



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

Wednesday, May 2, 2018

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 –18-B Adoption (Pages 2)**
- 4. PUBLIC HEARING – 18-C Transmittal (Page 2-10)**
- 5. REGULAR AGENDA (Page 10)**
- 6. COMMENTS (Page 11)**
- 7. ADJOURNMENT (Page 11)**

3. PUBLIC HEARING –Round 18-B Adoption

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, 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ongoing programs previously established by the Board and/or State or Federal agencies, and eliminates references to outdated programs.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.

BCC Transmittal Action: *Approval*, motion by Commissioner Berger, seconded by Commissioner Burdick passed in a 7-0 vote at the January 31, 2018 public hearing. There was minimal Board discussion and no members of the public spoke.

State Review Agencies: The State Land Planning Agency issued a letter dated March 8, 2018 stating the Agency *“identified no comment related to important state resources and facilities within the Department’s authorized scope of review that would be adversely impacted by the amendment if adopted.”* There were no other state agency comments received regarding this amendment.

MOTION: To *adopt an ordinance* for the Housing Element amendment

4. PUBLIC HEARING - Round 18-C Transmittal

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

- 4.A.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 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 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 incompatible 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

4.A.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 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 congregate 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

4.A.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

4.B. Future Land Use Amendments in the Urban Suburban Tier

4.B.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 Dr, 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

4.B.2 [Lenox North Beach \(LGA 2018-002\)](#). This is a privately proposed future land use (FLU) amendment as summarized below.

Current FLU: Commercial High with an underlying 8 units per acre (CH/8)

Proposed FLU: Commercial High with an underlying 12 units per acre (CH/12)

Size/Location: 11.14 acres **BCC District: 1**

Location: West side of US Highway 1, just north of Juno Road and approximately 0.61 miles north of PGA Boulevard

Staff Assessment. This amendment proposes to increase residential density on an aging commercial center to foster the redevelopment of the site with a multifamily development. Under the current future land use designation the applicant can redevelop the shopping center with up to 211 dwelling units (19 units per acre), using the Transfer of Development Rights (TDR) and Workforce Housing Program (WHP) density bonuses. The applicant's intent is to develop a 250 unit multifamily housing development, with 33 of the proposed units as TDR and 83 through the WHP density bonus. The site is located along the US 1 corridor located just south of Juno Beach on US Highway, and immediately adjacent to the Pleasant Ridge and Juno Ridge CCRT areas. The proposed density is higher than the density of the surrounding neighborhoods and would need to be configured so that impacts on neighboring areas are minimized, to ensure land use compatibility.

The applicant has proposed conditions of approval requiring that 25% of the dwelling units built on site are workforce housing units and includes a requirement to purchase the full amount of available TDR units at the workforce housing rate. In addition to the conditions proposed by the applicant, staff is recommending conditions of approval to cap the units at 250 in order to ensure that the design and intensity of the project remain as represented by the applicant, to ensure that the site design issues raised by staff and area residents are addressed by requiring that the amendment and zoning hearings are held on concurrently, and to limit the density increase to only an exclusively residential project. Staff will continue to review the applicant's proposed distribution among income categories and unit types to ensure that the intent of the WHP is met, and to ensure consistency with both the WHP and TDR requirements of the Code.

Staff Recommendation. *Approval with Conditions*

Planning Commission/LPA Recommendation. *Denial*, motion by Neil Merin, seconded by Cara Capp, passed in a 10 to 2 vote (with Angella Vann and Marcia Hayden dissenting) at the April 13th public hearing. Board discussion included comments regarding the higher density than adjacent land uses, that a mixed use project would be more appropriate using the existing density and intensity, and that the area was on the fringe of the urban area and not appropriate for a density increase. Twenty two members of public and representatives from the Town of Juno Beach spoke in opposition, citing that the proposed high density is not compatible with the area, would generate negative traffic impacts, not consistent with the scale/mass of the area, and creates issues with hurricane evacuation.

MOTION: To *approve transmittal* of the Lenox North Beach amendment

4.B.3 [Lake Worth Royale \(LGA 2018-015\)](#). 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: Commercial High (CH) on 3.00 acres and High Residential, 12 units per acre (HR-12) on 27.02 acres

Size/Location: 30.02 acres

BCC District: 6

Location: South side of Lake Worth Rd, west of Florida Turnpike at Hooks Rd

Staff Assessment. This amendment proposes to change the future land use designation from Low Residential, 2 units per acre, to High Residential, 12 units per acre on 27.02 acres and Commercial High on 3 acres. The applicant's intent for the HR-12 portion is to develop a 375 multifamily housing development (14 units per acre density) with 51 of the proposed units through the Workforce Housing Program (WHP) density bonus as part of the zoning application, and a Convenience store with gas sales. The site is located in a suburban area of the County on Lake Worth Road, just west of the Florida Turnpike within the West Lake Worth Road Neighborhood Plan.

