

**DEVELOPMENT DEPARTMENT
PLANNING AND ZONING DIVISION
MEMORANDUM NO. PZ 17 - 002**

STAFF REPORT

TO: Chairman and Members
Planning and Development Board

FROM: Hanna Matras
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THRU: Michael W. Rumpf
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DATE: March 9, 2017

PROJECT NAME/NO: Comprehensive Plan's Future Land Use Element Text Amendments (CPTA 17-001) and related Future Land Use Map Amendments (LUAR 17-004)

REQUEST: Approve amendments to the Comprehensive Plan's Future Land Use Element and the Future Land Use Map that 1) implement recommendations of the 2016 CRA Community Redevelopment Plan pertaining to the future land use classifications; 2) adjust applicable policies to reflect the recently adopted changes to the Coastal Management Element; and 3) adjust remaining objectives and policies to account for changes in the City's vision and programs.

PROCEDURE

The proposed amendments to adopted Comprehensive Plan policies are text amendments and related Future Land Use Map amendments subject to the Expedited State Review Process per provisions of Chapter 163.3184(3) and (5), Florida Statutes, adopted by the 2011 legislation. The Expedited State Review Process applies to all comprehensive plan amendments except for small scale amendments and amendments that must follow the State Coordinated Review Process, such as the Evaluation and Appraisal Review (EAR)-based amendments to the Coastal Management Element adopted by the City on December 6, 2016.

If the Commission approves the proposed amendments, they will be transmitted for

review to the Florida Department of Economic Opportunity (DEO), currently the state land planning agency. (Within the DEO, the program is administered by the Division of Community Planning and Development, Bureau of Comprehensive Planning.) The final adoption by the City Commission is tentatively scheduled for July of 2017.

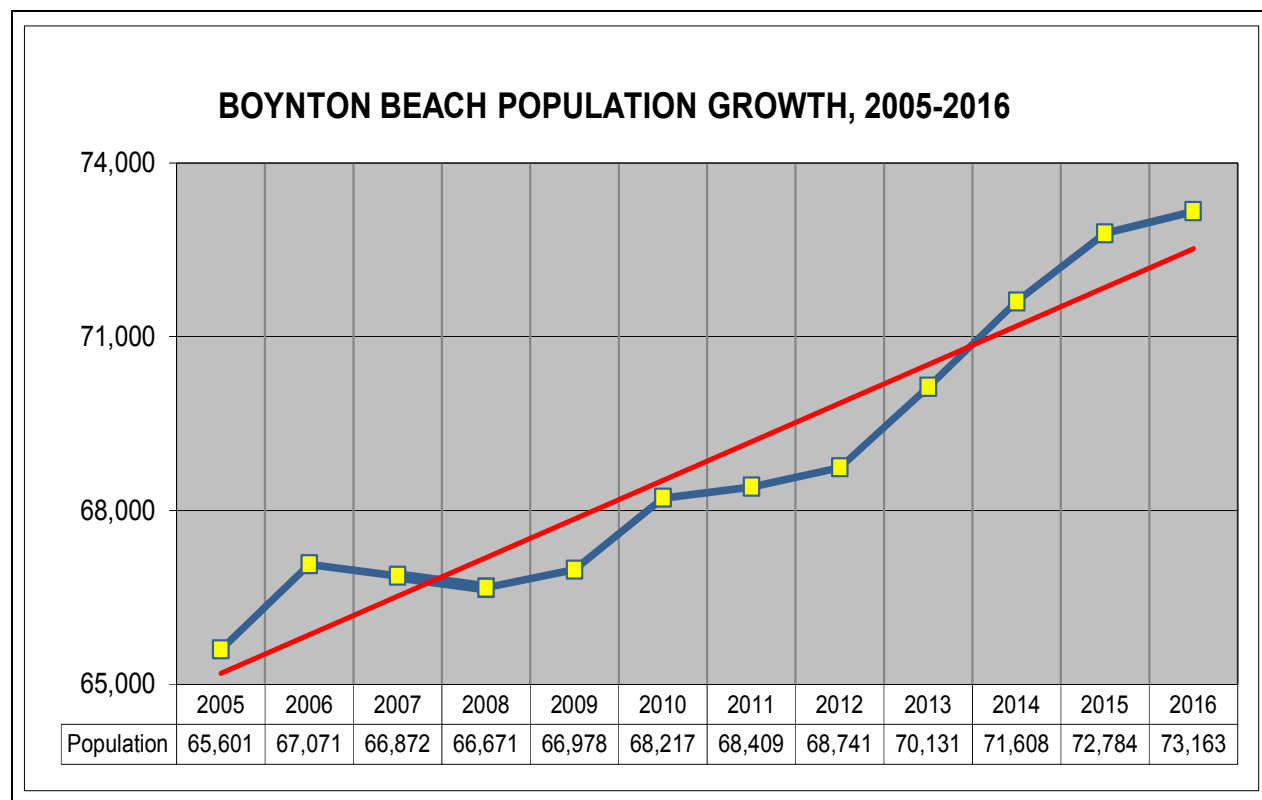
See **Exhibit “A”** for the proposed text amendments to the Future Land Use Element, and **Exhibits “B1,” “B2,”** and **“B3”** for the related Future Land Use Map amendments.

