



## **AGENDA**

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

**Wednesday, February 1, 2023**

**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 – CIE and Amendment Round 23-A Adoption (Pages 2 - 3)**
- 4. PUBLIC HEARING – Amendment Round 23-A2 Transmittal (Pages 3 - 7)**
- 5. REGULAR AGENDA (Pages 8 - 9)**
- 6. COMMENTS (Page 9)**
- 7. ADJOURNMENT (Page 9)**

### 3. PUBLIC HEARING – CIE and Amendment Round 23-A Adoption

#### 3.A. County Proposed CIE Adoption

##### 3.A.1. [Annual Capital Improvement Element \(CIE\) Tables](#)

**Summary:** This proposed text amendment is to update the Comprehensive Plan to reflect the annual Capital Improvement Program including the Five Year Road Program and capital improvements identified by the School District. The Planning Commission and BCC Transmittal Hearings are not required for this item. Annual table updates only require one public hearing.

**Staff Recommendation:** To *adopt an ordinance* for the CIE Annual Update.

**MOTION:** To *adopt an ordinance* for the CIE Annual Update.

#### 3.B. County Proposed Text Amendments Round 23-A Adoption

The amendments for adoption in Round 23-A were transmitted by the Board on November 28, 2022 and reviewed by the State Land Planning Agency under Round 22-08ESR. The State provided no comments on the amendments in their review letter dated January 11, 2023, and no negative comments were received from state review agencies regarding the amendments for adoption.

##### 3.B.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, and the Introduction and Implementation Sections.

**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 Commission 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.

**BCC Transmittal Public Hearing:** *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.

**MOTION:** To *adopt an ordinance* for the Health and Human Services Element Update.

##### 3.B.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 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.

**BCC Transmittal Public Hearing: *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.

**MOTION:** To *adopt an ordinance* for the Greenacres ISBA Reference.

#### 4. PUBLIC HEARING –Amendment Round 23-A2 Transmittal

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

###### 4.A.1. [Alternative Affordable Housing Approval Process Text](#)

**Summary:** The proposed amendment would revise the Future Land Use Element (FLUE), the Housing Element, and the Introduction and Administration Element (I&A) to recognize the County’s authority to approve affordable housing projects pursuant to Ch. 125.01055(6) Florida Statutes (F.S.) and to establish procedures for considering approval of affordable housing proposals that may be made pursuant under this statute.

**Staff Assessment:** In 2020 and 2022, the Florida Legislature passed laws which give local jurisdictions the legislative authority to approve affordable housing projects on any parcel zoned for residential, commercial, or industrial use notwithstanding any other law, local ordinance or regulation to the contrary. This legislation provides an opportunity for the County to expeditiously consider and approve proposals for affordable housing that meet certain criteria, which could aid in addressing the intensifying need for affordable housing in the County. This amendment provides guidance to ensure a consistent approach is utilized when processing requests for affordable housing made pursuant to this statute.

**Staff Recommendation: *Approval***

**Planning Commission/LPA Recommendation: *Approval***, motion by Glenn Gromann, seconded by Marcia Hayden, passed in a 10 to 0 vote at the January 13, 2023 public hearing. During discussion, Commission members asked questions regarding the lowest income workforce housing category, the approval process for projects meeting this statute, and public notification and public hearing requirements. There was no public comment.

**MOTION:** To *transmit* the Alternative Affordable Housing Approval Process Text.

###### 4.A.2. [Heritage Farms Rural Overlay Text \(County Proposed\)](#)

**Summary:** The item before the Board is a County Initiated amendment to revise the Comprehensive Plan to establish an Overlay for the Heritage Farms area. Specifically, the amendment proposes to add a new Sub-Objective and policies to establish the Heritage Farms Rural Overlay; and add the boundaries of the new Overlay to the Special Planning Areas Map (LU 3.1) Map Series. **District 6.**

**Staff Assessment:** This proposed amendment was initiated by the Board of County Commissioners on August 25, 2022 at the request of property owners within the Heritage Farms area. This proposed amendment will establish an Overlay in order to support the continuation

and preservation of the character of the area. The proposed boundaries of the Overlay encompass much of the area commonly referred to as Heritage Farms. The Overlay establishes policy guidance intended to encourage rural residential densities within the Overlay by requiring an enhanced level of Board approval for proposed density increases, and promotes the preservation of native vegetation and encourages the continuation of agricultural and equestrian-based uses. The Overlay will not change the ability of parcels to develop under the currently adopted rural land use designations.

