



# Palm Beach County Board of County Commissioners

## Public Hearing Results\*

May 3, 2023

\*Please note that this document is not intended to serve as the official minutes of this hearing.

### 1. CALL TO ORDER

- A. Roll Call
- B. Invocation and Pledge of Allegiance
- C. Proof of Publication - Motion to receive and file

**BCC Action: *Motion to receive and file***, motion by Commissioner Baxter, seconded by Commissioner Barnett passed in a 7 to 0 vote.

### 2. AGENDA APPROVAL

- A. Additions, Deletions, Substitutions

**BCC Action: *Motion to receive and file***, motion by Commissioner Bernard, seconded by Vice Mayor Sachs passed in a 7 to 0 vote

- B. Postponements
- C. Adoption of the Agenda

**BCC Action: *Adopt as amended***, motion by Commissioner Marino, seconded by Vice Mayor Sachs passed in a 7 to 0 vote.

### 3. PUBLIC HEARING – Amendment Round 23-A2 Adoption

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

##### 3.A.1. [60th 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 140th Ave. N. and N. State Road 7 Extension, from 80 feet to 100 feet to allow an ultimate 5 lanes. **District 6.**

**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.

**BCC Transmittal Public Hearing: *Transmit***, motion by Commissioner Baxter, seconded by Commissioner Woodward, passed in a 6 to 0 vote (with Commissioner Bernard absent) at the February 1, 2023 public hearing. Board discussion included the need for east-west connectivity in the area, the need for staff with proficiency in languages commonly spoken in the County to assist with providing information to the public, and procedures regarding property takings and the compensation process. Two members of the public spoke in opposition, citing concerns about the impact of the proposed road on private parcels of land and the need for more information.

**BCC Action: *Adopt***, motion by Commissioner Baxter, seconded by Commissioner Bernard, passed in a 7 to 0 vote at the May 3, 2023 public hearing. There was no board discussion. Two members of the public spoke in opposition, citing concerns regarding stormwater runoff and also requesting additional information. **Ord. 2023-018.**

#### 4. REGULAR AGENDA

##### 4.A. Privately Proposed Text Initiation

##### 4.A.1. [Gold Coast Logistics Text Initiation](#)

**Summary:** The privately proposed text amendment request is to revise Future Land Use Element policies regarding the Commerce (CMR) Future Land Use designation in the Agricultural Reserve Tier specifically to:

- Revise location criteria established in Future Land Use Element (FLUE) Policy 1.5-v to allow sites north of La Reina Road (instead of Rio Grande Avenue) on State Road 7 to be eligible for the Commerce future land use designation. **District 5.**

**Staff Assessment:** Staff recommends the Board deny the request for initiation. The proposed text revision affects an implementing policy regarding the allowable location of the Commerce Future Land Use (FLU) designation in the Agricultural Reserve. The recent adoption of the Commerce FLU designation and its implementing policies were the result of extensive Board discussion and public involvement, and the Board ultimately adopted location criteria in August 2022, which excluded the subject parcel.

**Staff Recommendation: *To deny initiation***

**Planning Commission/LPA Recommendation: *Denial***, motion by Barbara Roth, seconded by Sam Caliendo, passed in a 9 to 0 vote (with Lori Vinikoor abstaining) at the April 14, 2023 public hearing. Commission discussion included questions regarding the current use of the subject site and surrounding properties as well as clarifying the text initiation process. The Commission expressed the need for uses that support agriculture; however, stated that the site was not appropriate for the Commerce designation. Two members of the public spoke in opposition, representing the Tierra Del Rey Property Owners Association and the Alliance of Delray Residential Association, citing concerns with the proposed intensity, compatibility with adjacent residential uses, and an increase in traffic congestion.

