



**BOARD OF COUNTY COMMISSIONERS
 COMPREHENSIVE PLAN PUBLIC HEARING
 Wednesday, October 31, 2018, 9:30 a.m.
 Amendments to Items on the Agenda**

2. AGENDA APPROVAL

A. Additions, Deletions, Substitutions

- To accept revisions to for items below on attached pages 2-4.
 - 3.A.2.a. ABN/ZV/PDD/W-2018-00775, Boca Municipal Golf Course**
 - 3.A.4.a. PDD/CA-2018-00146, Lake Worth Royale**
 - 3.A.4.b. Z/CA-2018-00148, Allie Polo Estates**
 - 3.A.6. PDD/CA-2017-01626, Resort Lifestyle Communities**

B. Postponements

4.A.1. Rainberry PUD Pod B (LGA 2018-009)

- Additional correspondence attached

3. PUBLIC HEARING – Round 18-D Adoption

3.C. County Initiated Text Amendments

3.C.1. Residential Future Land Use Designations

- Additional correspondence attached

5. REGULAR AGENDA

5.B. Initiation of Amendments

- Additional correspondence attached
- To add a proposed Comprehensive Plan Amendment for initiation.

Name	Description
Workforce Housing Program Policies	<p>This amendment would examine policies of the Comprehensive Plan to identify any changes needed in order to implement the direction provided by the Board of County Commissioners at an October 23, 2018 Workshop on the County's Workforce Housing Program (WHP).</p> <p>Justification: In an effort to enhance the County's WHP and increase the number of workforce-attainable units built, the Board has directed that certain provisions of the WHP be changed. Comprehensive Plan policies that establish and guide the program will require changes to allow for the policy direction provided by the Board. These changes include increasing the density bonus available for lower density residential land uses, from the current limitation at 30%, to 100%.</p>

3.A.2.a. ABN/ZV/PDD/W-2018-00775, Boca Municipal Golf Course (Cont. 1981-19) (Pg 11-12)

Amend Exhibit C-2, Engineering Condition 2, as follows:

2. Prior to the issuance of the first building permit for residential units for sale, the Property Owner shall....

Amend Exhibit C-2 to delete Planning Condition 3 and renumber accordingly. Final disposition to be determined at Final DRO.

~~3. Prior to the issuance of the first residential Building Permit, the applicant shall submit payment to Department of Housing and Economic Sustainability (DHES), and a copy of a receipt for that payment to the Planning Division, totaling the amount of WHP units bought at \$81,500 per WHP unit.~~

Amend Exhibit C-2 to replace Property & Real Estate Management Condition 1, as follows:

~~1. The Property Owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed on a .29 acre public civic site, in a location and form acceptable to Facilities, Development & Operations Department (FD&O) by July 31, 2019. In the event Property owner has not closed on the purchase of the PUD property by July 31, 2019, the Property Owner shall convey the civic site to the County within 45 days following PUD purchase. Property Owner to plat the civic site following conveyance of the deed, and shall have satisfied each of the following conditions prior to or as soon as reasonably possible following deed conveyance.~~

1. By the later of: (a) September 1, 2019, and (b) ninety (90) days following Property Owner's acquisition of fee title to the subject site from the City of Boca Raton, Property Owner shall provide Palm Beach County Board of County Commissioners with a Statutory Warranty Deed for a .29 acre public civic site, in a location acceptable to the Facilities Development and Operations Department (FD&O). The Property Owner shall be obligated to plat the civic site and shall have satisfied each of the following conditions prior to or as soon as reasonably possible following the delivery of such deed of conveyance.

Amend Exhibit C-2 to add Property & Real Estate Management Condition 1, as follows:

1. The Property Owner shall provide Palm Beach County....
j) Access
Property Owner to provide an easement across PUD buffers or open space tracts to allow access to the civic site.

Amend Exhibit C-2 Property & Real Estate Management Condition 3, as follows:

3. The Property Owner shall provide PREM
If the Phase I audit indicates that a Phase II is necessary which shall be at County's sole discretion, then the property owner shall be required to provide that audit as well.

Amend Exhibit C-2 to add Property & Real Estate Management Condition 5, as follows:

5. The Property Owner shall include in Homeowners' documents as well as written sales brochures, sales contracts and related plans a disclosure statement notifying homeowners and future homeowners of a proposed 400' radio communications tower in the Southeast corner of the development. The Property Owner shall submit documentation of compliance with this condition on an annual basis to the Monitoring Section of Planning, Zoning and Building Department beginning on November 1, 2019 and shall continue on an annual basis until all units

within the development have been sold or the Property Owner relinquishes control to the Homeowners Association. (DATE: MONITORING - Zoning)

3.A.4.a. PDD/CA-2018-146, Lake Worth Royale (Control 2017-194) (Pages 9-11)

Amend Engineering Condition 4, as follows:

4. Prior to the issuance of the first building permit Certificate of Occupancy, the Property Owner shall provide to Florida Department of Transportation (FDOT), by deed, additional right of way
....

