



AGENDA
PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

COMPREHENSIVE PLAN AMENDMENT PUBLIC HEARING

Amendment Round 14-1 Adoption

MONDAY, APRIL 28, 2014

9:30 a.m. 6th Floor

Jane M. Thomson Memorial Chambers

1. CALL TO ORDER

- A. Roll Call
- B. Opening Prayer and Pledge of Allegiance
- C. Proof of Publication

MOTION: To receive and file proof of publication

2. AGENDA APPROVAL

- A. Additions, Deletions, Substitutions
- B. Adoption

3. PUBLIC HEARING (Page 2 - 10)

4. REGULAR AGENDA (Page 10)

5. COMMENTS (Page 11)

6. ADJOURNMENT (Page 11)

3. PUBLIC HEARING - AMENDMENT ROUND 14-1

The Department of Economic Opportunity reviewed the amendments and issued a letter stating there were no objections, but offered technical assistance with Inland Logistics Center Amendment.

3.A. Privately Proposed Future Land Use Atlas Amendments

Name	Description
<p><u>3.A.1</u> <u>Burt Reynolds Ranch (LGA 2014-003)</u></p>	<p>Current: Rural Residential, 1 unit per 10 acres (RR-10) on 133.52 acres, Commercial Recreation/RR-10 (CR/RR-10) on 15 acres and Commercial Low/ RR-10 (CL/RR-10) on 4.4 acres</p> <p>Proposed: Rural Residential, 1 unit per 5 acres (RR-5) on 150.15 acres and Commercial Low/RR-5 (CL/RR-5) on 2.77 acres</p> <p>Size: 152.92 acres</p> <p>Location: South of Indiantown Road, along west side of Jupiter Farms Road</p> <p>Staff Assessment: This amendment is located in the Rural Tier within the Jupiter Farms Neighborhood Plan. The site is currently owned by the School District of Palm Beach County and under contract for purchase. The concurrent zoning application is requesting the Rural Cluster PUD in order to develop 30 dwelling units while establishing 60% of the site in open space. The proposed density of one unit per 5 acres is less than the average lot size in Jupiter Farms which is approximately one unit per 1.7 acres.</p> <p>Staff Recommendation: <i>Approve - Transmit</i></p> <p>LPA Recommendation: <i>Approval</i>, motion by Judy Daversa seconded by Thomas Dennis, passed in a 13-0 vote at the December 13, 2013 public hearing. Commission discussion included whether well and septic meets level of service standards, that the existing FLUs on the site might result in uses that are less compatible with the neighborhood and how the open space will be designed and function for both private and public access. Four members of the public spoke. Two members spoke in opposition, stating that the amendment will impact traffic on Jupiter Farms Road and the site should be used for agricultural education. One member spoke in support stating that the applicant has been sensitive to the needs of the community and the plan will offer environmental benefits as well as retain the feed store. Two members of the public submitted.</p> <p>BCC Transmittal: <i>Transmit</i>, motion by Comm. Burdick, seconded by Comm. Valeche, passed in a 7-0 vote at the January 27th public hearing. The Board discussion included a comment by the District Commissioner that the applicant had successfully worked with the community to create a proposal that would not change the character of the area, specifically noting that it was less density than the existing Jupiter Farms. Two members of the public, residents of the Acreage area, spoke in opposition to the amendment stating that clustering would result in higher densities and that the property owner could return for additional density in the future. Staff clarified that to further increase density would require a subsequent amendment and the applicant stated that the open space would be secured through a conservation easement.</p>
<p>MOTION:</p>	<p>To <i>adopt an ordinance</i> amending the Future Land Use Atlas for the Burt Reynolds Ranch amendment (LGA 2014-003).</p>

