

TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Council Members AGENDA ITEM 8H
From: Staff
Date: June 17, 2016 Council Meeting
Subject: Local Government Comprehensive Plan Review
Draft Amendment to the Palm Beach County Comprehensive Plan
Amendment No. 16-4ESR

Introduction

The Community Planning Act, Chapter 163, *Florida Statutes*, requires that the regional planning council review local government comprehensive plan amendments prior to their adoption. The regional planning council review and comments are limited to adverse effects on regional resources or facilities identified in the strategic regional policy plan (SRPP) and extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region. Council must provide any comments to the local government within 30 days of the receipt of the proposed amendments and must also send a copy of any comments to the state land planning agency.

The amendment package from Palm Beach County contains three proposed changes to the Future Land Use (FLU) Atlas, and text changes to the Future Land Use Element of the comprehensive plan. This report includes a summary of the proposed amendments and Council comments.

Summary of Proposed Amendment

A. Proposed Private Future Land Use Atlas Amendments

1. Able Lawnmower Sales & Service

The proposed amendment is to change the FLU designation on 20.44 acres from Commercial Low with an underlying Medium Residential 5 units per acre (CL/5) on 16.58 acres, and Medium Residential 5 units per acre (MR-5) on 3.66 acres to Commercial Low with an underlying Industrial (CL/IND). The subject property is located on the north side of Lantana Road, approximately 180 feet west of Haverhill Road. The property is currently developed with a lawnmower sales and repair shop occupying about 12,600 square feet (SF). The remainder of the property is utilized as a contractor storage

yard for various businesses. Adjacent land uses include: Low Residential (LR-1) and Medium Residential (MR-5) to the north; Commercial Low (CL), Commercial Low with cross-hatching (CLX), and Commercial Low with cross-hatching and an underlying Medium Residential (CLX/5) to the east; Low Residential 3 units per acre (LR-3) to the south; and Institutional (INST) to the west. The cross-hatching provides site-specific restrictions on portions of a property to ensure compatibility with adjacent uses.

The applicant has also submitted an application to maintain the existing lawnmower service and sales operation in the existing building on 2.46 acres. The existing contractor storage yard will continue on the rear portion of the site, which is approximately 15.72 acres. Finally, the applicant seeks to develop a new 20,000 SF building for repair service with 6,000 SF of flex retail on the remaining portion at the south west corner. The county staff report indicates the proposed land use change adding the underlying Industrial designation is necessary to accommodate the existing contractor storage yard use, which is currently not allowed in the Commercial Low designation.

The proposed amendment includes revised conditions that state: 1) The northernmost 200 feet of the site, excluding access and/or publicly dedicated right of way for Nash Trail, shall be depicted with cross-hatched lines and the northernmost 50 feet of the cross-hatched area shall be limited to water retention, landscaping, and/or drainage; and the remainder of the cross-hatched area shall also allow parking and/or vehicular storage; 2) The westernmost 50 feet of the site shall be depicted with cross-hatched lines and be limited to water retention, landscaping, and drainage; and 3) Development of the site shall exclude heavy industrial uses that engage in the basic processing, manufacturing, or storage of flammable, hazardous, or explosive materials or products, or processes which potentially involve hazardous or commonly recognized offensive conditions described in the comprehensive plan.

The site is located within the Greenacres, Atlantis, and Palm Beach County Charrette Master Plan, which was prepared by Council as a result of a study initiated by Palm Beach County and conducted under an interlocal agreement with the cities of Atlantis and Greenacres in 2004. The report identified the north side of the intersection of Haverhill Road and Lantana Road, including the subject site, as a potential commercial node for mixed-use development. The proposal to maintain commercial on the property is consistent with the charrette plan, but the proposal to add the industrial land use in order to accommodate the existing contractor storage yard is not supported by the charrette plan, which called for a mixture of commercial, townhouses and single family residences on the site.

The proposed amendment would change the development potential of the site from the existing maximum potential of 77,222 SF of commercial retail, 126,389 SF of storage, and 18 dwelling units to a proposed maximum potential of 220,413 SF of commercial retail or 396,744 SF of industrial. The county staff report stated this site is a suitable location for light industrial uses along this corridor, and residential development on this property is no longer appropriate, because the site is located between the German American Club to the west and planned commercial uses to the east. The county's Traffic

Engineering Department indicated the proposed amendment would result in an increase of 4,108 net daily trips and 78 AM and 3644 PM net peak hour trips based on the maximum development potential of 220,413 SF of commercial retail uses. The county staff report concluded the proposed amendment is compatible with surrounding land uses and there are adequate public facilities and services available to support the proposed amendment. The county staff report recommended approval of the proposed amendment with the conditions noted above.

B. Proposed Agricultural Reserve Related Amendments

1. Feurring Commercial

The proposed amendment is to change the FLU designation on 4.90 acres from Agricultural Reserve (AGR) to Commercial Low with an underlying Agricultural Reserve (CL/AGR). The subject property is located on the southeast corner of Atlantic Avenue and Lyons Road. The property is currently vacant, but was formerly used as a nursery and landscape material business. Adjacent land uses are Agricultural Reserve to the east and south of the subject property; two commercial sites, the Fina Station and Dells Suburban Market occur to the north; and a small parcel owned by the county and a 30-acre site known as Delray Fields, which is the subject of a land use amendment requesting Commercial Low, occurs to the west. The site is located at a commercial node with the Delray Marketplace occupying the northwest corner of the intersection of Atlantic Avenue and Lyons Road.

