



Palm Beach County Amendment Round 23-A

Transmittal Executive Summary - Table of Contents

A. County Initiated Text Amendments

A.1. [Health and Human Services Element Update](#)

Summary: This proposed amendment would revise and update the Health & Human Services Element to reflect the current system of care in the County by modifying the Element's Goals, Objectives and Policies, the Introduction and Implementation Sections.

Staff Assessment: This proposed amendment was requested by the Community Services Department to revise and update the Comprehensive Plan to reflect current conditions. The proposed amendments to the Health and Human Services Element are to expressly identify the County's role in funding, providing and/or supporting the delivery of health and human services, and to better define the County's relationship with other funders and providers of services for the purpose of maximizing the resources and benefits available for Palm Beach County.

Staff Recommendation: *Approval*

Planning Commission/LPA Recommendation: *Approval*, motion by John Carr, seconded by Barbara Roth, passed in an 8 to 0 vote at the September 9, 2022 public hearing. The Board asked questions related to whether COVID-19 had an impact on the timing of the Element updates and if there are case workers who assist with coordinating services for those in need. Commission members also expressed appreciation for the work of the Community Services Department. There was no public comment.

MOTION: To *transmit* the Health and Human Services Element Update.

BCC Action: *Transmit*, motion by Commissioner Bernard, seconded by Vice Mayor Sachs, passed in a 7 to 0 vote at the November 28, 2022 public hearing. There was minimal discussion and no public comment.

A.2. [Greenacres Interlocal Service Boundary Agreement \(ISBA\) Reference](#)

Summary: This proposed amendment will modify the Intergovernmental Coordination Element to add language to reference the Interlocal Service Boundary Agreement (ISBA) adopted by the City of Greenacres on August 15, 2022, and by the County on September 13, 2022. **District 3.**

Staff Assessment: This is a housekeeping amendment to reflect the ISBA with the City of Greenacres in the Comprehensive Plan. Chapter 171.203(9), Florida Statutes, requires each local government that is a party to the interlocal service boundary agreement to amend the Intergovernmental Coordination Element of its Comprehensive Plan.

Staff Recommendation: *Approval*

Planning Commission/LPA Recommendation: *Approval*, motion by Barbara Roth, seconded by Kiley Harper Larsen, passed in a 9 to 0 vote at the October 14, 2022 public hearing. There was minimal discussion. One member of the public, representing the City of Greenacres, spoke in support of the amendment.

MOTION: To *transmit* the Greenacres ISBA reference.

BCC Action: *Transmit*, motion by Commissioner Marino, seconded by Vice Mayor Sachs, passed in a 7 to 0 vote at the November 28, 2022 public hearing. The Board asked questions about the location of the ISBA and annexation timeline. There was no public comment.

B. Privately and County Initiated Text Amendments in the Rural Tier

B.1. [Trotting Center FLUA and Text \(LGA 2023-012\)](#)

Proposed Text Amendment: To amend the Comprehensive Plan to allow 2 units per acre in the Rural Tier on the Trotting Center Overlay subject to criteria.

Proposed FLUA Amendment: Rural Residential, 1 unit per 10 acres (RR-10) to Low Residential, 2 units per acre (LR-2)

Size: 105.98 acres

BCC District: Comm. Baxter, District 6

Location: West side of State Road 7, approximately 0.4 miles south of Hypoluxo Rd.

Summary: The applicant proposes a future land use amendment on a 105.98 acre site from Rural Residential, 1 unit per 10 acres (RR-10) to Low Residential, 2 units per acre (LR-2) for a maximum development potential of 211 units. The applicant intends to develop 166 single family homes (1.6 units per acre). The request also includes a privately initiated text amendments and map series revisions to the Comprehensive Plan to establish the Trotting Center Overlay to allow 2 units per acre in the Rural Tier, subject to location and site design criteria.