UPDATE 2017: POPULATION GROWTH AND LAND USE PROFILE

Population Trends

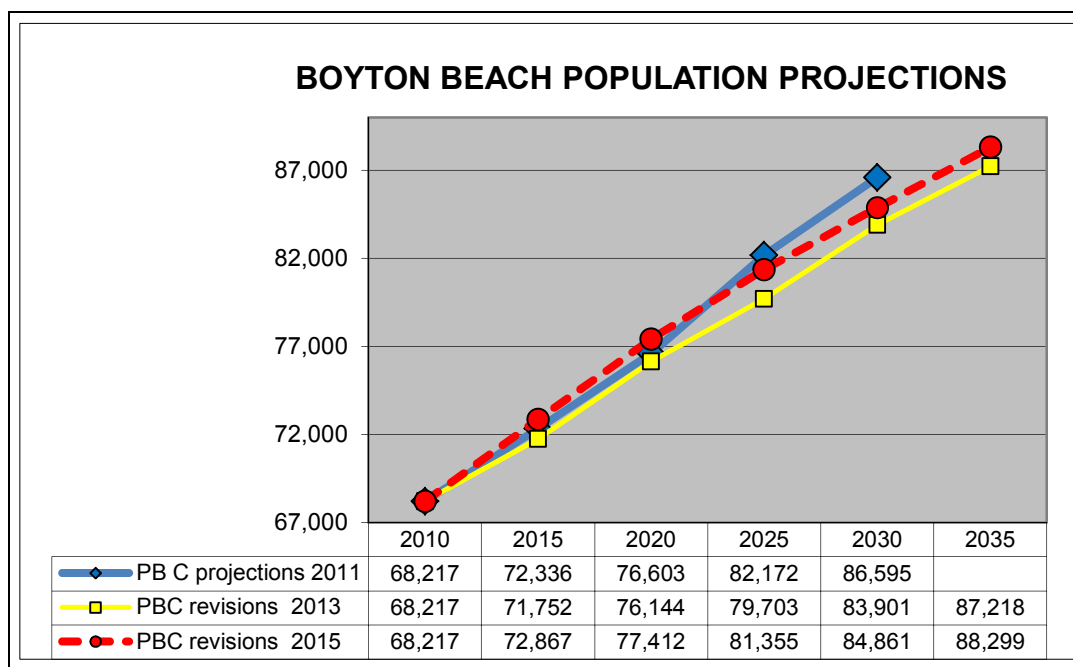
The population of the City of Boynton Beach grew rapidly, at the average annual rate of 6.3%, throughout the decades of 1960's and 1970's. The growth rate decreased in the 1980's and 1990's, but remained at a fairly high level of 2.7% until the year 2000. During the decade of 2000-2010, the rate declined further, to an average annual of 1.2%. Between 2010 and 2016, Boynton's population grew even slower, at about 1.1% per year.

This trend is mainly due to the fact that the city is nearing buildout, but population growth has been decelerating in both Palm Beach County and the state, after a severe nation-wide recession has stalled—at least temporarily—population influx to Florida.



