



## Palm Beach County Amendment Round 22-A Transmittal Executive Summary - Table of Contents

### A. County Proposed Text and Map Series Amendments

#### A.1. [Westgate/Belvedere Homes CRA TCEA](#)

**Summary:** This amendment proposes to revise the Transportation Element to delete the conditions associated with the Westgate/Belvedere Homes Community Redevelopment Area (CRA) Transportation Concurrency Exception Area (TCEA) because they are no longer appropriate in light of the proportionate share legislation.

**Staff Assessment:** The conditions associated with this TCEA include the provisions for: maximum allowable trips, inclusionary housing, mix of uses, multimodal network, a greenway, and parking reduction. These conditions have been completed, are ongoing, or implemented through the County's Unified Land Development Code (ULDC). Furthermore, requiring mitigation measures in this manner are no longer appropriate with the adoption of proportionate share legislation in ss. 163.3180 (5)(h), F.S. The Statutes require the local government to allow an applicant for a development to satisfy its transportation concurrency requirements if the applicant in good faith offers to enter into a binding agreement to pay for or construct its proportionate share of required improvements. **Commission Districts 2 & 7.**

**Staff Recommendation:** *Approval*

**Planning Commission/LPA Recommendation:** *Approval*, motion by Rick Stopek, seconded by Glenn Gromann, passed in a 14 to 0 vote at the August 13, 2021 public hearing. Under discussion, Commission member asked whether the deleted conditions will be covered by the Unified Land Development Code (ULDC). Staff stated that some of the conditions have been completed, and some are implemented through the zoning/DRO process.

**MOTION:** To *transmit* the Westgate/Belvedere Homes CRA TCEA amendment.

**BCC Action:** *Transmit*, motion by Commissioner Weiss, seconded by Commissioner McKinlay, passed in a 6 to 0 vote (with Commissioner Bernard absent) at the November 3, 2021 public hearing. There was minimal Board discussion and no public comment.

#### A.2. [Pioneer Road Rural Enclave Overlay](#)

**Summary:** This amendment proposes to revise the Comprehensive Plan to establish an Overlay for the Pioneer Road Neighborhood Plan area. Specifically, the amendment proposes to add a new Sub-Objective and policies to establish the Pioneer Road Rural Enclave Overlay; and add a note to the Special Planning Areas Map (LU 3.1) Map Series stating that the boundaries of the depicted Pioneer Road Neighborhood Plan also reflect the new Overlay.

**Staff Assessment:** This proposed amendment was initiated by the Board of County Commissioners on October 31, 2018 at the request of the Pioneer Road Property Owner's Association. This proposed amendment will establish the Neighborhood Plan as a Rural Enclave Overlay in order to support the continuation and protection of the character of the area. The

amendment establishes policy guidance reflecting many of the recommendations in the Neighborhood Plan, and is intended to encourage low densities within the Overlay by requiring an enhanced level of Board approval for proposed density increases, and to promote the preservation of native vegetation and encouraging agricultural uses. **Commission District 2.**

**Staff Recommendation: *Approval***

**Planning Commission/LPA Recommendation: *Approval with modifications, with recommendation to delete the super majority vote requirement for New Policy 1.2.7-b,*** motion by Spencer Siegel, seconded by Barbara Roth, passed in an 11 to 2 vote (with John Carr and Rick Stopek dissenting) at the October 1, 2021 public hearing. Under discussion, Commission members had concerns about the proposed policy that would require approval by at least five members of the Board of County Commissioners for applications that increase density. The Commission also deliberated the Overlay boundaries, including the boundary bisecting Winner's Church and a potential "opt out" for property owners within the Overlay. The Commission also recognized the traffic issues affecting the properties fronting Pioneer Road immediately west of Jog Road. There were four members of the public who spoke in support of the proposed Overlay, in addition to one comment card in support but not wishing to speak. There were eight members of the public who spoke in opposition, and requested to be excluded from the Overlay.

**MOTION:** To *transmit* the Pioneer Road Rural Enclave Overlay amendment.

**BCC Action: *Transmit as recommended by staff,*** motion by Commissioner Weiss, seconded by Commissioner McKinlay, passed in a 6 to 0 vote (with Commissioner Bernard absent) at the November 3, 2021 public hearing. Under discussion, Commissioners asked about the history of the overlay area and discussed the potential for property owners to "opt out" of the overlay or adding language for an overlay transition zone for properties near Jog and Pioneer Road. The Board also discussed the requirement for approval by at least 5 BCC members, property development rights and ability for property owners within overlay to apply for future land use changes.

Twenty-nine members of the public, including representatives of the Pioneer Road Property Owners Association, spoke in support of the overlay citing the need to protect this area. Nine members of the public, including legal counsel representing property owners, spoke in opposition of the overlay language as presented by staff and requested the Board to consider a transitional zone or to be removed from the overlay boundary. One member of the public representing the Palm Beach Farms Rural Preservation Committee LLC spoke in opposition. Fifty-nine comment cards in support were entered into the record. In addition, twenty-five additional correspondence (see Exhibit 2D).

