



**BOARD OF COUNTY COMMISSIONERS
COMPREHENSIVE PLAN
PUBLIC HEARING**

Monday, October 30, 2017

9:30 a.m.

**BCC Chambers 6th Floor, Jane M. Thompson Memorial Chambers
301 N. Olive Ave, West Palm Beach, FL 33401**

- 1. CALL TO ORDER**
 - A. Roll Call
 - B. Invocation
 - C. Pledge of Allegiance
 - D. Proof of Publication - Motion to receive and file

- 2. AGENDA APPROVAL**
 - A. Additions, Deletions, Substitutions, Postponements
 - B. Adoption of Agenda

- 3. PUBLIC HEARING –17-D Adoption (Pages 2-6)**

- 4. REGULAR AGENDA (Page 7)**

- 5. COMMENTS (Page 7)**

- 6. ADJOURNMENT (Page 7)**

3. PUBLIC HEARING –Round 17-D Adoption

The Department of Economic Opportunity reviewed the amendments under the Expedited Review process and issued no objections or comments. See front cover for copy of letter dated August 31, 2017.

3.A. Proposed County Initiated Amendments

3.A.1 [Equestrian Waste Pilot Program Repeal.](#) This proposed amendment would revise the Future Land Use and Introduction and Administration Elements to eliminate the Equestrian Waste Recycling Pilot Program and associated changes to the Plan that were adopted in January 2017 by Ordinance 2017-005. The Pilot Program allowed up to four facilities in the Glades Tier, largely known as the Everglades Agricultural Area, to apply for an equestrian waste recycling facility. Equestrian Waste Recycling Facilities will remain allowed within the Urban Suburban Tier in lands with an Industrial future land use designation subject to the requirements of the Unified Land Development Code.

Staff Assessment. The Program was adopted as a ‘Pilot’ specifically to ensure that the proposed facilities would meet all state and federal regulatory requirements, and to ensure that there were no negative impacts or issues created by the use. During the review of the first Pilot site, Horizon Composting, local farmers objected to the use stating that the concentration of equestrian waste composting and recycling on the site would present a food safety issue for locally grown fruits, vegetables, and leafy greens, and hinder their ability to sell their produce. The staff report verifies the issues raised by the farmers that introduction of equestrian waste recycling and related manure facilities are not compatible or appropriate within the Glades Tier.

Staff Recommendation. *Approval*

Planning Commission/LPA Recommendation. *Approval,* motion by Michael Peragine, seconded by Arthur Goldzweig passed in an 8-0 vote at the July 14th public hearing. The Board commented on the need to address equestrian waste, but not at the expense of food safety. Three members of the public representing the agricultural industry spoke in support citing food safety concerns. A representative for the Horizon Composting application spoke in opposition, stating the need to continue efforts and dialogue to address the issue. A letter from the Florida Fruit and Vegetable Association was submitted for the record and documents from Paul Cross representing Horizon Composting (see Exhibit 7 Correspondence).

BCC Transmittal Action: *Transmit,* motion by Vice Mayor McKinlay, seconded by Commissioner Kerner passed in a 7-0 vote at the July 26th public hearing. There was minimal board discussion. One member of the public spoke in support of the Pilot Program with a request to postpone and revise rather than repeal.

MOTION: To *adopt an ordinance* for the Equestrian Waste Pilot Program Repeal

3.A.2 [Port of Palm Beach Master Plan.](#) This proposed amendment would revise the Transportation and Coastal Management Elements to incorporate by reference Section A, Goals, Objectives and Policies, 2017-2022 Future Improvements Map, and 2017-2022 Capital Improvement Program of the Port of Palm Beach Master Plan, which were adopted by the Port of Palm Beach Commission on April 20, 2017.

Staff Assessment. This amendment is proposed for consistency with the Port’s Master Plan. There were no inconsistencies identified with the Comprehensive Plan, and no changes to the Unified Land Development Code are anticipated.

Staff Recommendation. *Approval*

Planning Commission/LPA Recommendation. *Approval*, motion by Michael Peragine, seconded by Marcia Hayden passed in a 11-0 vote at the June 16th public hearing. There was minimal discussion and no public comment.

BCC Transmittal Action: *Transmit*, motion by Commissioner Berger, seconded by Commissioner Bernard passed in a 7-0 vote at the July 26th public hearing. There was minimal board discussion and no public comment.

MOTION: To *adopt an ordinance* for the Port of Palm Beach Amendment

3.A.3 [Westgate CRA FLUA Corrective.](#) This is a County Initiated Corrective amendment to revise Future Land Use Atlas (FLUA) for three sites totaling 7.86 acres located within the Westgate Belvedere Homes Community Redevelopment Area (CRA) in **District 7**.

- Site A:** **LGA 2017-023**
From CH to CH/8 (1.53 acres) and CHX to CHX/8 (3.09 acres)
4.62 acres located on the south side of Westgate Ave, approx. ¼ mile east of Military Trail. This amendment proposes to assign an underlying residential designation.
- Site B:** **LGA 2017-024**
From C/8 to CH/8
1.05 acres located on the northeast corner of Tallahassee Dr and Chickamauga Ave. This amendment proposes to assign a Commercial High category.
- Site C:** **LGA 2017-025**
From INST to INST/8
2.19 acres located on the northwest corner of Congress Ave and Cherry Rd. This amendment proposes to assign an underlying residential designation.