The applicant has requested the proposed amendment in order to develop a pharmacy with drive through, retail uses, and a restaurant. The proposed amendment would change the development potential of the site from agricultural or nursery to 42,689 SF of retail. The county's Traffic Engineering Department indicated the proposed amendment would result in an increase of 2,572 net daily trips and 29 AM and 224 PM net peak hour trips based on a maximum development potential of 58,022 SF of commercial retail uses. The county staff report concluded the proposed amendment is compatible with surrounding land uses and there are adequate public facilities and services available to support the proposed amendment. The county staff report indicates the location is suitable and appropriate for small-scale neighborhood commercial opportunities as directed by the Board of County Commissioners during the Agricultural Reserve Tier Roundtable and Workshop, and reflected in the recent text amendments to the Plan. The county staff report recommended approval of the proposed amendment.

2. West Boynton Center (Smigiel)

The proposed amendment is to change the FLU designation on 6.85 acres from Commercial Low with an underlying Agricultural Reserve (CL/AGR) on 2.50 acres and Agricultural Reserve (AGR) on 4.35 acres to Commercial Low with an underlying Agricultural Reserve (CL/AGR). The subject property is located on the northwest corner of Boynton Beach Boulevard and Acme Dairy Road. Adjacent land uses are Agricultural Reserve on to the north and east; the Caridad Center Health Campus with a designation

of Institutional and Public Facilities with underlying Agricultural Reserve (INST/AGR) is located to the west; and Sunset Palms Elementary School is located to the south across West Boynton Beach Boulevard. The school is located on property designated as preserve land for the Canyon Towncenter Traditional Marketplace Development, which is a 37-acre commercial development located southwest of the proposed development.

The northern 4.35-acre portion of the overall 6.85-acre site is vacant. The southern 2.50 acres is built with approximately 10,425 SF of general retail, 320 SF of office, and 3,475 SF of apartments. The 2.5-acre portion, which fronts on West Boynton Beach Boulevard, was recently the subject of a county initiated amendment known as West Boynton Center changing the FLU on this portion from AGR to CL/AGR. A companion County initiated text amendment known as Agricultural Reserve Pre-Existing Sites Text was adopted concurrently and expanded language in the comprehensive plan to provide greater specificity to allow properties such as this to continue and expand as conforming uses. The text amendment allowed for the property owner of the West Boynton Center site to apply for a FLU Atlas amendment for Commercial Low on the entire 6.85 acres.

The proposed amendment would allow up to 59,677 SF of commercial uses on the property. However, the applicant has proposed a voluntary condition of approval to limit the site to a maximum of 48,000 SF of commercial development. The applicant intends to pursue uses such as a convenience store and gas station. However, the subject property does not meet the major intersection criteria in the Unified Land Development Code (ULDC), which is required for certain land uses. Therefore, the applicant has proposed a text amendment to add the intersection of Acme Dairy Road and Boynton Beach Boulevard to the list of locations that meet the major intersection criteria in the ULDC (Exhibit 9). The county staff report indicates the basis for this change is that the Agricultural Reserve has very limited opportunities for commercial land uses, and has unique characteristics, which set it apart from other Tiers.

The county's Traffic Engineering Department indicated the proposed amendment would result in an increase of 2,216 net daily trips and 23 AM and 191 PM net peak hour trips based on a voluntary restriction of 48,000 SF of commercial retail uses. The county staff report concluded the proposed amendment is compatible with surrounding land uses and there are adequate public facilities and services available to support the proposed amendment. The report indicated a commercial future land use on the entire site would allow the overall parcel to be developed more efficiently with the potential for a greater mix of uses and with a design that may be able to contribute to the area by adding smaller scaled neighborhood and community serving commercial uses as directed by the Board of County Commissioners. The county staff report recommended approval of the proposed amendment.

C. Proposed County Initiated Amendments

1. Urban Redevelopment Area Alternative Revisions

The proposed amendment is to add two new policies to the Future Land Use Element that apply to the Urban Redevelopment Area (URA) Priority Redevelopment Areas (PRAs). The intent of this amendment is to allow greater flexibility with development options in the PRAs, which are located along the commercial corridors on Military Trail, Congress Avenue, and Lake Worth Road. The master plan for the URA includes mandatory urban form standards through the Urban Center (UC) and Urban Infill (UI) Transects. Although the UC and UI regulations were intended to eliminate hurdles to redevelopment and infill and incentivize redevelopment by allowing additional intensity and density, the amendment package indicates redevelopment has not occurred as anticipated.

New Policy 1.2.2-m addresses alternative future land uses. The policy states the UC and UI regulations foster an urban form for mixed use development with both residential and non-residential uses in the PRAs. In order to accommodate development and redevelopment that is not mixed use, the county shall allow properties to utilize the future land use designations and zoning districts consistent with those in place prior to the adoption of the UC and UI. The county shall initiate FLUA amendments to assign the prior or other appropriate future land use designations as an underlying/alternative designation.

New Policy 1.2.2-n addresses alternative zoning. The policy states the county recognizes that many of the properties in the PRAs could not meet the property development regulations of the zoning districts that were in place prior to the UC and UI being adopted. Therefore, the county shall initiate amendments to the Unified Land Development Code for the PRA properties to revise the property development regulations for existing zoning and planned development districts to accommodate the small size and other constraints. The intent is to allow PRA properties to develop consistent with the regulations that were in effect prior to the adoption of the UC and UI with a reduced or eliminated need for waivers or variances.