Name	Description
<p>3.A.2 Treatment Center of the Palm Beaches (LGA 2014-004)</p>	<p>Current: Medium Residential, 5 units per acre (MR-5)</p> <p>Proposed: Institutional and Public Facilities/MR-5 (INST/5)</p> <p>Size: 10.25 acres</p> <p>Location: North side of Lantana Road, 350 feet east of Haverhill Road</p> <p>Staff Assessment: This amendment site is located in the Urban Suburban Tier within the eastern central part of the County. The site has been operating as an assisted living facility since 1985 and as specifically a substance abuse treatment facility since 2008. The amendment and subsequent rezoning are being proposed to allow the existing substance abuse treatment facility to provide outpatient care services which the current future land use and zoning does not allow.</p> <p>Staff Recommendation: <i>Approve - Transmit</i></p> <p>LPA Recommendation: <i>Approval as modified at the hearing</i>, motion by Barbara Alterman, seconded by Lori Vinikoor, passed in a 11-0 vote at the November 8th hearing. The motion included the addition of a condition stating that "Hospital or medical center uses on the site shall be subject to the following: The northernmost 200 feet of the site, excluding access and/or publicly dedicated right of way for Nash Trail, shall be limited to water retention, landscaping, and/or drainage". The Commission discussion centered on the reference to the term 'preserve' for the northernmost portion of the site and the desire to limit impacts on the adjacent residents to the north, which resulted in the proposed condition. The agent expressed no objections to the proposed condition provided that the potential for access to Nash Trail be maintained. There was no public comment.</p> <p>BCC Action: <i>Transmit as modified at the hearing</i>, motion by Comm. Valeche, seconded by Comm. Burdick, passed in a 7-0 vote at the January 27th public hearing. The motion included a modification to the condition recommended by the Planning Commission that would also allow parking within the northernmost 200 feet (shown in Exhibit 1 with double underline). The Board discussion included comments by one Commissioner that this general area of the County is in need of attention including additional code enforcement, although there were no issues with the subject site or the requested amendment. The modification to the condition was requested by the applicant. There was no public comment.</p>
<p>MOTION:</p>	<p>To <i>adopt an ordinance</i> amending the Future Land Use Atlas for the Treatment Center of the Palm Beaches amendment (LGA 2014-004).</p>

Name	Description
<p>3.A.3 Gulfstream Properties (LGA 2014-001)</p>	<p>Current: Multiple Land Use (MLU with CL-O/3 and LR-3) on 95.80 acres and LR-2 on 39.23 acres</p> <p>Proposed: Medium Residential, 5 units per acre (MR-5),with conditions</p> <p>Size: 135.04 acres</p> <p>Location: East of Lyons Road, south of Lake Worth Road</p> <hr/> <p>Staff Assessment: This amendment is located in the Urban Suburban Tier within the West Lake Worth Road Neighborhood Planning Area. The proposed amendment is requesting to eliminate the Commercial Office portion of the site and to increase the density from 2 and 3 units per acre to 5 units per acre. This proposed density increase through the FLUA amendment process is consistent with the Comprehensive Plan due to the exemption that the County added for this neighborhood planning area in 2012 reflecting the master plan.</p> <hr/> <p>Staff Recommendation: <i>Approval with conditions - Transmit</i></p> <hr/> <p>LPA Recommendation: <i>Approval as modified at the hearing</i>, motion by Lori Vinikoor, seconded by Sam Shannon, passed in an 11-0 vote at the November 8th hearing. The motion included the addition of a condition stating that "<i>Vehicular and pedestrian connections shall be provided to all existing and future adjacent development as identified in the Lake Worth Road Neighborhood Master Plan (at a minimum)</i>". The Commission discussion centered on elimination of the conditions relating to the development of this site as a "Multiple Land Use" project and that the concept of interconnectivity should be maintained as with other residential amendments in this area. The agent for the amendment expressed no objections to the proposed condition. There was no public comment.</p> <hr/> <p>BCC Action: <i>Transmit ad recommended by the PLC</i>, motion by Comm. Abrams, seconded by Comm. Vana, passed in a 7-0 vote at the January 27th public hearing. There was minimal Board discussion. One member of the public, a resident of the Acreage area, spoke in opposition and a representative from the Lake Worth Road Coalition submitted a card in support, but did not speak.</p> <hr/> <p>Changes Since Transmittal: Minor acreage corrections were made to reflect that the total acres for the LR-2 future land use portion is 39.23 acres rather than the 39.35 acres transmitted.</p>
<p>MOTION:</p>	<p>To <i>adopt an ordinance</i> amending the Future Land Use Atlas for the Gulfstream Properties amendment (LGA 2014-001) as revised.</p>