**B. Privately Proposed Future Land Use Amendments**

**B.1. [Fount MUPD \(LGA 2020-011\)](#)**

**Proposed FLUA Amendment:** From Commercial High with an underlying 8 units per acre (CH/8) to Commercial High with an underlying 12 units per acre (CH/12) on 3.5 acres and from Utilities and Transportation (UT) to High Residential, 12 units per acre (HR-12) on 24.16 acres,

**Size:** 27.66 acres **BCC District: Comm. Weiss, District 2**

**Location:** South side of Okeechobee Boulevard, approximately 1/3 of a mile west of Haverhill Road

**Summary:** The 27.66 acre subject site is located in the Urban/Suburban Tier. The amendment results in an increase in residential development potential from 28 units to 332 units (12 units per acre). With additional bonus density through the Transfer of Development Rights and Workforce Housing programs, the application indicates a proposed 708 units (25.59 units per acre). The site is owned by the Town of Palm Beach and is currently vacant.

**Staff Assessment:** The request to allow higher density residential is appropriate considering the site’s location in the Urban Redevelopment Area, adjacent to major roadways, near employment centers, and conditions of approval ensure compatibility with surrounding existing medium to high residential future land use designations. Staff proposes several conditions, including providing 25% of all units as on-site workforce housing units, and purchasing all available Transfer of Development Rights (TDRs). The applicant agrees with all proposed conditions. As conditioned, 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.

**Staff Recommendation:** *Approval with conditions*

**Planning Commission/LPA Recommendation:** *Approval with conditions*, motion by Lori Vinikoor, seconded by Spencer Siegel, passed in a 13 to 0 vote at the October 15, 2021 public hearing. Under discussion, Commission members expressed support for the construction of onsite workforce housing units and the opportunity for the environmental cleanup of the site. Commission members also asked questions regarding the location and proposed uses of the “brownfield” area on the site, and what contaminants were identified during environmental monitoring. One member of the public spoke in support of workforce housing, stating that the increased density is appropriate given the location but also expressed concerns regarding potential environmental issues on the site. One comment card in opposition was read into the record with concerns related to increased traffic and impacts to fire rescue service.

**MOTION:** To *transmit* the Fount MUPD amendment

**BCC Action:** *Transmit as recommended by staff*, motion by Commissioner Weiss, seconded by Commissioner Marino, passed in a 6 to 0 vote (with Commissioner Bernard absent) at the November 3, 2021 public hearing. Under discussion, Commissioners acknowledged that the site is a good location for multi-family. The Board discussed some concerns including the traffic impacts on Okeechobee Boulevard and the need for sufficient buffering for compatibility with adjacent residential. The Town Manager of Palm Beach and one member of public spoke in support, citing the clean-up of the site and ability to provide Workforce Housing units.

**C. Privately Proposed Amendments in the Agricultural Reserve**

**C.1. [Las Farms \(LGA 2022-001\)](#)**

**Proposed FLUA Amendment:** From Agricultural Reserve (AGR) to Industrial, with an underlying Agricultural Reserve (IND/AGR)

**Size:** 6.95 acres **BCC District: Comm. McKinlay, District 6**

**Location:** West side of State Road 7, approx. 0.5 miles north of Boynton Beach Blvd.

**Summary:** The 6.95 acre subject site is located in the Agricultural Reserve Tier. The amendment is proposing to allow for industrial uses on the site located on the west side of State Road 7. The applicant has proposed two conditions of approval to prohibit heavy industrial uses and to prohibit commercial uses with the exception of landscape service, self-service storage and accessory uses.

**Staff Assessment:** The subject site is located within the Agricultural Reserve Tier, and the addition of industrial in the Tier was not supported by the Board of County Commissioners (BCC) at the time the Master Plan was completed. Therefore, unlike commercial future land use, there is no policy guidance in the Plan directing the appropriate locations, extent, intensity, and uses for this designation within the Tier. In addition, it is appropriate that new industrial future land use designations be considered only as part of an overall, comprehensive approach for new industrial. As there is no policy guidance in the Plan, and until such time that staff is able to receive direction from the BCC regarding additional industrial uses in the Agricultural Reserve Tier at the scheduled October 26, 2021 workshop, staff cannot support the request.

**Staff Recommendation:** *Denial*

**Planning Commission/LPA Recommendation:** *Approval with conditions*, motion by Spencer Siegel, seconded by John Carr, passed in a 9 to 4 vote (with Barbara Roth, Dagmar Brahs, Sara Pardue and Cara Capp dissenting) at the October 1, 2021 public hearing. Under discussion, Commission members expressed support for the application due to the need for additional uses, deliberated the existing use and limitations of the subject site, and supported the concept of light industrial. Eight members of the public spoke and twelve comment cards were read into the record in support of the proposed amendment.