Amend Engineering Condition 5, as follows:

5. The Property Owner shall construct right turn lane west approach on Lake Worth Road at Hooks Road... These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO:MONITORING – Engineering)

- a. ~~Permits required from FDOT for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPMT:MONITORING – Engineering)~~
- b. ~~Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO:MONITORING – Engineering)~~

Delete Engineering Condition 6, as follows:

~~6. No Building Permits for the site shall be issued until contracts are let for widening of Lyons Rd from Lantana Rd to Lake Worth Rd from 2 lanes to 4 lanes divided. (BLDGPMT: MONITORING Engineering)~~

Replace Engineering Condition 10, as follows:

10. The Property Owner shall not receive any Certificates of Occupancy for non-residential uses or more than 175 Certificates of Occupancy for residential units until an east/west roadway connecting Polo Road to Hooks Road is constructed and available for use by this project's traffic.

Delete Planning Condition 5 and renumber accordingly. Covered by Engineering Condition 10.

~~5. A Right Of Way (ROW) connection shall be provided to Polo Road. The width shall be determined by the County Engineer and the location shall be determined prior to Final Site Plan approval by the Development Review Officer (DRO). (DRO: PLANNING – Planning)~~

3.A.4.b Z/CA-2018-00148, Allie Polo Estates (Control 2017-00194) (Pages 14 - 15)

Amend Exhibit C-2 and Exhibit C-3 Engineering Condition 5, as follows:

5. The Property Owner shall construct right turn lane west approach on Lake Worth Road at Hooks Road... These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO:MONITORING – Engineering)

- a. ~~Permits required from FDOT for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPMT:MONITORING – Engineering)~~
- b. ~~Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO:MONITORING – Engineering)~~

Amend Exhibit C-2 and Exhibit C-3 to replace Engineering Condition 7, as follows:

7. The Property Owner shall not receive any Certificates of Occupancy until an east/west roadway connecting Polo Road to Hooks Road is constructed and available for use by this project's traffic.

Amend Exhibit C-2 and Exhibit C-3 to add Engineering Condition 8, as follows:

8. Prior to the issuance of the first Certificate of Occupancy, the Property Owner shall provide to Florida Department of Transportation (FDOT), by deed, additional right of way for the construction of a right turn lane on Lake Worth Road at the west approach at Hooks Road, unless waived by the County Engineer. This right of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet or as approved by FDOT and the County Engineer. Additional width may be required to accommodate paved shoulders. The right of way shall continue across the project entrance and shall be free and clear of all encumbrances and encroachments. Property Owner shall provide FDOT with sufficient documentation, including, at a minimum, sketch and legal description of the area to be conveyed, copy of the site plan, a Phase I Environmental Site Assessment, status of property taxes, statement from Tax Collector of delinquent and pro-rata daily taxes, full owner name(s) of area to be conveyed and one of the following: title report, attorney's opinion of title, title commitment or title insurance policy, or as otherwise required and acceptable to FDOT. The Property Owner must warrant that the property being conveyed to FDOT meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County and FDOT harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate, as determined by the County Engineer, additional right of way for Expanded Intersections and corner clips. The Property Owner shall coordinate conveyance of right of way directly with FDOT and shall provide evidence to Palm Beach County Land Development Division once conveyance has been completed.

3.A.6 PDD/CA-2017-01626, Resort Lifestyle Communities (Control 2017-00029) (Page 9)

Amend Exhibit C-1 All Petitions Condition 1, as follows:

1. The approved Preliminary Master Plan is dated July 9¹⁷, 2018.



AGENDA
BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING

Wednesday, October 31, 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. Opening Prayer and Pledge of Allegiance
- C. Proof of Publication - Motion to receive and file
- D. Notice: This agenda includes Comprehensive Plan hearings and Zoning hearings. The Zoning hearing agenda items are 3.A.2.a, 3.A.2.b., 3.A.2.c., 3.A.4.a, 3.A.4.b., and 3.A.6.

Zoning hearings are quasi-judicial in nature and must be conducted to afford all parties due process. The Board of County Commissioners has adopted Procedures for conduct of Quasi-Judicial Hearings to govern the conduct of such proceedings. The Procedures include the following requirements:

Any communication with commissioners, which occurs outside the public hearing, must be fully disclosed at the hearing.

Applicants and persons attending the hearing may question commissioners regarding their disclosures. Such questions shall be limited solely to the disclosures made at the hearing or the written communications made a part of the record at the hearing.

Any person representing a group or organization must provide documentation that the person representing the group has the actual authority to do so regarding the matter before the Commission.

Any person who wishes to speak at the hearing will be sworn in and may be subject to cross-examination.

The Applicant and County staff may cross-examine witnesses. Any other persons attending the hearing may submit cross -examination questions, including follow up questions, to the Mayor, who will conduct the examination. The scope of cross-examination is limited to the facts alleged by the witness in relation to the application.

Public comment is encouraged and all relevant information should be presented to the commission in order that a fair and appropriate decision can be made.

E. Swearing In – County Attorney

2. AGENDA APPROVAL

A. Additions, Deletions, Substitutions

B. Postponements

C. Adoption of Agenda

3. PUBLIC HEARING – 18-D Adoption (Page 3-12)

4. PUBLIC HEARING – 19-A Transmittal & Zoning Applications (Pages 13-15)

5. REGULAR AGENDA (Page 15)

6. COMMENTS (Page 16)

7. ADJOURNMENT (Page 16)

3. PUBLIC HEARING –Round 18-D Adoption

3.A. Future Land Use Amendments with Zoning Applications

3.A.1 [Boca Municipal Golf Course \(LGA 2018-022\)](#). This is a privately proposed future land use amendment as summarized below.

