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MEMORANDUM

TO: The Honorable Paulette Burdick, Mayor, and the Members of the Board of County Commissioners

FROM: Lorenzo Aghemo, Planning Director
Planning Division, PZB

DATE: November 15, 2017

RE: **BCC Zoning November 30 - Planning Director Comments**

Item: On October 30, 2017 at the Board of County Commissioners (BCC) Comprehensive Plan Hearing, the Board directed staff to return the item on changes to Private Text Amendments and Large Scale Amendment Rounds back to the Board for further discussion and to allow public comment. Staff will present these items at the BCC Zoning Hearing on November 30, 2017 under Planning Director Comments.

Private Text Amendments: The Board directed staff to revisit the private text amendment process earlier in 2017. Staff seeks direction to either (1) process privately proposed text amendments to the Comprehensive Plan using the same procedure as the Privately Initiated Amendment (PIA) process to the Unified Land Development Code (which require initiation by the Board prior to processing), or (2) discontinue processing through application (as existing before 2012). This direction would not affect privately proposed text amendments currently in process.

Large Scale Amendment Rounds: Staff has recommended that the County return to accepting Large Scale Amendments two times per year rather than the current four times per year. The Board has the ability to add additional intake dates as needed on an ongoing basis. Staff will continue to process small-scale amendments less than 10 acres inside the Urban Suburban Tier four times per year.

Interested Party Notification: Planning Division staff have relayed the proposed changes to all applicants with Private Text Amendments. Staff presented the item at the October 6, 2017 Development Review Advisory Committee (DRAC). Notification to industry, including agents, applicants and interested parties, was sent on October 20, October 27 and November 16, 2017. Background information is posted on the Planning Division website at www.pbcgov.com/pzb/planning. An informational meeting with industry is scheduled for Monday, November 27, 2017 from 4:00 PM to 5:00 PM to be held at the Vista Center, 1st Floor Room VC-1W-47, 2300 N. Jog Rd., West Palm Beach, FL 33411.

DISPOSITION: Additional information is provided in the attachments. If you have any questions please contact me at 233-5467.

Attachment 1: Background and Proposed Changes

Attachment 2: Private Text Amendment Inventory

c: Verdenia Baker, County Administrator
Faye W. Johnson, Assistant County Administrator
Patrick Rutter, PZB Executive Director
Robert Banks, Chief Land Use County Attorney
Ramsay Bulkeley, Esq., Deputy PZB Dir.

Lester Williams, Channel 20 (memo only)
Janel Larvin, Minutes
Jon MacGillis, Zoning Director
Patricia Behn, Deputy Planning Director
Lisa Amara, Principal Planner

Attachment 1

Private Text Amendments and Large Scale Amendment Rounds

Background: The County began processing private text amendment requests in 2012 with a requirement that the proposed changes be presented to the Board for initiation prior to accepting and processing the associated future land use (FLU) amendment. On February 23, 2012, the Board of County Commissioners (BCC) gave direction to staff to allow property owners to submit a request for a text amendment to the Comprehensive Plan provided it was applied for in conjunction with a site specific FLUA amendment. Subsequently, the Planning Division began accepting privately proposed text amendments to the Plan if there was a 'shall not' policy that would inhibit the property from applying for the proposed future land use change.

In 2015, the Board adopted changes at the recommendation of Planning staff to process text amendments without Board initiation. Board initiation is required for County staff proposing amendments to the Plan and any proposed amendments to the Unified Land Development Code (ULDC). The intent was to save the applicant a step in the process.

In 2017, the Board directed staff to revisit the private text amendment process.

Proposed Changes – Private Text Amendments: Staff seeks direction to either (1) process privately proposed text amendments to the Comprehensive Plan using the same procedure as the Privately Initiated Amendment (PIA) process to the Unified Land Development Code (ULDC) which require initiation by the Board prior to processing, or (2) discontinue processing privately proposed text amendments through application (as existing before 2012). This direction would not affect privately proposed text amendments currently in process.

Option 1: Should the Board recommend option 1, the change would revert to the process initially utilized when the Board first allowed private text amendments. Requiring initiation would allow the Board to provide direction on policy changes to the Plan at a comprehensive level rather than for a single property. This change would provide a more effective approach for addressing policy changes on a comprehensive basis, while ensuring that the applications are processed concurrently. Proposed text amendments would be presented to the Board for initiation with the associated private ULDC amendment at the same initiation hearing, thereby allowing the processing of all of the applications concurrently.

Option 1 would follow the current PIA process for ULDC amendments which requires a two-phased approach: Phase 1 includes the submittal of the private text application, then staff performs a preliminary review & assessment. The item is presented to the advisory board for recommendation and finally is presented to the Board for initiation. Phase 2 provides for submittal of the associated Future Land Use change, then staff prepares the full report and analysis and is then presented to the Board for action.

