



## Palm Beach County Board of County Commissioners

### Public Hearing Results

September 1, 2022

#### 1. CALL TO ORDER

- A. Roll Call
- B. Invocation and Pledge of Allegiance
- C. Proof of Publication - Motion to receive and file

**BCC Action:** *Motion to receive and file*, motion by Commissioner McKinlay, seconded by Vice Mayor Weiss passed in a 7 to 0 vote.

#### 2. Agenda Approval

- A. Additions, Deletions, Substitutions
- B. Postponements
- C. Adoption of the Agenda

**BCC Action:** *Motion to adopt the agenda*, motion by Vice Mayor Weiss, seconded by Commissioner Kerner passed in a 7 to 0 vote.

#### 3. PUBLIC HEARING – Amendment Round 22-B2 Transmittal

##### 3.B. Privately Proposed Amendments in the Urban/Suburban Tier

##### 3.B.1. [Thomas Packing Plant II \(LGA 2022-016\)](#)

**Summary:** The current future land use designation with conditions, limits the site to 185,130 sf of commercial retail, 44,431 sf of office and a 150 bed congregate living facility (CLF). Currently, the LR-2 designation can only be utilized for the calculation of CLF beds. Therefore, the proposed amendment request is to remove all commercial development potential on the site and to delete the conditions of approval related to the MLU, including the conceptual plan in Ordinance 2016-014. This would allow the site to utilize the density associated with the existing LR-2 FLU for a residential development, up to 75 units. The applicant intends to develop 70 single family homes (1.87 units per acre).

**Staff Assessment:** The proposed LR-2 is compatible with the existing development and character of the surrounding area. In addition, FLUE Policy 2.4-b establishes TDRs as the required method of increasing density. However, the request is not proposing to increase the density beyond the current LR-2 designation to a higher density FLU. Therefore, TDRs are not required. Consistent with Board direction for sites seeking density increases through the amendment process, staff recommends a condition requiring 10% of the units to be provided as onsite WHP units and to limit the site to 75 units with no further density increases permitted

through density bonus programs. The proposed amendment is compatible with surrounding land uses, and consistent with the Comprehensive Plan.

**Staff Recommendation:** *Approval with modifications*

**Planning Commission/LPA Recommendation:** *Approval with modifications*, motion by Lori Vinikoor, seconded by Dagmar Brahs, passed in an 11 to 0 vote at the June 10, 2022 public hearing. The modification consisted of deleting the onsite requirement for the 10% workforce housing condition of approval. Under discussion, Commission members expressed support for the amendment but recognized the challenges in providing onsite workforce housing units due to the product type that is proposed. Commission members asked questions regarding access points and other traffic management considerations such as signalization and median breaks, and questions related to provision of workforce housing offsite. There was no public comment.

**MOTION:** To *transmit* the Thomas Packing Plant II amendment.

**BCC Action:** *Transmit with modifications*, motion by Commissioner Kerner, seconded by Commissioner Marino, passed in a 7 to 0 vote at the September 1, 2022 public hearing. The modification included a revision to condition #2 allowing for all workforce housing (WHP) disposition methods. This change is reflected in Exhibit 1 as double strikethrough. The Board supported considering the final WHP disposition method at the time of the zoning application but also expressed that they would not support the in-lieu (buy-out) option. Commissioners also discussed whether the development should have access onto State Road 7. One member of the public spoke in support of the amendment and the development of offsite workforce housing.

### 3.B.2. [Brentwood of Wellington \(LGA 2022-020\)](#)

**Summary: Summary:** This item was postponed at the May 4<sup>th</sup> BCC transmittal hearing. Following that meeting, the applicant revised the application request from 194 units to 132 units. The amendment is requesting to delete previously adopted conditions of approval for portions of the site approved for the development of a congregate living facility. The proposed amendment results in an increase in residential development potential from 25 to 82 units. In addition, the concurrent zoning application includes a request for a 30 density bonus units through the Workforce Housing Program (WHP) and the purchase of 20 Transfer of Development Rights (TDRs) for a density of 13 units per acre.

**Staff Assessment:** The amendment is consistent with the Comprehensive Plan policy that establishes TDRs as the required method of increasing density. The request for higher density is appropriate due to site's location and access along an arterial roadway. Consistent with previous staff recommendations, proposed conditions include requiring the full purchase of available TDRs (20 units) and requiring 25% of the total units as on-site workforce housing (33 units). Staff is proposing additional conditions of approval such as capping the maximum number of units to 132, a maximum height restriction of two stories, and requiring that the adoption hearing of the future land use amendment and zoning applications be held on the same date.

