed from the overlay boundary. One member of the public representing the Palm Beach Farms Rural Preservation Committee LLC spoke in opposition. Fifty-nine comment cards in support were entered into the record. In addition, twenty-five additional correspondence was received (see Exhibit 2D).

MOTION: To *adopt* the Pioneer Road Rural Enclave Overlay amendment.

3.C. Privately Proposed Amendments in Ag Reserve 22-A Adoption

3.C.1. [Las Farms \(LGA 2022-001\)](#)

Proposed FLUA Amendment: From Agricultural Reserve (AGR) to Industrial, with an underlying Agricultural Reserve (IND/AGR)

Size: 6.95 acres **BCC District: Comm. Sachs, District 5**

Location: West side of State Road 7, approx. 0.5 miles north of Boynton Beach Blvd.

Summary: The 6.95 acre subject site is located in the Agricultural Reserve Tier. The amendment is proposing to allow for industrial uses on the site located on the west side of State Road 7. The applicant has proposed two conditions of approval to prohibit heavy industrial uses and to prohibit commercial uses with the exception of landscape service, self-service storage and accessory uses.

Staff Recommendation: *Denial*

Planning Commission/LPA Recommendation: *Approval with conditions*, motion by Spencer Siegel, seconded by John Carr, passed in a 9 to 4 vote (with Barbara Roth, Dagmar Brahs, Sara Pardue and Cara Capp dissenting) at the October 1, 2021 public hearing. Under discussion, Commission members expressed support for the application due to the need for additional uses, deliberated the existing use and limitations of the subject site, and supported the concept of light industrial. Eight members of the public spoke and twelve comment cards were read into the record in support of the proposed amendment.

BCC Transmittal Hearing: *Transmit*, motion by Commissioner McKinlay, seconded by Vice Mayor Weinroth, passed in a 5 to 1 vote with Mayor Kerner dissenting (Commissioner Bernard absent) at the November 3, 2021 public hearing. Under discussion, Commissioners asked about the potential for the colocation of the existing nursery with landscape service, and requested for applicant to meet with the Coalition of Boynton West Residential Association (COBWRA) to discuss the project and have a site plan for the Board to consider at the adoption hearing. Thirteen members of the public and the two property owners spoke in support citing the need for local industrial storage and is a good location for landscape services due to its access on to State Road 7. Two members of the public representing the Sierra Club spoke in opposition, citing the need to maintain agricultural uses and to limit industrial uses west of State Road 7. In addition, a letter from Robert Hartsell representing 1000 Friends and Sierra Club Loxahatchee Group and a letter from Lori Vinikoor representing Alliance of Delray Residential Associations were submitted (see Exhibit 10).

Subsequent to the BCC Transmittal Hearing: The applicant in December 2021 submitted a rezoning application (Z-2021-2124) from Agricultural Reserve (AGR) to Light Industrial (IL) for a landscape service use.

MOTION: To *adopt* the Las Farms amendment.

4. PUBLIC HEARING – Amendment Round 22-A2 Transmittal

4.A. Privately Proposed Amendments in the Agricultural Reserve

4.A.1. [Atlantic Commercial & Self-Storage \(LGA 2022-004\), Feurring II \(LGA 2022-008\), and Seneca II \(LGA 2022-009\)](#)

Proposed FLUA Amendments: Atlantic Commercial & Self-Storage - from Agricultural Reserve (AGR) to Commercial Low, with an underlying Agricultural Reserve (CL/AGR);
Feurring II – to adopt conditions of approval; and
Seneca II – to revise conditions of approval

Size: 19.30 acres (total) **BCC District: Comm. Sachs, District 5**

Location: Southeast corner of Atlantic Avenue and Lyons Road

Summary: This is a three-part request in the Agricultural Reserve Tier that will revise previously adopted conditions of approval to reduce the maximum allowable commercial square footage on the Feurring II and Seneca II sites. This will release 13,444 square feet from the commercial cap to be utilized by Atlantic Commercial and Self-Storage, which is proposing a future land use amendment on 9.89 acres from Agricultural Reserve (AGR) to Commercial Low with an underlying Agricultural Reserve (CL/AGR).

Staff Assessment: The subject site meets the commercial location requirements for the Tier, falls within the commercial cap, and the site is adjacent to the west to 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 square footage and require connectivity to the adjacent commercial will ensure that the request is consistent with Comprehensive Plan policies.