Source: University of Florida, Bureau of Economic and Business Research (BEBR) and US Census (2010)

Currently, the City's 2016 permanent population is estimated by the University of Florida to be 73,163. (The last available US Census number for July 2015 is slightly higher, at 73,966.)



Source: Palm Beach County Planning Department, based on the county's projections by Bureau of Economic and Business Research (BEBR), University of Florida. No projections for 2035 were generated in 2011.

In 2015—as Palm Beach County continued to recover from the “great recession”—the County adjusted upwards its 2013 population forecast for the City. This action came after more optimistic BEBR county-level projections; however, the 2015 numbers for 2025 and 2030 remain below the levels projected for these years in 2011. (The PBC allocates the BEBR projections among the county's municipalities based on their future land use patterns.)

According to these estimates and projections, by 2035 the City may add over 15 thousand new residents and (assuming the 2.3-person average household size) will need some 6,500 housing units to accommodate them. As of November 2016, already about 2,500 units are under construction, in the approval process, or under preliminary consideration. In the upcoming years, more units will be generated, predominantly through redevelopment, especially within the Downtown Transit-Oriented Development District (where a 25% density bonus is permitted) and surrounding neighborhoods.

Please note that the last 10-Year Water Supply Facilities Work Plan, published in January of 2015, includes the City's population projections issued in 2013, not the revised, slightly higher 2015 numbers. Regardless, no capacity issues are anticipated within the 10 year planning period.

The projections do not include any assumptions regarding future annexations, though ultimately they are likely to occur, further contributing to the population growth. Some

properties within the City's service area, which extends west of its boundary into the area referred to as "West Boynton," may eventually be annexed; there are also two large enclaves (approximately 22 and 8 acres) as well as several pockets at the southeast boundary of the City. No annexation initiatives are currently under consideration.

Seasonal Population

Seasonal population estimates are based on the number of housing units used for "seasonal, recreational or occasional" purpose as reported by the US Census. That number has been rising from 2,762 in 1990 to 2,944 and 3,330 in 2000 and 2010, respectively. The American Community Survey's 5-year, 2015 estimate—the last available—was 4,158 (with a margin of error of +/- 531). Assuming the average seasonal household size of 1.8 persons, Boynton seasonal population is likely to be between 6,000 and 8,000.

The decennial census data shows that percentage of units for seasonal, recreational or seasonal use (in the total number of dwellings) decreased slightly between 2000 and 2010, from 9.6% to 9.2%, while their share based on the ACS 2015, 5 year estimates was significantly higher, at 11.4%. Given the ACS methodology, no conclusions can be drawn about trends and projections for seasonal population until the 2020 Census data arrives.

Future Land Use Profile

TYPE OF FUTURE LAND USE CLASSIFICATION	ACRES	PERCENT OF TOTAL
LOW DENSITY RESIDENTIAL (LDR) Max. 5 D.U./Acre	3433.7	40.9%
MODERATE DENSITY RESIDENTIAL (MODR) Max. 7.5 D.U./Acre	935.4	11.1%
MEDIUM DENSITY RESIDENTIAL (MEDR) Max. 10 D.U./Acre	255.3	3.0%
HIGH DENSITY RESIDENTIAL (HDR) Max. 11 D.U./Acre	909.8	10.8%
SPECIAL HIGH DENSITY RESIDENTIAL (SHDR) Max. 20 D.U/ Acre	125.0	1.5%
TOTAL RESIDENTIAL	5659.1	67.4%
OFFICE COMMERCIAL (OC)	69.5	0.8%
LOCAL RETAIL COMMERCIAL (LRC)	558.3	6.7%
GENERAL COMMERCIAL (GC)	24.9	0.3%
INDUSTRIAL (I)	347.9	4.1%
TOTAL COMMERCIAL AND INDUSTRIAL	1000.7	11.9%
RECREATIONAL (R)	474.0	5.6%
PUBLIC & PRIVATE GOVERNMENTAL/INSTITUTIONAL (PPGI)	258.8	3.1%
MIXED USE (MX)	92.9	1.1%
MIXED USE CORE (MXC)	39.8	0.5%
MIXED USE SUBURBAN (MXS)	76.7	0.9%
DEVELOPMENT OF REGIONAL IMPACT (DRI)	723.2	8.6%
CONSERVATION (CON)	67.0	0.8%
TOTAL	8392.4	100.0%

The table shows the current distribution of future land use categories. Over 67% of land

carries one of the five residential classifications, with 41% of the total classified Low Density Residential. Projects under the current “urban” mixed uses—Mixed Use and Mixed Use Core—occupy approximately 133 acres in the CRA.