**BCC Action: *Initiate***, motion by Commissioner Bernard, seconded by Commissioner Baxter, passed in a 6 to 1 vote (with Vice Mayor Sachs dissenting) at the May 3, 2023 public hearing. Board discussion included questions regarding the existing Commerce location criteria, the current and proposed use of the property, the need for the intended use, as well as clarifying

the text initiation process. Four members of the public spoke in opposition, including representatives of the Tierra Del Rey Property Owners Association, the Alliance of Delray Residential Association, and the Sierra Club Loxahatchee Group, citing concerns with increased development of agricultural lands, compatibility with adjacent residential and equestrian uses, and increased traffic congestion and safety concerns.

#### 4.A.2. [Bedner Farms Agriculture Marketplace Text Initiation](#)

**Comp Plan Text Summary:** The privately proposed text amendment request is to revise the Introduction and Administration (I&A) Element and the Future Land Use Element (FLUE) policies regarding the Agricultural Reserve Tier, specifically to:

- Define Agriculture Marketplace in the I&A; and
- Revise FLUE Policy 1.5.1-q to allow the agriculture marketplace use within the preserve area of an AGR-MUPD. **District 5.**

**ULDC Summary:** A ULDC amendment is necessary to implement the amendment. The ULDC revisions to Article 4, Use Regulations would consist of the following:

- Add Agricultural Marketplace as an allowable use in AGR-MUPD;
- Reduce the minimum contiguous acres from 75 acres to 70 acres; and
- Change minimum acreage requirements from ‘may’ to ‘shall’ under a conservation easement, and allow the Agricultural Marketplace in a preserve area.

**Staff Assessment:** The text amendment proposes to revise existing policy to allow the established Bedner’s Market to remain but allow for the Agriculture Marketplace use in an Agricultural Reserve-Multiple Use Planned Development (AGR-MUPD) Preserve area. Current policy language does not allow for such a use in any AGR preserve area. This represents a fundamental policy change from what the Board adopted in 2012. In proposing this policy change, it could allow for another existing, approved preserve within the Agricultural Reserve to be replaced with the Bedner’s Market Agriculture Marketplace, which is an established use. There would be no increase in the amount of land with a use that is agricultural, that is environmentally sensitive, or furthers other open space purposes. As a result, the proposed change results in no-net-gain of preserve land, nor does the proposed amendment further the existing policies in the Agricultural Reserve Tier. 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 developed policy language or the associated future land use amendment. The ULDC amendments are limited to implementing the proposed text amendment.

**Staff Recommendation:** *To initiate*

**Planning Commission/LPA Recommendation:** *Initiate*, motion by Lori Vinikoor, seconded by Kiley Harper Larson, passed in a 10 to 0 vote at the April 14, 2023 public hearing. Under discussion, Commission members asked questions regarding the potential for an increase in lands designated Commerce because of initiating the amendment, clarification of text within the proposed definition of Agriculture Marketplace and the history of the existing ULDC language. Commission members expressed support for ongoing agricultural operations and activities that support agriculture. Several Commission members indicated that their support of the initiation did not mean they would support amendments if initiated, but would look forward to the additional analysis in a full staff report. There was no public comment.

**BCC Action 1: *Initiate (Comp Plan Text Amendment)***, motion by Commissioner Bernard, seconded by Commissioner Baxter passed in a 7 to 0 vote at the May 3, 2023 public hearing. There was minimal board discussion. Three members of the public, including a representative of the applicant, spoke in support of the initiation. One member of the public spoke in opposition citing concerns for changes to uses allowed within preservation area.

**BCC Action 2: *Initiate (ULDC Text Amendments)***, motion by Vice Mayor Sachs, seconded by Commissioner Marino passed in a 7 to 0 vote at the May 3, 2023 public hearing.

