



## **AGENDA**

### **BOARD OF COUNTY COMMISSIONERS COMPREHENSIVE PLAN PUBLIC HEARING**

**Wednesday, May 1, 2024**

**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 - Motion to receive and file
  - B. Postponements
  - C. Adoption of the Agenda – Motion to adopt the agenda
- 3. PUBLIC HEARING – Amendment Round 24-A2 Adoption (Page 2)**
- 4. PUBLIC HEARING – Amendment Round 24-B Transmittal (Pages 3 - 4)**
- 5. REGULAR AGENDA (Pages 4 - 7)**
- 6. COMMENTS (Page 7)**
- 7. ADJOURNMENT (Page 7)**

### 3. PUBLIC HEARING – Amendment Round 24-A2 Adoption

#### 3.A. County Proposed Text Amendment

##### 3.A.1 Utilities Element Revisions

**Summary:** The proposed Comprehensive Plan amendment would revise the Utilities Element (UE) to be consistent with new legislative requirements. Florida House Bill 1379/Senate Bill 1632 enacted by the Legislature during the 2023 session changed several State statutes including 163.3177 F.S., which contains requirements for Comprehensive Plans. The changes involved environmental regulations related to sewage treatment and system evaluation with certain requirements to be addressed by July 1, 2024. The amendment proposes to:

- Add a new policy to consider the feasibility of providing sewer service within a 10-year horizon for developments of 50 lots and less than one acre;
- Add a new policy to identify the name and location of wastewater facilities that could receive sanitary sewer flows after connection and the capacity of those facilities and associated transmission facilities; and
- Add a new table to indicate the projected wastewater flow at the aforementioned wastewater facilities for the next 20 years, including expected future new construction and connections of onsite sewage treatment and disposal systems to sanitary sewer; and a timeline for the construction of the sanitary sewer system.

**Staff Recommendation:** *Approval*

**Planning Commission/LPA Recommendation:** *Approval*, motion made by Barbara Roth, seconded by Lori Vinikoor passed in an 11 to 0 vote at the January 12, 2024 public hearing. The Commission asked questions regarding the applicability of the statutory requirements and whether additional legislative changes are anticipated. There was no public comment.

**Board of County Commissioners Transmittal Public Hearing:** *Transmit*, motion by Commissioner Weiss, seconded by Commissioner Baxter passed in a 7 to 0 vote at the January 31, 2024 public hearing. There was minimal discussion and no public comment.

**State Review:** The State Land Planning Agency reviewed this amendment under Round 24-01 ESR and issued a letter dated March 7, 2024 stating that the Agency had no comment on the proposed amendment. The Florida Department of Environmental Protection (FDEP) provided technical comments requesting that the County “identify the applicable timeline for development of any sanitary sewer determined to be feasible” for consistency with the requirements outlined in 163.3177(6)(3), F.S.

**Changes Subsequent to Transmittal:** In response to the technical review comments provided by FDEP, the text language proposed for adoption was modified in Exhibit 1 to provide a timeline for studying the feasibility of providing sanitary sewer service to the applicable developments and a timeline to provide this service to the applicable developments if determined to be feasible. These revisions are shown in double underline with red text.

**MOTION:** To *adopt an Ordinance* for the Utilities Element Revisions.

#### 4. PUBLIC HEARING – Amendment Round 24-B Transmittal

##### 4.A. County Proposed Text Amendment

###### 4.A.1 [Port of Palm Beach Master Plan Update](#)

**Summary:** This proposed amendment would revise the Transportation and Coastal Management Elements of the Comprehensive Plan to incorporate by reference Appendix A, which contains the Port of Palm Beach Goals, Objectives and Policies, Figure 55, the Initial Master Plan Map (Improvements 2023-2027), and Figure 57, Key Master Plan Improvement Projects Timing and Budgetary Cost (Capital Improvement Program) of the Port of Palm Beach Master Plan, which were adopted by the Port Commission on September 8, 2023.

**Staff Assessment:** There were no inconsistencies identified with policies in the Comprehensive Plan, and no changes to the Unified Land Development Code are anticipated.

**Staff Recommendation:** *Approval*

**Planning Commission/LPA Recommendation:** *Approval*, motion by Dagmar Brahs, seconded by Penny Pompei, passed in an 6 to 0 vote at the April 12, 2024 Planning Commission public hearing. Varisa Lall Dass abstained from this item. There was minimal discussion and no public comment.

**MOTION:** To *transmit* the Port of Palm Beach Master Plan text amendment.

##### 4.B. Privately Proposed FLUA and Text Amendments

###### 4.B.1 [Central Park Commerce Center MUPD \(LGA 2024-002\) FLUA and Text](#)

**Proposed FLUA Amendment:** Rural Residential, 1 unit per 10 acres (RR-10) to Economic Development Center (EDC) on 64.46 acres and to revise conditions of approval in Ordinance 2018-012 and apply these conditions to 202.79 acres.

**Proposed Text Amendment:** To revise Future Land Use Element policies, table, and Map Series regarding Limited Urban Service Areas (LUSAs) and Economic Development Center (EDC) future land use, to include 64.46 acres of the subject site.