The City is almost built-out. Out of the 419 privately-owned parcels totaling 199 acres, 386 (92%) are smaller than 1 acre. Generally, assembling such small properties for a developable site has been difficult as the properties are usually owned by different people. Out of the remaining 8%, only two are more than 10 acres (one of the two is under the Conservation Overlay, limiting its development potential).

Both the City and the CRA own vacant parcels. The 46 undeveloped, CRA-owned properties are concentrated in the downtown and surrounding neighborhoods, mostly in the Heart of Boynton area east of N. Seacrest Boulevard. Of the City-owned 83 acres of vacant parcels, about 60 acres are currently considered undeveloped parkland.

FLU ELEMENT TEXT AND FLU MAP AMENDMENTS

INTRODUCTION

The proposed text amendments affect the FLU Element’s objectives and policies pertaining to:

1. The structure of the future land use classifications, to implement recommendations of the CRA Community Redevelopment Plan (**Exhibit “C”**);
2. The classifications’ permitted uses, to update use categories so they better align with changes in the economy and in the City’s vision; and
3. Measures to protect life and property from natural hazards, as addressed in the recently adopted amendments to the Coastal Management Element.

The proposed FLU Map amendments constitute an execution of the proposed changes in the structure of the future land use classifications, as applicable, to properties within the City.

The main objective of the proposed amendments is the implementation of the 2016 CRA Community Redevelopment Plan, which will be added to the Support Documents of the Future Land Use Element. The Plan was adopted by the City Commission on October 4, 2016. It consolidates the previous redevelopment plans, delivers a comprehensive update reflecting the changes in economic environment and the City’s vision and organizes the CRA area into six districts, providing specific recommendations for each, including future land use, urban design and streetscapes reflecting principles of the Complete Streets programs.

The Plan’s future land use recommendations include a modified structure of the future land use classifications as well as changes to CRA area-specific future land use designations on the City’s FLU Map. While the former is the focus of the proposed amendments, the latter will be implemented incrementally through private development and redevelopment applications and occasional preemptive, City-initiated FLU Map

amendments for selected sites (such as the concurrently processed amendments for the planned Town Square project). Each of these will be reviewed on their own merit, the CRA Plan recommendations notwithstanding.

Note that proposed changes in the future land use classification structure affect not just the CRA but the City as a whole. The changes trigger the FLU Map amendments as analyzed below in this report.

1. **Changes to the FLU Structure and Resulting Changes to the FLU Map**

A. **Proposed Changes to FLU Structure**

The amendments include elimination of several future land use categories and creation of new ones, as well as modifications of the density caps. As shown in the table below, proposed changes cover the future land use classifications within the residential group (except Special High Density Residential) and mixed use categories.

Existing FLU	Density du/acre	Proposed FLU	Density du/acre	Change
Residential Classifications				
Low Density (LDR)	5	Low Density (LDR)	7.5	Merged into one LDR category; MODR category eliminated
Moderate Density (MODR)	7.5			
Medium Density (MEDR)	10	Medium Density (MDR)	11	Density increased to 11 du/acre
High Density (HDR)	11	High Density (HDR)	15	Density increased to 15 du/acre
Special High Density (SHDR)	20	Special High Density (SHDR)	20	No change
Urban Mixed Use Classifications				
N/A		Mixed Use Low (MXL)	20	New FLU category; also replaces MXS in suburban mixed use classifications
Mixed Use (MX)	40	Mixed Use Medium (MXM)	50	New MXM FLU category; MX category eliminated
Mixed Use Core (MXC)	80	Mixed Use High (MXH)	80	Renamed for consistency
Suburban Mixed Use Classifications				
Mixed Use Suburban (MXS)	20	Mixed Use Low (MXL)	20	MXS category eliminated, replaced by MXL

The proposed changes within the residential categories can be summarized as follows:

- Merging the Moderate Density and Low Density residential future land use classifications into a single classification of Low Density Residential (LDR), with the maximum allowable density of 7.5 dwelling units per acre (du/acre).
- Increasing the maximum density for: (a) Medium Density Residential (MEDR) future land use classification, from 10 to 11 du/acre, and (b) High Density Residential (HDR) classification, from 11 to 15 units per acre.