Name	Description
<p>3.A.4 Palm Tree Farms (LGA 2014-002)</p>	<p>Current: Residential Low, 2 units per acre (LR-2)</p> <p>Proposed: Medium Residential, 5 units per acre (MR-5), with conditions</p> <p>Size: 9.94 acres</p> <p>Location: East side of Hooks Road, south of Lake Worth Road</p> <hr/> <p>Staff Assessment: This amendment is located in the Urban Suburban Tier within the West Lake Worth Road Neighborhood Planning Area. The proposed amendment is requesting to eliminate the Commercial Office portion of the site and to increase the density from 2 and 3 units per acre to 5 units per acre. This proposed density increase through the FLUA amendment process is consistent with the Comprehensive Plan due to the exemption that the County added for this neighborhood planning area in 2012 reflecting the master plan.</p> <hr/> <p>Staff Recommendation: <i>Approval with conditions - Transmit</i></p> <hr/> <p>LPA Recommendation: <i>Approval with an additional condition</i>, motion by Lori Vinikoor, seconded by Sam Shannon, passed in a 12-1 vote (with Thomas Dennis opposed) at the December 13, 2013 public hearing. The motion included the addition of a condition stating that "<i>Vehicular and pedestrian connections shall be provided to all existing and future adjacent development as identified in the Lake Worth Road Neighborhood Master Plan (at a minimum)</i>" for consistency with the concurrent Gulfstream Properties amendment. A substitute motion to approve without the additional condition failed in a 7-6 vote. The applicant expressed no objection to the additional condition. The Commission discussion focused on the additional condition. There was no public comment.</p> <hr/> <p>BCC Action: <i>Transmit as recommended by the PLC</i>, motion by Comm. Abrams, seconded by Comm. Valeche, passed in a 7-0 vote at the January 27th public hearing. There was minimal Board discussion and no public comment.</p>
<p>MOTION:</p>	<p>To adopt an ordinance amending the Future Land Use Atlas for the Palm Tree Farms amendment (LGA 2014-002).</p>

3.B. Proposed Text Amendments

Name	Description
<p>3.B.1</p> <p>Inland Logistics Center Definition</p>	<p>This County-initiated amendment would revise the definition of Inland Logistics Center (ILC) in the Introduction and Administration Element, to allow the 850-acre inland logistics center site to develop with most uses permitted in a Planned Industrial Park Development (PIPD). The site, located between Belle Glade and South Bay, received an Industrial (IND) future land use designation in 2010, with a condition limiting the allowable uses to those listed in the definition. This condition was included in order to address concerns raised by the Florida Department of Environmental Protection (FDEP) about possible environmental impacts.</p> <p>Staff Assessment: Development of the ILC is a key economic development objective for the Glades area, and the private sector catalyst in the Glades Region Master Plan effort currently underway. Revising the definition to allow uses permitted in a PIPD on the ILC site, including residential, commercial and recreational uses to support the anticipated workforce, while safeguarding Lake Okeechobee and other environmental resources, is consistent with the goals and objectives of the Comprehensive Plan.</p> <p>Staff Recommendation: <i>Approve - Transmit</i></p> <p>LPA Recommendation: <i>Approval as modified at the hearing</i>, motion by Lori Vinikoor, seconded by Barbara Alterman, passed in an 11-0 vote at the Nov. 8th hearing. The motion reflected a revised definition presented by staff at the hearing, with an additional change recommended by the PLC to split the final sentence of the definition into two sentences. The changes presented by staff were to prohibit heavy industrial uses on the site, per discussions with the FDEP. There was minimal discussion. Public comment included a presentation and statement of support by the property owner's representative and a statement of support by Brandon Carson of the Business Development Board.</p> <p>BCC Action: <i>Transmit as recommended by the PLC</i>, motion by Comm. Abrams, seconded by Comm. Valeche, passed in a 7-0 vote at the January 27th public hearing. The Board discussion included questions regarding other PIPDs in the County, and statements by one commissioner that proposed future land use amendment and rezoning applications proposing to create jobs should come forth with specific employers. Five members of the public spoke. Representatives from the Business Development Board, from the Glades LORE, and Florida Crystals (the property owner), spoke in support of the amendment and the need for flexibility for the success of the site. Two members of the public, residents of the Acreage area, spoke on the record.</p> <p>Changes Since Transmittal: The State Land Planning Agency issued technical assistance comments, recommending that the amendment be revised to provide meaningful guidelines for the residential portion of the ILC. Accordingly, the amendment has been revised to establish a minimum level of industrial that must be achieved before permits can be issued for the non-industrial support uses. These changes are indicated in <u>double underlined</u>/double strike out in the report.</p>
<p>MOTION:</p>	<p>To <i>adopt an ordinance</i> amending the Comprehensive Plan for the Inland Logistics Center amendment as revised.</p>