The Commercial portion of the amendment met the Commercial Location Criteria under the current configuration of the parcel since it shares a common boundary with a commercial property to the west. However, the proposed Zoning application includes a proposed non planned collector road for the residential PUD zoning application along this boundary that will sever this contiguity. The proposed commercial is therefore inconsistent with the Commercial Location Criteria.

Under the adopted designation the applicant can develop up to 125 dwelling units (4.6 units per acre) including density bonuses through the Transfer of Development Rights (TDR) and Workforce Housing Programs. Policy 2.4-b requires the use of the TDR program as the mandatory method of increasing density unless the property owner can provide an adequate justification and demonstration that the current density is inappropriate. The applicant has not demonstrated that the proposed amendment is justified and the requested density is not supported by the associated Neighborhood Plan. The proposed amendment is therefore inconsistent with the Comprehensive Plan.

Staff Recommendation. *Denial*

Planning Commission/LPA Recommendation. *Denial*, motion by Michael Peragine, seconded by Kiley Harper-Larsen passed in a 12 to 0 vote at the April 13th public hearing. An initial motion for approval, failed in a 2 to 10. Board discussion included comments regarding the need to respect the Neighborhood Plan, that a density above LR-2 may be appropriate, and the inability for Hooks Road to be signalized given the proximity to the Turnpike interchange light. Three members of the public spoke in opposition, one representing the Lake Worth Road Coalition, citing an inappropriateness the proposed high density and a initially proposed convenience store with gas sales use, the lack of a connection to Polo Road to the west, the access issues at Hooks Road, and negative traffic impacts.

MOTION: To *deny transmittal* of the Lake Worth Royal amendment

4.C. Future Land Use Amendments outside the Urban Suburban Tier

4.C.1 [Central Park Commerce Center II \(LGA 2018-027\)](#). This is a privately proposed future land use (FLU) amendment as summarized below.

Current FLU: Economic Development Center (EDC)
Amendment: To revise a condition of approval in Ord. 2016-26, to extend time for development to commence from June 30, 2019 to June 30, 2022
Size/Location: 138.31 acres **BCC District: 6**
Location: North side of Southern Blvd/SR 80, west of the L-8 Canal, approx. 3 miles west of Seminole Pratt Whitney Road

Staff Assessment. This amendment proposes to revise an adopted condition of approval established in the original ordinance granting the Economic Development Center Future Land Use designation in 2016 for the development of a 'data center'. Adopting ordinance 2016-26 established a condition of approval that requires the County to consider initiation of an amendment to change the designation for development of a minimum of 200,000 square feet did not commence by to June 30, 2019. The proposed amendment would extend the deadline to June 30, 2022 to allow for a timeframe which coincides with deadlines established in 2017 State legislation, which created the opportunity for a sales tax exemption for data centers. Staff concurs that the date extension would enable the full use of the timeframe established in the Statute, if needed. Staff also concurs that, given that there are no other large data centers in Florida, the extension allows more leeway to address any unanticipated issues for this unprecedented large-scale use. Further, the proposed amendment is not changing the future land use designation, allowable uses, or development potential of the site.

Staff Recommendation. *Approval*

Planning Commission/LPA Recommendation. *Approval*, motion by Michael Peragine, seconded by Barbara Roth passed in a 12-0 vote at the April 13th public hearing. One Board member questioned the need for the time extension, and another sought clarification on the data center. There was minimal discussion and no public comment.

MOTION: To *approve transmittal* of the Central Park Commerce Center II amendment

4.C.2 [Entrada Commons \(LGA 2018-012\)](#). This is a privately proposed future land use (FLU) amendment as summarized below.

Current FLU: Rural Residential, 1 unit per 5 acres (RR-5)
Proposed FLU: Commercial Low, with an underlying Rural Residential, 1 unit per 5 acres (CL/RR-5)
Size/Location: 5.38 acres **BCC District: 6**
Location: Northeast corner of Seminole Pratt Whitney and Southern Boulevard

Staff Assessment. This amendment is proposed to change the future land use designation on a 5.38 acre site from Rural Residential, 1 unit per 5 acres (RR-5) to Commercial Low with an underlying 5 units per acre (CL/RR-5) in order to develop up to

23,522 square feet of commercial uses. The site is located in the Rural Tier and in an area of the County known as the Central Western Communities at the northeast corner of the intersection of Seminole Pratt Whitney Road and SR80/Southern Boulevard. The site is currently vacant and has not been the subject of a prior land use amendment.