Staff Assessment. These changes are proposed to establish consistency between the existing uses and zoning district with the Comprehensive Plan, thereby allowing these uses to continue as conforming uses, and density will allow infill development or redevelopment consistent with the CRA.

Staff Recommendation. *Approval*

Planning Commission/LPA Recommendation. *Approval*, motion by Katharine Murray, seconded by Sandra Greenberg passed in a 9-0 vote at the July 14th public hearing. There was minimal board discussion and no public comment.

BCC Transmittal Action: *Transmit*, motion by Commissioner Bernard, seconded by Commissioner Abrams passed in a 7-0 vote at the July 26th public hearing. There was minimal board discussion and no public comment.

MOTION: To *adopt an ordinance* for the Westgate FLUA Corrective Amendment

3.A.4 [Congregate Living Residential and Density Revisions.](#) This proposed County Initiated amendment would revise the Future Land Use Element to establish a new residential future land use designation and make related changes. Specifically, this amendment proposes to:

- Establish a new residential future land use designation called Congregate Living Residential (CLR) for newly proposed Congregate Living Facilities (CLF) Type 3 in the Urban Suburban Tier;
- Replace 'Standard' and 'Planned Development' density with a single maximum density for urban residential future land use designations;
- Correct an error within the Infill Policy, and relocate residential and institutional future land use language from the FLUA regulation section.

Staff Assessment. The proposed Congregate Living Residential (CLR) will allow the Board to review proposed Type 3 CLFs under an independent residential future land use designation rather than through amendments to increase residential density with conditions of approval. The CLR designation is proposed for the Urban Suburban Tier. In addition, this amendment also to eliminate the requirement for urban residential developments be developed as Planned Developments to achieve maximum density.

Staff Recommendation. *Approval*

Planning Commission/LPA Recommendation. *Approval as modified*, motion by Neil Merin, seconded by Michael Peragine passed in a 9-0 vote at the July 14th public hearing. The modifications reflected changes distributed at the Board by staff. The Board commented on the requests for congregate living facilities and the differences with nursing facilities. There was no public comment.

BCC Transmittal Action: *Transmit*, motion by Commissioner Abrams, seconded by Commissioner Kerner passed in a 7-0 vote at the July 26th public hearing. Under discussion, the Board directed staff to explore strategies to promote or incorporate affordable congregate care options prior to the adoption public hearing. There was no public comment.

Changes Subsequent to Transmittal: Subsequent to transmittal, the proposed amendment was modified to retain original language regarding institutional uses allowed in residential future land use designations. As subsequent amendment to the Plan and ULDC will address the differences between medical and institutional uses allowed in the residential designations.

MOTION: To *adopt an ordinance* for the Congregate Living Residential and Density Revisions

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

3.B.1 [Izzy Lizzy Residential \(LGA 2017-016\)](#). This is a privately proposed future land use (FLU) amendment as summarized below.

Current FLU: Low Residential, 2 units per acre (LR-2)

Proposed FLU: Medium Residential, 5 units per acre (MR-5)

Size: 5.00 acres

BCC District: 6

Location: East of Lyons Rd, 3,000 ft south of Lake Worth Rd, west of 87th Drive South

Staff Assessment. The County allows an exception to the mandatory Transfer of Development Rights (TDR) Program to increase density for properties in the West Lake Worth Road Corridor Neighborhood Plan provided that the proposed density is identified in the Master Plan. This amendment is consistent with the Comprehensive Plan with the addition of a staff proposed condition of approval to limit the density to the 5 units per acre proposed within the application.

Staff Recommendation. *Approval with Conditions*

Planning Commission/LPA Recommendation. *Approval with Conditions*, motion by Marcia Hayden, seconded by David Freudenberg passed in a 8-2 vote (with Angella Vann and Kiley Harper-Larsen dissenting) at the May 12th public hearing. Board discussion focused on the proposed conditions including whether the same conditions were placed on other amendments and accepted by applicants in the Neighborhood Plan Area. The Board also discussed Workforce Housing units and densities supported by the Neighborhood Plan. There was no public comment.

BCC Transmittal Action: *Transmit as recommended by the PLC*, motion by Commissioner Bernard, seconded by Commissioner Abrams passed in a 7-0 vote at the July 26th public hearing. At the hearing, staff distributed an additional recommended condition of approval to

require 25% of the units to be provided as Workforce Housing Units to be built on site. Board discussion centered on the Workforce housing condition, and that the application of such conditions should be addressed separately rather than as an addition to a private amendment, and that the proposed amendment was consistent with the associated Neighborhood Plan. An additional letter from the Lake Worth Road Coalition was distributed at the hearing (see Exhibit 9). There was no public comment.

MOTION: To *adopt an ordinance* for the Izzy Lizzy Residential (LGA 2017-016) amendment

3.B.2 [Lake Worth Commercial \(LGA 2017-013\)](#). This is a privately proposed future land use (FLU) amendment as summarized below.

