



Palm Beach County Amendment Round 18-C/18-2 ESR

Transmittal Executive Summary - Table of Contents

A. Future Land Use Amendments outside the Urban Suburban Tier

A.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, and that the extension allows more leeway to address any unanticipated issues for this unprecedented large-scale use.

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.

BCC Transmittal Action: *Approve transmittal*, motion by Comm. Abrams, seconded by Comm. Valeche, passed in a 7 to 0 vote at the May 2nd public hearing. There was minimal discussion. Two members of the public spoke in opposition

A.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 amendment to commercial is consistent with Comprehensive Plan policies and that there are no service delivery or compatibility issues.

Staff Recommendation. *Approval*

Planning Commission/LPA Recommendation. *Approval*, motion by Michael Peragine, seconded by Lori Vinikoor, passed in a 12 - 0 vote 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.

BCC Transmittal Action: *Approve transmittal*, motion by Comm. Abrams, seconded by Comm. Berger, passed in a 7 to 0 vote at the May 2nd public hearing. There was minimal discussion and no public comment.

B. Privately Proposed Amendments in the Agricultural Reserve Tier

B.1 [Poets Walk \(LGA 2017-015\)](#). This is a privately proposed text and future land use (FLU) amendment as summarized below.

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|------------------------|--|------------------------|
| 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.

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.

BCC Transmittal Action: *Approve transmittal*, substitute motion by Comm. Abrams, seconded by Comm. Valeche, passed in a 4 to 3 vote (with Comm. Burdick, Comm. Bernard, and Comm. Berger dissenting) at the May 2nd public hearing. An initial motion for denial was made by Comm. Burdick, seconded by Comm. Bernard. Board discussion included comments regarding the need for CLF provisions in the Tier to be discussed further with regards to public benefits and the importance of preserve area requirements, and that transmittal would allow more time for the applicant to work with residents and staff and for this concept to be discussed further. Four members of the public spoke in opposition citing that the proposed use was out of character with the Ag Reserve Tier, and did not support the Tier since it did not provide a preserve area. One member of the public spoke in support of CLFs in the Ag Reserve.

C. Future Land Use Amendments in the Urban Suburban Tier

C.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.

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.

C.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.

BCC Transmittal Action: *To approve transmittal*, motion by Comm. Bernard, seconded by Comm. Abrams, passed in a 5 to 2 vote (with Comm. Valeche and Comm. Berger dissenting)

at the May 2nd public hearing. Board discussion included comments regarding the decline in demand for commercial shopping centers, that the request was for higher density than the adjacent uses, but similar to some of the housing in Juno Beach, and that transmittal would allow more time for the applicant to work with the residents. Thirty-three members of the public and the Town of Juno Beach spoke in opposition citing that the proposed 'hyper-density' would result in negative traffic and hurricane evacuation impacts, that there was a lack of infrastructure and services, and the building height was too high. One member of the public spoke in support citing the need for more housing.