MEMORANDUM

To: Council Members
From: Staff
Date: June 20, 2008 Council Meeting
Subject: Local Government Comprehensive Plan Review
Draft Amendments to the City of Boynton Beach Comprehensive Plan
DCA Reference No. 08-1ER

Introduction

The Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Florida Statutes, requires that Council review local government comprehensive plan amendments prior to their adoption. Under the provisions of this law, the Department of Community Affairs (DCA) prepares an Objections, Recommendations, and Comments (ORC) Report on a proposed amendment only if requested to do so by the local government, the regional planning council, an affected person, or if an ORC Report is otherwise deemed necessary by the DCA. If an ORC Report is to be prepared, then Council must provide DCA with its findings of consistency or inconsistency with the Strategic Regional Policy Plan (SRPP), and provide any comments and recommendations for modification on the proposed amendments within 30 days of its receipt.

Background

The City of Boynton Beach has proposed amendments to the text of a number of elements and to the Future Land Use Map (FLUM) of the City Comprehensive Plan. Most of the amendments are pursuant to an Evaluation and Appraisal Report (EAR) that was adopted by the City on December 5, 2006 and found to be sufficient by the DCA on February 16, 2007. The City has requested a formal review of the proposed amendments.

The following is from the Introduction Section of the City’s EAR:

The City of Boynton Beach is located in southern Palm Beach County, with the Town of Hypoluxo to the north, the City of Delray Beach to the south and the Towns of Ocean Ridge and Briny Breezes to the east. Lands to the west of the City are in unincorporated Palm Beach County. It is the third largest City in Palm Beach County.
The original plan for the City was recorded on September 3, 1898, and contained 160 acres, although the City was not incorporated until 1920. Today the land area of the incorporated City is approximately 16.4 square miles; the City Utilities Department, however, provides water and sewer services to an additional land area of approximately 33,000 acres. The City’s 2004 population is estimated at 65,208 permanent residents, with an additional seasonal population estimated at 5,299 persons.

The City was traditionally considered a low-density, low-rise community; however, in recent years Boynton Beach has focused on encouraging the redevelopment of the City’s coastal area and in the Community Redevelopment Area. Mixed use regulations drafted to implement the City’s vision, which began with the 20/20 Redevelopment Master Plan in 1998, have dramatically increased the allowable densities and intensities of development in these areas. In addition, The City has provided similar incentives to encourage mixed use development and redevelopment in more suburban areas of the City, to offset the patterns of sprawl that had been previously embraced.

Evaluation

A. Future Land Use Map Amendments

The three proposed FLUM amendments are summarized in Table 1 and their location and other characteristics are shown on the attached maps. The purpose of the first two amendments is to assign the Development of Regional Impact (DRI) FLUM designation to the Quantum Park of Commerce and the Boynton Beach Mall DRIs.

1. Quantum Park of Commerce DRI

Formerly known as the Boynton Beach Park of Commerce, this DRI was approved in 1984 with an Industrial FLUM designation. Changes to the development order over the years have resulted in a mix of land uses including a high school and over 1,100 dwelling units. The Industrial FLUM designation is no longer considered appropriate. The FLUM designation is to be changed to DRI and a definition of the allowable uses is provided in Policy 1.3.1.c of the Future Land Use Element.

2. Boynton Beach DRI

This 112 acre property was originally assigned a Local Retail Commercial designation. This designation is appropriate, but consistent with the City policy, the property is being assigned a DRI FLUM designation. The land uses and intensities are set forth in Policy 1.3.1.c of the Future Land Use Element.

3. Sunshine Square Shopping Center

This 14.4 acre property was assigned a Mixed Use FLUM designation in 2005 to allow for a redevelopment project. The real estate market has proven to be
unsupportive of a mixed use project with a large residential component, according
to the City. Modifications and an expansion proposed by the current owner
cannot be approved under the Mixed Use designation. The City proposes to
reassign the Local Retail Commercial designation to the property, which it held
prior to 2005.

Table 1
Proposed Amendments to the Future Land Use Map
City of Boynton Beach Comprehensive Plan
DCA Reference No. 08-1ER

<table>
<thead>
<tr>
<th>Amendment Number/Name</th>
<th>Approx. Acreage</th>
<th>Current FLUM Designation</th>
<th>Proposed FLUM Designation</th>
<th>Approximate Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Quantum Park of Commerce DRI</td>
<td>553.1</td>
<td>I</td>
<td>DRI</td>
<td>West of I-95 between the Boynton (C-16) Canal and Miner Road.</td>
</tr>
<tr>
<td>2. Boynton Beach Mall DRI</td>
<td>112.4</td>
<td>LRC</td>
<td>DRI</td>
<td>Northwest of the intersection of Congress Avenue and Old Boynton Road.</td>
</tr>
<tr>
<td>3. Sunshine Square Shopping Center</td>
<td>14.4</td>
<td>MX</td>
<td>LRC</td>
<td>Southwest corner of the intersection of Federal Highway and Woolbright Road.</td>
</tr>
<tr>
<td>Total:</td>
<td>679.9</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Key to FLUM Designations