Current FLU: Parks and Recreation (PARK)

Proposed FLU: Low Residential, 3 units per acre (LR-3)

Size: 196.06 acres

BCC District: 5

Location: West side of Florida's Turnpike, north of Glades Road

Staff Assessment. The subject site is currently owned by the City of Boca Raton and is operating as a municipal golf course. The amendment is proposed to allow development for up to 588 dwelling units. The Comprehensive Plan requires the Transfer of Development Rights (TDR) Program to increase residential density unless an amendment can demonstrate that the current designation is inappropriate. The PARK future land use designation is limited to parks and recreation uses under government ownership; therefore, a change to a residential meets this requirement. Further, TDRs are not available for a site with a non-residential future land use designation. Staff recommends conditions of approval to require 10-25% of the total units as WHP units depending on the housing type developed onsite and whether the WHP units are provided on or off site.

Staff Recommendation. *Approval with Conditions*

Planning Commission/LPA Recommendation. *Approval with modified conditions (10% workforce onsite, offsite, or in lieu)*, motion by Neil Merin, seconded by Barbara Roth, passed in a 7-2 vote with David Dinin and Kiley Harper-Larsen opposed at the July 13th public hearing. The modified condition was to establish a minimum of 10% of the units as workforce housing on site, off site, or in lieu payment as supported by the applicant rather than 10-25% recommended by staff. The Board discussion included comments that the subject site was not increasing density, but that it was establishing an alternate density consistent with the surrounding properties, that a requirement for workforce housing should be established by policy rather than on an individual basis, and that the traffic analysis for the report should also reflect the short term traffic impacts in addition to long range Policy 3.5-d analysis. There was one public speaker regarding drainage.

BCC Transmittal Action: *Transmit as recommended by PLC*, motion by Comm. Abrams, seconded by Comm. Kerner, passed in a 6 to 1 vote (with Comm. Burdick dissenting) at the July 23rd public hearing. Board discussion included comments and questions regarding the proposed workforce housing conditions of approval, the ongoing revisions to the workforce housing requirements, the need for workforce housing units, and the costs involved with homeownership. There was one speaker. A representative of the Center for Enterprise Opportunity spoke in support of a workforce housing condition.

State Review Comments: The Florida Department of Transportation (FDOT) provided comments, recommendations, and technical assistance comments in its letter dated August 31, 2018 regarding impacts on SIS and significant regional facilities. The comments and responses are provided in Exhibit 10 of the report.

MOTION: To *adopt an ordinance* for the Boca Municipal Golf Course amendment

3.A.2.a [ABN/ZV/PDD/W-2018-00775 \(Boca Raton Golf Course\)](#) (Control 1981-00019)

Title: a Development Order Abandonment application of G.L. Acquisitions Corporation, City of Boca Raton by G.L. Acquisitions Corporation, Urban Design Kilday Studios, Agent. **Request:** to abandon a Special Exception (SE) to allow a Public Golf Course and Recreation Facilities and to abandon a SE to amend the Site Plan for a Public Golf Course and Recreation Facilities, to include a Commercial Radio, Television, Microwave, Transmission and Relay Station, and Tower.

Title: an Official Zoning Map Amendment of G.L. Acquisitions Corporation, City of Boca Raton by G.L. Acquisitions Corporation, Urban Design Kilday Studios, Agent. **Request:** to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District.

Title: a Type II Waiver of G.L. Acquisitions Corporation, City of Boca Raton by G.L. Acquisitions Corporation, Urban Design Kilday Studios, Agent. **Request:** to allow a reduction of the required frontage.

General Location: North of Golf Course Road, approximately 1,220 feet north of Glades Road, and on the west side of Florida's Turnpike.

Size: 196.06 acres (affected area 192.79 acres +)

BCC District: 5

DISCLOSURE

Staff Recommendation: Staff recommends approval of the requests subject to 26 Conditions of Approval as indicted in Exhibit C-2; and, 4 Conditions of Approval as indicated in Exhibit C-3.

Zoning Commission Recommendation: Recommended Approval of a Development Order Abandonment by a vote of 7-0-0.

Zoning Commission Recommendation: Recommended Approval of a Type II Waiver by a vote of 7-0-0.

Zoning Commission Recommendation: Recommended Approval of an Official Zoning Map Amendment by a vote of 7-0-0.

Zoning Commission Recommendation: Approved a Type 2 Variance (with conditions) by a vote of 7-0-0.

MOTION: To adopt a resolution approving a Development Order Abandonment to abandon a Special Exception (SE) to allow a Public Golf Course and Recreation Facilities and to abandon a SE to amend the Site Plan for a Public Golf Course and Recreation Facilities, to include a Commercial Radio, Television, Microwave, Transmission and Relay Station, and Tower.

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-2.

MOTION: To adopt a resolution approving a Type 2 Waiver to allow a reduction of the required frontage subject to the Conditions of Approval as indicated in Exhibit C-3.

