



Palm Beach County Amendment Round 23-B Transmittal Executive Summary - Table of Contents

A. County Proposed Text and Map Series Amendments

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.

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.

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 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.

B. Privately Proposed FLUA and Text Amendments

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

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 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.

B.2. [Indian Trails Grove Agricultural Reserve Exchange \(LGA 2022-021\)](#)

Summary: 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 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.