Staff Assessment: The amendment is located within Heritage Farms, an area with primarily agricultural, rural residential and equestrian uses. The applicant is requesting through a concurrent text amendment, a density that is not currently available in the Rural Tier. Although the text amendment provides design features to further compatibility, the amendment would introduce an urban land use designation into an established rural area. As such, the amendment does not promote the goal of the Tier, including the preservation of rural lifestyle choices, does not further the County's Managed Growth Tier System and fails to provide a clear demarcation between Tiers.

Staff Recommendation: *Denial*

Planning Commission/LPA Recommendation: *Approval with modifications*, motion was made by Glenn Gromann, seconded by Barbara Roth passed in an 11 to 1 vote (with Edwin Ferguson dissenting) at the November 4, 2022 public hearing. The modification included revising Condition 2 to remove the staff proposed onsite WHP requirement and allow the units to be provided as offsite, for sale, or utilizing the in-lieu payment. The Commission expressed preference for the off-site, for sale option. An initial motion for approval with conditions made by Glenn Gromann and seconded by Rick Stopek was withdrawn. Under discussion, Commission members expressed support for low density on the site and discussed the appropriateness and feasibility of workforce housing units onsite. The Commission also expressed concerns that the in-lieu payment does not provide for the construction of WHP units. The Commission asked questions related to the potential of additional density increase requests in the Rural Tier, as

well as the history of residential and commercial uses in the area. Two members of the public spoke stating that the residents have worked with the applicant to make the project more compatible but are concerned with future requests.

MOTION: To *deny* the Trotting Center FLUA and text amendment.

BCC Action: *Transmit with modifications*, motion by Commissioner Baxter, seconded by Commissioner Marino, passed in a 6 to 1 vote (with Vice Mayor Sachs dissenting) at the November 28, 2022 public hearing. The motion included modifications to condition #2 to allow the WHP units to be provided offsite as shown in strikeout and underlined text in Exhibit 1. The Board discussed the appropriateness of workforce housing units onsite and asked questions regarding the densities allowed in the Urban/Suburban and Rural Tiers. A representative of the property owner to the north requested that same requirements of the text amendment also apply to their site and be included in the overlay. Two members of the public spoke in support citing the reduction in density and numerous meetings with the applicant to make the project compatible. One member of the public spoke in opposition citing the protection of the Rural Tier.

C. Privately Initiated Amendments in the Urban/Suburban Tier

C.1. [Hunters Crossing \(LGA 2023-008\)](#)

Proposed FLUA Amendment: Low Residential, 1 unit per acre (LR-1) to Low Residential, 2 units per acre (LR-2)

Size: 36.90 acres

BCC District: Comm. Baxter, District 6

Location: South side of Lake Worth Road, approx. 0.20 mile east of State Road 7

Summary: This amendment proposes to change 36.90 acres of Low Residential, 1 unit per acre (LR-1) to Low Residential, 2 units per acre (LR-2). This amendment results in an increase in residential development potential from 37 units to 74 units. In addition, the concurrent zoning application includes a requested 22 unit (30%) density bonus through the Workforce Housing Program (WHP) and the purchase of 21 Transfer of Development Rights (TDRs) for a total of 117 units (3.17 units per acre). The applicant intends to develop the site with 11 single family, 97 zero lot line units and 9 townhouses.

Staff Assessment: The site is located within the West Lake Worth Road Neighborhood Plan area. Low density residential neighborhoods are located to the east and south of the site. The proposed amendment with bonus density is requesting a higher density than the surrounding neighborhoods, but is appropriate at this location. The proposed unit types are compatible with adjacent single family homes, and access to the site is limited to Lake Worth Road. Through the zoning application, the applicant is proposing to provide 14 WHP units (12%) of which 9 will be constructed on site (as townhouses) and 5 will be constructed off-site, and the purchase of 21 Transfer of Development Rights (TDR) units.