3.A.2.b [PCN-2018-01987 \(Boca Raton Golf Course\)](#) (Control 1981-00019)

Title: application of G L Homes of Palm Beach Associates Ltd by Palm Beach County, Agent. Request: Administrative Inquiry 2018-01 - Pursuant to the County's Unified Land Development Code, the developer, GL Homes, is required to provide a 3.86-acre public civic site. The developer has proposed to provide a 0.29-acre civic site in the southeast corner of the PUD on which the County intends to construct a 500-foot radio communication tower. The developer and PREM have negotiated a cash out payment of \$200,000 in lieu of locating the balance of the civic site land requirement (3.57-acres) on the Master Plan.

General Location: west side of Florida Turnpike just north of Glades Road

Staff Recommendation: Staff recommends the BCC approve the Boca Raton Golf Course PUD 3.57-acre civic site cash-out payment in the amount of \$200,000 with the funds allocated to the construction of a self-collapsing communications tower.

MOTION: To approve the Boca Raton Golf Course PUD 3.57-acre civic site cash-out payment in the amount of \$200,000 with the funds allocated to the construction of a self-collapsing communications tower.

3.A.2.c [ABN/Z/CA/W-2018-00930 \(Boca Raton Cell Tower\)](#) (Control 1981-00019)

Title: an Official Zoning Map Amendment application of City of Boca Raton by Miller Land Planning, Agent. Request: to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Public Ownership (PO) Zoning District.

Title: a Class A Conditional Use of City of Boca Raton by Miller Land Planning, Agent. **Request:** to allow a Self Support/Lattice Tower.

Title: a Type 2 Waiver of City of Boca Raton by Miller Land Planning, Agent. **Request:** to allow a reduction of the required setback.

General Location: Approximately 2,200 feet north of Glades Road on west side of Florida's Turnpike.

Size: 196.06 acres (affected area 3.27 acres +)

BCC District: 5

DISCLOSURE

Staff Recommendation: Staff recommends approval of the requests subject to a Conditional Overlay Zone and 5 Conditions of Approval as indicated in Exhibit C-1; 5 Conditions of Approval as indicated in Exhibit C-2; and, 4 Conditions of Approval as indicated in Exhibit C-3.

Zoning Commission Recommendation: Recommended Approval of an Official Zoning Map Amendment by a vote of 6-0-0.

Zoning Commission Recommendation: Recommended Approval of a Type 2 Waiver by a vote of 6-0-0.

Zoning Commission Recommendation: Recommended Approval of a Class A Conditional Use by a vote of 6-0-0.

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Public Ownership (PO) Zoning District, with a Conditional Overlay Zone (COZ) subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To adopt a resolution approving a Class A Conditional Use to allow a Self Support/Lattice Tower subject to the Conditions of Approval as indicated in Exhibit C-2.

MOTION: To adopt a resolution approving a Type 2 Waiver to allow a reduction of the required setback subject to the Conditions of Approval as indicated in Exhibit C-3.

3.A.2.d [DEV-2018-01466 \(Boca Raton Cell Tower\)](#) (Control 1981-00019)

Title: a Public Ownership Deviation application of Boca Raton City by Miller Land Planning, Agent. **Request:** to eliminate required landscape buffers and to allow a reduced access drive.

General Location: North side of Palomino Drive approx. 0.15 miles east of SR 7.

Size: 193.98 acres (affected area 3.27 acres +)

BCC District: 5

DISCLOSURE

Staff Recommendation: Approval of the request.

MOTION: To approve the Public Ownership Deviations to eliminate required landscape buffers and to allow a reduced access drive.

3.A.3. [Lake Worth Royale \(LGA 2018-015\)](#). This is a privately proposed future land use amendment as summarized below.

Current FLU: Residential, up to 60 dwelling units on 30.02 acres

Proposed FLU: Commercial High with underlying LR-2 (CH/2) on 3.00 acres and High Residential, 8 units per acre (HR-8) 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. Under LR-2 the applicant can develop up to 125 dwelling units (4.6 du/ac) using all available density bonuses through the Transfer of Development Rights (TDR) and Workforce Housing (WHP) Programs. The applicant's intent is to develop a 375 multifamily development (14 du/ac) with 108 of the units as WHP density bonus and 51 units requested as TDR density bonus as part of the zoning application. The proposed amendment is appropriate, compatible, and consistent with Comprehensive Plan amendment policies with the conditions of approval for WHP and the purchase of TDRs. The site is seeking approval for a restaurant, offices, and child care center on the CH portion. The change to CH is consistent with the Plan with included condition. Staff recommends approval with conditions.

Staff Recommendation. *Approval with Conditions*

Planning Commission/LPA Recommendation. *Approval with modified conditions (19% workforce)*, motion by Neil Merin, seconded by Edwin Ferguson, passed in a 7-3 vote with David Dinin, Barbara Roth, and David Freudenberg dissenting at the July 13th public hearing. The modified condition was to establish a minimum of 19% of the units as workforce housing rather than a minimum 25% recommended by staff, and to revise the traffic condition to reflect trips rather than s.f./uses. The Board discussion included questions regarding whether the 25% workforce condition was codified, and concern for the high density, but in support of the daycare opportunity onsite with the potential for workforce housing for families, and the need to limit trips rather than square footage for Policy 3.5-d consistency. Three members of the public spoke in

opposition, including two representatives of the Lake Worth Road Coalition, expressing concerns regarding high density, traffic impacts, and safety issues particularly related to the access limitations.

