



AGENDA
PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
COMPREHENSIVE PLAN AMENDMENT & ZONING PUBLIC HEARING

Monday, August 22, 2016

9:30 a.m. 6th Floor

Jane M. Thompson 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
- D. Notice: This agenda includes Comprehensive Plan hearings and Zoning hearings. The Zoning hearing agenda items are 3.C.2 and 5.A.2.

Zoning hearings are quasi-judicial in nature and must be conducted to afford all parties due process. The Board of County Commissioners has adopted Procedures for conduct of Quasi-Judicial Hearings to govern the conduct of such proceedings. The Procedures include the following requirements:

Any communication with commissioners, which occurs outside the public hearing, must be fully disclosed at the hearing.

Applicants and persons attending the hearing may question commissioners regarding their disclosures. Such questions shall be limited solely to the disclosures made at the hearing or the written communications made a part of the record at the hearing.

Any person representing a group or organization must provide documentation that the person representing the group has the actual authority to do so regarding the matter before the Commission.

Any person who wishes to speak at the hearing will be sworn in and may be subject to cross-examination.

The Applicant and County staff may cross-examine witnesses. Any other persons attending the hearing may submit cross -examination questions, including follow up questions, to the Mayor, who will conduct the examination. The scope of cross-examination is limited to the facts alleged by the witness in relation to the application.

Public comment is encouraged and all relevant information should be presented to the commission in order that a fair and appropriate decision can be made.

- E. Swearing In – County Attorney

2. AGENDA APPROVAL

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

[2.B.1. DOA/R-2015-01918, Hypoluxo Shoppes Zoning, \(Control 2008-00243\), District 2](#)

Title: Development Order Amendment application and Requested Use of Hypoluxo & I 95 Holdings LLC by Atlantic Land Management, Agent.

Request: To reconfigure Site Plan, delete square footage, add a Requested Use for a Convenience Store with Gas Sales and to modify or delete Conditions of Approval

Size: 4.20 acres +/-

Location: Northeast corner of Hypoluxo Road and High Ridge Road

MOTION: To *postpone* to September 22, 2016

- C. Adoption of Agenda

- 3. **PUBLIC HEARING – 16-C Adoption & Zoning Application** (Page 3 - 7)
- 4. **PUBLIC HEARING – 16-D Transmittal** (Page 8 - 9)
- 5. **PUBLIC HEARING – Small Scale Amendment & Zoning Application** (Page 9 - 10)
- 6. **REGULAR AGENDA** (Page 11)
- 7. **COMMENTS** (Page 11)
- 8. **ADJOURNMENT** (Page 11)

3. PUBLIC HEARING – Amendment Round 16-C Adoption

The Department of Economic Opportunity reviewed this amendment under the Expedited Review process and issued no objections or comments in their letter dated June 8, 2016. See front cover for copy.

3.A. Proposed Ag Reserve Related Amendments

Name	Description
<p>3.A.1 Feurring Commercial (LGA 2016-024) District 5</p>	<p>Current: Agricultural Reserve (AGR) Proposed: Commercial Low with an underlying Ag. Reserve (CL/AGR) Size: 4.90 acres Location: Southeast corner of Atlantic Avenue and Lyons Road</p> <hr/> <p>Staff Assessment: This is a privately proposed future land use and amendment requesting Commercial in the Ag Reserve(CL/AGR) up to a maximum potential of 42,689 square feet of commercial retail uses (0.20 FAR). The location is suitable and appropriate for small scale neighborhood commercial opportunities as directed by the Board of County Commissioners during the Agricultural Reserve Tier Roundtable and Workshop, and reflected in the recent text amendments to the Plan. The applicant has demonstrated that the proposed future land use change meets the adopted policy requirements of the Plan, in conjunction with the concurrent County Initiated Ag Reserve text amendment in Round 16-B.</p> <hr/> <p>Staff Recommendation: <i>Approval</i></p> <hr/> <p>LPA Recommendation: <i>Approval</i>, motion by Lori Vinikoor, seconded by Sandra Greenberg, passed in a 9-0 vote at the April 8th public hearing. There was minimal discussion and no public comment.</p> <hr/> <p>BCC Action: <i>Transmit</i>, motion by Comm. Vana, seconded by Comm. Taylor passed in a 5-2 vote (with Comm. Burdick and Comm. McKinlay dissenting) at the April 27th public hearing. There was minimal board discussion. One member of the public spoke in opposition.</p>
<p>MOTION:</p>	<p>To <i>adopt an ordinance</i> amending the Future Land Use Atlas for the Feurring Commercial amendment.</p>

