



AGENDA

BOARD OF COUNTY COMMISSIONERS

PUBLIC HEARING

Monday, July 22, 2019

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 and Pledge of Allegiance
 - C. Proof of Publication - Motion to receive and file
- 2. AGENDA APPROVAL**
 - A. Additions, Deletions, Substitutions
 - B. Adoption of the Agenda
 - C. Postponements
- 3. PUBLIC HEARING – 19-B Adoption (Page 2)**
- 4. PUBLIC HEARING – 19-B2 Transmittal (Pages 2-3)**
- 5. REGULAR AGENDA (Page 4)**
- 6. COMMENTS (Page 4)**
- 7. ADJOURNMENT (Page 4)**

3. PUBLIC HEARING – Amendment Round 19-B Adoption

3.A. County Proposed Amendments

3.A.1. [Congress/Old Boynton CRALLS Modification.](#)

Summary: This amendment proposes to revise the Transportation Element to delete the mitigation measures associated with Congress/Old Boynton Constrained Roadway at Lower Level of Service (CRALLS) at the request of the City of Boynton Beach. The County adopted the CRALLS in 2005 with a series of mitigation measures to manage additional traffic generated by new development utilizing the CRALLS.

Staff Assessment. The mitigation measures associated with this CRALLS, including the provisions of transit, affordable housing, additional impact fee, and roadway improvements, have been either completed or are no longer appropriate with the adoption of proportionate share legislation in Section 163.3180 (5)(h) F.S. There are no subsequent ULDC revisions required for this amendment.

Staff Recommendation. *Approval*

Planning Commission/LPA Recommendation. *Approval*, motion by Lori Vinikoor, seconded by David Dinin, passed in an 8 to 0 vote at the April 12, 2019 public hearing. Under discussion, Commission members questioned whether a future CRALLS was anticipated, and planned roadway improvements in the area. County staff stated that there were no additional CRALLS planned since existing traffic was under roadway capacity, there are no plans to further widen the current 3-lane section of Old Boynton Road which has utilized the ultimate right-of-way in the area. There was no public comment.

BCC Transmittal: *Transmit*, motion by Vice Mayor Kerner, seconded by Commissioner Weinroth, passed in a 7 to 0 vote at the April 29, 2019 public hearing. There was minimal discussion and no public comment.

State Review Comments: The State Land Planning Agency letter dated May 30, 2019 states that the Agency had no comment on the amendment. There were no other review agency comments.

MOTION: To *adopt an ordinance* for the Congress/Old Boynton CRALLS amendment

4. Transmittal Public Hearing - Amendment Round 19-B2

4.A. Privately Proposed Amendments

4.A.1. [Poets Walk \(LGA 2019-018\).](#) This is a privately proposed text and future land use change

Current FLU: Agricultural Reserve (AGR)

Proposed FLU: Congregate Living Residential underlying Ag. Reserve (CLR/AGR)

Size: 9.73 acres

BCC District: 5

Location: Northeast corner of Lyons Road and Linton Boulevard

**Text
Amendment:**

The applicant proposes a text amendment to the Plan to allow the Congregate Living Residential (CLR) future land use designation in the Agricultural Reserve Tier, specifically for the development of congregate living facilities (CLF) subject to the following criteria:

- Limit the location to within 1 mile of the intersections of Boynton Beach Boulevard and Lyons Road and Atlantic Avenue and Lyons Road;
- Allow up to 8 units per acre (2.39 beds per unit); and
- Require 55% of the site be open space (including water retention, landscaping, buffers) rather than a 60% preserve area (limited to agriculture or environmental purposes only).

Staff Assessment. Although CLFs are allowed in the Tier within Ag Reserve Planned Unit Developments (AGR-PUD), they are currently limited to 1 unit per acre to calculate the maximum number of beds and are required to have a 60 or 80% preserve area. Staff concurs that CLF Type 3 facilities provide a variety of services such as independent living, assisted living, and memory care that would not likely develop in the Tier due to the density constraints. Staff supports the concept of the text amendment to allow congregate living facilities in the Ag Reserve Tier by allowing the CLR future land use designation, and supports the proposed future land use amendment to CLR/AGR on the subject site. However, staff recommends that congregate living facilities be subject to the same 60% minimum preserve area requirement consistent with planned unit developments in the Tier.

Staff Recommendation. *Approve Transmittal with modifications (60% preserve area)*

Planning Commission/LPA Recommendation. *Denial*, motion Cara Capp, seconded by Barbara Roth passed in a 7 to 6 vote (with Lori Vinikoor, Jim Knight, Kiley Harper-Larsen, Angella Van, Marcia Hayden and Edwin Ferguson dissenting) at the June 14, 2019 public hearing. An initial motion to require 30% preserve area and 30% onsite open space was withdrawn. Board discussion included comments regarding the density proposed, that CLFs should be located only in the Urban Suburban Tier, the differences between open space and preserve area, that the increase in density was enough to offset the financial impact of the required preserve area, that commercial sites of this size were exempt from preserve requirements, and that this amendment would encourage additional facilities in the Tier. Four members of the public spoke in opposition to development in the Agricultural Reserve, but in support of the 60% preserve area requirement if approved.

MOTION: To *transmit with staff recommended modifications* the Poet's Walk amendment.

5. REGULAR AGENDA

5.A. Amendment Round 20-A Initiation

5.A.1. County Initiated Amendment

Summary. The item before the Board is to consider the initiation of proposed County Initiated amendments to the Comprehensive Plan. The amendments include:

- Conservation Element text and map series revisions in order to reflect the most up to date data and information.
- Utility and Capital Improvement Element Water Supply Plan updates to reflect the revised Lower East Coast (LEC) Water Supply Plan adopted by the South Florida Water Management District in late 2018.

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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