Staff Recommendation: *Approval with conditions*

Planning Commission/LPA Recommendation: *Approval with modifications, to modify Condition 1 to 100,00 square feet of self-storage uses*, motion by Lori Vinikoor, seconded by Barbara Roth, passed in a 13 to 1 vote (with Cara Capp dissenting) at the January 14, 2022 public hearing. Under discussion, Commission members asked about the timing and inspection process for the brownfield designation, the maximum square footage of the self-storage use and the location of the new preserve areas. One member of the public spoke in opposition stating there is no need for additional commercial in the Tier. Another member of the public spoke in support stating the development is an example of good planning practices with connectivity and there is a need for these services.

MOTION: To *transmit* the Atlantic Commercial and Self-Storage, Feurring II and Seneca II amendments.

5. REGULAR AGENDA

5.A. Amendment Round 22-B2 Initiation

Introduction: The two agenda items below are provided for Board consideration for initiation. The initiation step allows the Board to consider County and privately 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. [Indian Trails Groves – Agricultural Reserve Exchange Privately Proposed Initiation](#)

Introduction: 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 amendment, and return to the Board with the two amendments through the public hearing process as part of “Phase II”.

Summary: The privately proposed text amendment request would modify the Western Communities Residential Overlay (WCRO), Western Communities Residential (WCR) future land use designation, modify existing policies and establish new Agricultural Reserve (AGR) Tier policies to allow the processing of a future land use amendment on the site as described below:

- Revise the policies of the WCRO & WCR to allow for a 532-acre expansion of Water Resource/Agricultural uses and establish a bank of development potential for use in the County’s AGR Tier;

- Revise AGR Tier Sub-Objective 1.5.1 to allow for specific Agricultural Reserve Planned Unit Developments (AGR-PUDs) to utilize WCRO land to partially fulfill the 60/40 preserve requirements;
- Establish a new Sub-Objective for an Overlay in AGR Tier in the “Hyder West” area to allow for new residential and institutional development west of SR7, using WCRO land as preserve area for AGR-PUDs; and
- Revise the Map Series Special Planning Areas Map LU 3.1 to create a new overlay within the AGR for the Hyder West area.

Staff Assessment: Staff supports the initiation of the proposed text amendment to provide an opportunity for the Board to consider and direct policy. Initiation of this amendment does not indicate staff support for the final developed policy language or the associated future land use amendment. Staff would prepare data and analysis, and present the final recommendation on the text and future land use amendment at subsequent public hearings. **Commission Districts 5 & 6.**

Staff recommendation: *To initiate*

Planning Commission/LPA Recommendation: *To deny initiation*, motion by Cara Capp, seconded by Barbara Roth, passed in a 9 to 4 vote (with John Carr, Sara Pardue, Penny Pompei and Angella Vann dissenting) at the January 14, 2022 public hearing. A motion to recommend initiation failed in a vote of 4 to 9. Under discussion, the Commission asked questions regarding the location of the water resources area, asked for clarification on the BCC’s action on December 15th, and staff time needed to review the application. Two members of the public spoke in opposition stating the need to protect the Agricultural Reserve. One member of the public spoke in support citing the water quality benefits for the County and need for additional workforce housing.

MOTION: *To initiate* the Indian Trails Grove Agricultural Reserve Exchange Text amendments.

5.A.2. [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.

- Text amendments requested by the Department of Housing and Economic Development (DHED) to establish the Economic Element; **All Districts.**
- Text amendments to the Health and Human Services Element to update the Element to reflect the current system of care in Palm Beach County at the request of the Department of Community Services; **All Districts.**
- Text amendments to add a third industrial future land use designation named Commerce (CMR) to accommodate light industrial uses; **All Districts.**
- Text amendments to establish policy direction for new industrial designations in the Agricultural Reserve Tier limited to the new light industrial Commerce (CMR) future land use designation; **Districts 5 and 6.**
- Text amendments to allow higher density residential development in the Agricultural Reserve Tier, to facilitate the provision of workforce housing. **Districts 5 and 6.**

Staff Recommendation: *To initiate*

Planning Commission/LPA Recommendation: *To recommend initiation of the Economic Element, Health and Human Services Element, text amendments for new Commerce FLU and Commerce FLU in Agricultural Reserve*, motion by Dagmar Brahs, seconded by Barbara Roth, passed in a 13 to 0 vote at the January 14, 2022 meeting. The PLC also voted to **recommend initiation** of the *AGR Multifamily text amendment*, motion by Penny Pompei, seconded by John Car, passed in a 10 to 3 vote (with Barbara Roth, Dagmar Brahs, and Cara Capp dissenting). A motion to deny initiation failed in a 3 to 10 vote. Under discussion, PLC members expressed support for light industrial uses but had concerns regarding additional density in the Ag Reserve. Two members of the public spoke in opposition to projects that increase density in the Tier. One member of the public spoke in support citing the need for additional workforce housing and diverse housing stock.

MOTION: *To initiate* the proposed County text 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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