As expected, the CRA Plan recommendations emphasize mixed use FLU classifications, which are intended to play a major role in the ongoing revitalization of the CRA area, encouraging high quality design by providing greater flexibility.

The proposed changes within the mixed use categories include:

- Transition from two Urban mixed use future land use classifications—Mixed Use (MX) and Mixed Use Core (MXC) with maximum densities of 40 and 80 du/acre, respectively—to three classifications of Mixed Use Low (MXL), Mixed Use Medium (MXM) and Mixed Use High (MXH). The proposed changes address a considerable density gap of 40 du/acre between the two existing categories that has been determined to hinder creation of a desired urban form and urban identity for the Downtown and adjacent districts of the CRA.
 - Mixed Use Medium with the density cap of 50 du/acre would replace the current Mixed Use category with the density cap of 40 du/acre.
 - Mixed Use Low (MXL) is a new category, with the same maximum residential density of 20 du/acre as the Special High Density Residential (SHDR) category. Even though MXL would not necessarily require inclusion of commercial uses, maintaining a SHDR as a residential-only classification is important as it may be more appropriate than Mixed Use Low for certain locations. (SHDR does not allow commercial uses except for marine-oriented and water-dependent uses in conjunction with the Palm Beach County Manatee Protection Plan).
- The Mixed Use Suburban (MXS) classification will be eliminated, replaced by the Mixed Low (MXL) category (no change in maximum density: both have the same 20 du/acre density cap). Note that this change is not included among the recommendations of the CRA plan as there are no properties in the CRA area carrying this classification; rather, it is proposed to consolidate the mixed use categories into a more coherent classification scheme.

No changes are proposed to the DRI (Development of Regional Impact FLU classification), a de facto mixed use category. This category is defined by (three) individual projects' DRI use profiles and therefore cannot be absorbed into this structure.

B. Changes to FLU Map

As demonstrated in **Exhibits “B1,” “B2,” and “B3,”** the changes to the structure of the future land use classifications described above would result in significant amendments to the FLU Map.

For the residentially classified properties (Exhibits “B1a” and “B1b”), the amendments include the following:

- All properties currently classified Moderate Density Residential would be reclassified

to Low Density Residential.

- All properties currently classified High Density Residential would be reclassified to Medium Density Residential. Temporarily, there will be no properties carrying the “new” High Density Residential classification with an increased density of 15 du/acre, although the classification would be available for developers in CRA locations as indicated by the CRA Community Redevelopment Plan.

For the properties with urban/suburban mixed use classifications (Exhibits “B2a”/”B2b” and “B3a”/”B3b”), the amendments include the following:

- Properties currently classified Mixed Use would be reclassified—based on the Plan’s recommendations—either to Mixed Use Low, Mixed Use Medium or Mixed Use High.
- All properties currently classified Mixed Use Suburban would be reclassified to Mixed Use Low.

The proposed amendments, including the new density caps, have been noted within the maps’ legends (see exhibits).

C. Analysis and Impact of the Proposed Density Changes

- Low Density Residential: proposed density increase from 5 to 7.5 du/acre

The first impact of merging of the Low- and Moderate Density Residential future land use classifications under the LDR category with a 7.5 du/acre density cap would be a “house cleaning” of the City’s FLU map—namely, the elimination of a City-wide discrepancy whereby a significant number of properties classified LDR carry conventional zoning designations with maximum densities exceeding the 5 du/acre maximum of the LDR category. These zoning designations (with density caps of 5.5, 6.0 and 7.5 du/acre) currently correspond to the Moderate Density Residential category, but, with the latter to be eliminated, would be moved to the LDR category with the increased maximum density of 7.5 du/acre.