**Staff Recommendation: *Approval***

**Planning Commission/LPA Recommendation: *Approval***, an initial motion by Penny Pompei, seconded by Barbara Roth, passed in a 9 to 0 vote (with Kiley Harper-Larsen abstaining) at the January 13, 2023 public hearing. A substitute motion to approve with modifications by Glenn Gromann, seconded by Angella Vann failed in a 4 to 5 vote (with Barbara Roth, Penny Pompei, Dagmar Brahs, Sarah Pardue, and David Serle dissenting). The modification included the removal of the Yee/Cypress Polo properties from the boundaries of the overlay. Commission discussion included comments regarding the proposed policies and boundaries, how properties can develop under current regulations, and the effect of the text amendment on properties with applications in process. Eight members of the public spoke in support, including members of the Loxahatchee Group of the Sierra Club, citing that the proposed text amendment would support agricultural and equestrian uses, enhance quality of life, and support low-density residential development. Four members of the public spoke in opposition, citing concerns with property rights and negative impacts to agricultural businesses. Two members of the public representing properties under an active application within the proposed boundaries also spoke requesting to be excluded from the overlay.

**MOTION:** To *transmit* the Heritage Farms Rural Overlay Text.

#### **4.A.3. [60<sup>th</sup> Street North Thoroughfare Right-of-Way Identification Map \(TIM\) Amendment](#)**

**Summary:** The amendment would modify the Thoroughfare Right-of-Way Identification Map (TIM), TE 14.1 to widen the roadway right-of-way segment between 140<sup>th</sup> Ave. N. and N. State Road 7 Extension, from 80 feet to 100 feet to allow an ultimate 5 lanes. **District 6.**

**Staff Assessment:** This County initiated amendment proposes to widen the right-of-way depicted on the TIM for a segment of 60<sup>th</sup> Street North between 140<sup>th</sup> Ave. N. and N. State Road 7 Extension. This addition will allow this segment to be widened to 5 lanes. Typically, a 5-lane roadway fits within 80 feet of right-of-way, however, the right-of-way is constrained by the City of West Palm Beach's M-Canal which encroaches into the 80 feet right-of-way on the north side, and the City holds a canal access & maintenance easement. Additional right-of-way is needed for the ultimate 5-lane roadway and required berm with guardrail adjacent to the M-Canal.

**Staff Recommendation: *Approval***

**Planning Commission/LPA Recommendation: *Approval***, motion by Glenn Gromann, seconded by Sara Pardue passed in a 10 to 0 vote at the January 13, 2023 public hearing. The Commission discussed concerns regarding properties that may be affected by the expansion of the roadway and the timing of the construction. Three members of the public spoke in opposition stating concerns regarding expansion of the road.

**MOTION:** To *transmit* the 60<sup>th</sup> Street North TIM amendment.

**4.A.4. [Northlake West Thoroughfare Right-of-Way Identification Map \(TIM\) Amendment](#)**

**Summary:** The proposed amendment would modify the Thoroughfare Right-of-Way Identification Map (TIM), TE 14.1 to widen the roadway right-of-way segment between the western edge of the Palm Beach Gardens municipal golf course to N. State Road 7 from 120 feet to 142 feet. **Districts 1 & 2.**

**Staff Assessment:** This County initiated amendment will allow the future widening of Northlake Boulevard along this segment to 8 lanes. The approved traffic impact reports for Avenir, Westlake, and Indian Trail Groves indicate that the proposed widening of Northlake Blvd. to 8 lanes is necessary to accommodate the projected vehicular traffic demand. Northlake Blvd. is the major east-west route along with Southern Blvd. and Okeechobee Blvd. that connect the Central Western Communities with eastern parts of the County and access to the Florida’s Turnpike and I-95. Future roadway expansion may require utilization of property currently managed by the County’s Department of Environmental Resources Management (ERM).