Staff Recommendation: *Approval with modifications*

Planning Commission/LPA Recommendation: *Approval with modifications*, motion by Glenn Gromann, seconded by David Serle, passed in an 11 to 0 vote at the November 4, 2022 public hearing. The motion included Conditions 2 and 3 to require 14 WHP units (9 onsite and 5 offsite) and the purchase of 21 TDRs as proposed by the applicant. An initial motion of approval with staff's conditions made by Rick Stopek, seconded by Edwin Ferguson was withdrawn. There was minimal board discussion. Two members of public, one representing

Legend Lakes Estates HOA, spoke in support. In addition, a letter from the Lake Worth Road Coalition was submitted for the record.

MOTION: To *transmit* the Hunters Crossing amendment.

BCC Action: *Transmit with modifications*, motion by Commissioner Bernard, seconded by Commissioner Marino, passed in a 7 to 0 vote at the November 28, 2022 public hearing. The motion included modifications proposed by the applicant of Conditions 2 and 3 to require 12% of the total units as WHP units and to allow the purchase of 21 TDRs as shown in strikeout and underlined text in Exhibit 1. The Board expressed that this site is appropriate for the request and asked if the workforce housing units and the market rate units are constructed utilizing the same finishes and materials. Two members of public, one representing Legend Lakes Estates HOA, spoke in support citing the changes the applicant made to the site plan.

D. Privately Initiated Amendments in the Agricultural Reserve Tier

D.1. [LTG Sports Turf \(LGA 2023-007\)](#)

Proposed FLUA Amendment: Agricultural Reserve (AGR) to Commerce with an underlying Agricultural Reserve (CMR/AGR)

Size: 5.01 acres **BCC District: Vice Mayor Sachs, District 5**

Location: North side of 100th Street South, approx. 0.13 miles west of State Road 7

Summary: The amendment proposes to change the future land use (FLU) designation from Agricultural Reserve (AGR) to Commerce with an underlying Agricultural Reserve (CMR/AGR) in order to allow up to 98,280 square feet of light industrial uses. The site is currently under code enforcement violations for unpermitted structures and use of the property as a contractor storage yard, which is not allowed in the existing future land use designation. The applicant is requesting the CMR designation to allow the existing use to continue.

Staff Assessment: The proposed amendment is consistent with the Commerce FLU designation criteria established by the Board, allows for the development of a light industrial use on a parcel located on the north side of 100th Street South (extension of Boynton Beach Boulevard) adjacent to existing commercial and industrial uses, and is in close proximity to institutional and other nonresidential uses near the intersection of Boynton Beach Boulevard and State Road 7.

Staff Recommendation: *Approval with conditions*

Planning Commission/LPA Recommendation: *Approval with modifications*, substitute motion by Dagmar Brahs, seconded by Lori Vinikoor, passed in a 9 to 1 vote (with Penny Pompei dissenting) at the October 14, 2022 public hearing. The modification consisted of an additional condition of approval to limit uses allowed under the proposed Commerce future land use designation to 30,000 square feet. The initial motion of approval with staff's condition was made by Rick Stopek, seconded by Penny Pompei. Board discussion included the location criteria for eligibility of the Commerce future land use and concerns related to the proposed intensity and uses for the site located west of State Road 7. Two members of the public spoke in opposition citing concerns with development west of State Road 7, increased traffic and lighting and loss of agricultural lands.

MOTION: To *transmit* the LTG Sports Turf amendment.

BCC Action: *Transmit*, substitute motion by Commissioner Bernard, seconded by Commissioner Marino passed in a 7 to 0 vote at the November 28, 2022 public hearing. The initial motion to transmit with a condition limiting development of the site under the Commerce future land use to 30,000 square feet was made by Commissioner Kerner, seconded by Vice Mayor Sachs. Board discussion included questions related to the amount of built and approved industrial uses in the Tier, as well as concerns related to the total intensity of current and future Commerce requests. The Board also provided direction for staff to explore a square footage cap or similar mechanism such as reducing intensity through floor area ratio. Two members of the public spoke in opposition citing concerns with increased traffic and development west of State Road 7. One member of the public spoke in support of the amendment as well as for a reduction in a potential square footage cap or lower floor area ratio for the Commerce future land use.