Current FLU: Commercial High with underlying 2 units per acre (CH/2)

Proposed FLU: Commercial High with underlying 5 units per acre (CH/5) with revisions to previously adopted conditions of approval

Size/Location: 37.03 acres

BCC District: 6

Location: Southwest corner Lake Worth Road and Polo Road

Staff Assessment. This amendment proposes to increase density and to modify a previously adopted mixed use amendment. The original amendment requested a change from low residential to commercial future land use. Since the site was mid-block and did not meet the commercial location requirements, the County assigned strict conditions of approval to require design elements as part of a Lifestyle Commercial Center (LCC). The site is located within the West Lake Worth Road Corridor Neighborhood Plan, but not identified on the Master Plan with the higher density. The proposed amendment meets the requirements of the Comprehensive Plan with the inclusion of a staff proposed condition of approval requiring a percentage of the units to be WHP units.

Staff Recommendation. *Approval with Conditions*

Planning Commission/LPA Recommendation. *Approval with Conditions*, motion by Neil Merin, seconded by Michael Peragine passed in a 9-0 vote at the July 14th public hearing. There was minimal board discussion and no public comment.

BCC Transmittal Action: *Transmit with a modified condition*, motion by Commissioner Bernard, seconded by Commissioner Valeche passed in a 7-0 vote at the July 26th public hearing. The modification was to assign the 25% Workforce Housing condition only to units from the incremental increase in density from the existing 2 units per acre to 5 units per acre (see Exhibit 1 in double underline, double strike out). There was minimal Board discussion. A representative from the Lake Worth Road Coalition spoke in support of the amendment and stated that any Workforce Housing condition should be consistent with other projects in the Neighborhood Planning area (see additional letter in Exhibit 9 distributed at the meeting). A second member of the public spoke in opposition to the amendment.

MOTION: To *adopt an ordinance* for the Lake Worth Commercial (LGA 2017-013) amendment

3.C. Privately Proposed Amendments in the Agricultural Reserve Tier

3.C.1 [Three Amigos \(LGA 2017-018\)](#). This is a privately proposed future land use (FLU) and text amendment request as summarized below.

Current FLU: Agricultural Reserve (AGR) on 3.60 acres and Commercial Low with underlying AGR (CL/AGR) on 1 acre

Proposed FLU: Commercial Low/AGR

Size: 4.60 acres

BCC District: 5

Location: South side of Boynton Beach Blvd, approx. 950 sf east of SR 7

Private Text Amendment Summary. The applicant proposes a private text amendment to the Comprehensive Plan to increase the cap of commercial square footage allowed within the Tier to accommodate the increase in acreage.

Staff Assessment. A small portion of the subject site (.34 acres) has been partially operated with commercial uses since the 1960s, and has been recognized in the Comprehensive Plan as an allowable use in the Ag Reserve Tier since 1995. The County approved expansion of the site to a full acre last year by adopting Commercial Low future land use which tripled the applicant's commercial entitlement. The proposed increase would exceed the commercial cap in the Tier.

Staff Recommendation. *Denial*

Planning Commission/LPA Recommendation. *Approval with modifications*, motion by Michael Peragine, seconded by Neil Merin passed in a 7-2 vote (with Katharine Murray and Barbara Roth dissenting) at the July 14th public hearing. The modification consisted of increasing the commercial cap by 35,000 sq. ft. rather than the proposed 35,632 sq. ft. The Board discussion included comments that this expansion shouldn't be penalized for being the last of the pre-existing site to request expansion, and that the request was consistent with the prior approvals with the exception of the commercial cap. There was no public comment. A letter from COBWRA in opposition was distributed (see Exhibit 10).

BCC Transmittal Action: *Transmit as recommended by the PLC*, motion by Commissioner Abrams, seconded by Commissioner Valeche passed in a 4-3 vote at the July 26th public hearing (with Commissioners Bernard, Kerner and Burdick dissenting). Under discussion, the Board questioned whether commercial expansion on the site was considered during the increase of the cap last year, and whether unutilized square footage from other projects could be transferred or expired. Staff stated that that the transfer of square footage to the subject site would require the property owners for the other commercial sites to pursue private future land use amendments, and an increase to the cap by policy was appropriate if the Board supported the expansion of the Three Amigos site. A representative of the Coalition of West Boynton Residential Associations (COBRA) spoke in opposition to the amendment based on the lack of information on the specific request and that the cap for commercial in the Tier has been reached.

State Review Comments. The TCRPC draft comments expressed concern regarding commercial in the Agricultural Reserve (see staff report).

MOTION: To *adopt an ordinance* for the Three Amigos (LGA 2017-018)

4. REGULAR AGENDA

5. COMMENTS

- A. County Attorney
- B. Planning Director
 - 1. Private Text Amendments
 - 2. Large Scale Amendment Rounds
- C. Zoning Director
- D. Executive Director
- E. Assistant County Administrator
- F. Commissioners

6. 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.

T:\Planning\AMEND\17-D\Reports-Agendas\4-BCCAdopt\Agenda-BCC-Oct30-2017.docx