



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

Wednesday, July 26, 2017

9:30 a.m.

**BCC Chambers 6th Floor, Jane M. Thompson Memorial Chambers
301 N. Olive Ave, West Palm Beach, FL 33401**

1. CALL TO ORDER

- A. Roll Call
- B. Invocation
- C. Pledge of Allegiance
- D. Proof of Publication - Motion to receive and file

2. AGENDA APPROVAL

- A. Additions, Deletions, Substitutions, Postponements
- B. Adoption of Agenda

3. PUBLIC HEARING –17-C Adoption (Page 2)

4. PUBLIC HEARING –17-D Transmittal (Pages 2-8)

5. REGULAR AGENDA (Page 9)

6. COMMENTS (Page 9)

7. ADJOURNMENT (Page 9)

3. PUBLIC HEARING –Round 17-C Adoption

The Department of Economic Opportunity reviewed this amendment under the Expedited Review process and issued no objections or comments. See front cover for copy of letter dated May 31, 2017.

3.A. County Initiated Text Amendment

3.A.1 [Transportation Element Updates](#). This amendment proposes an update to the Transportation Element, and related policies in Future Land Use and Intergovernmental Coordination Elements, and the Map Series. Specifically, the amendment includes:

- Deletion of most language pertaining to the SR 7 Transit Oriented Corridor;
- Deletion of several Constrained Roadways at a Lower Level of Service (CRALLS) which have expired along with revising the TCEA and CRALLS Map (TE 15.1) to reflect the deletions; and
- Deletion of completed policies and other housekeeping items.

Staff Assessment. This amendment proposes to delete Comprehensive Plan policies, language, and CRALLS facilities that are no longer applicable or is obsolete due to changed conditions, expiration, or completion. There are no subsequent ULDC revisions required of this amendment.

Staff Recommendation. *Approval*

Planning Commission/LPA Recommendation. *Approval*, motion by Sandra Greenberg, seconded by Neil Merin passed in a 11-0 vote at the April 21st public hearing. Board discussion included questions regarding deletion of CRALLS facilities. One member of the public spoke.

BCC Transmittal: *Transmit*, motion by Commissioner Berger, seconded by Vice Mayor McKinlay passed in a 7-0 vote at the April 26th public hearing. There was minimal board discussion and no public comment.

State Review Comments. The Florida Department of Transportation issued technical assistance comments stating recommendations that the County retain Transit Oriented Corridor policies and expand to other transportation corridors and that the County demonstrate consistency with the SR7 premium transit corridor designation. See staff report for discussion.

MOTION: To *adopt an ordinance for* the Transportation Element Updates amendment

4. PUBLIC HEARING –Round 17-D Transmittal

4.A. Proposed County Initiated Text Amendments

4.A.1 [Equestrian Waste Pilot Program Repeal](#). This proposed amendment would revise the Future Land Use and Introduction and Administration Elements to eliminate the Equestrian Waste Recycling Pilot Program and associated changes to the Plan that were adopted in January 2017 by Ordinance 2017-005. The Pilot Program allowed up to four facilities in the Glades Tier, largely known as the Everglades Agricultural Area, to apply for an equestrian waste recycling facility. Equestrian Waste Recycling Facilities will remain allowed within the Urban Suburban Tier in lands with an Industrial future land use designation subject to the requirements of the Unified Land Development Code.

Staff Assessment. The Program was adopted as a ‘Pilot’ specifically to ensure that the proposed facilities would meet all state and federal regulatory requirements, and to ensure that there were no negative impacts or issues created by the use. During the review of the first Pilot site, Horizon Composting, local farmers objected to the use stating that the concentration of equestrian waste composting and recycling on the site would present a food safety issue for locally grown fruits, vegetables, and leafy greens, and hinder their ability to sell their produce.

The staff report verifies the issued raised by the farmers that introduction of equestrian waste recycling and related manure facilities are not compatible or appropriate within the Glades Tier.