D.2. [Morin/Connolly Commerce \(LGA 2023-002\)](#)

Proposed FLUA Amendment: Agricultural Reserve (AGR) to Commerce with an underlying Agricultural Reserve (CMR/AGR)

Size: 3.41 acres

BCC District: Vice Mayor Sachs, District 5

Location: West side of State Road 7, approx. 0.2 miles north of Boynton Beach Blvd

Summary: The amendment proposes to change the future land use (FLU) designation from Agricultural Reserve (AGR) to Commerce with an underlying Agricultural Reserve (CMR/AGR) in order to allow up to 66,843 square feet (.45 FAR) of light industrial uses. This site is currently under a code enforcement violation for uses on the property, commercial parking lot and storage, which are not allowed in the existing future land use designation. The applicant is requesting the CMR designation to allow for a dispatching service and outdoor vehicle storage.

Staff Assessment: The proposed amendment is consistent with the Commerce FLU designation criteria established by the Board, allows for the development of a light industrial use on a parcel fronting State Road 7 adjacent to an existing industrial land use, and in close proximity to commercial, institutional, and other nonresidential uses near a major intersection.

Staff Recommendation: *Approval with conditions*

Planning Commission/LPA Recommendation: *Approval with modifications*, motion by Barbara Roth, seconded by David Serle, passed in a 9 to 0 vote at the October 14, 2022 public hearing. The modification consisted of adding a condition of approval to cap the site at a maximum of 30,000 square feet. Board discussion included environmental concerns related to potential uses on site and the encroachment of uses located west of State Road 7. Two members of the public spoke in opposition citing concerns with development west of State Road 7. One member of the public spoke in support stating that this is an appropriate site for light industrial uses.

MOTION: To *transmit* the Morin/Connolly Commerce amendment.

BCC Action: *Transmit*, motion by Commissioner Bernard, seconded by Vice Mayor Sachs, passed in a 7 to 0 vote at the November 28, 2022 public hearing. Board discussion included clarification on the difference between distribution and vehicle dispatch uses. One member of the public spoke in opposition, citing concerns with continued development west of State Road 7. One member of the public representing the Coalition of Boynton West Residential Association (COBWRA) spoke in support, requesting the Board consider the square footage limitation as recommended by the Planning Commission.

D.3. [EJKJ Industrial \(LGA 2023-004\)](#)

Proposed FLUA Amendment: Agricultural Reserve (AGR) to Commerce with an underlying Agricultural Reserve (CMR/AGR)

Size: 7.93 acres **BCC District: Vice Mayor Sachs, District 5**

Location: West side of State Road 7, approx. 0.15 miles south of Atlantic Avenue

Summary: The amendment proposes to change the future land use (FLU) designation from Agricultural Reserve (AGR) to Commerce with an underlying Agricultural Reserve (CMR/AGR) in order to allow up to 155,444 square feet of light industrial uses on the site located on the west side of State Road 7, approximately 0.15 miles south of Atlantic Avenue.

Staff Assessment: The proposed amendment to the Commerce FLU designation will allow for the development of a light industrial use on a parcel fronting State Road 7 adjacent to an existing industrial land use and other nonresidential uses, with proximity to an established industrial and commercial corridor along both sides of Atlantic Avenue. In order to comply with Policy 3.5-d, staff is recommending a condition of approval limiting development to maximum trips allowed under the proposed intensity.

