



## Palm Beach County Amendment Round 19-A2

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#### A. County Proposed Amendments

##### A.1. [Palm Beach Heights Natural Area Addition \(LGA 2019-006\).](#)

**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.

##### A.2. [PBC WUD Water Treatment Plant 8 \(LGA 2019-011\).](#)

**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.

### A.3. [Workforce Housing Policy Revisions.](#)

**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.

**BCC Transmittal: *Transmit***, motion by Commissioner McKinlay, seconded by Commissioner Weiss, passed in a 7 to 0 vote at the January 28, 2019 public hearing. There was minimal Board discussion. Two members of the public spoke in support of the amendment, citing the need for additional workforce housing.

## B. Privately Proposed Amendments

### B.1. [Rainberry PUD Pod B \(LGA 2018-009\).](#)

**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 29<sup>th</sup> 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).

**BCC Transmittal: *Transmit,*** motion by Commissioner Berger, seconded by Commissioner Kerner, passed in a 7 to 0 vote at the January 28, 2019 public hearing. Under discussion, commissioners directed staff to examine the landscape buffer currently in place for consistency with the Code, expressed support for continued dialogue between the surrounding residents and the applicant between transmittal and adoption, and questioned the impacts on fire-rescue. Thirteen members of the public spoke on the item. Seven members of the public from the adjacent Timbers of Boca neighborhood spoke in opposition citing traffic concerns, height and visibility of the building, inadequate landscape buffer, and impacts on fire rescue. Six members of the public, largely residents of the Sinai Residences assisted living facility on the subject site, spoke in support citing the need for the expansion of the age-in-place facility in the community.

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