



**BOARD OF COUNTY COMMISSIONERS
COMPREHENSIVE PLAN PUBLIC HEARING
TUESDAY, JULY 28, 2020, 9:30 A.M.
ADD, DELETE & SUBSTITUTION**

3. COUNTY ADMINISTRATION AND OTHER DEPARTMENTS

- 3.A. ADDED MOTION AND TITLE: Motion and Title: Staff recommends motion to: A) approve** a budget amendment within the CARES Act Relief Fund for \$1,000,000 to appropriate interest earnings; which includes a transfer to reallocate funds for General Government Expenses and Restart Small Business Grants. **B) authorize** the Office of Financial Management and Budget to administratively process budget transfers between the Restart Small Business Grant category and the Business Grant category (for businesses with more than 25 employees). (OFMB)
- 3.B. WAITING FOR BACKUP: Motion and Title: Staff recommends motion to approve:** Change Order No. 2 with Community Asphalt Corp. (CAC) in the amount of \$218,657.32 and a contract time extension of 716 days to the Australian Avenue and Palm Beach Lakes Boulevard Intersection Improvements project (R2018-0139). (ENG)
- 3.D. ADDED MOTION AND TITLE: Motion and Title: Staff recommends motion to: A) declare:** that an emergency exists and that immediate enactment of an ordinance amending Article II of Chapter 9 of the Palm Beach County Code of Ordinances, entitled Palm Beach County Emergency Management Ordinance, is necessary to protect the public health, safety and welfare of the people of Palm Beach County; **B) waive:** the 10-day ordinance adoption notice requirement of Section 125.66(2), Florida Statutes, upon four-fifths (4/5) vote of the membership of the Board of County Commissioners; and **C) adopt:** AN EMERGENCY ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING ARTICLE II OF CHAPTER 9 OF THE PALM BEACH COUNTY CODE OF ORDINANCES (“CODE”), ENTITLED PALM BEACH COUNTY EMERGENCY MANAGEMENT ORDINANCE; AMENDING SECTION 9-32 (AUTHORITY); AMENDING SECTION 9-34 (DEFINITIONS); AMENDING SECTION 9-35 (DECLARATION OF EMERGENCY); AMENDING SECTION 9-37 (ENFORCEMENT); PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR ENFORCEMENT; PROVIDING FOR PENALTIES; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE. (ADMIN)
- 3.E. ADD-ON: Motion and Title: Staff requests Board direction:** regarding LJL Food Management, Inc. d/b/a Hideout Kitchen and Café’s request to waive the surety bond requirement and to further extend the deadline for completion of construction under its lease of restaurant space within the Governmental Center Parking Garage (R2019-1059). (FDO)

4. PUBLIC HEARING – Amendment Round 20-B2 Transmittal

- 4.A.1. WITHDRAWN:** Rise Soccer Park (LGA 2020-007)



AGENDA

BOARD OF COUNTY COMMISSIONERS

PUBLIC HEARING

Tuesday, July 28, 2020

9:30 a.m.

BCC Chambers 6th Floor, Jane M. Thompson Memorial Chambers

301 N. Olive Avenue, 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
- 3. COUNTY ADMINISTRATION AND OTHER DEPARTMENTS (Page 2)**
- 4. PUBLIC HEARING – 20-B2 Transmittal Hearing (Pages 3-6)**
- 5. REGULAR AGENDA (Page 6)**
- 6. COMMENTS (Page 6)**
- 7. ADJOURNMENT (Page 6)**

3. COUNTY ADMINISTRATION AND OTHER DEPARTMENTS

3.A. OFFICE OF FINANCIAL MANAGEMENT & BUDGET

Title: Budget amendment related to the CARES Act

Motion: To *Approve* a budget amendment

3.B. ENGINEERING & PUBLIC WORKS

Title: Change Order to Contract with Community Asphalt Corp. for the Australian Avenue and Palm Beach Lakes intersection project

Motion: To *Approve* a change order to contract

3.C. PUBLIC SAFETY AND DEPARTMENT OF HEALTH - COVID-19 UPDATE

3.D. PUBLIC HEARING – COUNTY ADMINISTRATION - EMERGENCY ORDINANCE

Title: Emergency Ordinance for Compliance

Motion: To *Adopt* an ordinance

3.E. FACILITIES DEVELOPMENT & OPERATIONS

Title: Staff requests Board direction regarding LJL Food Management, Inc.

4. PUBLIC HEARING – Amendment Round 20-B2 Transmittal

4.A. Privately Proposed Amendments

4.A.1. [Rise Soccer Park \(LGA 2020-007\)](#)

Proposed FLUA Amendment: From Rural Residential, 1 unit per 10 acres (RR-10) to Commercial Recreation with an underlying Rural Residential-10 (CR/RR-10)

Size: 19.46 acres **BCC District: Comm. Valeche, District 1**

Location: Southwest corner of Indiantown Road and Rocky Pines Road

Summary: The applicant is requesting a future land use amendment in order to develop a 42,380 square foot indoor soccer practice facility and 4 outdoor soccer fields. The site is located in the Rural Tier and within the Jupiter Farms Neighborhood Plan area.