Staff Recommendation. *Approval*

Planning Commission/LPA Recommendation. *Approval*, motion by Michael Peragine, seconded by Arthur Goldzweig passed in an 8-0 vote at the July 14th public hearing. The Board commented on the need to address equestrian waste, but not at the expense of food safety. Three members of the public representing the agricultural industry spoke in support citing food safety concerns. A representative for the Horizon Composting application spoke in opposition, stating the need to continue efforts and dialogue to address the issue. A letter from the Florida Fruit and Vegetable Association was submitted for the record and documents from Paul Cross representing Horizon Composting (see Exhibit 7 Correspondence).

MOTION: To *transmit* the Equestrian Waste Pilot Program Repeal amendment

- 4.A.2 [Port of Palm Beach Master Plan](#).** This proposed amendment would revise the Transportation and Coastal Management Elements to incorporate by reference Section A, Goals, Objectives and Policies, 2017-2022 Future Improvements Map, and 2017-2022 Capital Improvement Program of the Port of Palm Beach Master Plan, which were adopted by the Port of Palm Beach Commission on April 20, 2017.

Staff Assessment. This amendment is proposed for consistency with the Port's Master Plan. There were no inconsistencies identified with the Comprehensive Plan, and no changes to the Unified Land Development Code are anticipated.

Staff Recommendation. *Approval*

Planning Commission/LPA Recommendation. *Approval*, motion by Michael Peragine, seconded by Marcia Hayden passed in a 11-0 vote at the June 16th public hearing. There was minimal discussion and no public comment.

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

- 4.A.3 [Westgate CRA FLUA Corrective](#).** This is a County Initiated Corrective amendment to revise Future Land Use Atlas (FLUA) for three sites totaling 7.86 acres located within the Westgate Belvedere Homes Community Redevelopment Area (CRA) in **District 7**.

Site A: LGA 2017-023

From CH to CH/8 (1.53 acres) and CHX to CHX/8 (3.09 acres)

4.62 acres located on the south side of Westgate Ave, approx. ¼ mile east of Military Trail. This amendment proposes to assign an underlying residential designation.

Site B: LGA 2017-024

From C/8 to CH/8

1.05 acres located on the northeast corner of Tallahassee Dr and Chickamauga Ave. This amendment proposes to assign a Commercial High category.

Site C: LGA 2017-025

From INST to INST/8

2.19 acres located on the northwest corner of Congress Ave and Cherry Rd. This amendment proposes to assign an underlying residential designation.

Staff Assessment. Staff Assessment: These changes are proposed to establish consistency between the existing uses and zoning district with the Comprehensive Plan, thereby allowing these uses to continue as conforming uses, and density will allow infill development or redevelopment consistent with the CRA.

Staff Recommendation. *Approval*

Planning Commission/LPA Recommendation. *Approval*, motion by Katharine Murray, seconded by Sandra Greenberg passed in a 9-0 vote at the July 14th public hearing. There was minimal board discussion and no public comment.

MOTION: To *transmit* of the Westgate CRA FLUA Corrective amendment

4.B. Privately Proposed Amendments in the Urban Suburban Tier

4.B.1 [Bainbridge Apartments \(LGA 2017-020\)](#). This is a privately proposed future land use (FLU) amendment as summarized below.

Current FLU: Low Residential, 2 units per acre (LR-2)

Proposed FLU: Medium Residential, 5 units per acre (MR-5)

Size: 31.30 acres

BCC District: 3

Location: East side of SR7, 0.6 mile north of Lantana Road

Staff Assessment. The County requires the Transfer of Development Rights (TDR) Program as the mandatory method of increasing density subject to certain exceptions such as use of the Workforce Housing Program (WHP). This amendment is proposing to increase density through the future land use amendment process from 62 to 156 units. The associated zoning application requesting 44 additional units through the TDR Program and 104 additional units through the WHP. The proposed amendment and rezoning would result in a total of 304 units for a density of 9.7 units per acre. The proposed amendment meets the requirements of the Comprehensive Plan with the inclusion of a staff proposed condition of approval requiring a percentage of the units to be WHP units. Consistent with recent Board action, the staff recommended condition requires that at least 25% of the residential units (76) be WHP units built on site.

Staff Recommendation. *Approval with Conditions*

Planning Commission/LPA Recommendation. *Approval with Conditions*, motion by Neil Merin, seconded by Michael Peragine passed in a 7-4 vote (with George Humphries, Marcia Hayden, Kiley Harper-Larsen and Barbara Roth dissenting) at the June 16th public hearing. The Board discussed the proposed workforce housing condition and surrounding densities. Seven members of the public spoke in opposition citing compatibility issues with the higher density and building height resulting from the addition of Workforce Housing and Transfer of Development Rights units, and expressed concerns regarding increased traffic impacts.