**Staff Recommendation: *Approval***

**Planning Commission/LPA Recommendation: *Approval***, motion by Glenn Gromann, seconded by Penny Pompei passed in an 8 to 1 vote (with Sara Pardue dissenting and Angella Vann abstaining) at the January 13, 2023 public hearing. Commission discussion included comments regarding approvals for large developments in the area and the resulting need for widening. The Commission asked questions related to alternative routes, the purpose of the TIM and the proportionate share agreement for the approved Avenir development. In total, nine members of the public spoke and all in opposition. Two representatives of the City of West Palm Beach and four from the City of Palm Beach Gardens (including Mayor Chelsea Reed) cited alternative routes and concerns with adverse impacts to Grassy Waters Preserve and to municipal residents. In addition, the two municipalities provided a Notice of Intent to object through Intergovernmental Plan Amendment Review Committee (IPARC). Representatives of the North County Neighborhood Coalition (NCNC), Carlton Oaks HOA, and Preserve at Bayhill Estates HOA spoke citing concerns including noise, loss of buffers, trees and deceleration lanes, and environmental and economic impacts. Letters in opposition were submitted for the record on behalf of Osprey Isles HOA, Ibis Club and POA, and The Grande at Ibis HOA.

**MOTION:** To *transmit* the Northlake West TIM amendment.

**4.B. Privately Proposed FLUA and Text Amendments**

**4.B.1. [Cresswind PUD FLUA and Text \(LGA 2023-009\)](#)**

**Proposed Text Amendment:** To revise the Comprehensive Plan and Map Series to expand the Glades Area Protection Overlay (GAPO) eastward to include the subject site.

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

**Size:** 446.14 acres **BCC District: Comm. Baxter, District 6**

**Location:** North side of Southern Boulevard, approximately 1.75 miles west of Seminole Pratt Whitney Road

***This item was administratively postponed to the May 3, 2023 BCC Transmittal Hearing. No Board action is required.***

#### 4.B.2. [Logan Ranch Residential \(LGA 2023-014\)](#)

**Proposed FLUA Amendment:** Agricultural Reserve (AGR) to Essential Housing with an underlying Agricultural Reserve (EH/AGR)

**Size:** 39.24 acres **BCC District: Vice Mayor Sachs, District 5**

**Location:** Southeast corner of Boynton Beach Boulevard and Acme Dairy Road

**Summary:** The EH future land use designation was adopted on August 25, 2022 as a result of Board direction for staff to develop a new, higher density option in order to facilitate workforce housing in the Agricultural Reserve Tier. The future land use designation allows up to 8 units per acre for eligible properties and requires that 25% of the units be provided as workforce housing onsite. This proposed amendment is the first request for the EH future land use designation. If adopted, the subject site will have a maximum potential of 314 dwelling units with 79 units as on-site workforce housing. The concurrent zoning application is proposing the required 60% preserve area on the subject site and contiguous to the development area.

**Staff Assessment:** The vast majority of the built and approved residential units within the Tier are single family or zero lot line developments. Therefore, the proposed amendment assists with providing housing diversity by allowing for multifamily development, consistent with the Master Plan recommendations. In addition, the site's location is consistent with the Board's direction in the fall of 2021 to focus higher densities on major corridors in proximity to the two existing mixed-use centers. The proposed amendment is consistent with the Essential Housing FLU criteria established by the Board, allows for the development of a higher density residential development with a workforce housing requirement and is compatible with adjacent uses. Staff is recommending conditions of approval to limit the site to 314 units with a 25% workforce housing requirement on site and requiring the consideration of the adoption of the FLUA and zoning application at the same hearing.

