



AGENDA
BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING

Wednesday, October 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. Postponements
 - C. Adoption of the Agenda
- 3. PUBLIC HEARING – 20-B Adoption Public Hearing (Page 2)**
- 4. PUBLIC HEARING – 21-A Transmittal Public Hearing (Pages 3-5)**
- 5. REGULAR AGENDA (Page 5)**
- 6. COMMENTS (Page 5)**
- 7. ADJOURNMENT (Page 5)**

3. PUBLIC HEARING – Amendment Round 20-B Adoption

3.A. County Proposed Amendments

3.A.1. [Peril of Flood](#)

Summary: This proposed amendment would revise the Coastal Management Element to add a new goal for “Coastal Resiliency”, and add a new objective for “Reduction of Flood Risk to Coastal Areas.”

Staff Assessment. The intent of this amendment is to revise the Comprehensive Plan for compliance with the Peril of Flood Act that was signed into law by Florida Governor Scott in 2015. The Act added a requirement for the Coastal Management Element to be revised to address the peril of flood through the reduction of flood risk in coastal areas. Staff’s assessment during the 2019 Evaluation and Appraisal review concluded that although the County currently utilizes a wide range of strategies to address flood risk, the Comprehensive Plan does not fully address all of the six requirements. Therefore, this amendment proposes revisions to address the deficiencies and acknowledge existing County programs and plans that reduce flood risk. This amendment applies throughout **all Commission Districts.**

Staff Recommendation. *Approval*

Planning Commission/LPA Recommendation. *Approval*, motion by Lori Vinikoor, seconded by Angella Vann, passed in a 14 to 0 vote at the June 12, 2020 public hearing. Under discussion, one commission member asked questions, and one expressed support for the amendment. There was no public comment.

BCC Transmittal Action: *Transmit*, motion by Vice Mayor Weinroth, seconded by Commissioner Berger, passed in a 7 to 0 vote at the June 29, 2020 public hearing. There was minimal Board discussion and one member of the public representing the Sierra Club spoke in support of the amendment.

State Review Agency Comments: The State Land Planning Agency issued a letter dated September 11, 2020 for Round 20-06 SCR (20-B SCR) with the Objections, Comments and Recommendations (ORC) Report. The letter stated that the ORC comments “*are offered to assist the local government and will not form the basis for a compliance determination.*” The two comments are addressed in the staff report and did not result in changes to the amendment.

MOTION: To ***adopt an ordinance*** for the Peril of Flood amendment

4. PUBLIC HEARING – Amendment Round 21-A Transmittal

4.A. Privately Proposed Amendments

4.A.1. [Military Hypoluxo Commercial \(LGA 2021-002\)](#)

Proposed FLUA Amendment: To revise conditions of approval on a site with Commercial High with an underlying 5 units per acre (CH/5)

Size: 24.02 acres **BCC District: Mayor Kerner, District 3**

Location: Northeast corner of Military Trail and Hypoluxo Road

Summary: The applicant proposes to modify conditions of approval on a site with a Commercial High with an underlying 5 units per acre (CH/5) future land use designation. The site was approved for the CH/5 designation in 2008 with a series of conditions related to mixed use development and design with a maximum of 366,200 square feet of commercial uses.

Staff Assessment: The amendment proposes to eliminate conditions that were adopted in 2008 which intended to foster a mixed-use project with pedestrian/vehicular connections to the adjacent properties to the north. Subsequently, the site to the north has been developed with a school, and the conditions of approval are no longer necessary. The amendment does not change the future land use designation, density, or intensity allowed on the site. The amendment revises conditions of approval related to design that are no longer warranted. There is an adequate justification for the amendment, the amendment is compatible with surrounding land uses, and the amendment meets the applicable policies in the Comprehensive Plan.

Staff Recommendation. *Approval*

Planning Commission/LPA Recommendation. *Approval*, motion by Lori Vinikoor, seconded by Dagmar Brahs, passed in an 11 to 0 vote (with Jim Knight abstaining) at the September 18, 2020 public hearing. Under Board discussion, the PLC questioned the removal of the conditions. County staff explained the previous condition of approval for connectivity and that the amendment will remove the condition requiring connection to the 67th Place (a private right-of-way), and the remainder of the conditions were not necessary. Two members of the public spoke in support of removal of this condition, and expressed concern for flooding in the area.