The applicant's justification states that changed conditions since the adoption of the 1989 Comprehensive Plan have occurred that support the amendment to Commercial. Two future land use amendments have been adopted in the vicinity of the site from Rural Residential to Commercial Low and Institutional and Public Facilities, and the location of the site meets the County's Commercial Location Criteria for the Tier. In addition, this intersection was identified as an appropriate location for a commercial node since the adoption of the Managed Growth Tier System in 1999, and was later supported by the Central Western Communities Sector Plan. The applicant has demonstrated that residential development on the site is no longer appropriate, and that the proposed amendment to commercial is consistent with applicable Comprehensive Plan policies and that there are no service delivery or compatibility issues with the request.

Staff Recommendation. *Approval*

Planning Commission/LPA Recommendation. *Approval*, motion by Michael Peragine, seconded by Lori Vinikoor, passed in a 10 to 2 vote (with Neil Merin and Kiley Harper Larsen dissenting) at the April 13th public hearing. Board members questioned the maximum floor area ratio allowed on the adjacent Sluggett property to the west and whether the public notice adequately indicated that the site was on the northeast corner. There was no public comment.

MOTION: To ***approve transmittal*** of the Entrada Commons amendment

4.C.3 [Lantana SR7 \(LGA 2018-005\)](#). This is a privately proposed future land use (FLU) amendment as summarized below.

Current FLU: Rural Residential, 1 unit per 10 acres (RR-10)

Proposed FLU: Commercial Low/RR-10 (CL/RR-10)

Size/Location: 1.03 acres

BCC District: 6

Location: Southwest corner of Lantana Road and State Road 7

Staff Assessment. This amendment proposes to change the future land use designation on a 1.03 acre site from Rural Residential, 1 unit per 10 acres (RR-10) to Commercial Low (CL) initially order to develop a convenience store with gas sales [at the PLC hearing the applicant suggested that he would add a condition of approval to prohibit these uses]. The site is located in the Rural Tier and adjacent to the Urban/Suburban Tier to the north and east. The site has twice previously been the subject of a land use amendment in 1997 and 2000 for a similar request from RR-10 to CL. Both times staff recommended denial and the applicant subsequently withdrew the amendment prior to the public hearing.

The applicant's justification states that changed conditions since the adoption of the 1989 Comprehensive Plan have occurred at the northwest corner of State Road 7 and Lantana Road due to land use amendments, specifically from Low Residential, 1 unit per acre (LR-1) to Commercial Low and Industrial (CL/IND). However, these amendments are located

in the Urban/Suburban Tier with urban densities and intensities surrounding the sites and do not provide an adequate justification for this amendment in the Rural Tier. In addition, staff has concerns that the approval of this request may encourage additional land use amendments in the Rural Tier, resulting in further conversions from residential to commercial southward along State Road 7 and westward along Lantana Road.

Staff Recommendation. *Denial*

Planning Commission/LPA Recommendation. *Denial*, motion by Dagmar Brahs, seconded by Michael Peragine, passed in a 12 to 0 vote at the April 13th public hearing. Board expressed concerns regarding adding commercial uses in the Rural Tier, support for protecting the Tier, and concern that this amendment could encourage future amendments. Six members of the public spoke in opposition, including representatives from the Coalition of Boynton West Residential Associations, Thoroughbred Lakes Estates, and Lago Del Sol, citing that the proposed amendment is not appropriate in the Rural Tier and would compound existing traffic issues on Lantana Road.

MOTION: To *deny transmittal* of the Lantana SR7 amendment

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 text amendments regarding:

- 60th Street North Thoroughfare Right of Way Identification Map
- Congregate Living Facilities in the Agricultural Reserve Tier
- Allowable uses in Preserve areas of Agricultural Reserve Planned Development Districts in the Agricultural Reserve Tier

Staff Assessment. All of these amendments have been previously discussed with the Board. Staff has followed direction on the 60th Street North and coordinated with area residents. Staff is in the process of coordinating with stakeholders regarding CLFs in the Ag Reserve. Staff is coordinating with the Zoning and Code Enforcement Divisions on uses in the Ag Reserve Preserves. The initiation process allows the Board to consider staff proposed changes to the Comprehensive Plan, and to provide direction. The complete report for each amendment would return to the Board for discussion at subsequent hearings. Initiation does not obligate the Board to future action. The proposed amendments may require changes to the Unified Land Development Code.

Planning Commission/LPA Recommendation. *To recommend initiation*, motion by Lori Vinikoor, seconded by Richard Ryles passed in an 9-0 vote on January 12th. The Board item included 60th Street North, and a recommendation that the Board of County Commissioners add an amendment to evaluate new CLF facilities in the Ag Reserve Tier. The PLC has not reviewed the AGR Preserve item.

MOTION/Staff Recommendation: *To initiate* the 60th Street North TIM Amendment and that the Board *provide direction* on the amendments in the Ag Reserve

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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