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

**Planning Commission/LPA Recommendation:** *Approval with staff's conditions*, motion by Penny Pompei, seconded by Glenn Gromann, passed in a 9 to 0 vote at the January 13, 2023 public hearing. Commission discussion included questions regarding the condition requiring a concurrent adoption hearing for the FLUA and zoning applications, the income distribution of the workforce housing units, the proposed number of stories, and the potential impacts to Acme Dairy Road. Two members of the public, including a representative of the Sierra Club Loxahatchee Group, spoke in opposition citing the need to preserve agricultural land. In addition, a representative of the Coalition of Boynton West Residential Associations (COBWRA) spoke in opposition stating the need to widen Acme Dairy Road and concerns with the density and proposed four story buildings. Three members of the public, including the applicant, spoke in support citing the benefits of workforce housing units on the site and compatibility with surrounding uses.

**MOTION:** To *transmit* the Logan Ranch Residential amendment.



#### 4.B.3. [BC Commerce Center \(LGA 2023-003\)](#)

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

**Size:** 47.21 acres **BCC District: Vice Mayor Sachs, District 5**

**Location:** Northeast corner of Boynton Beach Boulevard and Acme Dairy Road

**Summary:** The 47.21 acre subject site is located on the northeast corner of Boynton Beach Boulevard and Acme Dairy Road. 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 develop up to 925,410 square feet of light industrial uses. The applicant is proposing 645,400 square feet of uses including recreational, warehouse with accessory office and self-storage through the concurrent zoning application.

**Staff Assessment:** This amendment was submitted in May 2022 requesting the Industrial (IND) future land use designation for 9.26 acres. Following the Board's adoption of the newly established Commerce FLU designation on August 25, 2022, the applicant revised their request to include four additional parcels totaling 47.21 acres. The new Commerce FLU and implementing policies provide a framework for the location and extent of future light industrial uses within the Agricultural Reserve Tier, for which there were previously no guiding policies in the Comprehensive Plan. The CMR FLU designation affords opportunities for low-trip generating light industrial and/or employment uses, balancing the overarching objectives of the Agricultural Reserve while responding to increased residential growth and the corresponding needs of support services. The proposed amendment is consistent with the Commerce FLU designation criteria established by the Board, and allows for the development of a light industrial use on a parcel fronting Boynton Beach Boulevard in close proximity to commercial, institutional, and other non-residential uses. Based upon a letter from the Traffic Division dated December 19, 2022 (Exhibit 5), and in order to comply with Policy 3.5-d, staff is recommending a condition of approval limiting the development of the site based on a maximum number of generated trips.

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

**Planning Commission/LPA Recommendation:** *Approval with modifications*, motion by Glenn Gromann, seconded by Sarah Pardue, passed in a 9 to 0 vote at the January 13, 2023 public hearing. The modification consisted of an additional condition of approval to limit the site to 719,764 square feet (0.35 FAR) of uses allowed within the CMR future land use designation. The applicant stated on the record that they agree with the added condition. Board discussion included questions regarding the timing of pending Unified Land Development Code (ULDC) amendments to address uses allowed in the Commerce FLU, the size and location of the preserve area, and the appropriateness of limiting the allowed square footage on the site. Three members of the public, including representatives of the Sierra Club Loxahatchee Group, spoke in opposition citing the need to preserve agricultural lands and potential traffic impacts. In addition, a representative of the Coalition of Boynton West Residential Associations (COBWRA) spoke in opposition stating that the community desired uses (indoor recreation) are not currently allowed in the proposed ULDC amendments. Two members of the development team spoke in support citing their previous projects and proposed uses for the community that do not current exist in the area.

**MOTION:** To *transmit* the BC Commerce Center amendment.

## 5. REGULAR AGENDA

### 5.A. County Proposed Text Initiation

#### 5.A.1. [Agricultural Reserve Thoroughfare Identification Map \(TIM\) Initiation](#)

**Summary:** The item before the Board is to consider the initiation of an amendment to the Comprehensive Plan requested by the County's Engineering and Public Works Department. The request is to revise the Thoroughfare Identification Map (TIM), TE 14.1 to add right-of-way to the following roadway segments, which are located in **District 5**:

- **Smith Sundry Road**, to add as an 80 foot right-of-way from Atlantic Avenue, north to Happy Hollow Road;
- **Half Mile Road**, to add as an 80 foot right-of-way from 158<sup>th</sup> Street S. north to Atlantic Avenue, to line up with Smith Sundry Road;
- **Happy Hollow Road**, to add as an 80 foot right-of-way from US-441/SR-7 to Lyons Road; and
- **158<sup>th</sup> Road S**, to add as an 80 foot right-of-way from Half Mile Road to Lyons Road.