MOTION: To *transmit* the Military Hypoluxo amendment

4.A.2. [CHS Properties \(LGA 2021-001\)](#)

Proposed FLUA Amendment: From Industrial (IND) to Commercial High with an underlying Industrial (CH/IND)

Size: 10.51 acres **BCC District: Comm. Weiss, District 2**

Location: South side of Ranch House Rd, approx. 450 feet east of Congress Ave

Summary: This amendment proposes to assign a Commercial High future land use designation to a 10.51 acre site with an Industrial future land use designation, thereby retaining Industrial as an underlying designation (CH/IND). The site is located within the Urban Suburban Tier in the Urban Redevelopment Area (URA) and the Revitalization, Redevelopment, and Infill Overlay. The subject site is part of the existing CHS Properties Multiple Use Planned Development

(MUPD), which consists of industrial and commercial future land use designations. The site is located in an area with non-residential and residential future land uses.

Staff Assessment: The applicant is seeking the amendment to allow for development of a luxury car storage facility, with membership abilities to allow members to store and showcase their vehicles with the intent of a ‘country club’ atmosphere. The request for a commercial designation is consistent with the remainder of the MUPD and the surrounding non-residential future land use designations. As demonstrated in this report, there is an adequate justification for the amendment, the amendment is consistent with the character of the area, compatible with surrounding land uses, meets all levels of service standards, and consistent with applicable policies in the Comprehensive Plan.

Staff Recommendation. *Approval*

Planning Commission/LPA Recommendation. *Approval*, motion by Jim Knight, seconded by Spencer Siegel, passed in a 12 to 0 vote at the September 18, 2020 public hearing. Under discussion, one PLC member expressed questions regarding the proposed use and landscaping. There was no public comment.

MOTION: To *transmit* the CHS Properties MUPD amendment

4.A.3. [Polo Gardens \(LGA 2021-005\) & Fields of Gulfstream \(LGA 2021-010\)](#)

Proposed Amendment: Polo Gardens (Parcel A) – Commercial High with underlying 2 units per acre (8.83 ac.) and Medium Residential, 5 units per acre (16.97 ac.) to Multiple Land Use (CH/HR-8) on 25.79 ac.

Fields of Gulfstream (Parcel B) – To revise conditions of approval on 207.93 acres

Size: 233.73 total acres **BCC District: Comm. McKinlay, District 6**

Location: Parcel A - South side of Lake Worth Road, east of Polo Club Road
Parcel B - East & west sides of Polo Club Road, south of Lake Worth Rd

Summary: The amendment is a two-part request that will result in 16.97 acres of land being relocated from an approved development, Fields of Gulfstream or Parcel B, to a new multiple use project called Polo Gardens or Parcel A. The amendment proposes to revise conditions of approval on the remaining acreage within Parcel B to allow an additional 4 units through the workforce housing program. The amendment for Parcel A will modify the existing 16.97 acres designated MR-5 and 8.83 acres designated CH/2 to Multiple Land Use (MLU, CH/8) in order to build a commercial and multifamily multiple use project. The amendment will retain conditions of approval to cap development on the commercial portion of Parcel A to 145,790 s.f. of commercial uses and require connectivity to the commercial parcel to the east.

Staff Assessment: The primary future land use change proposed by this amendment is to allow an increase in density on Parcel A from the current underlying 2 units per acre and 5 units per acre, to an underlying 8 units per acre with additional density bonuses through the Workforce Housing (WHP) and Transfer of Development Rights (TDR) programs. The associated zoning applications show a limited amount of commercial (less than 27,000 s.f.) and up to 348 dwelling units in 3 and 4 story multifamily buildings. A request to increase density for a multiple use project with multifamily housing is appropriate at this location. However, due to the character of

the area and the Neighborhood Plan recommendations, staff recommends a reduction in the future land use designation to an underlying MR-5 future land use designation, which results in a maximum of 284 dwelling units using an 80% density bonus and full purchase of the available TDR units. Staff is recommending additional conditions of approval requiring that 25% of the units be built onsite as workforce housing, and that the height of buildings be limited to 3 stories maximum.

Staff Recommendation. *Approval with modifications*

Planning Commission/LPA Recommendation. *Approval with modifications as presented by the applicant*, motion by Spencer Siegel, seconded by Lori Vinikoor, passed in an 8 to 5 vote at the October 9, 2020 public hearing. The motion reflected the applicant's modifications presented at the hearing to require 25% of the dwelling units as workforce housing and including the purchase of TDR units. Under discussion, PLC members expressed support for the proposed workforce housing condition and use of the Transfer of Development Rights Program. There were no public speakers. One letter from the Lake Worth Road Coalition was read into record requesting a cap of 5 units per acre, prohibition of fast food and gas sales, and other conditions (see Exhibit 8).

MOTION: To *transmit with staff recommended modifications* of the Polo Gardens amendment

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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