Staff Recommendation: *Approval with conditions*

Planning Commission/LPA Recommendation: *Approval with modifications*, substitute motion by Lori Vinikoor, seconded by Barbara Roth, passed in an 8 to 2 vote (with Edwin Ferguson and Penny Pompei dissenting) at the October 14, 2022 public hearing. The modification consisted of adding a condition of approval to cap the site at a maximum of 50,000 square feet. The initial motion of approval with staff's condition was made by Penny Pompei, seconded by Rick Stopek. Board discussion included concerns related to the environmental and traffic impact resulting from the maximum square feet allowed under the proposed Commerce future land use. Three members of the public spoke in opposition citing concerns for the potential of heavy intense uses on the site and stating that the proposed use does not contribute to agriculture. One member of the public spoke in support.

MOTION: To *transmit* the EJKJ Industrial amendment.

BCC Action: *Transmit*, motion by Commissioner Marino, seconded by Commissioner Bernard, passed in a 7 to 0 vote at the November 28, 2022 public hearing. Board discussion included concerns regarding the types of uses allowed within the proposed warehouse buildings and finding a balance between potential future limitations on intensity and providing locations for local small businesses to develop. One member of the public spoke in opposition, citing concerns with continued development west of State Road 7 and increased traffic.

D.4. [SR 7 Business Plaza \(LGA 2023-006\)](#)

Proposed FLUA Amendment: Agricultural Reserve (AGR) to Commerce with an underlying Agricultural Reserve (CMR/AGR)

Size: 40.00 acres **BCC District: Vice Mayor Sachs, District 5**

Location: North side of Happy Hollow Road, approx. 0.3 miles west of Smith Sundry

Summary: The subject site is located east of State Road 7, approximately 0.3 miles west of Smith Sundry Road and approximately 0.75 miles north of Atlantic Avenue. The amendment proposes to change the future land use (FLU) designation from Agricultural Residential (AGR) to Commerce with an underlying Agricultural Reserve (CMR/AGR) in order to develop up to 763,000 square feet of warehouse office. The site currently supports a wholesale nursery.

Staff Assessment: Although this site is eligible to apply for the CMR FLU, development of the site under this designation would allow for a 40 acre isolated non-residential use that is removed from other existing industrial and commercial nodes situated elsewhere in the Tier and resulting in an inconsistent development pattern along this portion of State Road 7. In addition, the applicant has failed to demonstrate that the proposed use is not regional in nature and that the proposed development is intended to serve only Agricultural Reserve residents and farmworkers as directed by the objective of the Tier for all non-residential uses.

Staff Recommendation: *Denial*

Planning Commission/LPA Recommendation: *Approval with conditions*, motion by Glenn Gromann, seconded by Rick Stopek, passed in a 7 to 3 vote (with Dagmar Brahs, Barbara Roth, and David Serle dissenting) at the November 4, 2022 public hearing. The motion included conditions of approval to cap the trips to meet Policy 3.5-d as shown in Exhibit 1 and to require the adoption of the FLUA and zoning applications to be held concurrently. Board discussion included comments and questions regarding the proposed building height, preserve calculation, traffic condition limiting the square footage, whether the use would serve regional needs, and proposed access to State Road 7. Three members of the public spoke in support, citing the site's location along State Road and opportunity to provide needed services.

MOTION: To *deny* the SR 7 Business Plaza amendment.

BCC Action: *Transmit*, motion by Commissioner Bernard, seconded by Commissioner Kerner, passed in a 6 to 1 vote (with Vice Mayor Sachs dissenting) at the November 28, 2022 public hearing. Board discussion included concerns regarding whether the proposed use would be considered a distribution center, and asked for clarification as to the reason for staff's recommendation of denial. Five members of the public, including representatives of the Coalition of Boynton West Residential Association (COBWRA), the Sierra Club Loxahatchee Group, Save the Agricultural Reserve for Agriculture (SARA) and 1,000 Friends of Florida, spoke in opposition citing concerns regarding intensity, incompatibility with surrounding uses, traffic and noise impacts, loss of agricultural land, and whether the use would support only the local residents and businesses of the Tier. Eight members of the public, including two of the applicants, spoke in support citing the proposed development would support the needs of residents and workers within the Tier, and the developer's intent to address existing and perceived impacts on adjacent properties.