



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

**Wednesday, January 31, 2018**

**9:30 a.m.**

**BCC Chambers 6<sup>th</sup> 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 –18-B Transmittal (Pages 2-5)**
  
- 4. PUBLIC HEARING – Annual Capital Improvements Tables (Page 6)**
  
- 5. REGULAR AGENDA (Page 6)**
  
- 6. COMMENTS (Page 6)**
  
- 7. ADJOURNMENT (Page 6)**

**3. PUBLIC HEARING –Round 18-B Transmittal**

**3.A. Proposed County Initiated Amendments**

**3.A.1 [Housing Element Update.](#)** This proposed amendment would revise and update the Housing Element of the Comprehensive Plan including policies and data and revise when appropriate any reference of Department of Economic Sustainability (DES) to Housing and Economic Sustainability (HES).

**Staff Assessment.** These amendments were requested by the Department of Housing and Economic Sustainability (HES) and are in keeping with the regular maintenance of the Comprehensive Plan. The proposed amendment updates data where available, updates references to reflect existing, ongoing programs previously established by the Board and/or State or Federal agencies, and eliminates references to outdated programs.

**Staff Recommendation. *Approval***

**Planning Commission/LPA Recommendation. *Approval,*** motion by Michael Peragine, seconded by Angella Vann passed in a 11-0 vote. There was minimal Board discussion and no public comment.

**MOTION:** To *approve transmittal* of the Housing Element amendment

**3.B. Privately Proposed Amendments in the Agricultural Reserve Tier**

**3.B.1 [Clint Moore CLF / Allegro at Boca Raton \(LGA 2017-007\).](#)** This is a privately proposed text and future land use (FLU) amendment as summarized below.

**Current FLU:** Agricultural Reserve (AGR)  
**Proposed FLU:** Congregate Living Residential with underlying Ag. Reserve (CLR/AGR)  
**Size/Location:** 12.77 acres **BCC District: 5**  
**Location:** North side of Clint Moore Road, west of the Florida Turnpike  
**Text Amendment:** To allow the Congregate Living Residential future land use designation in the Ag Reserve Tier for Congregate Living Facilities up to 8 units per acre.

**Staff Assessment.** Congregate Living Facilities (CLF) are allowed in the Agricultural Reserve Tier within Agricultural Reserve Planned Unit Developments limited to 1 unit per acre to calculate the maximum number of beds (2.39 beds per unit) and with a required 60-80% preserve area. This calculation would yield 30 beds on the subject site, clustered onto 40%, rather than the 235 beds requested in the concurrent zoning application. The amendment proposes to allow a CLF at this location at a density of up to 8 units per acre which is significantly higher than surrounding uses and any other permitted uses allowed in the Tier. Since this is a private site-specific application, the applicant is limited to requesting this concept for the subject site. A more appropriate approach would be to direct staff to pursue a County Initiated text amendment to the Comprehensive Plan addressing this concept on a broader scale.

**Staff Recommendation. *Denial***

**Planning Commission/LPA Recommendation. *Denial,*** motion to deny by Lori Vinikoor, seconded by David Freudenberg, passed in a 13-0 vote. In a separate motion, the Board recommended that the Board of County Commissioners initiate an amendment to evaluate new CLF facilities in the Ag Reserve Tier. Board discussion included the need for a policy to direct the appropriate locations for CLFs in the Ag Reserve as whole rather than on a case by case basis. A total of 38 people spoke on the item. Thirty-one members of the public spoke in opposition stating that the high density was incompatibility with the neighboring residential and

that the increase in traffic and noise would negatively impact the community. Four members of the public spoke in support citing the benefits to the community as well as the need for this type of facility. Three speakers representing the application and the property owner spoke in support.

**MOTION:** To *deny transmittal* of the Clint Moore / Allegro CLF amendment

**3.B.2 [Poets Walk \(LGA 2017-015\)](#).** This is a privately proposed text and future land use (FLU) amendment as summarized below.

**Current FLU:** Agricultural Reserve (AGR)  
**Proposed FLU:** Congregate Living Residential with underlying Ag. Reserve (CLR/AGR)  
**Size:** 9.73 acres **BCC District: 5**  
**Location:** Northeast corner of Lyons Road and Linton Boulevard  
**Text Amendment:** To allow the Congregate Living Residential future land use designation in the Ag Reserve Tier for Congregate Living Facilities up to 8 units per acre.

**Staff Assessment.** Congregate Living Facilities (CLF) are allowed in the Agricultural Reserve Tier within Agricultural Reserve Planned Unit Developments limited to 1 unit per acre to calculate the maximum number of beds (2.39 beds per unit) and with a required 60-80% preserve area. This calculation would yield 23 beds on the subject acreage, clustered onto 40%, rather than the 186 beds requested by the applicant. The amendment proposes to allow a CLF at this location at a density of up to 8 units per acre which is significantly higher than surrounding uses and any other permitted uses allowed in the Tier. Since this is a private site-specific application, the applicant is limited to requesting this concept for the subject site. A more appropriate approach would be to direct staff to pursue a County Initiated text amendment to the Comprehensive Plan addressing this concept on a broader scale.

