



## Palm Beach County Amendment Round 18-D Transmittal Executive Summary - Table of Contents

### A. Future Land Use Amendments in the Urban Suburban Tier

- A.1. [Boca Municipal Golf Course \(LGA 2018-022\)](#). This is a privately proposed future land use amendment as summarized below.

**Current FLU:** Parks and Recreation (PARK)

**Proposed FLU:** Low Residential 3 units per acre (LR-3)

**Size:** 196.06 acres

**BCC District: 5**

**Location:** West side of Florida's Turnpike, north of Glades Road

**Staff Assessment.** The subject site is currently owned by the City of Boca Raton and is operating as a municipal golf course. The amendment is proposed to allow development for up to 588 dwelling units. The Comprehensive Plan requires the Transfer of Development Rights (TDR) Program to increase residential density unless an amendment can demonstrate that the current designation is inappropriate. The PARK future land use designation is limited to parks and recreation uses under government ownership; therefore, a change to a residential designation at a density consistent with the surrounding densities meets this requirement. Further, TDRs are not available for a site with a non-residential future land use designation.

For land use amendments seeking density increases, staff has been recommended a condition requiring 25% of units to be restricted as Workforce Housing Program (WHP) units, and requiring those units to be built on site. Those projects were seeking substantially higher densities, through future land use designations in the medium to high range, and to develop multifamily projects which would include the WHP units on site. This proposed amendment is for low residential, and is not seeking additional density beyond the amendment. Consistent with the intent of the condition applied to recent amendments, but recognizing the low density nature of this request, staff is recommending the applicant provide 10-15% of the total units as WHP units: a minimum of 10% WHP units if the WHP units are built on site, or 15% WHP units if the WHP units are built off site

**Staff Recommendation. *Approval with Conditions (10-25% workforce)***

**Planning Commission/LPA Recommendation. *Approval with modified conditions (10% workforce onsite, offsite, or in lieu)***, motion by Neil Merin, seconded by Barbara Roth, passed in a 7-2 vote with David Dinin and Kiley Harper-Larsen opposed at the July 13<sup>th</sup> public hearing. The modified condition was to establish a minimum of 10% of the units as workforce housing on site, off site, or in lieu payment as supported by the applicant rather than 10-25% recommended by staff. The Board discussion included comments that the subject site was not increasing density, but that it was establishing an alternate density consistent with the surrounding properties, that a requirement for a minimum

percentage of workforce housing should be established by policy rather than on an individual basis, and that the traffic analysis for the report should also reflect the actual short term traffic impacts rather than only the long range Policy 3.5-d analysis, indicating that the maximum trip generation of a stadium for the site was misleading. Staff stated that the Policy 3.5-d analysis was based on maximum development potential for “Park” and not the existing use. One member of the public spoke in opposition.

**BCC Transmittal Action:** *Transmit as recommended by PLC*, motion by Comm. Abrams, seconded by Comm. Kerner, passed in a 6 to 1 vote (with Comm. Burdick dissenting) at the July 23rd public hearing. Board discussion included comments and questions regarding the proposed workforce housing conditions of approval, the ongoing revisions to the workforce housing requirements, the need for workforce housing units, and the costs involved with homeownership. There was one speaker. A representative of the Center for Enterprise Opportunity spoke in support of a workforce housing condition of approval.

**A.2.** [Lake Worth Royale \(LGA 2018-015\)](#). This is a privately proposed future land use amendment as summarized below.

**Current FLU:** Residential, up to 60 dwelling units on 30.02 acres

**Proposed FLU:** Commercial High with underlying LR-2 (CH/2) on 3.00 acres and High Residential, 8 units per acre (HR-8) on 27.02 acres

**Size/Location:** 30.02 acres

**BCC District: 6**

**Location:** South side of Lake Worth Rd, west of Florida Turnpike at Hooks Rd

**Staff Assessment.** Under LR-2 the applicant can develop up to 125 dwelling units (4.6 du/ac) using all available density bonuses through the Transfer of Development Rights (TDR) and Workforce Housing (WHP) Programs. The applicant’s intent is to develop a 375 multifamily development (14 du/ac) with 108 of the units as WHP density bonus and 51 units requested as TDR density bonus as part of the zoning application.

