



AGENDA

BOARD OF COUNTY COMMISSIONERS

PUBLIC HEARING

Monday, April 29, 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-A2 Adoption (Page 2-3)**
- 4. PUBLIC HEARING – 19-B Transmittal (Pages 3)**
- 5. REGULAR AGENDA (Page 4)**
- 6. COMMENTS (Page 5)**
- 7. ADJOURNMENT (Page 5)**

3. PUBLIC HEARING – Amendment Round 19-A2 Adoption

3.A. County Proposed Amendments

- 3.A.1. [Palm Beach Heights Natural Area Addition \(LGA 2019-006\)](#). This is a County proposed future land use amendment.

Current FLU: Rural Residential, 1 unit per 20 acres (RR-20)

Proposed FLU: Conservation (CON)

Size: 267.11

BCC District: 1

Location: North of Indiantown Road, east of the Bee Line Highway

Staff Assessment. The amendment was requested by the Environmental Resources Management Department in order to protect the significant species that reside on the sites and complies with the requirement of Future Land Use Element to designate environmentally sensitive lands purchased by the County as Conservation. The proposed amendment is suitable, consistent with the Comprehensive Plan, and compatible with surrounding land uses.

Staff Recommendation. *Approval*

Planning Commission/LPA Recommendation. *Approval*, motion by Dagmar Brahs, seconded by Neil Merin, passed in a 7-0 vote at the December 14, 2018 public hearing. Under Board discussion, support for the County's protection of natural areas and assignment of the Conservation designation was expressed. There was no public comment.

BCC Transmittal: *Transmit*, motion by Commissioner McKinlay, seconded by Commissioner Berger, passed in a 7 to 0 vote at the January 28, 2019 public hearing. Under discussion, the District Commissioner spoke in regards of the long range effort to preserve natural areas in this area. Two members of the public spoke in support of the amendment, citing the importance of this area to the Loxahatchee River and overall watershed.

State Review Comments: The State Land Planning Agency letter dated March 8, 2019 states that the Agency had no comment on the proposed amendment.

MOTION: To *adopt an ordinance* for the Palm Beach Heights amendment.

- 3.A.2. [PBC WUD Water Treatment Plant 8 \(LGA 2019-011\)](#). This is a County proposed future land use amendment.

Current FLU: High Residential, 8 units per acre (HR-8)

Proposed FLU: Transportation and Utilities Facilities (UT)

Size: 4.16 acres

BCC District: 2

Location: East of Jog Road, east of the Florida Turnpike

Staff Assessment. The amendment was requested by the Water Utilities Department to assign a uniform designation to facilitate the Department's use of the property for utility purposes. The subject site consists of a portion of two larger parcels that are predominately UT already. There will be no change to the current utility use of the site. A concurrent small scale amendment is in process to assign a UT designation to an additional 5.28 acres north of this site. The parcels

are owned by the County, and proposed amendment is suitable, consistent with the Comprehensive Plan, and compatible with surrounding land uses.

Staff Recommendation. *Approval*

Planning Commission/LPA Recommendation. *Approval*, motion by Dagmar Brahs, seconded by Barbara Roth, passed in a 7-0 vote at the December 14, 2018 public hearing. There was minimal board discussion and no public comment.

BCC Transmittal: *Transmit*, motion by Commissioner Weiss, seconded by Commissioner Berger, passed in a 7 to 0 vote at the January 28, 2019 public hearing. There was minimal Board discussion and no public comment.

State Review Comments: The State Land Planning Agency letter dated March 8, 2019 states that the Agency had no comment on the proposed amendment.

MOTION: To ***adopt an ordinance*** for the PBC WUD amendment.

4. Transmittal Public Hearing - Amendment Round 19-B

4.A. County Proposed Amendments

4.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.

MOTION: To ***approve transmittal*** of the Congress/Old Boynton CRALLS amendment

5. REGULAR AGENDA

5.A. Amendment Round 19-B2 Initiation

5.A.1. Proposed Privately Initiated Amendment – Poet’s Walk II Ag Reserve CLF

Summary. The item before the Board is to consider the initiation of a privately proposed amendment to the Comprehensive Plan, also considered “Phase I”. If the amendment is initiated, staff will proceed with “Phase II” by accepting the associated Future Land Use Atlas (FLUA) amendment for processing, proceed with the review and analysis, prepare a staff report, and return to the Board with amendment through the public hearing process.

Request: The applicant proposes to foster the development of congregate living facilities (CLFs) in the Ag Reserve Tier by allowing the Congregate Living Residential (CLR) future land use designation in the Tier, subject to specific requirements including the following:

- Limit the location to within 1 mile of the intersections of Lyons Road and Boynton Beach Blvd. and Lyons Road and Atlantic Avenue;
- Allow up to 8 units per acre (2.39 beds per unit); and
- Require 55% of the site be open space rather than preserve area.

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 to 80% preserve area. If initiated, the applicant would proceed with a future land use amendment on 9.73 acres located on the northeast corner of Lyons Rd and Linton Ave.

Staff Recommendation: *Staff recommends the initiation* with Board direction on parameters for the limitations and preserve requirements for CLFs in the Tier. Staff concurs that CLF Type 3 facilities that provide a mix of levels of service (independent living, assisted living, and memory care) offer services that would not likely develop in the Tier due to the density constraints. Initiation does not indicate staff support for the final developed policy language or the associated future land use amendment. Initiation allows staff to proceed with additional data and analysis, and proceed with the review of the amendment. Staff would present the final recommendation on the text and future land use amendment as part of Phase II at public hearings later in the year.

Planning Commission/LPA Recommendation. *To recommend initiation*, motion by Lori, seconded by Barbara Roth, passed in an 8 to 0 vote at the April 12, 2019 public hearing. Under discussion, Commission members comments included the proposed open space as compared to preserve areas, the density necessary for congregate living facility affordability is not a Comprehensive Plan factor, the maximum density proposed, that the proposed congregate living facility was consistent with other institutional type uses along this corridor. One member of the public representing the Delray Alliance spoke in support of initiation.

MOTION: *To initiate* the Poet’s Walk private text amendment

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.

T:\Planning\AMEND\19-A2\Reports-Agendas\4-BCCAdopt\Agenda-BCC-04-29-19.docx