The total area under the LDR classification is about 3,434 acres, of which 2,003 acres, or 58%, is developed as Planned Unit Developments (PUDs); the rest carry conventional zoning designations. Of the latter, some 1,286 acres are located within zoning districts with maximum densities already exceeding the LDR’s cap of 5 du/acre.

The issue is a legacy of the past. In 1979, Boynton Beach adopted and started implementation of its first Comprehensive Plan. In the subsequent years, the City proceeded with a slow reconciliation of the zoning structure used prior to 1979—already reflected in the land use patterns “on the ground”—with the newly minted Plan’s land use categories and other Plan’s policies. On some already developed properties the discrepancies were never completely resolved.

The chief factor limiting the potential impact of the proposed density increase is the fact that almost all land under the LDR classification is already developed (see Exhibit “D”,

the map of Vacant Parcels Classified Low Density Residential FLU). Only 52 acres of land classified LDR are vacant; of these, there are three parcels of more than 2 acres (2.4, 8 and 16 acres)—the rest are below one acre.

Ultimately, rezoning any of these properties to districts allowing densities over 5 du/acre would be reviewed under the LDR's rezoning criteria, including compatibility with the current and future use of adjacent and nearby properties, as part of the approval process.

- Medium Density Residential: proposed density increase from 10 to 11 du/acre

Medium Density Residential (MEDR) currently occupies the second smallest area, 255.3 acres (3%), within the residentially-classified lands. Some 26 acres of this area are undeveloped, with only one parcel (slightly) exceeding one acre in size. Staff is of the opinion that an impact of 1 du/acre increase in density would be negligible.

The MEDR category would absorb 910 acres of properties which are now under the High Density Residential category; the current zoning designations for both would merge. Again, rezoning of any of the properties currently under the MEDR classification to a zoning district allowing a density of 11 du/acre would be reviewed under the LDR's rezoning criteria, including compatibility with the current and future use of adjacent and nearby properties, as part of the approval process.

- High Density Residential: proposed density increase from 11 to 15 du/acre

Temporarily, there will be no properties carrying the “new” High Density Residential classification with an increased density of 15 du/acre, although the classification would be available for developers in CRA locations as indicated by the CRA Community Redevelopment Plan, providing the review criteria for future land use map amendments are met. It would also be available in other locations in the City, for which no Redevelopment Plans have been developed, depending on outcomes of the LDR's criteria-based review.

- Density impact of Mixed Use property reclassifications

As already stated in this report, the 2016 CRA Plan recommends both changes to the structure of the FLU classifications and extensive changes to the existing classifications of properties within the CRA. The only FLU Map amendments proposed as part of the subject request are limited to those necessitated by changes to the FLU structure. To reiterate, they include:

- Citywide reclassifications of residentially classified properties forced by (a) the elimination of the MODR category and (b) an increase of the density cap of the MEDR category to that currently associated with the HDR category and the resulting incorporation of HDR-classified properties into the MEDR classification;
- CRA-wide reclassifications of Mixed Use classified properties—forced by the elimination of the Mixed Use category—to other mixed use categories consistent with the Plan's recommendations; and
- Reclassifications of properties classified Mixed Use Suburban forced by the

elimination of that category.

The impact of the reclassifications of Mixed Use properties included in the subject request should be considered in the context of their location.

All the Mixed Use properties subject to proposed reclassifications and located within the Downtown Transit-Oriented Development District (DTODD)—which covers a ½ mile radius around the future station (just south of Boynton Beach Boulevard) of the planned Tri-Rail Coastal Link commuter service—would carry classifications with a higher density cap than their current 40 du/acre. These are proposed to be either the Mixed Use Medium with a maximum density of 50 du/acre or Mixed Use High, with the permitted density of up to 80 du/acre. The City aims to improve land development patterns in the area in advance of station development through District-specific regulations, which now include a 25% density bonus.

An increased density and intensity of development are the most significant transit-supportive features of Transit-Oriented Development districts, with minimum levels of development recommended by Florida Department of Transportation. According to the Department's TOD 2012 Guidebook, a Community Center Station, a model for the Boynton Beach DTOD District, needs densities between 11 (corresponding to 4,862 units in the subject area) and 16 dwelling units per acre. The total number of units within the District is currently about 3,100, resulting in the gross density of 7.027 dwelling units per acre. The subject reclassifications and FLU Map amendments implementing the 2016 CRA Plan—including the concurrently processed amendment for the Town Square project—would help the DTOD District close this density gap.