Council assisted the county by developing a master plan for the URA in 2007. Since the master plan was adopted by the county, unincorporated properties within the PRAs have been required to develop utilizing an urban form utilizing the UC and UI future land use and zoning. However, the county staff report indicates this has presented challenges that have slowed infill and redevelopment in unincorporated PRAs, while the adjacent cities have continued to experience both non-residential and residential development. The challenges are related to annexation and fragmentation; predominance of suburban projects; lack of demand for urban projects; lack of assembly of parcels; small parcel size; and issues related to lack of an established stormwater utility for the area. The proposed amendment adds flexibility to the PRA properties that have been assigned UC and UI regulations by allowing the properties to utilize the prior future land use and zoning as an alternative. This is the first amendment in a series that will proceed through the upcoming year to address commercial, mixed, and multiple use development options.

Regional Impacts

The Agricultural Reserve is recognized in the Economic Development section of the SRPP as a significant regional resource, because of its unique potential for agricultural production important for providing food resources nationally. The Agricultural Reserve is approximately 22,000 acres of unincorporated land west of the Florida Turnpike and north of the Broward County line. The Agricultural Reserve was established in 1980 to facilitate preservation of agriculture. The Feurring Commercial and West Boynton Center proposed amendments would result in a reduction in the number of acres in agricultural production and an increase in commercial uses. The direct impact of the proposed amendments on the potential for agricultural production in the Agricultural Reserve is very small, because the proposed FLU Atlas changes only affect about 9.25 of the approximately 22,000 acres in the Agricultural Reserve. However, the overall trend in the reduction of agricultural uses in the Agricultural Reserve is of concern, because the conversions result in the loss of a regional resource that may never be recovered.

Extrajurisdictional Impacts

Palm Beach County staff circulated the amendments through the Intergovernmental Plan Amendment Review Committee process on April 20, 2015, February 5, 2016, and March 30, 2016. No extrajurisdictional impacts have been identified.

Conclusion

Council encourages the county to take a strong position in protecting agricultural use in the Agricultural Reserve.

Recommendation

Council should approve this report and authorize its transmittal to Palm Beach County and the Florida Department of Economic Opportunity.

Attachments

List of Exhibits

Exhibit

- 1 General Location Map
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Exhibit 1 General Location Map