**Size:** 202.79 acres total      **BCC District: Commissioner Baxter, District 6**

**Location:** North side of Southern Boulevard, west of the L-8 Canal, and approximately 3.4 miles west of Seminole Pratt Whitney Road

**Summary:** The purpose of this amendment is to change the designation of the 64.46 acre portion of the site to EDC, to allow for this portion to be incorporated into the Central Park Commerce Center Multiple Use Planned Development (MUPD) approved and under development on the 138.31 acre portion. In addition, the amendment proposes to eliminate a condition of approval for the 138.31 acre portion currently designated EDC, adopted by Ordinance 2016-026 and amended by Ord. 2018-012, which has been satisfied. These conditions, which include limitations on the maximum allowable square footage and uses allowed on the 138.31 acres will then be applied to the entire 202.79 acre site.

**Staff Assessment:** The same factors and key policy issues considered in the adopted 2016 amendment that created the LUSA and granted the EDC FLU for the 138.31 acre portion of the site also apply to the current proposed amendment. The proposed amendment seeks to “square off” the area designated as EDC in the Glades Area Protection Overlay (GAPO), does not propose to increase the square footage of approved uses, and does not create compatibility issues. The proposed amendment does not propose to modify the boundaries or purposes of the GAPO. Staff concurs with the applicant’s assessment that the text and FLUA amendment are justified, and recommends approval with conditions.

**Staff Recommendation:** *Approval with conditions*

**Planning Commission/LPA Recommendation:** *Approval with conditions (as proposed by staff)*, motion made by Barbara Roth, seconded by Penny Pompei, passed in an 8 to 0 vote at the April 12, 2024 public hearing. The Commission asked questions regarding possible additional future land use changes in the vicinity. One member of the public, representing the Sierra Club-Loxahatchee Group, spoke in opposition, citing concern over proximity to the Everglades Agricultural Area.

**MOTION:** To *transmit* the Central Park Commerce Center MUPD FLUA and text amendment.

## 5. REGULAR AGENDA

### 5.A County Proposed Text Initiation

#### 5.A.1 [Environmentally Sensitive Lands Text Initiation](#)

**Summary:** The item before the Board is to consider the initiation of County proposed text amendments to the Comprehensive Plan regarding Environmentally Sensitive Lands (ESL). The Department of Environmental Resources Management (ERM) is proposing revisions to the existing definition of ESLs within the Unified Land Development Code (ULDC). ERM is requesting that the modified definition also be added to the Introduction and Administration (I&A) Element of the Comprehensive Plan. This will result in a review of all Elements to ensure that the existing use of the term is consistent with the new definition. Pending staff analysis and coordination with ERM and Zoning, several other elements in the Plan may need to be amended.

**Staff Assessment:** The initiation process allows the Board to consider the proposed changes to the Comprehensive Plan. The complete staff report for the amendment would return to the Board for discussion at subsequent hearings. Initiation does not obligate the Board to future action.

**Staff Recommendation:** *To Initiate*

**Planning Commission/LPA Recommendation:** *Initiate*, motion by Penny Pompei, seconded by Varissa Lall Dass, passed in an 8 to 0 vote at the April 12, 2024 meeting. There was minimal discussion. One member of the public representing the Sierra Club-Loxahatchee Group spoke requesting additional information on the change in definition to provide an opinion of support or denial.

**MOTION 1:** *To Initiate* the Environmentally Sensitive Lands text amendment.

**MOTION 2:** *To Initiate* the associated Unified Land Development Code amendments.

## 5.B Privately Proposed Text Initiation

These items before the Board are to consider the initiation of privately proposed amendments to the Comprehensive Plan, also considered “Phase I”. If the amendments are 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”.

### 5.B.1 [West Delray RV Resort Text Initiation](#)

**Summary:** The privately proposed text amendment request is to revise the Future Land Use Element related to the Agricultural Reserve Tier to allow campgrounds in the Commercial Recreation (CR) future land use designation, subject to the following criteria:

- Minimum lot size of 5 acres;
- Located adjacent to the West Delray Regional Park; and
- Provide preserve area consistent with an AGR-MUPD.

**Staff Assessment:** Staff supports the initiation of the proposed text amendment to provide opportunity for the Board to consider and direct policy. Initiation of this amendment does not indicate staff support for the final policy language or the associated future land use amendment. Should the Board initiate the amendment, staff will prepare data and analysis, and present a recommendation on the text and future land use amendment at subsequent public hearings.

**Staff Recommendation:** *To Initiate*

**Planning Commission/LPA Recommendation:** *Initiate*, motion by Barbara Roth, seconded by Kiley Harper-Larson, passed in an 11 to 0 vote at the March 8, 2024 Planning Commission meeting. The Commission asked questions regarding the proposed number of RV sites, the maximum length of stay for users and enforcement regulations, traffic related issues concerning West Atlantic Avenue, and the potential for the RV sites to be sold as individual lots. There was no public comment.