## 5. PUBLIC HEARING – Amendment Round 23-B Transmittal

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

#### 5.A.1. [Biltmore Acres Lantana Rural Enclave Overlay](#)

**Summary:** The Board of County Commissioners initiated this proposed amendment on September 22, 2022, with the intent of establishing this area as a Rural Enclave Overlay, to support the preservation of the current character of the area. The proposed amendment adds policies that encourage the continuation of existing agricultural uses, the retention of native vegetation, and encourage low residential densities within the Overlay by requiring an enhanced level of Board approval (by requiring an affirmative vote of at least 5 members of the Board) for any proposed residential density increases within the boundaries. **District 3.**

**Staff Assessment:** Beginning in October of 2022, Planning Division staff coordinated with property owners and interested parties utilizing several methods to communicate information and solicit community feedback. Community outreach methods performed by staff included creating a public information webpage, hosting virtual informational meetings, and postal mailings to property owners in order to provide notice and request feedback. These outreach efforts are detailed in Part VII, Section B, *Community Participation*. Based on the responses received to date, a majority of responding property owners are in favor of the proposed Overlay.

**Staff Recommendation: *Approval***

**Planning Commission/LPA Recommendation: *Approval*** (as recommended by staff), motion by Lori Vinikoor, seconded by John Carr, passed in a 13 to 0 vote at the March 10, 2023 public hearing. A substitute motion was made by Barbara Roth, seconded by Jay Nisberg, failed in a 5 to 8 vote (with Penny Pompei, John Carr, Rick Stopek, Sarah Pardue, Lori Vinikoor, Angella Vann, David Serle and Sam Caliendo dissenting) for approval with modifications to proposed policy 2.2.1-b to delete the word “encourages” and replace it with “allows only”. Commission discussion included support of the proposed overlay and desire for strengthening the language to protect the rural lifestyle of the area. Sixteen members of the public spoke in support of the amendment citing a desire to retain the low density and agricultural character of the area, traffic concerns, and current development applications. A representative of two property owners along Fearnley Road requested revisions to the proposed policies, which is included in the correspondence exhibit.

**BCC Action: *Transmit***, motion by Commissioner Barnett, seconded by Commissioner Woodward, passed in a 7 to 0 vote at the May 3, 2023 public hearing. The Board discussed potential alternatives over the proposed boundaries of the Overlay and acknowledged the increasing amount of requests for these types of Overlays. Twelve members of the public spoke in support, including representatives of property owners in the Overlay, the Audubon

Everglades, and the Sierra Club Loxahatchee Group. Those in support cited development pressure in the area, the need to protect agricultural and equestrian businesses, wildlife, and the low density character of the community. Three members of the public spoke in opposition, including the applicant for the Lantana Road Residential amendment, citing the need for workforce housing and opposing additional development restrictions.

#### 5.A.2. Commerce Future Land Use Designation Text Updates

**Summary:** This proposed County Initiated amendment would revise text specific to the Commerce (CMR) future land use (FLU) designation within the Agricultural Reserve Tier. Specifically, this amendment proposes to:

- Revise the allowable floor area ratio (F.A.R.) for the Commerce future land use designation within the Agricultural Reserve Tier; and
- Add additional clarification to the location criteria.

**Staff Assessment:** This amendment proposes to revise the CMR FLU adopted by the Board in 2022, specifically within the Agricultural Reserve Tier. The CMR FLU allows light industrial uses and includes location criteria to ensure that each project is appropriately located and compatible with adjacent land uses, and ensures that the approval does not introduce heavy industrial uses, which may not be appropriate at the particular location. As with the other industrial future land use designations, the CMR FLU is allowed in the Urban/Suburban Tier and not within the Rural and Exurban Tiers. The CMR FLU is also allowed within the Agricultural Reserve Tier with location requirements and limits any industrial requests in the Tier to the CMR designation. Based on Board direction, this amendment modifies the maximum allowable floor area ratio and also clarifies location criteria. If adopted by the Board, the revised policies will apply to new applications requesting the CMR future land use designation.

**Staff Recommendation:** *Approval*

**Planning Commission/LPA Recommendation:** *Approval*, motion by Lori Vinikoor, seconded by Sam Caliendo, passed in a 10 to 0 vote at the April 14, 2023 public hearing. Under discussion, the Commission expressed support for the lower floor area ratio and thanked staff for their diligent work in clarifying the Commerce language. There was no public comment.