**Staff Recommendation. *Denial***

**Planning Commission/LPA Recommendation. *Denial*,** motion David Freudenberg, seconded by Kiley Harper-Larsen passed in a 6-5 vote (with Lori Vinikoor, Angella Vann, Michael Peragine, Edwin Ferguson, and Arthur Goldzweig dissenting). The Planning Commission also made a separate motion to recommend that the County pursue a County Initiated amendment to consider Congregate Living Residential future land use in the Ag Reserve Tier. Board discussion centered on the need for congregated living facilities, the recently adopted Congregate Living Residential future land use designation, Ag Reserve preserve requirements, and broader policy implications. There was no public comment.

**MOTION:** To *deny transmittal* of the Poet's Walk amendment

**3.B.3 [RaceTrac Boynton & Acme Dairy \(LGA 2018-006\)](#).** This is a privately proposed text and future land use (FLU) amendment as summarized below.

**Current FLU:** Agricultural Reserve (AGR)  
**Proposed FLU:** Agricultural Reserve (AGR) to Commercial Low with underlying AGR (CL/AGR) on 2.5 acres and AGR on 7.05 acres  
**Size/Location:** 9.55 total acres **BCC District: 5**  
**Location:** Northeast corner of Boynton Beach Boulevard and Acme Dairy Road  
**Text Amendment:** To revise the Future Land Use Element to add a new location for commercial development and to increase the allowable square footage for commercial in the Ag Reserve Tier.

**Staff Assessment.** This privately proposed text and future land use amendment is requesting commercial future land use for 2.5 acres that is part of a total of 38 acres under single ownership in order to develop a 5,411 sf convenience store with gas sales (24 fueling positions). The County recently approved a site plan for this same use as part of the Cobblestone Center approximately ¼ mile west of the site. Since April 2016, the County has expanded opportunities for new commercial uses and increased the cap on commercial retail and office uses from 750,000 to 1,015,000 square feet (35%) in the Agricultural Reserve Tier. Subsequently, the Board adopted a policy for the private text amendment West Boynton Center-Smigiel to establish the intersection of Boynton Beach Blvd and Acme Dairy as a Major Intersection for the purposes of ULDC commercial criteria. This policy was for the pre-existing commercial Smigiel site, and does not serve as a basis for the proposed RaceTrac amendment. The proposed amendment is inconsistent with several policies in the Comprehensive Plan, including the commercial cap, location criteria, commercial uses central to the Tier, piecemeal development, and design/planned development requirements for commercial. Nearly ½ a million square feet of the approved commercial is unbuilt, and there is no basis for increasing the allowable commercial uses in the Tier or approving a new commercial location at the intersection.

**Staff Recommendation. Denial**

**Planning Commission/LPA Recommendation. Denial,** motion by Neil Merin, seconded by Barbara Roth, passed in a 13-0 vote at the January 12th public hearing. Board discussion included comments regarding the lack of need for more commercial in the Tier, the inappropriateness of the location, the piecemeal aspect of the request, the history of the Smigiel amendment and Major Intersection, and the potential proliferation of gas stations in the corridor. Two members of the public spoke in opposition, both representing the Coalition of Boynton West Residential Associations (COBWRA), citing that the proposed amendment was unwarranted, piecemeal, would stretch the cap further, inappropriateness of the site for a gas station, and being out of character with the area.

**MOTION:** To *deny transmittal* of the RaceTrac Boynton & Acme Dairy amendment

### 3.C. Future Land Use Amendments in the Urban Suburban Tier

3.C.1 [Resort Lifestyle Communities \(LGA 2018-007\)](#). 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:** Congregate Living Residential with an underlying Low Residential 2 units per acre (CLR/2)

**Size/Location:** 10.02 acres

**BCC District: 6**

**Location:** North Side of Palomino Drive, approx. 0.15 miles East of State Road 7

**Staff Assessment.** The amendment is requested in order to develop a Congregate Living Facility (CLF) on the site with 191 beds. The site would retain the LR-2 as an underlying future land use to be used if the site were to be developed with residential uses other than a CLF. The applicant proposes a voluntary condition of approval to limit the density to 8 units per acre for the purposes of the CLF bed calculation. The subject site is located in a suburban area of the County and surrounded on the east and south by residential development. The site is located immediately adjacent to 3 single family homes and the low density Palm Beach Ranchettes neighborhood to the east. In order to ensure that the proposed CLF provides an appropriate transition and buffer to the single family homes, staff is proposing an additional condition of approval to require a 100 foot minimum area limited to landscaping, water/dry retention, parking, access, and drainage on the east side of the site. Subject to the conditions of approval

recommended by staff, the request is consistent with pertinent policies in the Comprehensive Plan, is compatible with adjacent uses, and meets all levels of service standards.