Staff Assessment: The proposed CR future land use designation is not compatible designations surrounding the site as the amendment could introduce commercial uses, such as hotel and restaurant, as allowed in the Unified Land Development Code. This amendment could introduce the potential for commercial on a site that is not consistent with the intent of the commercial location policies in the Rural Tier to cluster non-residential development along intersections of major thoroughfares. At this time, the only FLU designation for the requested use is the CR designation. Should the Board support allowing private recreation facilities, an alternative could be to direct staff to pursue a County initiated text amendment to eliminate the ‘government owned’ requirement for the Parks & Recreation (PARK) future land use designation and create a ‘private park’ use. However, even with a PARK future land use designation on the subject site, the proposed uses and intensity may not be appropriate at this location. In conclusion, the amendment is not consistent with applicable Comprehensive Plan policies as the subject site is not an appropriate location for a CR designation and the intensity of the use is out of character with the Rural Tier. Finally, the amendment is not consistent with the Jupiter Farms Neighborhood Plan (JFNP).

Staff Recommendation. *Denial*

Planning Commission/LPA Recommendation. *Denial*, motion by Michael Peragine, seconded by Evan Rosenberg, passed in a 14 to 0 vote at the January 10, 2020 public hearing. Board discussion included questions regarding the approval process for public parks, usage of area parks, traffic impacts, and the approval process for schools. Under discussion, Commission members expressed that the proposed Commercial Recreation designation is not appropriate on this site, but that a private park future land use designation or zoning should be explored. Twenty five members of the public, including representatives of the Jupiter Farms Residents and Jupiter Farms Environmental Council, spoke in opposition citing incompatibility with the rural area, concerns regarding potential commercial uses, and increased traffic. One member spoke in support stating that the soccer facility would be a good project for the area. In addition, there were 44 comment cards submitted by members of the public who did not wish to speak, with 42 cards in opposition and 2 in support.

MOTION: To *Deny* the Rise Soccer Park amendment

4.A.2. [R80 Residential PUD \(LGA 2020-003\)](#)

Proposed FLUA Amendment: From Medium Residential, 5 units per acre (MR-5) to High Residential, 12 units per acre (HR-12)

Size: 11.46 acres

BCC District: Comm. Weiss, District 2

Location: On the north side of Southern Boulevard/SR80, east of 1st Street

Summary: The amendment proposes to change the future land use designation in order to pursue multifamily housing. The development potential for the site under the MR-5 future land use designation is 57 dwelling units, or up to 149 dwelling units (13 units per acre) using a combination of the MR-5 designation and the Workforce Housing (WHP) and Transfer of Development Rights (TDR) programs. The amendment request to the HR-12 future land use, combined with the WHP and TDR programs, proposes to allow 288 units (25.13 units per acre).

Staff Assessment: The request to allow higher density residential is appropriate considering the site's location adjacent to major roadways and near employment centers. The site plan positions the buildings in an east-west orientation in order to minimize visual impacts to residences to the west and provides 275 feet of separation. Further, access to the site has been aligned with Wallis Road. The amendment is compatible with the surrounding land uses, does not negatively impact public facilities, and is consistent with associated policies and overlays in the Comprehensive Plan. The applicant has proposed conditions of approval requiring that 100% of the dwelling units built on site be designated as workforce housing units and a requirement for the purchase of 46 TDR units. Staff is recommending conditions of approval to ensure the development of the site is consistent with the proposed site plan, specify the distribution of workforce housing units, and require the adoption hearings be held concurrently.

Staff Recommendation. *Approval with conditions - Transmit*

Planning Commission/LPA Recommendation. *Approval with conditions*, motion by Lori Vinikoor, seconded by Evan Rosenberg, passed in a 13 to 0 vote at the July 10, 2020 public hearing. Under discussion, several Commission members expressed favorable comments on aspects of the request, including the incorporation of workforce housing into the project, the design, and the location within several overlapping overlays and study areas. There was no public comment.

MOTION: To *Transmit as recommended by staff*

4.A.3. [Arden PUD \(LGA 2021-003\)](#)

Proposed Amendment: To modify conditions of approval on a site with Low Residential 2 units per acre (LR-2) future land use

Size: 1,209.98 acres

BCC District: Comm. McKinlay, District 6

Location: North side of Southern Boulevard (SR-80), approximately 2.5 miles west of Seminole Pratt Whitney Road.