Name	Description
<p data-bbox="167 268 240 300">3.B.2</p> <p data-bbox="167 338 310 401">County Directions</p>	<p data-bbox="404 254 1474 453">This proposed amendment would revise the Future Land Use Element to consolidate the various County directions and directives currently found in four locations within the Comprehensive Plan. This proposed amendment would create one merged set of directions that would more clearly reflect the fundamental policy concepts on which the Comprehensive Plan is based, and be more useful in the review of proposed amendments to the Plan.</p> <p data-bbox="404 506 1474 569">Staff Assessment: There are no policy implications of this report, as it reorganizes existing policy statements found within the Plan.</p> <p data-bbox="404 621 1019 653">Staff Recommendation: <i>Approve - Transmit</i></p> <p data-bbox="404 688 1474 888">LPA Recommendation: <i>Approval</i>, motion by Sandra Greenberg, seconded by Judy Daversa, passed in a 13-0 vote at the Dec. 13, 2013 hearing. Commission discussion focused on the purpose of the amendment to consolidate various county directions. One member of the public, representing Florida Crystals, spoke in opposition, stating that the reference to the 'protection of agricultural land' should be revised to emphasize instead the 'promotion' of agriculture.</p> <p data-bbox="404 919 1474 1392">BCC Action: <i>Transmit as modified at the hearing</i>, motion by Comm. Vana, seconded by Comm. Berger, passed in a 6-1 vote with Comm. Burdick opposed at the January 27th public hearing. The motion included revisions to County Direction number 15 that would replace the proposed "Protect agricultural lands" with "Support and enhance agriculture" as shown in double underlined/double strike out in Exhibit 1. A substitute motion by Comm. Burdick to postpone to Round 14-3 failed due to lack of a second. The Board discussion focused on the relocation of the 'protect agricultural lands' language, including whether this language would impact on future land use amendments and that agriculture should be promoted, encouraged, supported and stimulated. Two members of the public, residents of the Acreage area, spoke on the record. A representative for Florida Crystals spoke in opposition to the 'protect agricultural lands' relocation, stating that the new location was linked to a policy and could create opportunities for challenge, and citing Ch. 187, F.S.</p>
<p data-bbox="207 1461 334 1493">MOTION:</p>	<p data-bbox="404 1444 1474 1507">To <i>adopt an ordinance</i> amending the Comprehensive Plan for the County Directions amendment.</p>

<p>3.B.3</p> <p>Climate Change</p>	<p>This proposed amendment would modify the Future Land Use Element (FLUE) to add "Climate Change" to the list of County Directions. The amendment would also delete an outdated policy, and add a sub-objective and policies to the FLUE to acknowledge the County's participation in the Southeast Florida Regional Climate Change Compact, and to generally guide the County's future efforts in addressing climate change. Palm Beach County, Broward, Miami-Dade, and Monroe counties entered into the Compact in January 2010, as part of a collaborative effort to foster sustainability and climate resilience at a regional scale.</p> <p>Staff Assessment: The proposed amendment is an initial introduction of climate-change related policies in the Comprehensive Plan. They build upon the Compact efforts, are consistent with Comprehensive Plan goals, objectives and policies, and lay the groundwork for future, more detailed and specific efforts and policies that may result from the implementation of the proposed policies.</p> <p>Staff Recommendation: <i>Approve - Transmit</i></p> <p>LPA Recommendation: <i>Approval</i>, motion by Sandra Greenberg, seconded by Judy Daversa, passed in a 12-1 vote, with Dennis Lipp opposed, at the December 13, 2013 public hearing. Commission discussion focused on anticipated and emerging impacts of climate change. There was no public comment.</p> <p>BCC Action: <i>Transmit</i>, motion by Comm. Vana, seconded by Comm. Burdick, passed in a 7-0 vote at the January 27th public hearing. The Board discussion included comments regarding the importance of addressing climate change, particularly through coordination with other counties, and recognition that the County has implemented many of the recommendations of the Compact through its own initiatives, some of which save tax payer dollars, and that further implementation would require future Board action. Two members of the public, residents of the Acreage area, spoke on the record.</p> <p>Changes Since Transmittal: Staff has revised the amendment to delete the reference to participation in ICLEI (originally the International Council for Local Environmental Initiatives) Local Governments for Sustainability program in order to focus on the local Southeast Florida Regional Climate Change Compact, and to reflect that the County may participate or collaborate with additional entities in the future. The proposed change is indicated in double strike out in the report.</p>
<p>MOTION:</p>	<p>To <i>adopt an ordinance</i> amending the Comprehensive Plan for the Climate Change amendment as revised.</p>