BCC Transmittal Action: *Transmit as recommended by PLC*, motion by Comm. Abrams, seconded by Comm. Kerner, passed in a 6 to 0 vote (with Comm. Burdick absent) at the July 23rd public hearing. Board discussion included comments regarding the need for workforce housing, questions regarding the applicant's suggestion to provide workforce units in 2 and 3 bedroom units, and concern regarding the access to the site. The Board directed staff to continue working between transmittal and adoption on connectivity to Polo Road and to continue working with the applicant on the workforce housing condition. Four members of the public spoke in opposition, including three representatives of the Lake Worth Road Coalition, citing concerns regarding increased traffic, incompatibility, and safety issues due to the lack of a connection to Polo Road.

State Review Comments: The Florida Department of Transportation (FDOT) issued a letter dated Aug. 31st indicating a technical assistance recommendation that the County require connectivity through to Polo Road, and that the zoning application ensure noise mitigation measures. The County is continuing to work towards ensuring connectivity to Polo Club Road and the zoning application incorporates noise mitigation measures.

Subsequent to Transmittal: Following transmittal, the contract purchaser closed on the property. In order to maintain the timing of a concurrent approval, the applicant revised the zoning application to reduce the number of requested units from the initial 375 dwelling units to the currently proposed 280 dwelling units. The applicant will proceed with a zoning application submittal in November for up to 375 total units including the 51 TDRs. The report and the conditions of approval were modified to reflect this change.

MOTION: To *adopt an ordinance* for the Lake Worth Royale amendment

3.A.4.a. [PDD/CA-2018-00146 \(Lake Worth Royale\)](#) (Control 2017-00194)

Title: an Official Zoning Map Amendment application of Lake Worth Road Villages by Insite Studio, Inc., Agent. **Request:** to allow a rezoning from the Residential Transitional (RT) Zoning District to the Planned Unit Development (PUD) Zoning District.

General Location: Southwest corner of Florida's Turnpike and Lake Worth Road.

Size: 30.35 acres (affected area 27.35 acres)

BCC District: 6

DISCLOSURE

Staff Recommendation: Staff recommends approval of the request subject to 25 Conditions of Approval as indicated in Exhibit C.

Zoning Commission Recommendation: Recommended Approval of an Official Zoning Map Amendment by a vote of 4-3-0.

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to allow a rezoning from the Residential Transitional (RT) Zoning District to the Planned Unit Development (PUD) Zoning District subject to the Conditions of Approval as indicated in Exhibit C.

3.A.4.b. [Z/CA-2018-00148 \(Allie Polo Estates\)](#) (Control 2017-00194)

Title: an Official Zoning Map Amendment application of Lake Worth Road Villages by Insite Studio, Inc., Agent. **Request:** to allow a rezoning from the Residential Transitional (RT) Zoning District to the Commercial General (CG) Zoning District.

Title: a Class A Conditional Use of Lake Worth Road Villages by Insite Studio, Inc., Agent. **Request:** to allow a Type 1 Restaurant with a Drive-thru, and a Day Care General.

General Location: Southwest corner of Florida's Turnpike and Lake Worth Road.

Size: 30.35 acres (affected area 3.00 ac.)

BCC District: 6

DISCLOSURE

Staff Recommendation: Staff recommends approval of the requests subject a Conditional Overlay Zone (COZ) and 5 Conditions of Approval as indicated in Exhibit C-1; 15 Conditions of Approval as indicated in Exhibit C-2; and, 15 Conditions of Approval as indicated in Exhibit C-3.

Zoning Commission Recommendation: Recommended Approval of an Official Zoning Map Amendment by a vote of 4-3-0.

Zoning Commission Recommendation: Recommended Approval of a Class A Conditional Use by a vote of 4-3-0.

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to allow a rezoning from the Residential Transitional (RT) Zoning District to the Commercial General (CG) Zoning District with a Conditional Overlay Zone (COZ) subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To adopt a resolution approving a Class A Conditional Use to allow a Type 1 Restaurant with a Drive-thru subject to the Conditions of Approval as indicated in Exhibit C-2.

MOTION: To adopt a resolution approving a Class A Conditional Use to allow a Day Care General subject to the Conditions of Approval as indicated in Exhibit C-3.

3.A.5. [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 SR 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 site is located immediately adjacent to single family homes in 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 a condition of approval to require a 100 foot area limited to landscaping, water/dry retention, parking, access, and drainage on the east side of the site. Subject to the conditions of approval, the request is consistent with pertinent policies in the Comprehensive Plan.

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 neighborhood, the intensity and height was too high, and the request would result in negative traffic impacts.

BCC Transmittal Action: *Approve transmittal*, motion by Comm. Valeche, seconded by Comm. Kerner, passed in a 7 to 0 vote at the May 2nd public hearing. Board discussion included questions regarding the maximum density under the current future land use with housing density bonuses, and comments that transmittal would allow for state review, and that the applicant should explore affordable housing options. Five members of the public spoke in opposition citing that the use was out of character with the Palm Beach Ranchettes community, negative traffic impacts, and that the building height was too high. Two members of the public spoke in support.