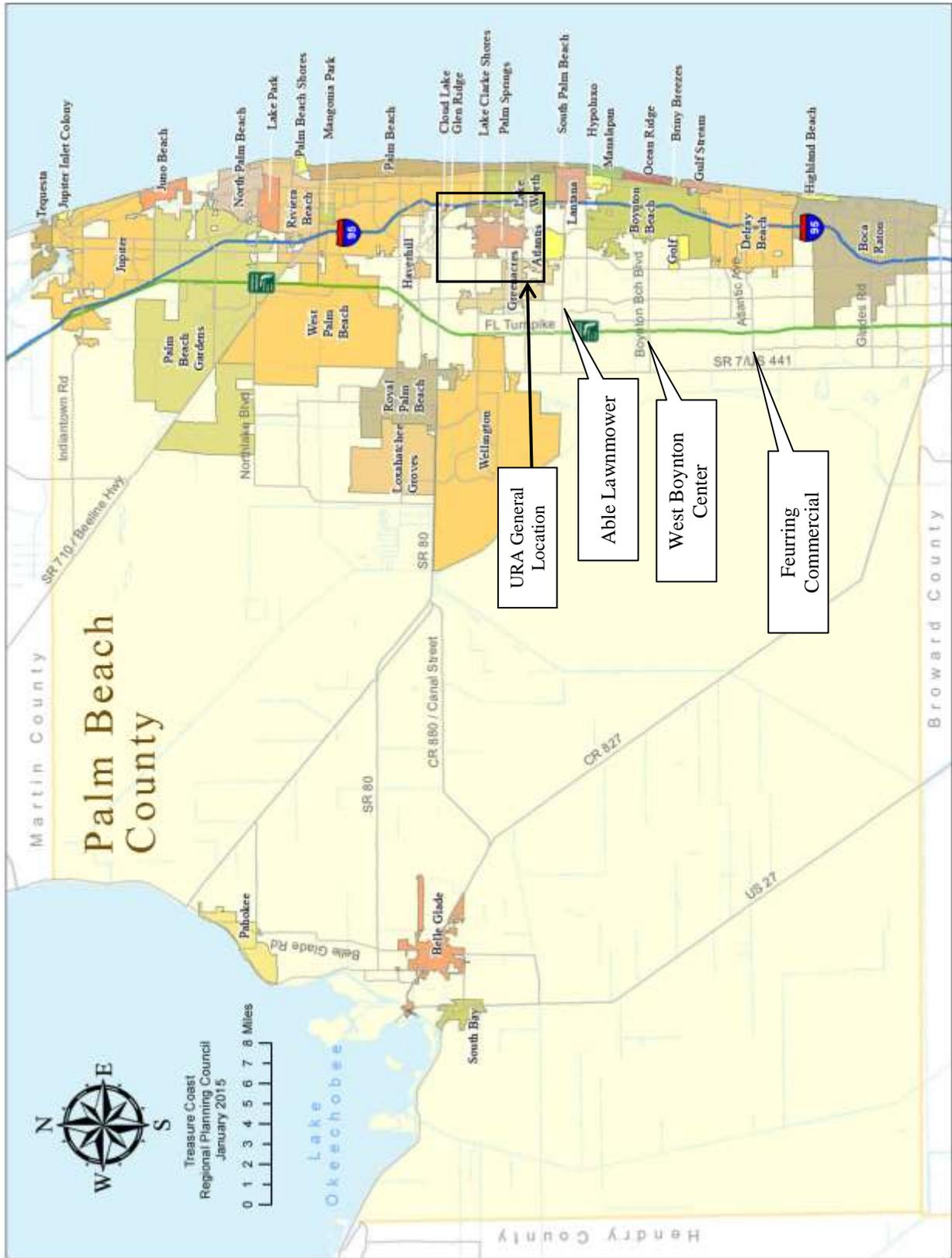


Exhibit 2 A-1 Able Lawnmower Sales & Service – Aerial Map



Exhibit 3

A-1 Able Lawnmower Sales & Service – Conditions

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| Amendment No: | Able Lawnmower Sales & Service (LGA 2015-010) |
| FLUA Page No: | 82 |
| Amendment: | From Commercial Low with an underlying 5 units per acre (CL/5) on 16.58 ac. (CL/5) and Medium Residential, 5 units per acre (MR-5) on 3.66 ac. to Commercial Low with an underlying Industrial (CL/IND) |
| Location: | North side of Lantana Road, approx. 180 feet west of Haverhill Road |
| Size: | 20.24 acres |
| Property No: | MR-5: 3.66 acres 00-42-44-35-00-000-5130; Portions of 00-42-44-35-00-000-5600 and 5590 CL/5: 16.58 acres 00-42-44-35-00-000-5090; 00-42-44-35-00-000-5050; 00-42-44-35-00-000-5460; Portions of 00-42-44-35-00-000-5600 and 00-42-44-35-00-000-5590 |
| <p>Conditions: The following conditions of approval adopted by Ord. 2010-040 are deleted as shown in strike out and new conditions are added as shown in underline.</p> <p>1. The northern 200 feet of the property shall be cross-hatched, which will limit that portion of the property to landscaping and drainage. Parking shall be prohibited in the cross-hatched area.</p> <p>2. The western 50 feet of the property shall be cross-hatched.</p> <p>3. The western 336.76 feet of the site shall be restricted to a self-storage facility and accessory uses as defined by the Unified Land Development Code (ULDC). If this portion is developed as a non-retail project, it shall be limited to a maximum of 0.35 floor area ration (FAR);</p> <p>4. The eastern 333.76 of the site shall be limited to a maximum of 0.20 floor area ratio (FAR);</p> <p>5. Prior to DRC submittal for the public hearing process to redevelop the eastern 336.76 foot portion of the site, access from Lantana Road to the entire parcel shall be restricted to the single access point created for the self-storage facility on the western 336.76 foot portion of the site.</p> <p>6. Prior to DRC submittal for the public hearing process to redevelop the eastern 336.76 foot portion of the site, a paved pedestrian and vehicular stub connection shall be provided to the property line directly to the east.</p> <p>7. At the time of re-zoning, a "unity of control" covenant for the entire site shall be entered into, signed and recorded by the applicant(s)/developer(s).</p> <p><u>1. The northernmost 200 feet of the site, excluding access and/or publicly dedicated right of way for Nash Trail, shall be depicted with cross hatched lines and be limited, as follows: The northernmost 50 feet of the cross hatched area shall be limited to water retention, landscaping, and/or drainage; and the remainder of the cross hatched area shall also allow parking and/or vehicular storage.</u></p> <p><u>2. The westernmost 50 feet of the site shall be depicted with cross hatched lines and be limited to water retention, landscaping, and drainage.</u></p> <p><u>3. Development of the site shall exclude heavy industrial uses which engage in the basic processing, manufacturing, or storage of flammable, hazardous, or explosive materials or products, or processes which potentially involve hazardous or commonly recognized offensive conditions as described in Policy 2.2.4-d of the Future Land Use Element of the Palm Beach County Comprehensive Plan.</u></p> | |