**BCC Action:** *Transmit*, motion by Commissioner Marino, seconded by Commissioner Woodward, passed in a 5 to 2 vote (with Commissioner Bernard and Commissioner Baxter dissenting) at the May 3, 2023 public hearing. Board discussion included questions related to the adopted Commerce policies, including why Rio Grande Avenue was selected as the southern boundary for eligibility, why the proposed text amendment was initiated and if the amendment impacts applications already in process. Three members of the public spoke supporting the lower floor area ratio and desiring for it to be even lower.

## 5.B. Privately Proposed FLUA and Text Amendments

### 5.B.1. [Erickson Boynton Beach FLUA and Text \(LGA 2023-018\)](#)

**Proposed Text Amendment:** To amend the Comprehensive Plan to allow the subject site to be eligible for the Congregate Living Residential (CLR) future land use designation and revise permitted uses within the required onsite preserve area.

**Proposed FLUA Amendment:** Agricultural Reserve (AGR) on 93.51 acres to Institutional and Public Facilities with an underlying Congregate Living Residential (INST/CLR) on 62.33 acres and Agricultural Reserve on 31.17 acres

**Size:** 93.51 acres **BCC District: Vice Mayor Sachs, District 5**

**Location:** Southside of Boynton Beach Boulevard, approximately 0.6 miles east of Lyons Road

**Summary:** The applicant proposes a future land use amendment on a 93.51 acre site from Agricultural Reserve (AGR) to Institutional and Public Facilities with an underlying Congregate Living Residential (INST/CLR) on 62.33 acres and Agricultural Reserve on 31.17 acres. The request also includes a text amendment to the Comprehensive Plan to:

- Allow additional sites to be eligible for the CLR FLU to include parcels fronting Boynton Beach Boulevard between the Florida's Turnpike and Acme Dairy Road; and
- Allow the required preserve area to be provided onsite and allow the same preserve uses as those within the Essential Housing (EH) FLU (up to 10% of preserve area to contain a water management area with enhanced environmental benefits).

The applicant is proposing 1,192 congregate living facility beds and 70 nursing home beds.

**Staff Assessment:** Staff concurs that congregate living facilities (CLF) provide a variety of services such as independent living, assisted living, and memory care that would assist with providing housing diversity within the Tier. Staff supports the INST/CLR FLU on the subject site as it is consistent with the Agricultural Reserve Master Plan consultant's recommendation for a wide range of housing types and residential institutional uses, including nursing homes, assisted living facilities, and multi-family housing. The proposed request is also compatible with surrounding future land uses and provides a large separation distance to existing homes due to the required preserve area. Staff is recommending two conditions of approval: to limit the site to the CLF and Nursing Home beds in the zoning application and requiring that the adoption of the future land use amendment and zoning application are held on the same date.

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

**Planning Commission/LPA Recommendation:** *Approval with conditions* (as proposed by staff), motion by Barbara Roth, seconded by Dagmar Brahs, passed in a 10 to 0 vote at the April 14, 2023 public hearing. Board discussion included comments regarding the provision of fire rescue services for the project due to the proposed use, the size of the required preserve area, clarification of how CLF beds are calculated and concerns regarding infrastructure in the area, particularly traffic along Boynton Beach Boulevard and Acme Dairy Road. There was no public comment.

**BCC Action:** *Transmit*, motion by Commissioner Bernard, seconded by Commissioner Marino, passed in a 7 to 0 vote at the May 3, 2023 public hearing. Board discussion included questions

regarding the property's current development potential, future land use applications in process near the subject site and traffic impacts in the area. Two members of the public spoke in opposition, representing the Sierra Club Loxahatchee Group, citing concerns regarding the loss of agricultural land and concerns with traffic.

**5.B.2. Indian Trails Grove Agricultural Reserve Exchange (LGA 2022-021)**

**FLUA Summary:** To modify previously adopted conditions of approval and conceptual plan for the Indian Trails Grove site found in Ordinance 2016-041.