Other proposed reclassifications of Mixed Use-classified properties indicated on the FLU Map in Exhibit "B2" (also consistent with the Plan's recommendations) include:

- South of DTOD district: the property on the northwest corner of US 1 and Woolbright Road, developed with the mixed use Las Ventanas project in 2009 (not likely to be intensified in the foreseeable future and located across the intersection from the property on the southeast corner with the same MXH future land use classification);
- North of DTOD district: reclassifications to Mixed Use Low; with lower density more compatible with the surrounding single-family neighborhood; and
- North-west of the DTOD district: reclassification to Mixed Use Medium of the area fronting Martin Luther King Jr. Boulevard, adjacent to properties classified Local Retail Commercial. A 10 du/acre density increase will support a commercial node at the Martin Luther King Jr. Boulevard/ Seacrest Boulevard intersection.

2. Amendments to Permitted Uses

A list of permitted uses have been created for the new Mixed Use Low FLU classification; for the existing classifications, significant amendments to permitted uses are proposed, mainly for the commercial and industrial categories (some are also

proposed for residential and mixed use ones). Generally, the reasons for the latter are:

- Most of the subject policies of the Land Use Element are nearly 30 years old. This translates into some outdated uses or outdated language in use descriptions, as well as a presence of uses that are no longer feasible, appropriate or aligned with the City vision (for example racetracks, arenas, amusement parks and revival tents).
- Some of the general descriptions lack clarity, others include unnecessarily detailed characteristics of uses more appropriate at a zoning level; a number appear redundant.
- Revisions will assure clear and unambiguous consistency between a general category of a use permitted in a given FLU category and uses under that category permitted in corresponding zoning districts. No use can be allowed in a zoning district if it cannot be reasonably linked to a permitted use in the underlying future land use classification.

3. Other Proposed Amendments

Adjustment to Objectives and Policies for consistency with the Coastal Management Element

On December 6, 2016, the City commission adopted amendments to the Coastal Management Element based on the Evaluation and Appraisal review of the Comprehensive Plan pursuant to Section 163.3191(1), Florida Statutes (F.S.), and Rule Chapter 73C-49, Florida Administrative Code. The amendments were in response to, and addressed, new statutory requirements for the CM Element contained in section 163.3178(2)(f) enacted on July 1, 2015, pertaining to prevention/mitigation of flood hazards in the coastal areas.

Amendments to several objectives and policies are proposed to assure consistency with the above mentioned amendments to the Coastal Management Element. They include changes to Objective 1.10 and its policies, aimed at steering population concentrations—especially those of vulnerable populations—away from high flood risk areas such as Coastal High Hazard Areas and FEMA-defined Special Flood Hazard Areas. The current Policy 1.11.4 was revised, committing the City to amend Land Development regulations to prohibit hospital and residential quarters for the elderly and other people with special needs to locate within either of these high flood risk zones.

Amendments to the economic development section (Objective 1.17)

The policies in this section aim at protecting the City from further loss of commercial and industrial lands to other uses. As part of the 2016 CRA Community Redevelopment Plan, there have been recommendations for area-specific future land use changes that eliminate commercial and industrial categories in selected locations but then add them to other areas. The proposed amendments include a policy requiring future redevelopment plans to apply a comparable zero-sum game approach to future land

use reclassifications.

Another proposed revision pertains to the City's Economic Development Strategic Plan, completed in November of 2016. Instead of creating a new, Economic Development element to the Comprehensive Plan, the City will add it to the Future Land Use Support Documents and consider its recommendations when amending the Comprehensive Plan or the Land Development Regulations.

RECOMMENDATION

As indicated herein, the proposed City-initiated text amendments and related FLUM amendments implement the recommendations of the 2016 CRA Community Redevelopment Plan and provide for consistency of the FLU element with the recently amended Coastal Management element. Therefore, staff recommends the approval of the proposed Future Land Use Map amendments and the concurrently processed amendments to the Future Land Use element for the transmittal to the State for an Expedited State Review.

ATTACHMENTS