MOTION: To *transmit* the Bainbridge Apartments amendment

4.B.2 [Izzy Lizzy Residential \(LGA 2017-016\)](#). This is a privately proposed future land use (FLU) amendment as summarized below.

Current FLU: Low Residential, 2 units per acre (LR-2)

Proposed FLU: Medium Residential, 5 units per acre (MR-5)

Size: 5.00 acres

BCC District: 6

Location: East of Lyons Rd, 3,000 ft south of Lake Worth Rd, west of 87th Drive South

Staff Assessment. The County allows an exception to the mandatory Transfer of Development Rights (TDR) Program to increase density for properties in the West Lake Worth Road Corridor Neighborhood Plan provided that the proposed density is identified in the Master Plan. This amendment is consistent with the Comprehensive Plan with the addition of a staff proposed condition of approval to limit the density to the 5 units per acre proposed within the application.

Staff Recommendation. *Approval with Conditions*

Planning Commission/LPA Recommendation. *Approval with Conditions*, motion by Marcia Hayden, seconded by David Freudenberg passed in a 8-2 vote (with Angella Vann and Kiley Harper-Larsen dissenting) at the May 12th public hearing. Board discussion focused on the proposed conditions including whether the same conditions were placed on other amendments and accepted by applicants in the Neighborhood Plan Area. The Board also discussed Workforce Housing units and densities supported by the Neighborhood Plan. There was no public comment.

MOTION: To *transmit* the Izzy Lizzy amendment

4.B.3 Lake Worth Commercial (LGA 2017-013). This is a privately proposed future land use (FLU) amendment as summarized below.

Current FLU: Commercial High with underlying 2 units per acre (CH/2)

Proposed FLU: Commercial High with underlying 5 units per acre (CH/5) with revisions to previously adopted conditions of approval

Size/Location: 37.03 acres

BCC District: 6

Location: Southwest corner Lake Worth Road and Polo Road

Staff Assessment. This amendment proposes to increase density and to modify a previously adopted mixed use amendment. The original amendment requested a change from low residential to commercial future land use. Since the site was mid-block and did not meet the commercial location requirements, the County assigned strict conditions of approval to require design elements as part of a Lifestyle Commercial Center (LCC). Subsequent to the approval, the applicant has not been able to secure a developer, and is seeking to increase the density on the site from 2 units per acre to 5 units per acre and to eliminate some of the design elements while retaining the mixed use aspect of the project. The site is located within the West Lake Worth Road Corridor Neighborhood Plan, but not identified on the Master Plan with the higher density. The proposed amendment meets the requirements of the Comprehensive Plan with the inclusion of a staff proposed condition of approval requiring a percentage of the units to be WHP units. Consistent with recent Board action, the staff recommended condition requires that at least 25% of the residential units (46) be WHP units built on site.

Staff Recommendation. *Approval with Conditions*

Planning Commission/LPA Recommendation. *Approval*, motion by Neil Merin, seconded by Michael Peragine passed in a 9-0 vote at the July 14th public hearing. There was minimal board discussion and no public comment.

MOTION: To *transmit* the Lake Worth Commercial amendment

4.C. Privately Proposed Amendments in the Agricultural Reserve Tier

4.C.1 Morning Star MLU (LGA 2017-008). This is a privately proposed future land use (FLU) amendment and text amendment request as summarized below.

Current FLU: Agricultural Reserve (AGR)

Proposed FLU: Multiple Land Use with Commercial Low and High Residential, 8 units per acre, MLU (CL & HR-8) with conditions

Size: 50.99 acres

BCC District: 5

Location: Northeast corner of Atlantic Ave & Starkey Rd, west of Turnpike

Private Text Amendment Summary: To revise the Future Land Use Element to allow the amendment in the Ag Reserve Tier, including to:

- Increase the amount of commercial square footage in the Tier;
- Eliminate the requirement that commercial be central to the Tier;
- Add a new commercial mixed use intersection to the Tier;
- Allow the MLU designation within ¼ mile of the added intersection;
- Allow Urban Suburban Tier residential densities in Ag Reserve MLUs if 40% of units (other than CLF units) are workforce housing;
- Eliminate the preserve area requirements for MLU projects with 40% of the residential units as Workforce Housing;
- Exempt the amendment from the long range traffic req. in Policy 3.5-d

Staff Assessment. In April 2016, the County adopted changes to the Comprehensive Plan to allow new neighborhood oriented commercial uses in the Ag Reserve Tier to be reviewed on a case by case basis. The April amendment included increasing the cap on commercial retail and office uses within the Tier from 750,000 s.f. to 980,000 s.f. Over the subsequent 18 months, the County has approved ten commercial applications up to the allowable square footage cap. Nearly ½ a million square feet of the approved commercial is unbuilt. The proposed amendment represents a significant departure from the Ag Reserve policies recently evaluated and revised by the BCC. The amendment rewrites fundamental Comprehensive Plan Ag Reserve policies through a private text amendment to accommodate the subject site while opening the door to potential additional sites in the future. The site does not meet the location requirements for commercial and mixed use, exceeds the amount of commercial allowed, exceeds the maximum residential density, does not provide the required 60% preserve area, and violates the long range traffic requirements. In addition, the introduction of urban densities to support workforce housing, as proposed by the applicant, is an issue beyond the scope of one site-specific amendment, and requires BCC deliberation and policy direction in the broader context of housing policy.

Staff Recommendation. *Denial*

Planning Commission/LPA Recommendation. *Approval with modified conditions*, motion by Neil Merin, seconded by Kiley Harper-Larsen passed in a 5-4 vote (with Katharine Murray, Barbara Roth, Sandra Greenberg, and Arthur Goldzweig dissenting) at the July 14th public hearing. The motion included modifications to the conditions of approval to reduce the commercial cap (excluding the hotel) from the proposed 155,000 sq. ft. to 75,000 sq. ft., and to increase the preserve area from a minimum 5 acres off-site to a minimum 15 acres off-site. The Board discussed the high percentage of proposed workforce housing on the site, addressing workforce housing in the Tier, the changing demographics based on development since the completion of the Master Plan, that the County recently increased the commercial in the Tier, unbuilt commercial approvals, clarifying long range traffic analysis, viability of agricultural on the site, concern with lack of preserve, and the high intensity of the proposed site. Eight members of the public spoke citing that the nursery industry is deteriorating, the viability of agricultural on the site, the need for workforce housing, the desire for additional restaurants and retail, and that the proposed conceptual light and alignment of Starkey would improve traffic. Two members of the public spoke in opposition citing the increase in traffic and development, the desire for a more rural type lifestyle, and the detriments to the preservation of agriculture.

MOTION: To *deny transmittal* of the Morning Star MLU amendment

4.C.2 [Three Amigos \(LGA 2017-018\)](#). This is a privately proposed future land use (FLU) and text amendment request amendment as summarized below.

Current FLU: Agricultural Reserve (AGR) on 3.60 acres and Commercial Low with underlying AGR (CL/AGR) on 1 acre

Proposed FLU: Commercial Low/AGR

Size: 4.60 acres

BCC District: 5

Location: South side of Boynton Beach Blvd, approx. 950 sf east of SR 7

Private Text Amendment Summary. The applicant proposes a private text amendment to the Comprehensive Plan to increase the cap of commercial square footage allowed within the Tier to accommodate the increase in acreage.

Staff Assessment. A small portion of the subject site (.34 acres) has been partially operated with commercial uses since the 1960s, and has been recognized in the Comprehensive Plan as an allowable use in the Ag Reserve Tier since 1995. The County approved expansion of the site to a full acre last year by adopting Commercial Low future land use which tripled the applicant's commercial entitlement. The proposed increase would exceed the commercial cap in the Tier. Considering that the basis of the cap was to limit the amount of commercial uses in the Tier, and that nearly ½ of the approved commercial is vacant, there is no basis for this amendment.