Exhibit 4
A-1 Able Lawnmower Sales & Service – Location Map

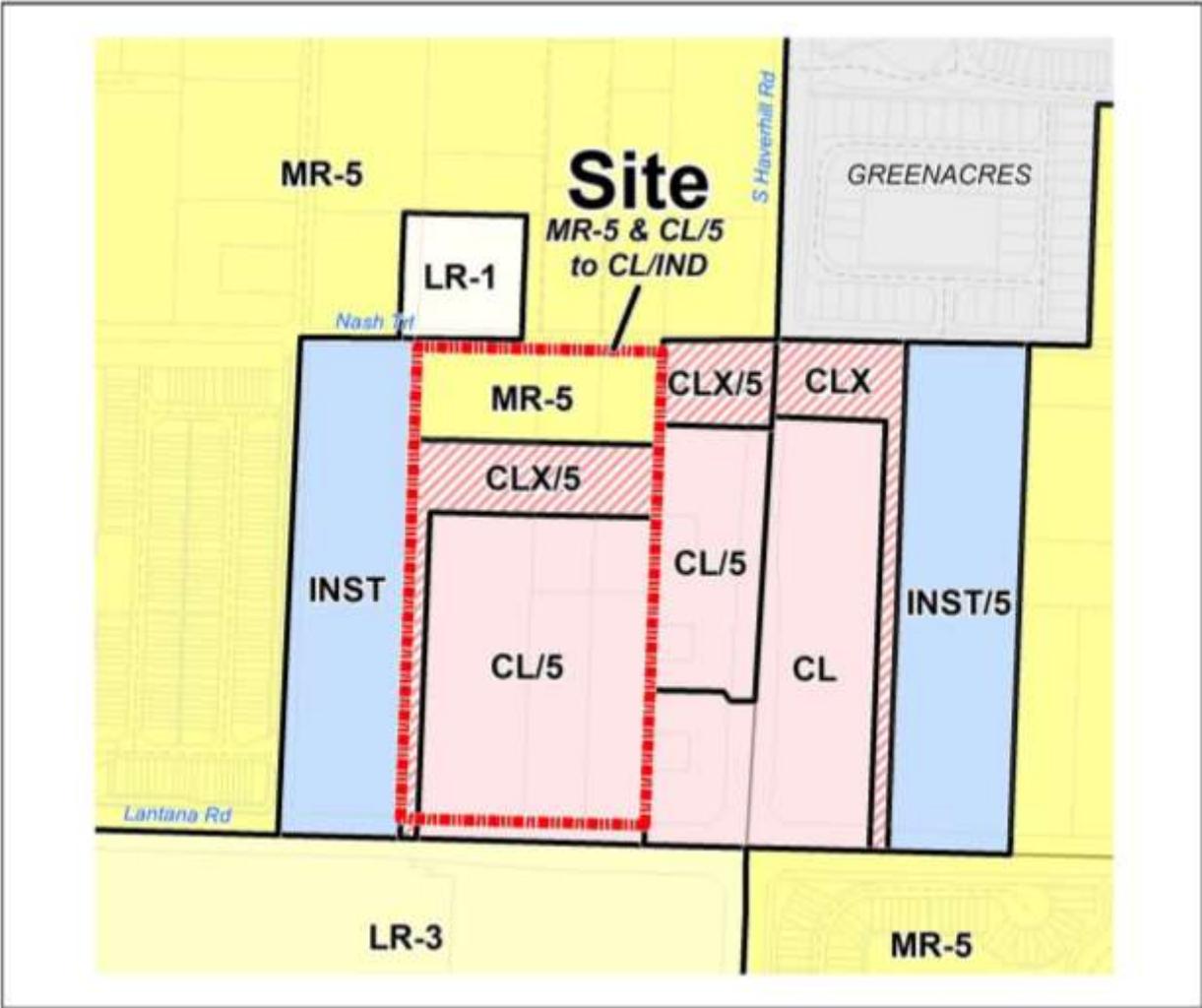


Exhibit 5 B-1 Feurring Commercial – Aerial Map



Exhibit 6 B-1 Feurring Commercial – Location Map

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|----------------------|--|
| Amendment No: | Feurring Commercial (LGA 2016-024) |
| FLUA Page No: | 102 |
| Amendment: | From Agricultural Reserve (AGR) to Commercial Low with an underlying Agricultural Reserve (CL/AGR) |
| Location: | Southeast corner of Atlantic Avenue and Lyons Road |
| Size: | 4.90 acres approximately |
| Property No: | 00-42-46-20-01-000-0150 |