State Review Comments: There were no negative State Agency comments.

MOTION: To *adopt an ordinance* for the Resort Lifestyle amendment.

3.A.6 [PDD/CA-2017-01626 \(Resort Lifestyle Communities\)](#) (Control 2017-00029)

Title: an Official Zoning Map Amendment application of Eric Aanonsen by Dunay Miskel and Backman LLP, Agent. **Request:** to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District.

Title: a Class A Conditional Use of Eric Aanonsen by Dunay Miskel and Backman LLP, Agent. **Request:** to allow a Type 3 Congregate Living Facility.

General Location: North side of Palomino Drive approx. 0.15 miles east of SR 7.

Size: 10.02 acres

BCC District 6

DISCLOSURE

Staff Recommendation: Staff recommends approval of the requests subject to 12 Conditions of Approval as indicated in Exhibit C-1; and, 7 Conditions of Approval as indicated in Exhibit C-2.

Zoning Commission Recommendation: Recommended Approval of a Class A Conditional Use by a vote of 7-0-0.

Zoning Commission Recommendation: Recommended Approval of an Official Zoning Map Amendment by a vote of 7-0-0.

MOTION: To adopt a resolution approving an Official Zoning Map Amendment to allow a rezoning from the Agricultural Residential (AR) Zoning District to the Planned Unit Development (PUD) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-1.

MOTION: To adopt a resolution approving a Class A Conditional Use to allow a Type 3 Congregate Living Facility subject to the Conditions of Approval as indicated in Exhibit C-2.

3.B. Future Land Use Amendments without Zoning Applications

3.B.1. [Haley Farms Commercial \(LGA 2018-023\)](#). This is a privately proposed future land use amendment as summarized below.

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

Request: Request is to modify previously adopted conditions of approval.

Size: 8.83 acres **BCC District: 6**

Location: Southeast corner of Lake Worth Road and Polo Road

Staff Assessment. The amendment proposed to modify previously adopted conditions of approval requiring that the site be developed as a Lifestyle Commercial Center (LCC), to delete mixed use related design conditions, and to allocate approved square footage to the subject site. The original amendment, Lake Worth/Turnpike SW Commercial LGA 2009-006 (Ord. 2009-028) included 19.04 acres and requested a change from Low Residential 2 units per acre to CH/2 included conditions of approval to require design elements and development of a LCC similar to the 37 acre site (Lake Worth Commercial) to the west. Subsequently, the County deleted the LCC policy and deleted the LCC requirement for the Lake Worth Commercial site. The applicant proposes to retain connectivity requirements and, if developed as a mixed use project, a percentage of usable open space. The amendment is compatible with surrounding area, and is consistent with Plan Policies.

Staff Recommendation. *Approval with Conditions*

Planning Commission/LPA Recommendation. *Approval of Staff Recommendation*, motion by Neil Merin, seconded by Dr. Lori Vinikoor, passed in an 8-0 vote at the June 8th public hearing. The Board questioned usable open space requirement for mixed uses on the site and asked for clarification on the boundaries of the original 2009 amendment. There was no public comment.

BCC Transmittal Action: *Transmit*, motion by Comm. Abrams, seconded by Comm. Bernard, passed in a 7 to 0 vote at the July 23rd public hearing. There was no Board discussion. One member of the public expressed comments regarding loss of open space and increased traffic.

State Review Comments: There were no negative State Agency comments.

MOTION: To ***adopt an ordinance*** for the Haley Farms Commercial amendment.

3.B.2. [Town Commons MLU \(LGA 2018-018\)](#). This is a privately proposed future land use amendment as summarized below.

Current FLU: Multiple Land Use with Commercial High Office, Commercial High, and Low Residential, 2 units per acre (MLU, with CH-O/CH/2)

Proposed FLU: Multiple Land Use with Commercial High and Low Residential, 2 units per acre (MLU, with CH/2) and modify conditions

Size: 40 acres

BCC District: 3

Location: Northeast corner of Hypoluxo and Lyons Roads

Staff Assessment. The proposed amendment is a request to modify conditions of approval on an existing multiple use project that was initially approved in 1998. The proposed amendment will increase the development options for the site by changing the CH-O pod to CH to allow commercial uses other than office, allow residential land area as an alternative, and modify the square footages, and to delete the Design Guidelines. The proposed amendment is compatible with the area, consistent with the policy requirements for an amendment and for an MLU, and is similar to a request on the Windsor Place MLU site that was adopted in 2014.

Staff Recommendation. *Approval with Conditions*

Planning Commission/LPA Recommendation. *Approval of Staff Recommendation*, motion by David Freudenberg, seconded by Marcia Hayden, passed in a 9-1 vote with Barbara Roth dissenting at the July 13th public hearing. The Board discussion included comments regarding transitional uses and the history of the site. Two representatives from the Villagio HOA and a representative from COBWRA spoke in opposition, citing the lack of specificity regarding proposed uses, and that a high intensity use such as a gas station, convenience store, or fast food use would be inappropriate on the site.