**MOTION:** To *deny* the Las Farms amendment.

**BCC Action:** *Transmit*, motion by Commissioner McKinlay, seconded by Vice Mayor Weinroth, passed in a 5 to 1 vote with Mayor Kerner dissenting (Commissioner Bernard absent) at the November 3, 2021 public hearing. Under discussion, Commissioners asked about the potential for the colocation of the existing nursery with landscape service, and requested for applicant to meet with the Coalition of Boynton West Residential Association (COBWRA) to discuss the project and have a site plan for the Board to consider at the adoption hearing. Thirteen members of the public and the two property owners spoke in support citing the need for local industrial storage and is a good location for landscape services due to its access on to State Road 7. Two members of the public representing the Sierra Club spoke in opposition, citing the need to maintain agricultural uses and to limit industrial uses west of State Road 7. In addition, a letter from Robert Hartsell representing 1000 Friends and Sierra Club Loxahatchee Group and a letter from Lori Vinikoor representing Alliance of Delray Residential Associations were submitted (see Exhibit 10).

C.2. [Reserve at Atlantic \(LGA 2022-006\)](#)

**Proposed FLUA Amendment:** From Agricultural Reserve (AGR) to Multiple Land Use with Institutional & Public Facilities, Agricultural Reserve, and an underlying 12 units per acre (MLU, INST/AGR/12)

**Size:** 38.88 acres **BCC District: Comm. Sachs, District 5**

**Location:** Southeast corner of Atlantic Avenue and Half Mile Road

**Summary:** The applicant proposes a future land use amendment on a 38.88 acre site from Agricultural Reserve (AGR) to Multiple Land Use with Institutional and Public Facilities, Agricultural Reserve with an underlying 12 units per acre (MLU, INST/AGR/12) with up to 480 multifamily units under the modified request, or up to 520 units through a rezoning with no future land use amendment under the initiated request. Under either version, the amendment proposes higher densities in the Agricultural Reserve Tier specifically for the development of residential planned developments for what the applicant refers to as Essential Housing Residential. Depending on the land area considered as the ‘development area’, this will result in 8, 12, or 20 units per acre density.

**Staff Assessment:** This private amendment requests changes to the Comprehensive Plan that represent major departures from nearly all of the fundamental policy concepts directed by the Board of County Commissioners, and adopted into the Comprehensive Plan, including requiring preserve area and limiting development in the Tier. Although there is a basis for considering a wider range of housing types within the Agricultural Reserve Tier, the applicant has failed to provide a compelling basis to support the reduction in preserve area, changes to preserve uses, and mechanisms proposed to increase density, whether through a rezoning or higher density on preserve area. Further, the applicant has failed to demonstrate any unique characteristics of this site that justify moving forward ahead of the upcoming BCC Workshop on October 26th. These policy changes are not appropriately addressed by a private applicant for an individual property, and need to be considered with regards to the Tier as a whole and taking into account the long range and service implications presented by increasing densities and revising preserve requirements within the Tier.

**Staff Recommendation:** *Denial*

**Planning Commission/LPA Recommendation:** *Denial*, motion by Spencer Siegel, seconded by Eric Royal, passed in a 14 to 0 at the October 15, 2021 public hearing. Under discussion, Commission members spoke in support of staff’s recommendation and expressed support for the project, but questioned the timing of the request considering the upcoming Ag Reserve workshop. Commission members asked questions regarding the lack of multifamily development built in the Tier to date, and whether there were housing or market studies demonstrating a need for workforce housing west of the Turnpike. Five members of the public spoke. Three spoke in support expressing the need for workforce housing in the Tier. Two members of the public, including a representative from the Sierra Club, spoke in opposition stating that the item is premature due to the upcoming Ag Reserve Workshop. Seven comment cards were read into the record, five were in support and two were in opposition. One letter from counsel representing 1,000 Friends of Florida and Sierra Club Loxahatchee Group was submitted for the record and added to the BCC report (see Exhibit 10).

**MOTION:** To *deny* the Reserve at Atlantic amendment.

**BCC Action: Transmit as modified,** motion by Commissioner McKinlay, seconded by Vice Mayor Weinroth, passed in a 5 to 1 vote with Mayor Kerner dissenting (Commissioner Bernard absent) at the November 3, 2021 public hearing. Prior to the hearing, the agent for the applicant submitted a new text version for Exhibit 1 (see Exhibit 1 and Exhibit 11). The motion reflected the transmittal of the newly proposed version of the text amendment submitted as part of the add/delete agenda with the applicant's modification to the workforce ranges and added roadway connector at the hearing (Exhibit 1). Under discussion, Commissioners questioned the multifamily approvals at the two traditional marketplace developments (TMDs), whether the planned connection of Smith Sundry and Half Mile Road be part of the project, and whether short-term rentals would be allowed on the site. The Board expressed support for workforce housing and questioned the specifics of the proposed housing ranges for this application. Subsequently, the agent for the applicant volunteered to limit the ranges to within the 60-120% income categories, and stated on the record that the connection of Smith Sundry and Half Mile Roads would be included within the final project. Twelve members of the public spoke in support of multifamily in the Tier and need for workforce housing located near employment centers. Two members of the public representing the Sierra Club spoke in opposition citing the eroding of rules in the Tier and opposition to land use changes on a case-by-case basis. A letter was submitted in opposition by Robert Hartsell, representing 1000 Friends and Sierra Club Loxahatchee Group 1000 Friends of Florida (see Exhibit 10).