**Text Summary:** The privately proposed text amendment request would modify the Western Communities Residential Overlay (WCRO), Western Communities Residential (WCR) future land use designation, modify existing policies and establish new Agricultural Reserve Tier policies as described below:

- Revise the policies of the WCRO & WCR to allow for a 532-acre expansion of Water Resource/Agricultural uses and establish an exchange of development potential for use in the County's Agricultural Reserve Tier;
- Revise Ag Reserve Tier Sub-Objective 1.5.1 to allow for specific Agricultural Reserve Planned Unit Developments (AGR-PUDs) to utilize WCRO land to partially fulfill the 60/40 preserve requirements;
- Establish a new Sub-Objective for an Overlay in the Agricultural Reserve Tier in the "West Hyder" area to allow for a new AGR-PUDs with 1,277 units and institutional uses west of SR-7, using WCRO land as preserve area for AGR-PUDs; and
- Revise the Map Series Special Planning Areas Map LU 3.1 to create a new overlay within the Agricultural Reserve Tier for the West Hyder Overlay area.

**Size:** 4,866.10 acres

**BCC Districts: Comm. Baxter, District 6  
Vice Mayor Sachs, District 5**

**Location:** West of 180th Avenue North, North and West of the M-Canal

**Summary:** *This item was postponed at the August 31, 2022 public hearing.* The intent of the proposed amendment is to revise the Comprehensive Plan to allow land area located in the previously approved Indian Trails Grove project, in the Western Communities Residential Overlay (WCRO) in the County's Rural Tier to become preserve areas for planned developments in the Agricultural Reserve (Ag Reserve) Tier. This change would allow up to approximately 1,600 acres of WCRO land to be used as Ag Reserve Planned Development (AGR-PUD) preserve areas with a density of .80 units per acre. The units that had been approved in the WCRO will be available to be clustered into development areas of AGR-PUDs the Agricultural Reserve Tier.

**Staff Assessment:** The proposed amendment represents a departure from the vision anticipated for the Agricultural Reserve as stated in the Comprehensive Plan objectives and policies. However, the proposal offers a potential to achieve a long term outcome that could improve regional water management and the movement of water to the Lake Worth Lagoon and

potentially even the Loxahatchee Slough and River system, as well as the potential to store water during periods of inundation, and address water quality within the L-8 Basin. Since the initiation of the amendment in February 2022, the applicant proposed constructing an approximately 750-acre above ground reservoir for approximately 3,000 acre-feet of storage and water quality treatment. Although this is a significant regional benefit that could ultimately be achieved, it will require a lengthy revision process in amending existing, approved state and federal water management plans and permits, and could take two-or-more years to complete permitting and construction. Furthermore, allowing dwelling units to be shifted from one geographic area of the County to another is a significant policy departure for the County, with significant repercussions for the County's Managed Growth Tier System. These include the potential for subsequent amendment requests, not only from the WCRO, but from any other location in the County.

**Staff Recommendation: *Denial***

**Planning Commission/LPA Recommendation: *Denial***, motion for approval by Glenn Gromann, seconded by Spencer Siegel, failed in a 4 to 8 (with Barbara Roth, Lori Vinikoor, Dagmar Brahs, Sara Pardue, Marcia Hayden, Rick Stopek, David Serle, and Cara Capp dissenting) at the August 12, 2022 public hearing. Under discussion, Commission members asked questions regarding the proposed water resources project, including how the proposal improves regional water quality, the feasibility of the project, estimated construction and maintenance costs, and alternative sites that could achieve a regional water benefit. The Commission also discussed the broader policy implications to the Comprehensive Plan and the proposed workforce housing percentages and income ranges. Four members of the public spoke in support citing the water resource benefit provided by the project to assist in solving regional water issues. Eleven members of the public spoke in opposition including the representatives from the Coalition of Boynton West Residential Associations (COBWRA), Sierra Club Loxahatchee Group, Everglades Law Center, and 1,000 Friends of Florida, citing fundamental changes to the Agricultural Reserve, loss of farmland, and equestrian concerns around Sunshine Meadows.

