



AGENDA
BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING

Monday, January 28, 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, Postponements
 - B. Adoption of Agenda
- 3. PUBLIC HEARING – 19-A Adoption (Page 2-3)**
- 4. PUBLIC HEARING – 19-A2 Transmittal (Pages 4-7)**
- 5. REGULAR AGENDA (Page 7)**
- 6. COMMENTS (Page 8)**
- 7. ADJOURNMENT (Page 8)**

3. PUBLIC HEARING – Amendment Round 19-A Adoption

3.A. County Proposed Amendments

- 3.A.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.

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.

BCC Transmittal Action: *Transmit*, motion by Comm. Burdick, seconded by Comm. Berger, passed in a 7 to 0 vote at the October 31st public hearing. Under Board discussion the upcoming meeting with area residents was mentioned. A property owner of one of the properties affected by the amendment spoke in support.

Subsequent to Transmittal: Following the transmittal hearing, staff met with area residents in Canal Point and provided two additional notifications of the amendment to each of the affected property owners. No negative comments have been received.

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

MOTION: To *adopt an ordinance* for the Canal Point Corrective amendment.

3.A.2. **Annual Capital Improvement Element (CIE) Tables.** This proposed amendment is to update the Comprehensive Plan to reflect the annual Capital Improvement Program including the 5 Year Road Program and capital improvements identified by the School District.

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

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

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

3.B. Privately Proposed Future Land Use Amendment

3.B.1. **Els Center for Excellence (LGA 2018-026).** This is a privately proposed future land use amendment as summarized below.

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

Proposed FLU: Institutional and Public Facilities with an underlying 5 du/acre (INST/5)

Size: 26.85 acres

BCC District: 1

Location: East of Limestone Creek Rd, 0.85 mile north of Indiantown Rd

Staff Assessment. The Els Center is an existing charter school serving up to 300 children within the autism spectrum. The intent of the amendment is to allow a new zoning designation that will enable the existing institutional facility to add uses to broaden the scope of services to children and young adults within the autism spectrum. The applicant intends to allow supporting uses including vocational training classrooms and facilities, congregate living facility beds, and diagnostic and treatment services. However, these uses are not allowed under the current residential zoning designation. As demonstrated in this report, the amendment is compatible with surrounding land uses, and meets all Comprehensive Plan Policy requirements.

Staff Recommendation. *Approval with Conditions*

Planning Commission/LPA Recommendation. *Approval of Staff Recommendation*, motion by Dr. Lori Vinikoor, seconded by Angella Vann, passed in an 8-0 vote at the June 8th public hearing. One board member questioned traffic impacts along Limestone Creek Road. There was no public comment.

BCC Transmittal Action: *Transmit*, motion by Comm. Abrams, seconded by Comm. Valeche, passed in a 7 to 0 vote at the July 23rd public hearing. There was minimal Board discussion and public comment.

Subsequent to Transmittal: Following transmittal, a condition of approval was added for consistency with long range traffic requirements.

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

MOTION: To *adopt an ordinance* for the Els Center for Excellence amendment.

4. Transmittal Public Hearing - Amendment Round 19-A2

4.A. County Proposed Amendments

4.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.

MOTION: To *approve transmittal* of the Palm Beach Heights amendment.

4.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.

MOTION: To *approve transmittal* of the PBC WUD amendment.

4.A.3. [Workforce Housing Policy Revisions.](#) This is a County proposed text amendment.

Summary. This proposed amendment would revise the Housing Element, the Future Land Use Element, and the Transportation Element to implement Board of County Commissioners' policy direction to increase the amount of density bonus available in lower density residential future land use designations. The amendment updates and corrects related provisions and references.

Staff Assessment. This amendment implements a Board direction as part of an effort to increase the availability of workforce units. The current limitation creates a disincentive for the use of the Workforce Housing Program (WHP) density bonus, and creates an incentive to instead pursue density increases through the future land use amendment process, which results in fewer WHP units. Increasing the density bonus may also encourage the development of more single-family, for-sale WHP units.

Staff Recommendation. *Approval*

Planning Commission/LPA Recommendation. *Denial,* motion by Neil Merin, seconded by Karen Brill, passed in a 9-2 vote (with David Dinin and Angella Vann dissenting) at the January 11, 2019 public hearing. The recommendation of denial centered on the lack of defined criteria in the Plan for evaluating proposed workforce housing density bonuses of up to 100% for the low residential future land use designations. Commission members stated that limitations on density increases in low density areas should be considered, such as allowing substantial density bonuses only adjacent to higher density residential designations, or limiting density increases to a combined total of 100% for projects proposing to use any or all of the density increase options (workforce housing bonus, Transfer of Development Rights, and/or future land use amendment process). There was no public comment.

MOTION: To *approve transmittal* of the Workforce Housing Policy Revisions amendment.

4.B. Privately Proposed Amendments

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

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 Hearings: This item was postponed by the BCC at the July 23rd and October 31st transmittal public hearings with direction to the applicant to work with adjacent residents on the associated site plan to address compatibility with the adjacent single family residences.

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

4.B.2. [Terra Nova \(LGA 2018-020\)](#). This is a privately proposed future land use amendment.