BCC Transmittal Action: *Transmit*, motion by Comm. Abrams, seconded by Comm. Burdick, passed in a 7 to 0 vote at the July 23rd public hearing. The Board discussion included questions regarding options to address the concerns expressed by COBWRA. Staff and the applicant stated that dialogue would continue prior to adoption to ensure that the COBWRA concerns were addressed. Three members of the public spoke on the item. One member of the public expressed concerns with regards to the loss of open space and drainage. Two representatives from COBWRA spoke regarding the need to ensure that the uses on the site were compatible and transitional to the adjacent residential uses.

State Review Comments: There were no negative State Agency comments.

Subsequent to Transmittal: Following the Transmittal of the amendment, the applicant continued to work with adjacent neighborhoods and COBWRA to address concerns. Subsequent letters from Valencia Shores and Villaggio associations (provided in Exhibit 9) indicate no opposition to the amendment, but express concerns regarding specific uses, building height, and aesthetics that will be addressed through the zoning process.

MOTION: To *adopt an ordinance* for the Town Commons MLU amendment.

3.C. County Initiated Text Amendments

3.C.1 **Residential Future Land Use Designations.** This County Initiated Text Amendment would revise the Future Land Use Element (FLUE) to modify provisions for the Residential Future Land Use designations as follows:

- Recognize that there are Rural Residential areas within the Urban Suburban Tier that provide a valuable contribution to the housing diversity and lifestyle choices.
- Establish that Agricultural Residential zoning is consistent with the residential designations, and allow Low Residential designations to subdivide without rezoning.
- Recognize and support agricultural operations within residential designations, including supporting the agriculture and keeping of livestock.
- Provide additional specificity on the types of non-residential uses allowed in residential land use designations to ensure protection of residential neighborhoods.

Staff Assessment: This amendment is a follow up to the Residential FLU designations amendment adopted in Round 15-2 to continue to address identified issues on residential properties within the Urban Suburban Tier. This amendment will support the preservation of rural communities within the Tier while fostering agriculture. The amendment responds to Board discussion on protecting rural communities from the impacts of non-residential uses in neighborhoods in any Tier, and corresponds with ULDC home based business amendments currently underway.

Staff Recommendation. *Approval*

Planning Commission/LPA Recommendation. *Approval*, motion by Barbara Roth, seconded by Neil Merin, passed in a 9-0 vote at the July 13th public hearing. There was minimal discussion. One member of the public spoke in support of the amendment and the continued effort to develop and strengthen the concept further through associated ULDC amendments.

BCC Transmittal Action: *Transmit*, motion by Comm. Burdick, seconded by Comm. Kerner, passed in a 7 to 0 vote at the July 23rd public hearing. The motion included direction to staff to continue working with residents in rural enclaves to return with stronger language at the adoption hearing, similar to the language presented by the Pioneer Road neighborhood at the meeting (see Exhibit 3). Board discussion included support for rural neighborhoods. Ten members of the public, primarily from the Pioneer Road neighborhood, spoke in support of the amendment and the need to protect their rural way of life and requesting stronger language be considered. A packet of petitions in support was submitted to the clerk.

State Review Comments: There were no State Agency review comments.

Subsequent to Transmittal: Following Transmittal, staff continued discussions with representatives from the Pioneer Road Neighborhood Plan regarding the concept for adopting specific overlays pursuant to Board direction. Staff has modified the proposed policy to stand alone and allow both a Comprehensive Plan or ULDC overlay.

MOTION: To ***adopt an ordinance*** for the Residential Future Land Use amendment

4. PUBLIC HEARING - Round 19-A Transmittal

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

4.A.1. [Rainberry PUD Pod B \(LGA 2018-009\)](#). This is a privately proposed future land use amendment as summarized below.

Current FLU: Low Residential, 3 units per acre (LR-3)
Proposed FLU: Medium Residential, 5 units per acre (MR-5)
Size: 34.10 acres **BCC District: 5**
Location: East side of 95th Avenue S, approx. 0.26 miles south of Glades Road

Staff Assessment. The site is located in Pod B of the existing Rainberry PUD in West Boca, and the request is proposed to expand an existing Congregate Living Facility (CLF) on an unbuilt portion of Pod B. The amendment would allow an increase in allowable beds from 244 to 407 beds, and the condition of approval will limit the density increase to a CLF. The Rainberry PUD functions as a campus style development, with diverse uses at varying intensities, and the subject site is surrounded by residential uses built with densities ranging from 3 to 12 units per acre. The request meets all Policy requirements.

Staff Recommendation. *Approval with Conditions*

Planning Commission/LPA Recommendation. *Approval of Staff Recommendation*, motion by Angella Vann, seconded by Marcia Hayden, passed in a 10-0 vote at the June 29th public hearing. Board discussion included questions regarding public notice, fire rescue response time, and congregate living facility bed calculations. Two residents of the community to the east of the site spoke in opposition citing building height and noise concerns, and submitted a petition with 67 signatures for the record (see Exhibit 8).

Prior BCC Hearing: This item was postponed by the BCC at the July 23rd transmittal hearing with direction to the applicant to work with adjacent residents on the associated site plan to address compatibility with the adjacent single family residences. The applicant has met with the surrounding residents and modified the request as summarized in the letter in Exhibit 8.

MOTION: To *approve transmittal* of the Rainberry PUD Pod B amendment.

4.A.2. [Banyan Ridge \(LGA 2019-001\)](#). This is a privately proposed future land use amendment as summarized below.