**BCC Action: *Transmit (with direction)***, motion by Commissioner Baxter, seconded by Commissioner Marino, passed in a 5 to 2 vote (with Commissioner Woodward and Vice Mayor Sachs dissenting) at the May 3, 2023 public hearing. Direction by the Board included requiring the applicant to provide 200 acres in Indian Trails Grove for an active park with campground and ATV uses (reflected as new condition of approval #27 in Exhibit 1-A); as well as for staff to discuss with the applicant details regarding providing infrastructure to the site, and designing and constructing the facility. In addition, the Board authorized staff to move forward with a third party analysis for a consultant to review the impact of development west of State Road 7 in the Agricultural Reserve Tier.

Additional deliberations consisted of other details of the proposal as further described and the Board directed staff to discuss these items with the applicant prior to the adoption hearing. Regarding the West Hyder site, the Board discussed the proposed 100-acre passive park. Items for consideration included ownership/county acceptance of the site, whether the trail surrounding the lake should be for pedestrian or equestrian uses and maintenance/insurance responsibilities of the trail. The applicant suggested an alternative equestrian path along the western edge of the open space and lake connecting to White Road to the north. County staff also suggested a scenario whereby the applicant could retain ownership, build and maintain the

trails, while providing public access. County staff indicated the need for active uses due to the proposed residential use and high demand at nearby parks. The applicant stated that regarding the 25-acre portion of the park they are proposing to fill, they will provide a parking area and bathroom facilities should the County choose to put in active park uses. Vice Mayor Sachs asked if the applicant could provide a boundless park. The applicant stated that they could not commit without understanding the cost and will discuss it with the Parks department. Staff also stated that as an additional consideration for the Board, the County is not currently budgeted to construct or maintain the proposed park.

Regarding Indian Trails Grove, the Board discussed the proposed condition of approval #26, which ties the conveyance of the 1,600 acres to the County to the issuance of the first residential building permit in the Indian Trails Grove development. Staff expressed concerns regarding this condition because it is not known when the development would break ground. Staff stated that the Board has the option to tie the conveyance to the issuance of permits at West Hyder. The applicant stated that they have no issue with tying the two, and will agree to cap the building permits at West Hyder and work with staff on reasonable phasing.

The County's Water Resource Manager stated the following considerations for the water project to work with the applicant prior to adoption, including pursuing configurations that result in the lowest operational cost and are most desirable for potential takeover by SFWMD (including remote control and telemetry), to continue in the plans a culvert from M Canal to ITID L-Canal for operational flexibility and to address the side slopes of the borrow pit (at West Hyder) for safety. Regarding the 200-acre ATV (OHV) Park and campground, staff stated that additional direction to understand expectations would be needed. Staff also stated that as an additional consideration for the Board, the County does not have funds budgeted to construct or maintain the proposed expansion of Samuel Friedland Park.

Overall, Board discussion included benefits of the proposal through the preservation of active farmland, reducing development in an area with infrastructure (roadways, flooding) issues, providing additional workforce housing and civic uses, setting aside 200 acres for an active park (camping and ATV) for the Loxahatchee area, and providing water storage and quality improvements. Board discussion also included uncertainty with the cost, operational and liability issues of the water project, concerns that policy changes to Agricultural Reserve preserves should be considered deliberately with an understanding of the implications and the potential impact of housing adjacent to the Loxahatchee National Wildlife Refuge.

Thirty-seven members of the public, including representatives of Stonebridge HOA, Hundley Farms, West Boca Community Council, Sunshine Meadows and In the Pines, spoke in support. Those in support cited the addition of workforce housing, provision of civic land dedication for community organizations and water quality improvement for Grassy Waters and the Loxahatchee River. Thirty-one members of the public, including representatives of 1,000 Friends of Florida, Sierra Club Loxahatchee Group, Audubon Everglades, Alliance of Delray, Coalition of Boynton West Residential Associations, Sustainable Palm Beach County, and the Everglades Law Center spoke in opposition. Those in opposition stated that the proposal could set a precedent regarding preserves with conservation easements, expressed concerns regarding the impact to adjacent equestrian uses and stated that the water project will not be beneficial.

## **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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