Conditions: None

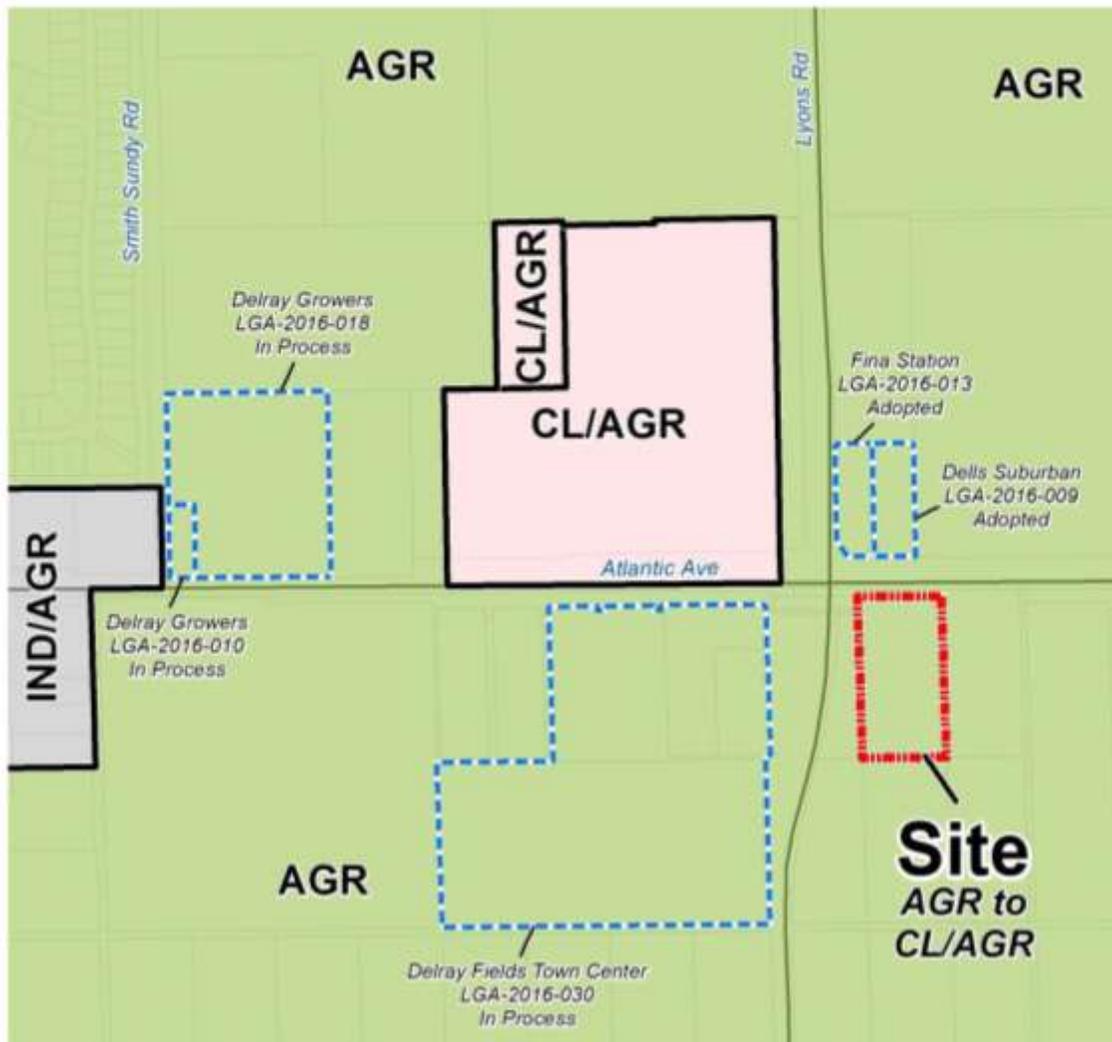


Exhibit 7

B-2 West Boynton Center (Smigel) - Aerial Map



Exhibit 8

B-2 West Boynton Center (Smigiel) – Location Map

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|---|---|
| Amendment No: | West Boynton Center - Smigiel (LGA 2016-025) |
| FLUA Page No: | 89 |
| Amendment: | From Agricultural Reserve (AGR) on 2.50 acres and Commercial Low with an underlying Agricultural Reserve (CL/AGR) on 4.35 acres to CL/AGR on 6.85 |
| Location: | Northwest corner of Boynton Beach Boulevard and Acme Dairy Road |
| Size: | 6.85 acres |
| Property No: | 00-42-43-27-05-050-1171 |
| Conditions: Development on the site under the Commercial Low future land use designation is limited to a maximum of 48,000 square feet of commercial retail uses, or other uses which do not exceed the equivalent traffic generating trips. | |



Exhibit 9

B-2 West Boynton Center (Smigiel) – Proposed Text Amendment

Proposed Text Amendment

A. Future Land Use Element, Ag Reserve Major Intersection Criteria

REVISIONS: To add the intersection of Acme Dairy Road and Boynton Beach Boulevard as a Major Intersection. The added text is underlined, and the deleted text ~~struck out~~.

Commercial and Mixed Use

Policy 1.5-#: In order to reflect the unique and limited commercial opportunities within the Agricultural Reserve Tier and the function of Acme Dairy Road as a collector roadway for 60/40 AGR-PUDs as identified by Policy 1.5.1-i, the intersection of Acme Dairy Road and Boynton Beach Boulevard shall be considered a Major Intersection for the purposes of location criteria in the ULDC.