Summary: This is an amendment to a previously adopted condition of approval and does not change the future land use designation of the site. At the time this site was granted the Low Residential, 2 unit per acre (LR-2) future land use designation in 2004, the ordinance included

a condition of approval limiting the site to 2,000 units in order to be consistent with Policy 3.5-d long range traffic requirements. Since the latest models indicate that the full 2,420 units allowed by the LR-2 now meets Policy 3.5-d, the applicant is requesting this amendment to revise the condition to allow the full density. The amendment will allow the zoning application to proceed with the replacement of some of the larger lots with smaller lots, for a total of 2,344 units.

Staff Assessment: The applicant and staff concur on several conditions of approval, including a cap of units at 2,420 total, thereby not allowing future density increases through the Workforce Housing or Transfer of Development Rights density bonus programs, and a timing condition to ensure compliance with short range traffic, and a condition requiring that 25% of the units over 2,000 are workforce housing. However, County staff is recommending that the 25% workforce housing be built onsite, whereas the applicant is requesting the ability to dispose of the workforce housing units through any of the options allowed by the ULDC (onsite, offsite, or in lieu fee). Staff recommends this condition for all requests for a density increase through the amendment process based on Board direction provided October 23, 2018.

Staff Recommendation. *Approval with modifications - Transmit*

Planning Commission/LPA Recommendation. *Approval with modifications as requested by the applicant,* motion by Evan Rosenberg, seconded by Eric Royal, passed in an 8 to 4 vote with David Dinin, Jim Knight, Michael Peragine, and Marcia Hayden dissenting. The motion reflected the agent's request for two proposed changes to the staff recommendation: addition of additional language in Condition 2 related to traffic analysis Test 2 (accepted by staff); and deletion of the second sentence in Condition 7, thereby allowing the referenced workforce housing units to be subject to the same disposition as any workforce units in the ULDC (onsite, offsite, or in lieu of payment). The majority of the Commission discussion focused on the components of the workforce housing program that were not limited to the subject site, such as whether homeowners association fees are considered, the resale of workforce housing owned units, the fund that managed the in lieu payments, and the total amount of in lieu payments received overall to date. Several Commission members disagreed with the applicant's agent that this site was not an appropriate location for workforce housing. Staff concurred with the revisions to Test 2, and changes have been made to Exhibit 1. There was no public comment.

MOTION: To *Transmit as recommended by staff*

4.A.4. [Reach Estate Office \(LGA 2020-015\)](#)

Proposed FLUA Amendment: From Rural Residential, 1 unit per 2.5 acres (RR-2.5) to Commercial Low Office with an underlying Rural Residential-2.5 (CL-O/RR-2.5)

Proposed Text Amendment: To allow an exception to the commercial location criteria in the Exurban Tier for properties adjacent to an existing commercial site subject to criteria.

Size: 1.76 acres **BCC District: Comm. McKinlay, District 6**

Location: Southwest corner of Orange Boulevard and Seminole Pratt-Whitney Road

Summary: The privately proposed text amendment would introduce a new policy to allow additional commercial office development in the Exurban Tier, also within the Acreage Neighborhood Planning Area in the Indian Trails Improvement District. The amendment proposes an exception to the Tier's commercial location criteria for sites requesting Commercial

Low-Office. The sites must be located 'adjacent' to sites that are approved for Commercial Low future land use, preserve vegetation, and be very low intensity. The intent of the amendment is to allow additional office uses in a manner that is compatible with the character of the rural area and offer a transition from the existing commercial plaza on Seminole Pratt-Whitney Road and Orange Boulevard. The proposed future land use change would to allow office uses.

Staff Assessment: The text amendment will introduce an opportunity for small office uses built in a manner that is harmonious with residential uses to be built along Seminole Pratt Whitney Road on parcels adjacent to the area's primary commercial plazas. Each of the eight additional qualifying sites must proceed through the future land use and zoning processes to request commercial office approvals. The amendment request is consistent with the objective of the Exurban Tier to protect the exurban character of the Tier, and consistent with the policy directing the creation of central community places. The proposed future land use amendment is consistent with the new policy, includes conditions of approval to doubly ensure consistency with the new policy to limit uses and design, meets applicable Comprehensive Plan requirements including traffic, and is compatible with surrounding land uses.

Staff Recommendation. *Approval with conditions - Transmit*

Planning Commission/LPA Recommendation. *Approval with Conditions*, motion by Lori Vinikoor, seconded by Dagmar Brahs, passed in a 13 to 0 vote at the July 10, 2020 public hearing. Under discussion, one Commission member commented that the amendment had the support of the Acreage Landowners Association although the site did not meet the specific detailed recommendations of The Acreage Neighborhood Plan. Under public comment, the property owner expressed support for the amendment and the community.

MOTION: To *Transmit as recommended by staff*

5. REGULAR AGENDA

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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