<p>3.B.4</p> <p>Pioneer Road Neighborhood Plan</p>	<p>This proposed amendment would revise the Future Land Use Element and Map Series to add the Pioneer Road Neighborhood Plan to the following:</p> <ul style="list-style-type: none"> • The list of Neighborhood Plans recognized by the BCC; and • The Special Planning Areas Map LU 3.1.
	<p>Staff Assessment: There are no policy implications with this amendment. Neighborhood Plans are not binding. Policy 4.1-c of the FLUE states "<i>The County shall consider the objectives and recommendations of all Community Plans, Neighborhood Plans, Joint Planning Areas Agreements, Interlocal Service Boundary Agreements, and Special Studies, recognized by the Board of County Commissioners, prior to the extension of utilities or services, approval of a land use amendment, or issuance of a development order for a rezoning, conditional use or Development Review Officer approval.</i>"</p>
	<p>Staff Recommendation: <i>Approve - Transmit</i></p>
	<p>LPA Recommendation: <i>Approval</i>, motion by Lori Vinikoor, seconded by Judy Daversa, passed in a 11-0 vote at the November 8th public hearing. There was minimal discussion and no public comment.</p>
	<p>BCC Action: <i>Transmit</i>, motion by Comm. Burdick, seconded by Comm. Vana, passed in a 7-0 vote at the January 27th public hearing. There was minimal Board discussion. One member of the public who resides within the Neighborhood Planning area spoke in opposition to the amendment, stating that the Plan did not adequately establish protections for their rural community and should be postponed and revised in order to do so.</p>
<p>MOTION:</p>	<p>To <i>adopt an ordinance</i> amending the Comprehensive Plan for the Pioneer Road Neighborhood Plan amendment.</p>

4. REGULAR AGENDA

4.A. Consent for Annexation of County-owned Parcels

4.A.1. Village of Palm Springs Annexation

Summary: This is a request from the Village of Palm Springs to annex three County-owned parcels generally located on the west side of Kirk Rd., south of Lakewood Rd, into the Village of Palm Springs. County-owned properties must receive consent for annexation prior to adoption by the requesting municipality.

Staff Assessment: The Village of Palm Springs is working towards an annexation phasing plan to annex reasonably compact unincorporated sections within its future annexation area. To that end, the Village requested the voluntary annexation of three county-owned parcels. By signing the Consent for Annexation, Palm Beach County does not transfer ownership rights for the parcels, but rather consents to the properties being annexed into, and included within, the municipal boundary of the Village of Palm Springs. Subsequent to the Board consent to the annexation, the Village will adopt the annexation at the Village Council hearing on May 8, 2014.

Staff Recommendation: *To adopt the Consent for Annexation*

MOTION: Motion to approve the voluntary annexation of three parcels owned by Palm Beach County into the Village of Palm Springs, generally located on the west side of Kirk Rd., south of Lakewood Rd.

4.B. Amendment Round 14-2 Private Text Initiation

The applicant has submitted a Future Land Use Atlas (FLUA) and text amendment to be processed concurrently. If initiated, the text and FLUA amendment would return to the BCC with full staff reports and recommendations in June 2014 for a transmittal public hearing.

4.B.1. Minto West Agricultural Enclave Text Initiation

Summary: This is a private request by Minto Communities for initiation of a text amendment to revise the Agricultural Enclave (AGE) provisions in the Future Land Use Element of the County's Comprehensive Plan. If initiated by the Board, the proposed text amendment will be accompanied by a site-specific Future Land Use Atlas (FLUA) amendment. This is not a review of the proposed development and FLUA amendment, but rather a consideration of whether or not to initiate a text amendment to the Comprehensive Plan.

Staff Assessment: The applicant's intent is that the proposed project retain the AGE future land use, and fit within the parameters established in the Florida Statutes for an AGE. Initiation of the text amendment would allow for deliberation on whether the applicant's development concept is consistent with and appropriate given the AGE parameters in the Statute, other applicable provisions of statute, and the goals of the County's Comprehensive Plan. Initiation does not imply that these amendments will be approved, nor does it authorize an increase in density or intensity associated with the AGE. Rather, the initiation would direct staff to prepare a complete analysis and staff report, then return with a recommendation at public hearings.

Staff Recommendation: *To initiate the proposed text amendment*

LPA Recommendation: *To not initiate the proposed text amendment*, motion by Lori Vinikoor, seconded by Barbara Alterman, passed in a 11-0 vote at the April 11th hearing. The Commission discussion centered on the provisions of the Agricultural Enclave statute such as the site's bona fide agriculture status, the process of transferring the text amendment to the state if it is not initiated by the BCC, the public's involvement in the "good faith negotiations", and the timing of the 180 day negotiation period. There was considerable public comment in opposition, primarily focusing on the proposed FLUA amendment. The comments provided cited impacts to the existing residents and character of the Central Western Communities. In addition, there were numerous supporters of the project who provided comment cards to be read into the record, but did not speak.

MOTION: *To initiate* the proposed text amendment.

5. COMMENTS

- A. County Attorney
- B. Planning Director
- C. Zoning Director
- D. Executive Director
- E. Deputy 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.

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