Name	Description
<p>3.A.2 West Boynton Center - Smigiel (LGA 2016-025)</p>	<p>Current: Commercial Low with an underlying Ag. Reserve (CL/AGR) on 2.50 acres and Ag. Reserve (AGR) on 4.35 acres</p> <p>Proposed: Commercial Low with an underlying Ag. Reserve (CL/AGR)</p> <p>Size: 6.85 acres</p> <p>Location: Northwest corner of Boynton Beach Blvd. and Acme Dairy Rd.</p>
<p>District 5</p>	<p>Private Text Amendment. To revise the Future Land Use Element to allow the intersection of Boynton Beach Boulevard and Acme Dairy Road to qualify as a Major Intersection for the purposes of use location criteria in the ULDC. The change is proposed to reflect the limited commercial opportunities of the Tier and since Acme Dairy Road serves as collector roadway by Policy 1.5.1-i for the purposes of establishing frontage requirements for a 60/40 AGR-PUD.</p> <p>Staff Assessment: This is a privately proposed future land use and text amendment requesting Commercial in the Ag Reserve. A 2.50 acre portion of the site was approved for CL/AGR on January 27th as part of the County Initiated Pre-existing Commercial FLUA amendments. The amendment proposes to assign Commercial future land use on the entire site allowing up to a maximum of 48,000 square feet of commercial (0.16 FAR) by a condition of approval. The proposed text amendment would allow site to qualify for uses required to be located at Major Intersections by the ULDC. County staff supports FLUA amendment since it is consistent with Board direction to square off the pre-existing sites, and supports the proposed text amendment.</p> <p>Staff Recommendation: <i>Approval with conditions</i></p> <p>LPA Recommendation: <i>Approval with conditions</i>, motion by Sandra Greenberg, seconded by Roberta Levitt-Moccia, passed in a 9-0 vote at the April 8th public hearing. There was minimal discussion and no public comment.</p> <p>BCC Action: <i>Transmit with conditions</i>, motion by Comm. Taylor, seconded by Comm. Vana passed in a 5-2 vote (with Comm. Burdick and Comm. McKinlay dissenting) at the April 27th public hearing. There was minimal board discussion. Two members of the public spoke in opposition.</p> <p>Changes Subsequent to Transmittal: Following transmittal, the proposed text amendment was revised to clarify that the intersection of Acme Dairy Road and Boynton Beach Boulevard is considered as both a major intersection and a collector/arterial intersection.</p>
<p>MOTION:</p>	<p>To <i>adopt an ordinance</i> amending the Future Land Use Atlas and Comprehensive Plan for the West Boynton Center amendment</p>

3.B. Proposed County Initiated Amendments

Name	Description
<p>3.B.1</p> <p>Urban Redevelopment Area Revisions</p>	<p>This proposed amendment would revise the Future Land Use Element for the Urban Redevelopment Area (URA) Priority Redevelopment Areas (PRAs). The amendment proposes to eliminate hurdles to infill and redevelopment by allowing both urban form and suburban style development options as follows:</p> <ul style="list-style-type: none"> • Allowing properties to utilize the future land use and zoning approvals held prior to the adoption of the Urban Center and Urban Infill as an alternative; • Proposing subsequent amendments to restore the prior future land use designation to each property and to develop property development regulations that reflect the unique constraints for these properties. <p>Staff Assessment: The intent is to allow greater development options in the URA PRA commercial corridors (Military Trail, Congress Avenue, and Lake Worth Road). The TCRPC Master Plan recommended, and the County adopted Comprehensive Plan and Zoning regulations including future land use and zoning district changes, to establish mandatory urban form standards through the Urban Center (UC) and Urban Infill (UI) Transects. Although the UC and UI regulations were intended to eliminate hurdles to redevelopment and infill and incentivize redevelopment by allowing additional intensity and density, time has shown that the urban form regulations have replaced one set of obstacles with a different set.</p> <p>Staff Recommendation: <i>Approval</i></p> <p>LPA Recommendation: <i>Approval</i>, motion by Sandra Greenberg, seconded by Lori Vinikoor, passed in an 8-1 vote (with Katherine Murray dissenting) at the April 8th public hearing. Board discussion included comments that the urban form may not be appropriate for the PRA 6 lane roadways, that a modified approach is warranted, and there remains a need to continue to incentivize redevelopment by allowing increased density and intensity. There was no public comment.</p> <p>BCC Action: <i>Transmit</i>, motion by Comm. Vana, seconded by Comm. Taylor passed in a 7-0 vote at the April 27th public hearing. There was minimal board discussion. One member of the public spoke in opposition.</p> <p>Changes Subsequent to Transmittal: Following transmittal, the proposed amendment was revised to eliminate redundancy regarding properties utilizing the prior future land use and zoning approvals. Further, language that directed the ULDC to revise standard zoning districts has been replaced with amendments to eliminate the hurdles identified within the Plan for infill and redevelopment: the requirements for two storey minimum height, blocks, façade, and parking.</p>
<p>MOTION:</p>	<p>To <i>adopt an ordinance</i> amending the Comprehensive Plan for the Urban Redevelopment Area revisions</p>

