



## **AGENDA**

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

**Wednesday, January 31, 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 Transmittal (Pages 2 - 4)**
- 4. COMMENTS (Page 5)**
- 5. ADJOURNMENT (Page 5)**



**Staff Assessment:** The site is located within boundaries of several overlays and the Haverhill Area Neighborhood Plan, and is adjacent to a low density residential neighborhood to the east, and to medium to high density neighborhoods on all other sides. The proposed amendment with bonus density is requesting a higher density than the surrounding neighborhoods, but is appropriate at this location considering the site’s location adjacent to major roadways and near employment centers. Additionally, a condition of approval requiring enhanced buffers and landscaping, including a 6 foot high wall is recommended by staff to ensure compatibility with surrounding existing residential uses. Consistent with past amendments, staff recommends conditions of approval limiting residential development to 195 units, requiring that 25% of the units (49 units) be provided as workforce housing on-site, and purchase of all available Transfer of Development Rights (TDR) units (34 TDRs). The applicant is in agreement with all of the conditions.

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

**Planning Commission/LPA Recommendation:** *Approval with conditions (as proposed by staff)*, motion made by Lori Vinikoor, seconded by Sam Caliendo passed in an 11 to 0 vote at the January 12, 2024 public hearing. The Commission commended the Elks Lodge for their charitable activities and expressed support for the project as a “win-win”. The Commission asked questions regarding surrounding densities, proposed access, height of the buildings and parking for both uses. Four members of the public, all representatives of the Elks Lodge, spoke in support of the amendment citing the benefits to the community.

**MOTION:** To *transmit* the Spring Haven MUPD FLUA amendment.

### 3.B.2 Bedner’s Market (LGA 2024-003) FLUA and Text

**Proposed Text Amendment:** To revise the Comprehensive Plan to define Agriculture Marketplace and allow the use within the preserve area of an AGR-MUPD for Agricultural Marketplaces that were approved prior to May 30, 2013.

**Proposed FLUA Amendment:** From Agricultural Reserve (AGR) to Commerce with an underlying Agricultural Reserve (CMR/AGR)

**Size:** 14.00 acres total                      **BCC District: Mayor Sachs, District 5**

**Location:** Northwest and southwest corners of State Road 7 and Lee Road, approximately 2 miles south of Boynton Beach Boulevard

**Summary:** The amendment proposes to change the future land use designation from Agricultural Reserve (AGR) to Commerce with an underlying Agricultural Reserve (CMR/AGR) in order to allow up to 213,444 square feet (0.35 FAR) of warehouse office uses on two sites located on the west side of State Road 7 on the north and south sides of Lee Road. The request also includes a text amendment to add a definition for an “Agriculture Marketplace” use, currently only defined in the Unified Land Development Code (ULDC). In addition, the text is proposing to allow the Bedner’s Market, an approved Agriculture Marketplace use in the AGR zoning district, as an allowable use within a preserve area of an Agricultural Reserve-Multiple Use Planned Development (AGR-MUPD). Current adopted policy does not allow this use in any preserve area for any of the allowed AGR Planned Development zoning options in the Agricultural Reserve Tier.

**Staff Assessment:** The existing Agriculture Marketplace was approved in 2012 following ULDC amendments that were created solely to allow the conversion of an existing Produce Stand use to an Agriculture Marketplace. The proposed text amendment represents a fundamental policy change from what the Board adopted in 2012. By allowing the Agriculture Marketplace use in a preserve area, it allows for an existing preserve to be replaced with the Bedner's Market, which is already accommodated on a non-preserve parcel. There would be no increase in the amount of land with a use that is agricultural, environmentally sensitive, or furthers other open space purposes. As a result, the proposed change results in no-net-gain of preserve land, provides a further exception for a use that was previously accommodated, and fails to further the existing goals and objective policies in the Agricultural Reserve Tier of farmland protection and agricultural perpetuation.

Regarding the FLUA request to Commerce, although the sites are eligible to request the Commerce FLU designation, the introduction of an industrial land use surrounded by preserve parcels, active agriculture, and environmentally sensitive lands in proximity creates an isolated pocket with a development potential over 200,000 square feet, an intensity far exceeding those of the surrounding area. In addition, the proposed CMR sites are adjacent to the existing Bedner Agriculture Marketplace, a use that the County worked toward accommodating in the ULDC by approving the use and a major proposed expansion up to 24,000 square feet from its current 8,600 square feet. The Agriculture Marketplace is the only one approved in the County and was intended to help support the adjacent ongoing bona fide active agriculture for residents and visitors in the Agricultural Reserve. Reducing the Agriculture Marketplace site, eliminating expansion plans, and introducing light industrial directly adjacent is not consistent with the overriding objective of the Tier to preserve and enhance agricultural activity, environmental and water resources, and open space within the Agricultural Reserve Tier.

**Staff Recommendation:** *Denial*

**Planning Commission/LPA Recommendation:** *Denial*, motion by Barbara Roth, seconded by Dagmar Brahs, passed in a 7 to 4 vote with Lori Vinikoor, Sam Caliendo, Kiley Harper-Larsen and Varisa Lall Dass dissenting at the October 13, 2023 public hearing. Commission discussion included how parking for the market would be accommodated in the future with development of proposed CMR sites, prior changes to the Comprehensive Plan to allow packing plants in preserve areas, adding value to properties for the Bedner family, and possibilities for locating more markets with limitations on major roadways (i.e. State Rd. 7). Discussion also focused on the applicant already agreeing to set aside the 5 acres (Parcel A) as a preserve area, that the proposed amendment would be setting a precedent to allow a market in preserve areas, and that the amendment overall with CMR was premature. A representative of the property owner surrounding Parcel A spoke in support of the proposed amendment citing the project's ability to enhance and preserve agriculture.

**MOTION:** To *deny* the Bedner's Market FLUA and text amendment.

#### **4. COMMENTS**

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

#### **5. 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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