Staff Recommendation. *Denial*

Planning Commission/LPA Recommendation. *Approval with modifications*, motion by Michael Peragine, seconded by Neil Merin passed in a 7-2 vote (with Katharine Murray and Barbara Roth dissenting) at the July 14th public hearing. The modification consisted of increasing the commercial cap by 35,000 sq. ft. rather than the proposed 35,632 sq. ft. The Board discussion included comments that this expansion shouldn't be penalized for being the last of the pre-existing site to request expansion, and that the request was consistent with the prior approvals with the exception of the commercial cap. There was no public comment. A letter from COBWRA in opposition was distributed (see Exhibit 10).

MOTION: To *deny transmittal* of the Three Amigos amendment

4.C.3 [West Atlantic Industrial \(LGA 2017-017\)](#). This is a privately proposed future land use (FLU) amendment as summarized below.

Current FLU: Agricultural Reserve (AGR)

Proposed FLU: Industrial with an underlying AGR (IND/AGR)

Size: 2.51 acres

BCC District: 5

Location: South side of Atlantic Ave, approx. 1,100 feet west of Lyons Rd

Staff Assessment. The amendment site is proposed in the Ag Reserve Tier in order to allow the development of auto repair-auto paint and body shop. There are approx. 77 acres of Industrial future land use within the Tier, of which nearly 70% is undeveloped. The Ag Reserve policies do not provide guidance or criteria for establishing new industrial future land use within the Tier. The final Ag Reserve Master Plan indicated that no new industrial should be allowed. Subsequently, the only industrial future land use approved in the Tier was to square off the Homrich site considering the surrounding non-residential uses. The proposed land use change is inconsistent with the Comprehensive Plan since the applicant has not provided an adequate justification to support the amendment, particularly considering the extent of available industrially designated land in the Tier. Further, the establishment of industrial uses mid-block on a small, isolated parcel would not be compatible with existing surrounding agricultural uses.

Staff Recommendation. *Denial*

Planning Commission/LPA Recommendation. *Denial*, motion by Sandra Greenberg, seconded by Dominic Guarnagia passed in a 10-1 vote (with Marcia Hayden dissenting) at the June 16th public hearing. Board discussion focused on the need to comprehensively plan the corridors within the Agricultural Reserve Tier and questions regarding the request for Industrial future land use rather than Commercial Low. The property owner for an adjacent parcel which was subject to a previous commercial request spoke in support of the amendment citing the changes occurring in the area.

MOTION: To *deny transmittal* of the West Atlantic Industrial amendment

4.D. County Initiated Text Amendments

4.D.1 Congregate Living Residential and Density Revisions. This proposed County Initiated amendment would revise the Future Land Use Element to establish a new residential future land use designation and make related changes. Specifically, this amendment proposes to:

- Establish a new residential future land use designation called Congregate Living Residential (CLR) for newly proposed Congregate Living Facilities (CLF) Type 3 in the Urban Suburban Tier;
- Support the ULDC regulations by further distinguishing between residential CLF uses and non-residential medical or treatment facilities such as nursing and convalescent facilities;
- Replace 'Standard' and 'Planned Development' density with a single maximum density for urban residential future land use designations;
- Correct an error within the Infill Policy, and relocate residential and institutional future land use language from the FLUA regulation section.

Staff Assessment. The proposed Congregate Living Residential (CLR) will allow the Board to review and consider proposed Type 3 CLFs to ensure that each project is appropriately located and compatible with adjacent land uses, and ensure that the approval of such uses do not introduce more intense uses which may not be appropriate at a particular location. The CLR designation is proposed for the Urban Suburban Tier. The applicability of the designation in the Ag Reserve Tier will be considered during the review of two of the privately proposed Type 3 CLFs amendment in the Tier later in the year. This amendment also to eliminate the requirement for urban residential developments be developed as Planned Developments to achieve maximum density which is no longer appropriate considering the characteristics of the remaining land for residential development. Additional changes will correct an error and relocated language within the Element.

Staff Recommendation. *Approval*

Planning Commission/LPA Recommendation. *Approval as modified*, motion by Neil Merin, seconded by Michael Peragine passed in a 9-0 vote at the July 14th public hearing. The modifications reflected changes distributed at the Board by staff. The Board commented on the requests for congregate living facilities and the differences with nursing facilities. There was no public comment.

MOTION: To *transmit* the Congregate Living Residential amendment

5. REGULAR AGENDA

6. COMMENTS

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

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