3.C. Proposed Private Future Land Use Atlas Amendments with Zoning Application

Name	Description
<p>3.C.1 Able Lawnmower (LGA 2015-010) District 2</p>	<p>Current: Commercial Low with an underlying Medium Residential 5 units per acre (CL/5) on 16.58 acres, and Medium Residential 5 units per acre (MR-5) on 3.66 acres, with conditions</p> <p>Proposed: Commercial Low with an underlying Industrial (CL/IND)</p> <p>Size: 20.24 acres</p> <p>Location: North side of Lantana Road, approx. 180 ft west of Haverhill Road</p> <p>Staff Assessment: The proposed future land use change would allow the existing contractor storage yard and lawnmower sales and service shop to continue operation, and would allow the site to be redevelop with either commercial or industrial uses in the future. Staff supports the proposed amendment with the addition conditions of approval.</p> <p>Staff Recommendation: <i>Approval with conditions</i></p> <p>LPA Recommendation: <i>Approval with modified conditions</i>, motion by Katherine Murray, seconded by Thomas Dennis, passed in a 14-1 vote (with Neil Merin dissenting) at the March 11th public hearing. The motion reflected a modification to a condition to limit the uses in the northernmost 50' feet of the "crosshatched area" to exclude parking and vehicular storage. Staff and the applicant concurred with the recommendation and the modified condition is reflected in Exhibit 1. The Commission discussion focused on the intent of the crosshatching and what uses were appropriate in this area of the site considering the neighbors to the north. Two members of the public spoke in opposition citing drainage issues and requesting that parking not be allowed in the northernmost 200' crosshatched area.</p> <p>BCC Action: <i>Transmit as modified at the hearing</i>, motion by Comm. McKinlay, seconded by Vice Mayor Valeche passed in a 7-0 vote at the April 27th public hearing. The motion included incorporating the PLC revised conditions, and further revising Condition number 2 to prohibit parking and vehicular storage on the western 50 feet of the site. Board discussion focused on the types of vehicles that are stored on site and the "crosshatching" conditions to limit uses. Three members of the public (two representatives of Colony Reserve and one representative of the American German Club) spoke in opposition citing the need for additional buffers.</p>
<p>MOTION:</p>	<p>To <i>adopt an ordinance</i> amending the Future Land Use Atlas for the Able Lawnmower amendment.</p>

Name	Description
<p>3.C.2 Able Lawnmower Sales and Service</p> <p>ZV/PDD-2015-01040</p> <p>Control 1982-00053</p> <p>District 2</p>	<p>Title: An Official Zoning Map Amendment to a Planned Development District application of Meloche Rick J Trust & by Wantman Group Inc ., Agent.</p> <p>Request: To allow a rezoning from the Agriculture Residential (AR), Residential Single Family (RS) and Residential Transitional Urban (RTU) Zoning Districts to the Multiple Use Planned Development (MUPD) Zoning District.</p> <p>Applicant: Meloche Rick J Trust</p> <p>Owner: Meloche Rick J Trust & Meloche Paul J Tr & Paul Meloche</p> <p>Agent: Wantman Group, Inc. – Lindsay Libes</p> <p>Project Manager: Carrie Rechenmacher, Senior Site Planner</p> <p>Size: 20.24 acres +/-</p> <p>Location: Approx. 180 ft west of the Haverhill Rd on the north side of Lantana Rd</p> <p>DISCLOSURE</p> <p>Staff Recommendation: <i>Approval</i> of the request subject to 28 Conditions of Approval as indicated in Exhibit C-2.</p> <p>Zoning Commission Recommendation: <i>Approval</i> of an Official Zoning Map Amendment to a Planned Development District with a vote of 5-0-1</p> <p>Zoning Commission Recommendation: <i>Approved</i> a Type II Variance (with conditions) with a vote of 5-0-1</p>
<p>MOTION:</p>	<p>To adopt a resolution approving an Official Zoning Map Amendment to a Planned Development District to allow a rezoning from the Agriculture Residential (AR), Residential Single Family (RS) and Residential Transitional Urban (RTU) Zoning Districts to the Multiple Use Planned Development (MUPD) Zoning District subject to the Conditions of Approval as indicated in Exhibit C-2.</p>