Current FLU: Commercial High with underlying 5 units per acre (CH/5)

Proposed FLU: High Residential, 12 units per acre (HR-12) on 13.65 acres and Commercial Low with underlying 5 units per acre (CL/5) on 4.02 acres

Size: 17.67 acres

BCC District: 5

Location: North side of Atlantic Avenue and west side of Hagen Ranch Road

Staff Assessment. The current development potential for the site is up to 389,208 square feet of commercial and up to 88 units or 150 units (10.9 units/acre) including density bonuses through the Transfer of Development Rights (TDR) and Workforce Housing Program (WHP). For the residential portion, the base HR-12 designation allows up to 164 units; however, the applicant is requesting to develop 275 multifamily units (20 units/acre) with the purchase of 13 TDR units and 98 units the WHP density bonus program. For a 60% WHP density bonus, the ULDC requires that 19% of the total units are provided within the workforce housing ranges, and allows the non-TDR workforce units to be built offsite.

Staff is recommending a condition of approval of a higher percentage (25%) of workforce housing and built onsite. The minimum ULDC requirement is based on a 60% density increase, whereas the proposed increase is much greater since this project is using a combination of a future land use amendment, workforce bonus, and TDRs. Additional conditions include a capping the units at 275 with a requirement for concurrent amendment and zoning hearings to ensure that the project remain as represented. The amendment is consistent with Policy 2.4-b that requires the use of TDRs as the mandatory method of increasing density. The applicant has provided an adequate justification for the amendment, demonstrated that the amendment will be compatible with surrounding land uses, and meets the policies in the Comprehensive Plan.

Staff Recommendation. *Approval with Conditions*

Planning Commission/LPA Recommendation. *Denial*, motion by Kiley Harper-Larsen, seconded by Lori Vinikoor, passed in a 10-0 vote (with Karen Brill recusing herself) at the January 11, 2019 public hearing. Board discussion included concerns regarding the recent trend of applications using of all three density increase options (future land use amendment, Transfer of Development Rights, and the Workforce Housing program) concurrently to greatly increase density above the adopted future land use designation. Board members expressed concerns regarding the transfer of the workforce housing obligation offsite to Haverhill Residential where large numbers of workforce units are already planned, and suggested that the applicant postpone in order to continue working with surrounding residents on the proposed

density. Five members of the public including representatives from Emerald Pointe spoke in opposition, citing compatibility concerns due to the proposed high density. Several additional participants granted their time to one of the speakers and submitted cards in opposition. The president of Villaggio Reserve expressed concern regarding the density and traffic impacts, and stated that the community will continue to work with the applicant.

MOTION: To *approve transmittal* of the Terra Nova amendment.

5. REGULAR AGENDA

5.A. Amendment Round 19-B Initiation

5.A.1. Proposed Privately Initiated Amendment – West Boynton Center Ag Reserve

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 two options to revise the commercial limitations in the Ag Reserve Tier in order to be able to process a future land use amendment for a 6.85 acre parcel. Option 2 proposes to exempt self-storage from the commercial cap in the Tier. The commercial cap was initially adopted to limit the amount of retail and office uses in the Tier, and self-storage is not related to either of these uses. The cap is intended to ensure that commercial does not exceed local demand and thereby serve as a draw from outside the Tier. Further, self-storage is already allowed within the Tier up to .45 FAR in the Industrial designation which has no location requirements or cap.

Staff Recommendation: *Staff recommends the initiation of Option 2* to consider exempting self-storage uses in the commercial designation from the commercial cap. In addition, the amendment can include location criteria or other guidance for the location of industrial uses within the Tier as part of this amendment.

Planning Commission/LPA Recommendation. *To recommend initiation of Option 2*, motion by Neil Merin, seconded by Barbara Roth, passed in an 11-0 vote at the January 11, 2019 public hearing. The Board discussion included support for exempting self-storage from the commercial cap (Option 2), and suggestions for the proposed text amendment such as: setting a cap for self-storage in commercial designations and overall in the Ag Reserve Tier (400,00 s.f. was suggested), considering options for landscape service, restricting self-storage in any designation to east of US 441, and mechanisms to ensure that the use in the Tier doesn’t serve as a draw for outside traffic. One member of the public representing the Coalition of Boynton West Residential Associations (COBWRA) spoke and expressed support for Option 2, but opposition to increasing the commercial cap in the Tier (Option 1).

MOTION: *To initiate the Privately Initiated Amendment with Option 2*

5.A.2. Proposed County Initiated Amendments

Summary: The item before the Board is to consider the initiation of proposed County text Initiated amendments to the Comprehensive Plan summarized below. If initiated, staff would proceed with the review of the amendments and return with staff reports at public hearings.

- **Fire Rescue Element Updates.** These amendments would revise the Fire Rescue Element at the request of the Fire Rescue Department. The changes include revising minimum number of employees staffed on an in-service emergency response unit.
- **Congress/Old Boynton CRALLS.** The City of Boynton Beach is requesting that the County delete the mitigation measures associated with Congress/Old Boynton Constrained Roadway at Lower Level of Service (CRALLS) in the Transportation Element. The County adopted the CRALLS in 2005 with a series of mitigation measures to effectively manage additional traffic generated by new development. Some of these mitigation measures have been completed and others are out of date.

Staff Recommendation: *To initiate the proposed amendments*

Planning Commission/LPA Recommendation. *To recommend initiation*, motion by Lori Vinikoor, seconded by Neil Merin, passed in a 11-0 vote at the January 11, 2019 public hearing. There was minimal Board discussion and no public comment.

MOTION: *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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