Exhibit 10

C-1 URA Revisions Map 1 – Priority Redevelopment Area Status

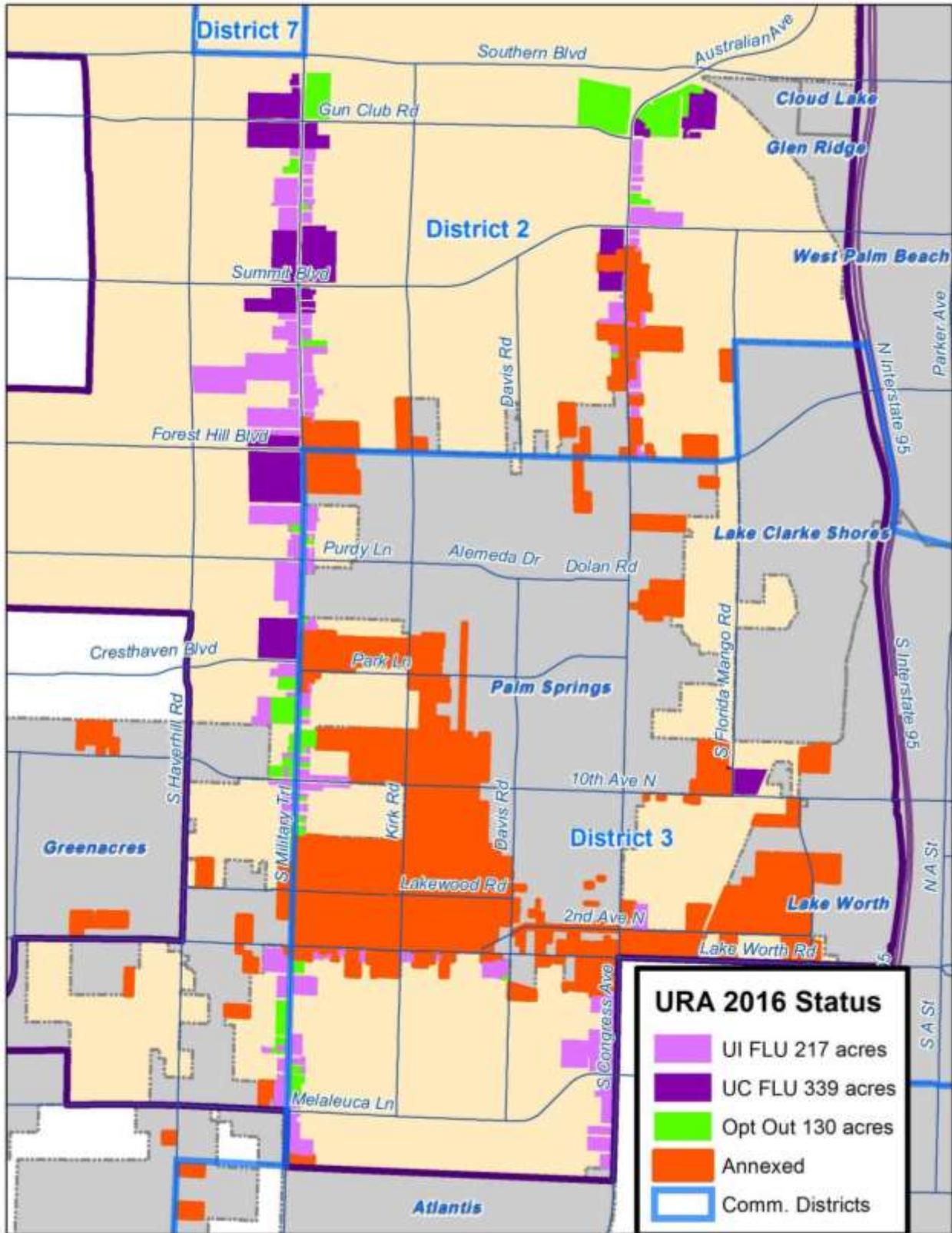


Exhibit 11

C-1 URA Revisions Map 2 – Priority Redevelopment Area by Parcel Size

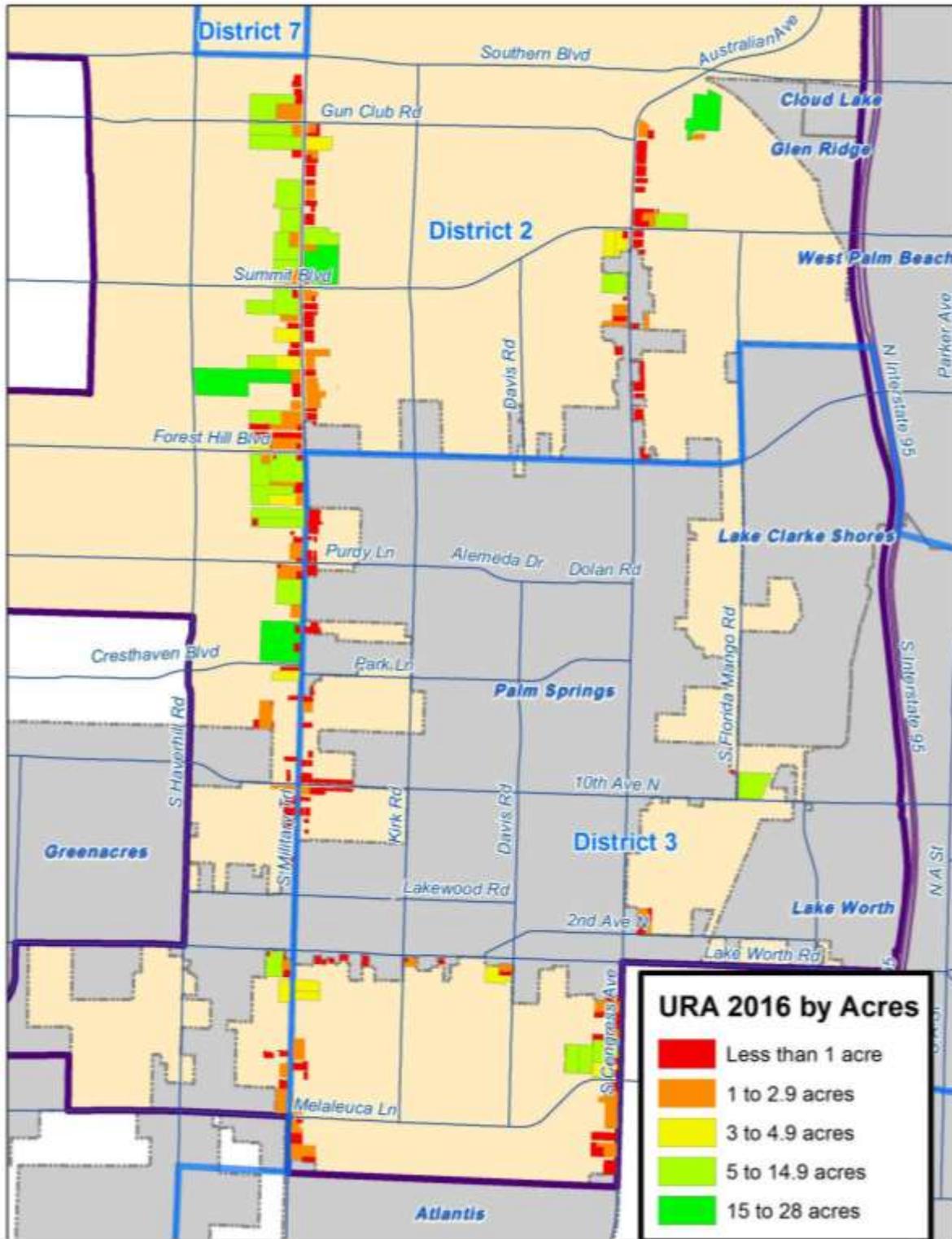


Exhibit 12

C-1 URA Revisions – Proposed Text Amendment

A. Future Land Use Element, URA Alternative Revisions

REVISIONS: To revise the URA in order to allow alternative future land uses and zoning. The added text is underlined, and the deleted text ~~struck out~~.