DRI Development of Regional Impact
I Industrial
LDR Local Retail Commercial
MX Mixed Use

B. Text Amendments

Three elements (Future Land Use, Recreation and Open Space, and Intergovernmental Coordination) have been totally rewritten. No changes were made to the Public School Facility or Capital Improvements Elements. Measures have been added for each objective so that the City can assess the success in meeting the objective. A recently completed and very thorough Housing Needs Assessment has been added to the support documents for the comprehensive plan.
1. Future Land Use

The entire element has been redone. New Objective 1.12 and Policy 1.12.1 support the SRPP as they call for a range of housing types and affordabilities for both renter and owner occupied units. New Objective 1.13 is for the provision of workforce housing of a type and location where people can live and work in the same area. Policies under this objective require a certain percentage of low and moderate income units for development within certain FLUM designations, allow alternatives to the provision of housing on site, and require that such units remain affordable for 30 years by restrictive covenant.

2. Transportation Element

There are no major changes to the goals, objectives, and policies, but a new map series is included.

3. Utilities Element

New Policies 3A.1.5 and 3A.1.6 commit the City to reduce, then eliminate the discharge of wastewater into the Atlantic Ocean by December of 2008. New Policy 3C.3.7 commits the City to enforce water use reductions during any emergency declared under the South Florida Water Management District Water Shortage Plan. The Solid Waste sub-element is entirely rewritten and makes a strong commitment to solid waste recycling.

4. Conservation Element

Only minor revisions are proposed. New Objective 4.4 addresses the elimination of oceanic discharge of wastewater. New Policy 4.8.1 commits the City to expand the use of reclaimed wastewater to help reduce the use of potable water for irrigation.

5. Recreation and Open Space Element

This element is totally rearranged and rewritten. It reflects the 2007 City Recreation and Parks Department Strategic Master Plan. Three new objectives address the implementation of a Greenway and Bikeways Master Plan, continued funding for facilities and the preservation of habitats.

6. Housing Element

Only minor amendments are made to this element. New Objective 6.4 and supporting policies address workforce housing; similar to Objective 1.1.3 of the Future Land Use Element. Additional new policies address affordable housing as a condition of Constrained Roadways at a Lower Level of Service approval; an affordable access component of the Community Redevelopment
Area Direct Incentive Program; and discouraging the location of hospitals, congregate living facilities, nursing homes, etc. from coastal high hazard areas.

7. Coastal Management Element

The new statutory definition of Coastal High Hazard Area is incorporated. New objectives address wastewater oceanic outfall and population densities in the Coastal High Hazard Area. A new map series is also included.

8. Intergovernmental Coordination Element

This element is totally reorganized and rewritten. Objectives are now categorized by comprehensive plan element.

Extrajurisdictional Impacts

The City did not provide a copy of the amendments to the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC) in advance of transmittal as called for in the interlocal agreement. The City did provide a copy of the amendments to IPARC after transmittal and the Clearinghouse Notice was distributed on May 13, 2008. As of the date of this report, Council is not aware of any objections to the amendments.

Effects on Significant Regional Resources or Facilities

Analysis of the proposed amendments indicates that they would not have adverse effects on significant regional resources or facilities.

Analysis of Consistency with Strategic Regional Policy Plan

The City is commended for proposing the adoption of new Objectives 1.13 of the Future Land Use Element and 6.4 of the Housing Element. The objectives are to ensure the provision of workforce housing in locations where people can live and work in the same area; consistent with Regional Goal 2.2. The policies under this objective deal with density bonuses, developer incentives, restrictive covenants to retain affordability, innovative development regulations, traffic level of services adjustments and other issues.

Council has no recommendations for modification to the proposed amendments. The amendments are considered to be consistent with the SRPP.

Consistency with Strategic Regional Policy Plan

The contract agreement between the DCA and the Treasure Coast Regional Planning Council requires Council to include a determination of consistency with the SRPP as part of the written report to be submitted to the DCA. Council finds the proposed amendments to be CONSISTENT with the SRPP.
Recommendation

Council should adopt the above comments and instruct staff to transmit the report to the Department of Community Affairs.

Attachments
List of Exhibits

Exhibit

1. General Location Map
2. Future Land Use Map
3. Quantum Park of Commerce Map Amendment
4. Boynton Beach Mall Map Amendment
5. Sunshine Square Map Amendment
6. Thoroughfare System – Functional Classification of Roads
7. Public Transportation Facilities