**Staff Recommendation:** *Approval with modifications*

**Planning Commission/LPA Recommendation:** *Denial*, motion by Barbara Roth, seconded by Marcia Hayden, passed in a 6 to 5 vote (with Lori Vinikoor, Glenn Gromann, Angela Vann, Spencer Siegel and Penny Pompei dissenting), at the April 8, 2022 public hearing. An initial motion by Spencer Siegel, seconded by Glenn Gromann for approval with staff's modifications,

failed in a 5 to 6 vote (with Edwin Ferguson, Cara Capp, Rick Stopek, Marcia Hayden, Dagmar Brahs and Barbara Roth dissenting). The Commission discussion included comments and questions regarding the previous condition of approval for the CLF, the traffic impacts to the corridor, the proposed density and surrounding residential density, and layering of density bonuses through the WHP and TDRs programs with the amendment process. Thirteen members of the public spoke in opposition, including representatives of the Thoroughbred Lakes Estates and Fieldstone HOAs. Members of the public stated that the proposed development is not compatible with the area, the proposed building would create visual impacts, property values would decrease, and issues related to drainage and increased traffic.

**MOTION:** To *transmit* the Brentwood of Wellington amendment.

**BCC Action:** *Transmit*, motion by Commissioner McKinlay, seconded by Vice Mayor Weiss, passed in a 7 to 0 vote at the September 1, 2022 public hearing. The Board discussed the proposed left turn into the site from State Road 7 as well as the process for remanding an amendment back to the Planning Commission when the application is significantly different. The Board spoke in support of the reduction in units and encouraged the applicant to continue conversations with the neighboring residential communities regarding buffers. One member of the public spoke in support citing the developer's efforts to work with neighbors to reduce number of units and number of stories for compatibility. A representative for Thoroughbred Lakes Estates and Fieldstone HOAs spoke in support of the reduction of units and requested additional buffers of 50 feet. A representative for the Housing Leadership Council spoke in support of additional workforce housing that the project will provide. One member of the public spoke in opposition citing concerns with the proposed density and increased traffic.

### **3.B.3. [Villages of Windsor SE Residential \(LGA 2022-017\)](#)**

**Summary:** The amendment is requesting an increase in residential development potential from Congregate Living Facility (CLF), up to 347 beds or Residential, up to 24 units, to up to 95 units. The concurrent zoning application includes a request for density bonus through the Workforce Housing Program (WHP) and the purchase of Transfer of Development Rights (TDRs) for a total of 187 units (15.8 units per acre). The applicant is also proposing to delete conditions of approval in the previously adopted ordinance related to the development of a congregate living facility.

**Staff Assessment:** This item was postponed at the May 4<sup>th</sup> BCC hearing. While the proposed development is at a higher density than the surrounding future land uses, the request for higher density is appropriate considering the site's location at the intersection of two major roadways. In addition, the site plan provides a transition and buffer to adjacent residential uses by orienting the buildings towards Hypoluxo Road and providing a significant separation and retention area along the south side of the property. Staff is proposing conditions of approval to limit the site to 187 units, provide separation to existing residential, limit the height of buildings on the southern portion of the site to three stories and require that the adoption hearing of the future land use amendment and zoning applications be held on the same date. Consistent with previous staff recommendations, additional conditions of approval include requiring that 25% of the total units be built onsite as workforce housing (47 units) and requiring the full purchase of available TDRs (36 units).

**Staff Recommendation:** *Approval with modifications*

**Planning Commission/LPA Recommendation: *Approval with staff's modifications***, motion by Glenn Gromann, seconded by Penny Pompei, passed in an 8 to 2 vote (with Barbara Roth and Dagmar Brahs dissenting) at the April 8, 2022 public hearing. Under discussion, Commission member comments and questions included the affordability of WHP rental prices, the applicant's public outreach with neighboring communities and Coalition of Boynton West Residential (COBWRA), and the location and height of the proposed buildings. Three members of the public, including representatives of Valencia Shores and Savannah Estates HOAs, spoke in opposition to the four-story building and high density. A representative of COBWRA spoke citing concerns that the proposed amendment was not presented to their growth management committee in advance of the meeting.

**MOTION:** To *transmit* the Villages of Windsor SE Residential amendment.

**BCC Action: *Transmit with modifications***, substitute motion by Commissioner McKinlay, seconded by Commissioner Marino, passed in a 6 to 1 vote (with Commissioner Kerner dissenting) at the September 1, 2022 public hearing. An initial motion was made by Commissioner Kerner, seconded by Commissioner Bernard. The modification consisted of a revision to Condition #4 limiting all buildings to three stories in height. This change to Exhibit 1 is shown in double strikethrough. Board discussion included the appropriate density, building height and workforce housing requirement for the site. A representative for the Housing Leadership Council spoke in support of additional workforce housing that the project will provide. One member of the public spoke in support of the proposed density. Four members of the public, including representatives of the Coalition of Boynton West Residential Associations (COBWRA), Sherbrooke, Valencia Shores and Isola Bella HOAs, spoke in opposition citing concerns related to the proposed four story building, increased traffic and incompatible density.

#### 4. COMMENTS

- A. County Attorney
- B. Planning Director
- C. Zoning Director
- D. Executive Director
- E. Assistant County Administrator
- F. Commissioners

#### 5. ADJOURNMENT

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