4. PUBLIC HEARING – Amendment Round 16-D Transmittal

4.A. Proposed Private Future Land Use Atlas Amendments

Name	Description
<p>4.A.1 Andalucia Residential (LGA 2016-032) District 6</p>	<p>Current: Low Residential, 3 units per acre (LR-3) on 19.47 acres and Medium Residential, 5 units per acre (MR-5) on 38.57 acres</p> <p>Proposed: Medium Residential, 5 units per acre (MR-5) and revise conditions on the entire site.</p> <p>Size: 58.04 total acres</p> <p>Location: East side of Lyons Road, south of Lake Worth Road</p> <p>Staff Assessment: The proposed future land use change would increase the density on 19.47 acres of the site from 3 units per acre to 5 units per acre, and consolidate conditions of approval on the entire property. The proposed amendment is consistent with FLUE Policy 2.4-b regarding density increases since the proposed change is identified within and supported by the Lake Worth Road Corridor Neighborhood Plan.</p> <p>Staff Recommendation: <i>Approval with conditions - Transmit</i></p> <p>LPA Recommendation: <i>Approval with conditions</i>, motion by Judy Davera, seconded by Neil Merin, passed in a 11-0 vote at the May 13th public hearing. There was minimal Commission discussion and no public comment.</p>
<p>MOTION: To <i>transmit</i> the Andalucia Residential amendment</p>	
<p>4.A.2 Stop & Shop (LGA 2016-023) District 5</p>	<p>Current: Agricultural Reserve (AGR)</p> <p>Proposed: Commercial Low with an underlying Ag. Reserve (CL/AGR)</p> <p>Size: 5.11 acres</p> <p>Location: Southwest corner of SR7/441 and Atlantic Blvd</p> <p>Staff Assessment: The proposed future land use change would assign a commercial future land use designation on a site that has been grandfathered in for a commercial approval of up to 7,980 sf and gas sales with 6 fuel pumps. The amendment proposes to allow up to 40,000 sf of commercial development (0.18 floor area ratio). Staff is recommending denial due to the location of the site on the west side of State Road 7.</p> <p>Staff Recommendation: <i>Denial</i></p> <p>LPA Recommendation: <i>Denial</i>, motion by Neil Merin, seconded by Thomas Dennis, passed in a 8-2 vote (with Lori Vinikoor and Harvey Arnold dissenting) at the June 10th public hearing. The Planning Commission focused on whether additional intensity on the site is appropriate given its location west of State Road 7. There was no public comment.</p>
<p>MOTION: To <i>deny</i> the Stop & Shop amendment</p>	

4.B. Proposed County Initiated Amendments

Name	Description
<p>4.B.1</p> <p>Palmwood Thoroughfare Right of Way Identification Map</p> <p>District 1</p>	<p>This proposed amendment will modify the Thoroughfare Right of Way Identification Map (TIM), TE 14.1, to reduce right of way as follows:</p> <ul style="list-style-type: none"> To reduce the right-of-way depicted for the segment of Palmwood Road from Donald Ross Road to Frederick Small Road from 110 feet to 80 feet. <p>Staff Assessment: This amendment is proposed to reduce the right-of-way depicted on the TIM for a segment of Palmwood Road to reflect the currently built and operating width of this segment. This amendment will not result in the reduction of laneage for the current configuration. This segment is currently 2 lanes and is not planned for any additional lanes in the MPO's adopted 2040 Long Range Cost Feasible Transportation Plan.</p> <p>Staff Recommendation: <i>Approval - Transmit</i></p> <p>LPA Recommendation: <i>Approval</i>, motion by Katherine Murray, seconded by Armand Grossman, passed in a 11-0 vote at the May 13th public hearing. There was minimal board discussion and no public comment.</p>
<p>MOTION:</p>	<p>To <i>transmit</i> the Palmwood TIM amendment</p>