Policy 2.4-b requires the use of the TDR program as the mandatory method of increasing density unless the property owner can provide an adequate justification and demonstrate that the current density is inappropriate. The proposed amendment is appropriate, compatible, and consistent with Comprehensive Plan amendment policies to increase density with the staff recommended conditions including the requirement for 25% WHP and the purchase of TDRs. The site is seeking approval for a restaurant, offices, and child care center on the CH portion. The change to CH is consistent with the location criteria with included condition.

**Staff Recommendation.** *Approval with Conditions (25% workforce)*

**Planning Commission/LPA Recommendation.** *Approval with modified conditions (19% workforce)*, motion by Neil Merin, seconded by Edwin Ferguson, passed in a 7-3 vote with David Dinin, Barbara Roth, and David Freudenberg dissenting at the July 13<sup>th</sup> public hearing. The modified condition was to establish a minimum of 19% of the units as workforce housing as supported by the applicant rather than a minimum 25% recommended by staff, and to revise the traffic condition of approval to reflect trips rather than square footage/uses. Staff and the applicant support the change to the traffic

condition. The Board discussion included questions regarding whether the 25% workforce condition was codified, and comments of concern for the high density, but in support of the daycare opportunity onsite along with the potential for workforce housing for families, and the need to limit trips rather than square footage for Policy 3.5-d consistency. Three members of the public spoke in opposition, including two representatives of the Lake Worth Road Coalition, expressing concerns regarding high density, traffic impacts, and safety issues particularly related to the access limitations.

**BCC Transmittal Action:** *Transmit as recommended by PLC*, motion by Comm. Abrams, seconded by Comm. Kerner, passed in a 6 to 0 vote (with Comm. Burdick absent) at the July 23<sup>rd</sup> public hearing. Board discussion included comments regarding the need for workforce housing, questions regarding the applicant's suggestion to provide workforce units in 2 and 3 bedroom units, and concern regarding the access to the site. The Board directed staff to continue working between transmittal and adoption on connectivity to Polo Road and to continue working with the applicant on the workforce housing condition. Four members of the public spoke in opposition, including three representatives of the Lake Worth Road Coalition, citing concerns regarding increased traffic, incompatibility, and safety issues due to the lack of a connection to Polo Road.

**A.3. [Haley Farms Commercial \(LGA 2018-023\)](#).** This is a privately proposed future land use amendment as summarized below.

**Current FLU:** Commercial High with underlying 2 units per acre (CH/2)  
**Request:** Request is to modify previously adopted conditions of approval.  
**Size:** 8.83 acres **BCC District: 6**  
**Location:** Southeast corner of Lake Worth Road and Polo Road

**Staff Assessment.** The amendment proposed to modify previously adopted conditions of approval requiring that the site be developed as an LCC, to delete mixed use related design conditions, and to allocate approved square footage to the subject site. The original amendment, Lake Worth/Turnpike SW Commercial LGA 2009-006 (Ord. 2009-028) included 19.04 acres and requested a change from Low Residential 2 units per acre to CH/2. Since the site was mid-block and did not meet the commercial location requirements, the County assigned conditions of approval to require design elements and development of a Lifestyle Commercial Center (LCC) similar to the 37 acre site (Lake Worth Commercial) approved for LCC to the west. Subsequently, the County deleted the LCC provisions from the Comprehensive Plan and approved an amendment to eliminate the LCC requirement for the Lake Worth Commercial site. The applicant proposes to retain connectivity requirements and, if developed as a mixed use project, a percentage of usable open space. The amendment is compatible with surrounding area, and is consistent with Comprehensive Plan Policies. Staff will continue to work with the applicant regarding conditions of approval to ensure that the connectivity requirements of the neighborhood plan are met.

**Staff Recommendation. *Approval with Conditions***

**Planning Commission/LPA Recommendation. *Approval of Staff Recommendation***, motion by Neil Merin, seconded by Dr. Lori Vinikoor, passed in an 8-0 vote at the June 8<sup>th</sup>

public hearing. The Board questioned usable open space requirement for mixed uses on the site and asked for clarification on the boundaries of the original 2009 amendment. There was no public comment.

**BCC Transmittal Action:** *Transmit*, motion by Comm. Abrams, seconded by Comm. Bernard, passed in a 7 to 0 vote at the July 23<sup>rd</sup> public hearing. There was no Board discussion. One member of the public expressed comments regarding loss of open space and increased traffic.

**A.4. [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 8<sup>th</sup> 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 23<sup>rd</sup> public hearing. There was minimal Board discussion and public comment.

**A.5. [Villages of Windsor CLF \(LGA 2018-024\)](#).** This is a privately proposed future land use amendment as summarized below.