**Staff Recommendation. *Approval with Conditions***

**Planning Commission/LPA Recommendation. *Approval***, motion by Michael Peragine, seconded by David Freudenberg, passed in a 7-3 vote (with Katharine Murray, Barbara Roth, and George Humphries dissenting). An initial motion for denial by George Humphries, seconded by Barbara Roth, failed in a 3-7 vote. Board discussion included questions regarding traffic impacts and access to the site, and comments regarding support for a diversity of lifestyles in the County, and the impacts on the rural character of Palm Beach Ranchettes. Thirteen members of the public spoke in opposition stating concerns that the proposed amendment was incompatible with the surrounding neighborhood, that the intensity and height was too high, and that the request would result in negative traffic impacts.

**MOTION:** To *approve transmittal* of the Resort Lifestyle Amendment

**3.C.2 West Central Transportation Facility (LGA 2018-003).** This is a future land use (FLU) amendment proposed by the School District of Palm Beach County as summarized below.

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

**Proposed FLU:** Institutional with an underlying 5 units per acre (INST/5)

**Size/Location:** 25.39 acres

**BCC District: 2**

**Location:** North side of Belvedere Road, west of Skees Road

**Staff Assessment.** This amendment has been requested by the School District of Palm Beach County in order to relocate and develop a school bus facility that will accommodate 300 school buses and 450 parking spaces for employees. The 25.39 acre subject site is the southernmost portion of a total of 55.27 acres owned by the District. The District purchased the overall property in 2007 for the development of a middle school and bus facility. The middle school is proposed for the northern portion of the property to serve as a buffer to the residential uses to the north of the site. The bus facility is proposed to front Belvedere Road, immediately north of other properties with an Institutional future land use designation, as well as the Industrial future land use designation. The proposed amendment meets all relevant policies in the Comprehensive Plan, and the site is appropriate for the Institutional future land use designation. Considering the nature of the proposed use, the site plan reviewed as part of the zoning process should ensure that adequate landscaping is provided along the perimeter of the property to ensure that the character of the area is maintained and appropriate screening is provided.

**Staff Recommendation. *Approval***

**Planning Commission/LPA Recommendation. *Denial***, motion by Kiley Harper-Larsen, seconded by George Humphries, passed in a 6-3 vote (with David Freudenberg, Richard Ryles, and Edwin Ferguson dissenting). Board discussion centered on the number of similar facilities throughout the County, the number of buses proposed, the buses with diesel exhaust systems with lower emissions, that the use is more industrial rather than institutional, and the possibility of finding a more suitable site further west that would be closer to the communities this facility is intended to serve. Twenty-four members of the public spoke in opposition stating concerns regarding potential negative impacts to the Golden Lakes community and the Hippocrates Institute, including traffic impacts, potential harmful pollutants, increased noise and lighting, and that the need for the site is stemming from growth to the west.

**MOTION:** To *approve transmittal* of the West Central Bus Transportation Facility

#### 4. PUBLIC HEARING - ADOPTION

- 4.A. [Annual Capital Improvement Element Tables](#). This proposed amendment is to update the Comprehensive Plan to reflect the annual Capital Improvement Program including the 5 Year Road Program and capital improvements identified by the School District.

**Staff Assessment.** The Planning Commission and BCC Transmittal Hearings not required for this item. Annual table updates only require one public hearing.

**Staff Recommendation.** To *adopt an ordinance* for the CIE Annual Update

**MOTION:** To *adopt an ordinance* for the CIE Annual Update

#### 5. REGULAR AGENDA

- 5.A. [Proposed County Initiated Amendments](#). The item before the Board is to consider the initiation of proposed County Initiated amendments to the Comprehensive Plan. The amendments consist of five text amendments proposed by staff to update and revise future land use designations, including location criteria, uses allowed, and the processes to increase density/intensity.

**Staff Assessment.** The initiation process allows the Board to consider staff proposed changes to the Comprehensive Plan, and to provide direction on approaches to these amendments and/or to add new amendments for consideration. The complete analysis and staff report for each amendment will return to the Board for action at a subsequent transmittal and adoption public hearings. Initiation does not obligate the Board to future action. The proposed amendments may require subsequent changes to the Unified Land Development Code (ULDC). Specific changes will be identified during the amendment process.

**Staff Recommendation.** *To initiate the amendments*

**Planning Commission/LPA Recommendation.** *To recommend initiation as modified*, motion by Lori Vinikoor, seconded by Richard Ryles passed in an 9-0 vote on January 12<sup>th</sup>. The Board expressed support for the proposed amendments, and included in the motion a recommendation that the Board of County Commissioners add an amendment to evaluate new CLF facilities in the Ag Reserve Tier.

**MOTION:** To *initiate the amendments*

#### 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.