The current process for privately initiated Comprehensive Plan text amendments omits Phase 1 and moves directly to Phase 2. These privately initiated amendments would only then apply to the subject site and the process allows for multiple overlapping requests. Additionally, the proposed privately initiated text amendment is presented to the Board for the first time after the site has been in process for 6 months to 12 months.

Option 2: Should the Board recommend option 2, the change would revert to the process which existed prior to 2012. This would discontinue processing privately proposed text amendments through application. All text amendments to the Comprehensive Plan would require initiation by the Board or the Staff only.

Attachment 2 provides an inventory of the private text amendments initiated since 2012. Between 2012 and 2015, there were 5 requests initiated (3 in the Agricultural Reserve or Rural Tier). From 2016 to present, there were a total of 17 private text amendments initiated (14 in the Agricultural Reserve or Rural Tier).

Proposed Changes – Large Scale Amendment Rounds: Staff will also recommend that the County return to accepting Large Scale Amendments two times per year rather than the current four times per year. Staff will continue to process small-scale amendments less than 10 acres inside the Urban Suburban Tier four times per year. The Board has the ability to add additional intake dates as needed on an ongoing basis. The County moved toward a four time per year schedule in order to balance out the hearings throughout the year. However, since the Board hearings are just a few months apart, the number of postponements have increased dramatically and the intent of balancing the hearings has not been achieved.

Name	Rnd*	FLUA Change	Tier	Agent	Policy	Text Summary	Staff Rec. Initiation	BCC Initiation	Staff Rec. Amendment	Board Action
Private Text Amendments <u>with</u> required Board Initiation – 2012 to 2016										
AGR Traditional Marketplace	14-1 13-2	None	Ag Reserve	Urban Design Kilday Studios	Create New Policies	To add units to the Ag Reserve Tier by allowing AgR-TMD units to be transferred to AgR-PUD above the 1 unit per 1 acre.	Not to Initiate	----- <i>Withdrawn prior to initiation</i>	-----	-----
AGR Feurring Commercial	16-C	AGR to CL/AGR	Ag Reserve	Wantman Group	Create New Policies	To add commercial to the Ag Reserve Tier by allowing commercial sites that meet the location requirements for Commercial in other Tiers and not as a TMD.	Not to Initiate	Board did not initiate & directed AGR Workshop	-----	-----
Ag Enclave – Minto West	14-Minto	RR-10 to AGE	Rural	Coteleur & Hearing, Inc.	Modify Unique Policies	To revise the Agricultural Enclave (Rural Tier) policies that were created specifically for the subject site previously.	Initiate Text	Initiate	Approval	Adopt
Central Park Commerce <i>First Attempt</i>	15-1	RR-10 to EDC	Glades	Urban Design Kilday Studios	Modify Unique Policies	To revise the Glades Area Protection Overlay policies that were created specifically for the subject site previously to allow the Economic Development Center land use designation.	Not to Initiate	----- <i>Withdrawn prior to initiation</i>	-----	-----
Southern Station	16-A	IND to CH/IND	Urban /Suburban	Urban Design Kilday Studios	Exempt from a Policy	To revise the long range traffic requirements in Future Land Use Element Policy 3.5-d for impacts state highway facilities to be treated the same way as other roadways.	Initiate Text	Initiate	Approval	Adopt
Private Text Amendments <u>without</u> required Board Initiation – 2016 to October 2017										
Central Park Commerce <i>Second Attempt</i>	16-B	RR-10 to EDC	Glades	Urban Design Kilday Studios	Modify Unique Policies	To revise the Glades Area Protection Overlay policies that were created specifically for the subject site previously to allow the Economic Development Center land use designation.	-----	-----	Approval	Adopt
AGR Alderman Commercial	16-B	AGR to CL/AGR	Ag Reserve	JMorton Planning	Create New Policies	To increase the amount of commercial sites in the Ag Reserve Tier by allowing small non-TMD commercial sites, increasing the commercial cap, increase FAR, and eliminating 60% preserve requirements.	-----	-----	Denial of Text Approval of FLUA	<i>Text Withdrawn Replaced by County Initiated FLUA Adopted</i>
AGR Homrich Commercial	16-B	AGR to CL/IND	Ag Reserve	JMorton Planning	Create New Policies	Same as above	-----	-----	Denial	<i>Same as above</i>
AGR Feurring <i>Second Attempt</i>	16-C	AGR to CL/AGR	Ag Reserve	Wantman Group	Create New Policies	Same as above	-----	-----	Approval	<i>Same as above</i>