**Current FLU:** Low Residential, 2 units per acre (LR-2)  
**Proposed FLU:** Congregate Living Residential with underlying 2 units per ac. (CLR/2)  
**Size:** 12.12 acres **BCC District: 3**  
**Location:** Southeast corner of Hypoluxo Road and Lyons Road

**Staff Assessment.** The subject site is a vacant civic pod of the Villages of Windsor PUD that is approved for a school and daycare located in West Boynton. The intent is to develop

a Congregate Living Facility Type 3 with a maximum of 347 beds. The site is located at an intersection with two approved commercial sites to the north, and a built congregate living facility to the west. The surrounding area is predominately planned residential developments with a variety of housing types. The proposed amendment will offer increased opportunities for independent and assisted living in the area. The request is compatible with the surrounding land uses and in character with the overall residential uses and densities in the vicinity, and meets all Comprehensive Plan Policy requirements.

**Staff Recommendation. *Approval with Conditions***

**Planning Commission/LPA Recommendation. *Approval of Staff Recommendation***, motion by Barbara Roth, seconded by Dr. Lori Vinikoor, passed in a 10-0 vote on June 29<sup>th</sup> hearing. The Board asked staff to clarify the purpose of proposed condition. The condition will ensure congregate living facility beds and density cannot be double counted as density for the remainder of the Planned Development. A representative from COBWRA spoke in support.

**BCC Transmittal Action: *Transmit***, motion by Comm. Kerner, seconded by Comm. Berger, passed in a 7 to 0 vote at the July 23<sup>rd</sup> public hearing. There was minimal Board discussion. A representative from COBWRA spoke in support of the amendment, and a member of the public spoke regarding drainage and access.

**A.6. [Town Commons MLU \(LGA 2018-018\)](#).** This is a privately proposed future land use amendment as summarized below.

**Current FLU:** Multiple Land Use with Commercial High Office, Commercial High, and Low Residential, 2 units per acre (MLU, with CH-O/CH/2)

**Proposed FLU:** Multiple Land Use with Commercial High and Low Residential, 2 units per acre (MLU, with CH/2) and modify conditions

**Size:** 40 acres

**BCC District: 3**

**Location:** Northeast corner of Hypoluxo and Lyons Roads

**Staff Assessment.** The proposed amendment is a request to modify conditions of approval on an existing multiple use project that was initially approved in 1998. The subject site's Multiple Land Use future land use designation acts as an 'umbrella' category which allows residential and commercial uses. The proposed amendment will increase the development options for the site by changing the CH-O pod to CH to allow commercial uses other than office, allow residential land area as an alternative, and modify the square footages in the Land Use Matrix and Conceptual Plan, and to delete the Design Guidelines. The proposed amendment is compatible with the area, consistent with the policy requirements for an amendment and for an MLU, and is similar to a request adopted on the Windsor Place MLU site to the west that was adopted by the Board in 2014.

**Staff Recommendation. *Approval with Conditions***

**Planning Commission/LPA Recommendation. *Approval of Staff Recommendation***, motion by David Freudenberg, seconded by Marcia Hayden, passed in a 9-1 vote with Barbara Roth dissenting at the July 13<sup>th</sup> public hearing. The Board discussion included comments regarding transitional uses and the history of the site. Two representatives from the Villagio HOA and a representative from COBWRA spoke in opposition to the



amendment, citing the lack of specificity regarding proposed uses, and that a high intensity use such as a gas station, convenience store, or fast food use would be inappropriate on the site.

**BCC Transmittal Action:** *Transmit*, motion by Comm. Abrams, seconded by Comm. Burdick, passed in a 7 to 0 vote at the July 23<sup>rd</sup> public hearing. The Board discussion included questions regarding options to address the concerns expressed by COBWRA. Staff and the applicant stated that conditions of approval would be developed prior to adoption to ensure that the COBWRA concerns were addressed. Three members of the public spoke on the item. One member of the public expressed concerns with regards to the loss of open space and drainage. Two representatives from COBWRA spoke regarding the need to ensure that the uses on the site were limited in order to be compatible and transitional to the adjacent residential uses.

**A.7. [Boynton Commons \(LGA 2018-011\)](#).** This is a privately proposed future land use amendment as summarized below.