Current FLU: Commercial Recreation (CR) on 9.02 acres and Low Residential, 2 units per acre (LR-2) on 1.40 acres
Proposed FLU: High Residential, 12 units per acre (HR-12)
Size: 10.42 acres **BCC District: 2**
Location: South side of Belvedere Rd, east of Florida Turnpike at Cleary Rd

Staff Assessment. The site is located in a suburban area in the immediate vicinity of many acres of industrial land and employment centers, and is approved for a corporate center for Florida Public Utilities. Currently the development potential is for either commercial recreation uses under the CR designation, or industrial uses under the PBIA Overlay. The applicant is

requesting HR-12 that would allow 125 residential dwelling units, with additional density through the Transfer of Development Rights (TDR) and Workforce Housing (WHP) Programs. The zoning application is for a total of 228 (21.9 units per acre) multifamily units including 28 TDR units and 75 WHP bonus units (60% bonus).

The amendment to allow high density residential is appropriate on the subject site considering its location and surrounding uses. The amendment is compatible with the surrounding land uses, does not negatively impact public facilities, and is consistent with the Comprehensive Plan policies. Staff is proposing conditions of approval to require the purchase of the requested TDRs and that the adoption of the amendment and the zoning application are held concurrently. Staff is recommending a condition of approval requiring 25% of units be provided on site as WHP, rather than the 19% required by the ULDC.

Staff Recommendation. *Approval with Conditions*

Planning Commission/LPA Recommendation. *Approval of Staff Recommendation*, motion by Lori Vinikoor, seconded by Angella Vann, passed in a 10-0 vote at the October 12, 2018 public hearing. Under discussion, commissioners questioned whether the amendment resulted in the loss of industrial land, and the distribution of workforce housing units. One commissioner questioned details of the zoning application variances. There was no public comment.

MOTION: To *approve transmittal* of the Banyan Ridge amendment.

4.B. County Initiated Future Land Use Amendments in the Glades Tier

4.B.1. [Canal Point Corrective \(LGA 2018-007 to 010\)](#). This is a County proposed future land use amendment to correct future land use designations as summarized below.

Request: Revise the future land use designation to correct errors
Size: 9.04 total acres **BCC District: 6**
Location: Unincorporated Canal Point, along Lakeshore and E. Beach Roads.

Staff Assessment. This is a County Initiated Corrective amendment to correct errors on the Future Land Use Atlas for properties located within the unincorporated neighborhood called Canal Point located in the Glades Urban Suburban Tier, immediately north of Pahokee. The amendment proposes to modify the future land use designation for 23 parcels on 9.04 total acres of land for consistency with existing zoning districts and uses. The proposed amendment will resolve current inconsistencies between the adopted zoning and the future land use designations, and will allow current uses to continue as conforming uses. There are no negative issues associated with this amendment, and the amendment is consistent with the Comprehensive Plan. During the course of this amendment all of the property owners were contacted, and to date the County has not received negative feedback from the affected property owners.

Staff Recommendation. *Approval*

Planning Commission/LPA Recommendation. *Approval of staff recommendation*, motion by Lori Vinikoor, seconded by Angella Vann, passed in a 10-0 vote at the October 12, 2018 public hearing. Under discussion, Commission members questioned the code enforcement

issues that would be resolved if the amendment is adopted, and one commissioner requested that staff reach out to the Canal Point Community Development Association and Pahokee Chamber of Commerce prior to the BCC hearing. Staff indicated that they would reach out to the identified groups and provide a second property owner notice prior to the adoption hearing. One member of the public representing a property affected by the amendment spoke in support.

MOTION: To *approve transmittal* of the Canal Point Corrective amendment.

5. REGULAR AGENDA

- 5.A. [Attainable Congregate Living](#). The item is pursuant to Board direction at the July 23rd public hearing for staff to examine the feasibility of establishing a program that would require a percentage of new congregate living facility beds as attainable based upon the County's Area Median Income similar to the County's Workforce Housing Program and would require the developer or operator provide a percentage of the units be provided at a reduce rental rate (eg. 25% reduction). However, staff has not identified a land development program for congregate living facilities that operates similar to the County's WHP. The identified programs for senior living include subsidized housing for very low income seniors through state and federal programs, such as HUD 202, with additional services through other federal programs such as Medicaid.

Staff Assessment. The County's Workforce Housing Program was developed, and continues to be revised, through the initial study by a consultant and the development of a specific program based upon data, analysis, identified objectives, and outreach with industry. Staff recommends that the County hire a consultant to research and identify the specific needs for senior and assisted living in the County, and to develop a specific program prior to implementing requirements through land development regulations.

MOTION/Staff Recommendation: *To consider hiring a consultant to conduct a study and develop a program to foster attainable congregate living if warranted*

- 5.B. [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 include text amendments related to:

- Cottage homes and lots in tandem with revisions to the ULDC; and
- Establishing a rural enclave overlay for the Pioneer Road Neighborhood Plan area.

Staff Assessment. The initiation process allows the Board to consider department proposed changes to the Comprehensive Plan. The complete staff 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 subsequent changes to the Unified Land Development Code.

MOTION/Staff Recommendation: *To initiate* the proposed 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.

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