5. PUBLIC HEARING – Small Scale Amendment and Zoning Application

Name	Description
<p>5.A.1</p> <p>Matthew Mini Storage (SCA 2016-027)</p> <p>District 2</p>	<p>Current: Commercial High with an underlying 8 units per acre (CH/8)</p> <p>Proposed: Urban Infill with an underlying/alternative CH (UI/CH)</p> <p>Size: 3.94 acres</p> <p>Location: West side of Military Trail, south of Kelly Drive</p> <p>Staff Assessment: This amendment is proposed to change the future land use designation on a site in the Urban Redevelopment Area from Commercial High/8 to Urban Infill (UI). The property owner of this site opted out of the County initiated amendment to assign Urban Infill in 2008, but has pursued the UI designation at this time to pursue development of a self storage facility.</p> <p>Staff Recommendation: <i>Approval</i></p> <p>LPA Recommendation: <i>Approval</i>, motion by Katherine Murray, seconded by James Brake, passed in a 10-0 vote at the June 10th public hearing. There was minimal discussion and no public comment.</p>
<p>MOTION:</p>	<p>To <i>adopt an ordinance</i> amending the Future Land Use Atlas for the Matthew Mini Storage amendment</p>

Name	Description
<p>5.A.2 Matthew Mini Storage Z/W-2016-00094 Control 1986-00062 District 2</p>	<p>Title: An Official Zoning Map Amendment application of Trico Investments - Michael Rolfes by Jon E Schmidt & Associates, Agent.</p> <p>Request: To allow a rezoning from the General Commercial (CG) Zoning District to the Urban Infill (UI) Zoning District.</p> <p>Title: A Type II Waiver of Trico Investments - Michael Rolfes by Jon E Schmidt & Associates, Agent.</p> <p>Request: To reduce the setback for outdoor uses from a non-Priority Redevelopment Area (PRA) residential use; to allow a shorter side of the building fronting on a street; to increase the building placement along a primary frontage; to reduce the percentage of building frontage and to eliminate the requirement for Civic and usable open space.</p> <hr/> <p>Applicant: Trico Investments – Michael Rolfes Owner: Howel Garolsky Agent: Jon E. Schmidt & Associates – Damian Brink</p> <hr/> <p>Project Manager: Carlos Torres Size: 3.94 acres +/- Location: West side of Military Trail, south of Kelly Drive</p> <hr/> <p>DISCLOSURE</p> <hr/> <p>Staff Recommendation: <i>Approval</i> of the requests subject to 1 Condition of Approval as indicated in Exhibit C-1 and 6 Conditions of Approval as indicated in Exhibit C-2.</p> <hr/> <p>Zoning Commission Recommendation: <i>Approval</i> of a Type II Waiver with a vote of 6-0-0 Zoning Commission Recommendation: <i>Approval</i> of an Official Zoning Map Amendment with a vote of 6-0-0</p>
<p>MOTION:</p>	<p>To adopt a resolution approving an Official Zoning Map Amendment to allow rezoning from the General Commercial (CG) Zoning District to the Urban Infill (UI) Zoning District subject to Conditions of Approval as indicated in Exhibit C-1.</p>
<p>MOTION:</p>	<p>To adopt a resolution approving a Type II Waiver to reduce the setback for outdoor uses from a non-Priority Redevelopment Area (PRA) residential use; to allow a shorter side of the building fronting on a street; to increase the building placement along a primary frontage; to reduce the percentage of building frontage and to eliminate the requirement for Civic and usable open space subject to the Conditions of Approval as indicated in Exhibit C-2.</p>

6. REGULAR AGENDA

7. COMMENTS

- A. County Attorney
- B. Planning Director

[7.B.1. Request Board Direction on City of Greenacres Annexation](#)

Summary: The City of Greenacres submitted a proposed annexation for 10.89 acres that creates a 0.16 acre enclave. County Staff seeks Board direction on whether to: A) oppose the annexation, or B) pursue entering into an Interlocal Agreement that would annex the enclave into the City. To oppose the annexation, County staff would follow the dispute resolution process pursuant to Chapter 164, F.S. and convey the County's intent at the City Council meeting on September 8, 2016 at the second reading of the annexation.

Staff Recommendation & Motion:

- (A) Oppose the proposed annexation by the City of Greenacres and proceed with the dispute resolution process pursuant to Chapter 164, F.S.
 - or
 - (B) Direct staff to prepare an Interlocal Agreement between Palm Beach County and the City of Greenacres providing for the annexation of an enclave.
- C. Zoning Director
 - D. Executive Director
 - E. County Administrator
 - F. Commissioners

8. 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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