SUB-OBJECTIVE 1.2.2 The Urban Redevelopment Area (URA)

- A.1. **NEW Policy 1.2.2-m: Alternative Future Land Use:** The Urban Center (UC) and Urban Infill (UI) regulations foster an urban form for mixed use development with both residential and non-residential uses in the Priority Redevelopment Areas (PRAs). In order to accommodate development and redevelopment that is not mixed use, the County shall allow properties to utilize the future land use designations and zoning districts consistent with those in place prior to the adoption of the UC and UI. The County shall initiate Future Land Use Atlas amendments to assign the prior or other appropriate future land use designations as an underlying/alternative designation.
- A.2. **NEW Policy 1.2.2-n: Alternative Zoning:** The County recognizes that many of the properties in the PRAs could not meet the property development regulations of the zoning districts that were in place prior to the Urban Center (UC) and Urban Infill (UI) being adopted. Therefore, the County shall initiate amendments to the ULDC for the PRA properties to revise the property development regulations for existing zoning and planned development districts to accommodate the small size and other constraints. The intent is to allow PRA properties to develop consistent with the regulations that were in effect prior to the adoption of the UC and UI with a reduced or eliminated need for waivers or variances.

Exhibit 13 Agricultural Reserve Aerial – Regional View

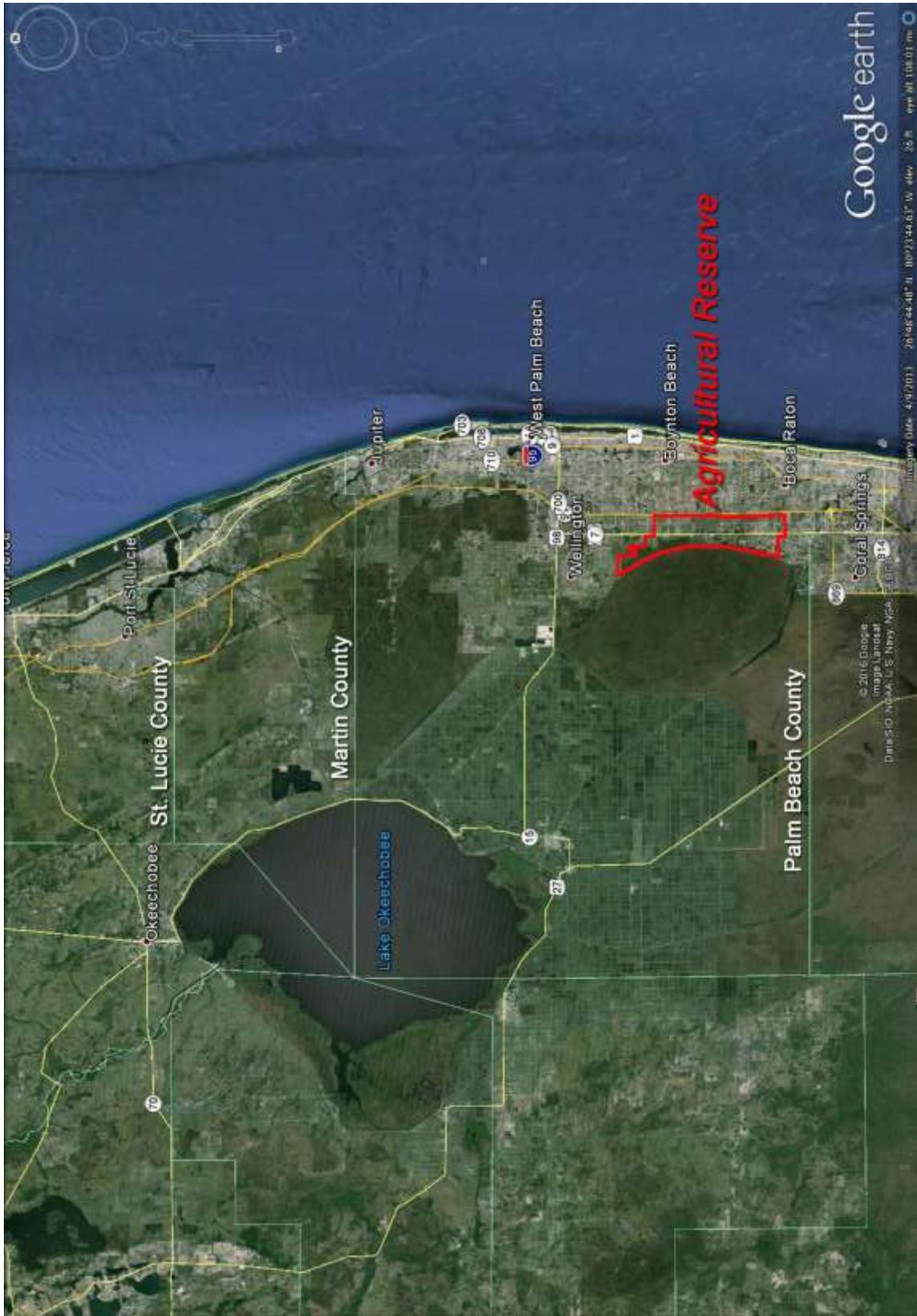


Exhibit 14 Agricultural Reserve Aerial – Local View