Name	Rnd*	FLUA Change	Tier	Agent	Policy	Text Summary	Staff Rec. Initiation	BCC Initiation	Staff Rec. Amendment	Board Action
AGR W. Boynton Commercial (Smigiel)	16-C	CL/AGR & AGR to CL/AGR	Ag Reserve	Urban Design Kilday Studios	Create New Policies	To identify the location of the site (Acme Dairy Rd and Boynton Beach Blvd) as a Major Intersection criteria, thereby allowing a convenience store with gas sales on this site.	-----	-----	Approval	Adopt
AGR Stop and Shop Commercial	16-D	AGR to CL/AGR	Ag Reserve	Wantman Group, Inc.	Revise/ Exempt from Policies	To exempt the site from the Ag Reserve Tier commercial policies, thereby allowing the site to apply for a Commercial land use and Commercial Zoning.	-----	-----	Denial	<i>Text Withdrawn Replaced by County Initiated FLUA Adopted</i>
Indian Trails Grove	16-ITG	AP and RR-10 to WCR	Rural	Urban Design Kilday Studios	Create New Policies	To create the Western Communities Residential Overlay and future land use designation in the Rural Tier, thereby allowing the site to achieve .80 du/acre with commercial in the Rural Tier.	-----	-----	Approval	Adopt
Southern and Cleary	17-A 16-B	IND to CH/IND	Urban /Suburban	Urban Design Kilday Studios	Exempt from a Policy	To allow commercial designation at the intersection of Southern Blvd and Cleary Road, essentially exempting this site from the commercial policy requirements for all other sites in the Urban Suburban Tier..	-----	-----	Approval	Adopt
Johns Glades West	17-A	LR-3 to MLU (CH, HR-8)	Urban/ Suburban	Wantman Group	Exempt from a Policy	To exempt the subject site from traffic requirements of Policy 3.5-d.	-----	-----	Approval	Adopt
Delray Linton Groves – Iota	17-A	RR-10 to WCR	Rural	Kimley-Horn	Create New Policies	To expand land area within the WCR Overlay to apply to the Delray Linton Groves site, thereby allowing the site to achieve .80 du/acre with commercial in the Rural Tier.	-----	-----	Approval	Denied
AGR Delray Fields	17-A 16-D 16-C	AGR to CL/AGR	Ag Reserve	Wantman Group	Revise/ Exempt from Policies	To exempt the site from the Ag Reserve Tier commercial policies.	-----	-----	Denial	----- <i>Withdrawn prior to BCC hearing</i>
AGR Three Amigos	17-D	CL/AGR & AGR to CL/AGR	Ag Reserve	JMorton Planning	Revise/ Exempt from Policies	To exempt the site from the Ag Reserve Commercial policies by allowing the expansion of a pre-existing commercial site in the Ag Reserve Tier and to increase commercial cap.	-----	-----	Denial	BCC transmitted Oct. 30th Adoption Hearing

Name	Rnd*	FLUA Change	Tier	Agent	Policy	Text Summary	Staff Rec. Initiation	BCC Initiation	Staff Rec. Amendment	Board Action
Private Text Amendments in process <u>without</u> required Board Initiation as of October 2017										
AGR Acme Dairy	18-B	AGR to AGR & CL/AGR	Ag Reserve	Lewis, Longman, and Walker	Revise/ Exempt from Policies	To exempt the site from the Ag Reserve Commercial policies by allowing a new commercial location at the subject site and increase cap of commercial for site.	-----	-----	Pending	<i>BCC transmittal January 2018</i>
ITG Western Communities Reserve	18-B	Revise Conditions	Rural	JMorton Planning	Modify Unique Policies & Create New Policies	To create policies to allow land within the Western Communities Residential Overlay to become preserve areas for land within the Ag Reserve, and thereby allowing the transfer of dwelling units from the WCR Overlay to Ag Reserve Planned Developments.	-----	-----	Pending	<i>BCC transmittal January 2018</i>
AGR Morningstar Nursery	18-B <i>17-D</i> <i>17-C</i> <i>17-B</i>	AGR to MLU (CL/HR-8)	Ag Reserve	JMorton Planning	Create New Policies	To create policies to allow mixed use in Ag Reserve Tier at a new location, increase cap of commercial, allow Congregate Living Facilities and apartments with a portion Workforce housing at densities greater than 1 du/acre, and exempt from preserve requirements.	-----	-----	Denial of published version (application being revised)	<i>BCC transmittal January 2018</i>
AGR Clint Moore Turnpike CLF	18-B <i>18-A</i> <i>17-D</i> <i>17-C</i> <i>17-B</i>	AGR to INST/AGR	Ag Reserve	Urban Design Kilday Studios	Create New Policies	To introduce the concept of allowing free standing Congregate Living Facilities in the Ag Reserve Tier at densities greater than 1 du/acre and without preserve area.	-----	-----	Denial of published version (application being revised)	<i>BCC transmittal January 2018</i>
AGR Poet's Walk	18-B <i>18-A</i> <i>17-D</i> <i>17-C</i> <i>17-B</i>	AGR to INST/AGR	Ag Reserve	Wantman Group	Create New Policies	Same as above	-----	-----	Pending	<i>BCC transmittal January 2018</i>

* The round in **Bold** indicates the final amendment round. In many instances, the agents for private text amendments have requested multiple postponements. The initial rounds are in *Italics*.