**MOTION 1:** *To Initiate* the West Delray RV Resort Comprehensive Plan text amendment.

**MOTION 2:** *To Initiate* the associated Unified Land Development Code amendments.

### 5.B.2 [Park West \(formerly known as Tenderly Reserve\) Text Initiation](#)

**Summary:** The privately proposed text amendment request is to revise Future Land Use Element (FLUE) policies regarding the Agricultural Reserve Tier, specifically to:

- Add a third commercial mixed use intersection in the Tier;
- Allow additional commercial and mixed uses to be located at the intersection of the Florida’s Turnpike and Atlantic Avenue;
- Establish the Mixed Use Center (MUC) Multiple Land Use (MLU) Option which permits projects to utilize 100% of the residential density (up to 12 units per acre) and commercial intensity calculated over the entire site with design elements and 25% workforce housing onsite;
- Exempt the site from the commercial square footage cap;
- Require 20% of the total land area over 16 acres to be provided as onsite preserve and allow water management tracts within the preserve area; and
- Exempt the site from the long range traffic requirement within FLUE Policy 3.5-d.

**Staff Assessment:** Staff recommends that the Board deny the request for initiation. The Agricultural Reserve Tier’s objective is to preserve the farmland and wetlands of the Tier to maintain agriculture, environmentally sensitive lands, water resources, and open space. This is accomplished through primarily low density development patterns and limited commercial development for the preservation of agricultural, water management, open space or other similar uses. This request proposes changes to the Comprehensive Plan that represent major departures from most of the fundamental policy concepts directed by the Board of County Commissioners, and adopted into the Comprehensive Plan.

The proposed location at the edge of the Tier, and at a Turnpike interchange, is inconsistent with policies requiring centrally-located, neighborhood serving commercial locations and exceeds the commercial cap. In addition, the applicant’s request is beyond the maximum density just established by the Board through Essential Housing with a significantly reduced preserve requirement. Finally, the amendment will impact existing and long range traffic as the applicant is proposing an exemption to FLUE Policy 3.5-d.

**Staff Recommendation:** *To not Initiate*

**Planning Commission/LPA Recommendation:** *Deny initiation*, motion by Rick Stopek, seconded by Dagmar Brahs, passed in an 8 to 0 vote at the April 12, 2024 meeting. The Commission asked questions regarding access, the size and vendor of the hotel use, and other development options available to the site. The Commission expressed concerns regarding the proposed density, commercial square footage exceeding the cap, reduced preserve area and traffic impacts of the project. Six members of the public, including representatives of the Sierra Club-Loxahatchee Group, the Coalition of Boynton West Residential Associations and Irish Acres, spoke in opposition to the amendment citing concerns with the impact to the Agricultural Reserve and incompatibility with surrounding agricultural and equestrian uses. Four members of the public, including the applicant, spoke in support citing changes to the nursery business and the benefit of workforce housing.

**MOTION 1:** *To deny initiation* of the Park West Comprehensive Plan text amendment.

**MOTION 2:** *To deny initiation* the associated Unified Land Development Code amendments.

### 5.B.3 [Rawlings Estates Text Initiation](#)

**Summary:** The privately proposed text amendment request is to revise the Future Land Use Element to establish an overlay within the Rural Tier to allow for up to one unit per acre subject to criteria and to revise Special Planning Areas Map LU 3.1 to depict the boundaries of the overlay.

**Staff Assessment:** The applicant is requesting a text amendment to create an overlay within the Rural Tier in order to increase density on the site up to one unit per acre, which is a density not currently permitted in the Rural Tier. The applicant is proposing 58 single family homes (0.6 units per acre) with rural levels of service (i.e. well and septic) on a minimum lot size of one acre. The applicant states that the development will be “consistent with the existing character and development of the surrounding area.”

Staff supports the initiation of the proposed text amendment to provide opportunity for the Board to consider and direct policy. Initiation of this amendment does not indicate staff support for the final policy language or the associated future land use amendment. Should the Board initiate

the amendment, staff will prepare data and analysis, and present a recommendation on the text and future land use amendment at subsequent public hearings.

**Staff Recommendation: *To Initiate***

**Planning Commission/LPA Recommendation: *Initiate***, motion by Rick Stopek, seconded by Brian Stenberg, passed in an 8 to 0 vote at the April 12, 2024 meeting. Commission discussion included traffic concerns, proposed density, and preliminary layout of the site. One member of the public, representing the Sierra Club Loxahatchee Group, noted the proposed on-site preserve area and expressed concerns with traffic congestion, increased density, and drainage issues.

**MOTION 1: *To Initiate*** the Rawlings Estates Comprehensive Plan text amendment.

**MOTION 2: *To Initiate*** the associated Unified Land Development Code amendments.

## 6. COMMENTS

- A. Assistant County Attorney
- B. Planning Director
- C. Zoning Director
- D. Executive Director
- E. Deputy 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.

T:\Planning\AMEND\24-B\Reports-Agendas\2-BCCTran\Web\Agenda-BCC-5-1-24.docx