**Current FLU:** Commercial High Office with an underlying 5 units per acre (CH-O/5)

**Proposed FLU:** Commercial Low with an underlying 5 units per acre (CL/5) with conditions.

**Size/Location:** 10 acres **BCC District: 5**

**Location:** North side of Boynton Beach Blvd, east of the Florida Turnpike.

**Staff Assessment.** The request is to change a commercial office only designation to Commercial Low to allow a mix of retail, office, storage, and congregate living facility uses. The applicant is proposing in the concurrent zoning application up to 30,000 s.f of retail/office, 90,000 s.f. of self-storage, and 120 congregate living facility. The request includes a voluntary condition of approval to ensure that the development of the site is consistent with the traffic analysis. The applicant has demonstrated that allowing the proposed mix of uses on the site is justified, appropriate, and compatible with the surrounding land uses. The proposed amendment is consistent with Comprehensive Plan, meets all public facility requirements, and meets all levels of service.

**Staff Recommendation. *Approval with Conditions (as modified by PLC)***

**Planning Commission/LPA Recommendation. *Approval of Staff Recommendation as modified***, motion by Neil Merin, seconded by Edwin Ferguson, passed in a 10-0 vote at the July 13<sup>th</sup> public hearing. Staff and the applicant were in agreement with the modification, and the conditions of approval in the report to use trips. The Board discussion included comments regarding ingress/egress on Orchard Grove Trail, and that limiting specific trip generation was more appropriate than limiting specific uses and square footages within the site. Two members of the public, one representative from the Orchard Grove community and one from COBWRA, spoke in opposition of the amendment stating concerns with access, drainage, and uses.

**BCC Transmittal Action: *Transmit as modified at the hearing***, motion by Comm. Berger, seconded by Comm. Burdick, passed in a 7 to 0 vote at the July 23<sup>rd</sup> public hearing. The modification included an additional condition of approval to hold the adoption of the future land use amendment and zoning application concurrently as suggested by

the Planning Director to address issues raised by the speakers (added to Exhibit 1). There was minimal board discussion. A representative of COBWRA and a representative of the adjacent neighborhood spoke in opposition to the amendment citing ingress/egress concerns and the lack of commitment by the applicant for a specific site plan and uses.

## B. County Initiated Text Amendments

**B.1 [Residential Future Land Use Designations.](#)** This County Initiated Text Amendment would revise the Future Land Use Element (FLUE) to modify provisions for the Residential Future Land Use designations as follows:

- Recognize that there are Rural Residential areas within the Urban Suburban Tier that provide a valuable contribution to the housing diversity and lifestyle choices.
- Establish that Agricultural Residential zoning is consistent with the residential designations, and allow Low Residential designations to subdivide without rezoning.
- Recognize and support agricultural operations within residential designations, including supporting the agriculture and keeping of livestock.
- Provide additional specificity on the types of non-residential uses allowed in residential land use designations to ensure protection of residential neighborhoods.

**Staff Assessment:** This amendment is a follow up to the Residential FLU designations amendment adopted in Round 15-2 to continue to address identified issues on residential properties within the Urban Suburban Tier. This amendment will support the preservation of rural communities within the Tier while fostering agriculture. The amendment responds to Board discussion on protecting rural communities from the impacts of non-residential uses in neighborhoods in any Tier, and corresponds with ULDC home based business amendments currently underway. The proposed language is presented for policy direction by the Board to proceed with concurrent amendments to the ULDC. The specific policy language proposed may change based upon Board direction and considering the outreach and coordination on the ULDC changes between transmittal and adoption.

**Staff Recommendation. *Approval***

**Planning Commission/LPA Recommendation. *Approval*,** motion by Barbara Roth, seconded by Neil Merin, passed in a 9-0 vote at the July 13<sup>th</sup> public hearing. There was minimal discussion. One member of the public spoke in support of the amendment and the continued effort to develop and strengthen the concept further through associated ULDC amendments.

**BCC Transmittal Action: *Transmit*,** motion by Comm. Burdick, seconded by Comm. Kerner, passed in a 7 to 0 vote at the July 23<sup>rd</sup> public hearing. The motion included direction to staff to continue working with residents in rural enclaves to return with stronger language at the adoption hearing, similar to the language presented by the Pioneer Road neighborhood at the meeting (see Exhibit 3). Board discussion included support for rural neighborhoods. Ten members of the public, primarily from the Pioneer Road neighborhood, spoke in support of the amendment and the need to protect their rural way of life and requesting stronger language be developed. A packet of petitions in support was submitted to the clerk.

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