**Staff Assessment:** The proposed amendment would modify the County Thoroughfare Identification Map (TIM) to add right-of-way (ROW) for four roadways located in the Agricultural Reserve Tier. This ROW acquisition is necessary to improve connectivity and reduce emergency response time for Fire Rescue while providing alternative routes for general traffic, reducing travel time and congestion. These roads will be relievers for Atlantic Avenue, State Road 7, and Lyons Road.

**Staff recommendation:** *To initiate*

**Planning Commission/LPA Recommendation:** *To initiate with modifications*, motion by Glenn Gromann, seconded by Barbara Roth passed in a 7 to 0 vote at the January 13, 2023 public hearing. The modification includes relocating the proposed east west connections of Happy Hollow Road ROW and 158<sup>th</sup> Road South. Commission discussion included reasons for and alternatives to adding Happy Hollow Road to the TIM, the proposed alignment of 158<sup>th</sup> Road S and the timing of the construction for Flavor Pict Road and Lyons Road. Six members of the public spoke in opposition to adding the Happy Hollow Road ROW citing the equestrian, agricultural, residential character of the area. One member of the public spoke in opposition concerned with additional development in the Ag Reserve. Two members of the public spoke in support citing the need to alleviate traffic and provide access to State Road 7. A representative for a property owner spoke generally in support of the initiation and submitted a letter for the record but stated that the property owner had concerns with the inclusion of 158<sup>th</sup> Road South.

**MOTION:** *To initiate* the Agricultural Reserve TIM amendments.

### 5.B. Privately Proposed Text Initiation

#### 5.B.1. [Heritage Farms Transitional Overlay Initiation \(Yee/Cypress Polo Properties\)](#)

**Introduction:** The item before the Board is to consider the initiation of a privately proposed amendment to the Comprehensive Plan, also considered "Phase I". If the amendment is initiated, staff will accept the associated future land use amendment, and return to the Board with the two amendments through the public hearing process as part of "Phase II". **District 6.**



**Summary:** The privately proposed text amendment request is to revise the Future Land Use Element (FLUE) policies regarding the Rural Tier to establish an overlay for the 96.91-acre subject site, known as the Yee/Cypress Polo Properties to:

- Allow for a transitional density option of up to 2 units per acre on sites subject to acreage, location, access and design feature requirements;
- Revise Map LU 1.1 Managed Growth Tier System to depict the overlay as a Limited Urban Service Area (LUSA);
- Revise Map LU 2.1 Service Areas to change the overlay from the Rural Service Area to a Limited Urban Service Area; and
- Revise Map LU 3.1 Special Planning Areas to depict the boundaries of the overlay.

**Staff Assessment:** Staff supports the initiation of the proposed text amendment to provide the opportunity for the Board to consider and direct policy. Initiation of this amendment does not indicate staff support for the final policy language or the associated future land use amendment. Should the Board initiate the amendment, staff will prepare data and analysis, and present a recommendation on the text and future land use amendment at subsequent public hearings.

**Staff recommendation: *To initiate***

**Planning Commission/LPA Recommendation: *To initiate***, motion by Penny Pompei, seconded by Dagmar Brahs passed in a 6 to 0 vote (with Kiley Harper-Larsen abstaining) at the January 13, 2023 public hearing. Commission discussion included the size and height of the landscaping buffers, access to the site and concerns with public outreach to the residents. Five members of the public spoke in opposition stating a potential domino effect of requests and desire for community meetings and discussions with the applicant. One member of the public requested an area on the site for a farm stand to allow for agricultural sales. One of the applicants spoke in support stating the proposed text amendment is identical to the Trotting Center request.

**MOTION: *To initiate*** the Heritage Farms Transitional Overlay Text amendment.

## 6. COMMENTS

- A. Assistant 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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