



Palm Beach County Board of County Commissioners

Public Hearing Results

February 2, 2022

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 Vice Mayor Weiss, seconded by Commissioner Bernard passed in a 6 to 0 vote (with Commissioner Kerner absent).

2. Agenda Approval

- A. Additions, Deletions, Substitutions
- B. Postponements
- C. Adoption of the Agenda

BCC Action: *Motion to adopt the agenda*, motion by Vice Mayor Weiss, seconded by Commissioner Bernard passed in a 6 to 0 vote (with Commissioner Kerner absent).

3. PUBLIC HEARING – CIE and Amendment Round 22-A Adoption

3.A. County Proposed CIE Adoption

3.A.1. [Annual Capital Improvement Element \(CIE\) Tables](#)

Summary: This proposed text amendment is to update the Comprehensive Plan to reflect the annual Capital Improvement Program including the 5 Year Road Program and capital improvements identified by the School District.

Staff Assessment: The Planning Commission and BCC Transmittal Hearings are not required for this item. Annual table updates only require one public hearing.

Staff Recommendation: To *adopt an ordinance* for the CIE Annual Update.

MOTION: To *adopt an ordinance* for the CIE Annual Update.

BCC Action: *Adopt*, motion by Commissioner Marino, seconded by Vice Mayor Weiss, passed in a 6 to 0 vote (with Commissioner Kerner absent) at the February 2, 2022 public hearing. There was minimal discussion and no public comment. **Ord. 2022-003.**

3.B. County Proposed Text and Map Series Amendments 22-A Adoption

The amendments for adoption in Round 22-A were transmitted by the Board on November 3, 2021 and reviewed by State Land Planning Agency under Round 21-08ESR. There were no comments on the amendments in their review letter dated December 15, 2021, and no negative comments received from state review agencies.

3.B.1. [Westgate/Belvedere Homes CRA TCEA Modifications](#)

Summary: This amendment proposes to revise the Transportation Element to delete the conditions associated with the Westgate/Belvedere Homes Community Redevelopment Area (CRA) Transportation Concurrency Exception Area (TCEA) because they are no longer appropriate in light of the proportionate share legislation. **Commission Districts 2 & 7.**

Staff Recommendation: *Approval*

Planning Commission/LPA Recommendation: *Approval*, motion by Rick Stopek, seconded by Glenn Gromann, passed in a 14 to 0 vote at the August 13, 2021 public hearing. Under discussion, Commission member asked whether the deleted conditions will be covered by the Unified Land Development Code (ULDC). Staff stated that some of the conditions have been completed, and some are implemented through the zoning/DRO process.

BCC Transmittal Public Hearing: *Transmit*, motion by Commissioner Weiss, seconded by Commissioner McKinlay, passed in a 6 to 0 vote (with Commissioner Bernard absent) at the November 3, 2021 public hearing. There was minimal Board discussion and no public comment.

MOTION: To *adopt an ordinance* for the Westgate/Belvedere Homes CRA TCEA amendment.

BCC Action: *Adopt*, motion by Commissioner Bernard, seconded by Commissioner McKinlay, passed in a 6 to 0 vote (with Commissioner Kerner absent) at the February 2, 2022 public hearing. There was minimal discussion and no public comment. **Ord. 2022-004.**

3.B.2. [Pioneer Road Rural Enclave Overlay](#)

Summary: This amendment proposes to revise the Comprehensive Plan to establish an Overlay for the Pioneer Road Neighborhood Plan area. Specifically, the amendment proposes to add a new Sub-Objective and policies to establish the Pioneer Road Rural Enclave Overlay; and add a note to the Special Planning Areas Map (LU 3.1) Map Series stating that the boundaries of the depicted Pioneer Road Neighborhood Plan also reflect the new Overlay. **Commission District 2.**

Staff Recommendation: *Approval*

Planning Commission/LPA Recommendation: *Approval with modifications, with recommendation to delete the super majority vote requirement for New Policy 1.2.7-b*, motion by Spencer Siegel, seconded by Barbara Roth, passed in an 11 to 2 vote (with John Carr and Rick Stopek dissenting) at the October 1, 2021 public hearing. Under discussion, Commission members had concerns about the proposed policy that would require approval by at least five members of the Board of County Commissioners for applications that increase density. The Commission also deliberated the Overlay boundaries, including the boundary bisecting Winner's Church and a potential "opt out" for property owners within the Overlay. The Commission also

recognized the traffic issues affecting the properties fronting Pioneer Road immediately west of Jog Road. There were four members of the public who spoke in support of the proposed Overlay, in addition to one comment card in support but not wishing to speak. There were eight members of the public who spoke in opposition, and requested to be excluded from the Overlay.

BCC Transmittal Public Hearing: *Transmit as recommended by staff*, motion by Commissioner Weiss, seconded by Commissioner McKinlay, passed in a 6 to 0 vote (with Commissioner Bernard absent) at the November 3, 2021 public hearing. Under discussion, Commissioners asked about the history of the overlay area and discussed the potential for property owners to “opt out” of the overlay or adding language for an overlay transition zone for properties near Jog and Pioneer Road. The Board also discussed the requirement for approval by at least 5 BCC members, property development rights and ability for property owners within the overlay to apply for future land use changes. Twenty-nine members of the public, including representatives of the Pioneer Road Property Owners Association, spoke in support of the overlay citing the need to protect this area. Nine members of the public, including legal counsel representing property owners, spoke in opposition of the overlay language as presented by staff and requested the Board to consider a transitional zone or to be removed from the overlay boundary. One member of the public representing the Palm Beach Farms Rural Preservation Committee LLC spoke in opposition. Fifty-nine comment cards in support were entered into the record. In addition, twenty-five additional correspondence was received (see Exhibit 2D).

MOTION: To ***adopt an ordinance*** for the Pioneer Road Rural Enclave Overlay amendment.

BCC Action: *Adopt with modifications*, to exclude 6501, 6517, and 6529 Pioneer Road and the Winner’s Church property from the Overlay boundary, motion by Vice Mayor Weiss, seconded by Commissioner Bernard, passed in a 6 to 1 vote (with Mayor Weinroth dissenting) at the February 2, 2022 public hearing. The modifications are shown in double underline and double strikethrough in Exhibit 1-A and the boundary of the Overlay as depicted on the Special Planning Areas Map was updated in Exhibit 1-B. An additional map is provided to illustrate the adopted boundary and also parcels that were excluded from the Overlay based on the Board’s action. Under discussion, the Board asked questions regarding the inclusion of the opposed residents in Pioneer Road Property Owners Association (PRPOA) meetings, the impetus of the neighborhood plan and the future plans for the Kahn property. Vice Mayor Weiss acknowledged the residents from the PRPOA for creating a compromised solution and Mayor Weinroth qualified that the Overlay does not preclude anyone from submitting an amendment at any time. Eight members of the public, including a representative of the PRPOA and Winner’s Church, spoke in support of the compromised solution. Two members of the public spoke in opposition citing the desire to be removed from the Overlay boundaries. One member representing the Palm Beach Farms Rural Preservation Committee LLC articulated his concerns regarding the proposed Overlay language. The PRPOA provided a letter outlining an agreement with the property owners of the parcels to be excluded from the Overlay. An additional letter of correspondence was received prior to the hearing (see Exhibit 2E). **Ord. 2022-005.**

3.C. Privately Proposed Amendments in Ag Reserve 22-A Adoption

3.C.1. [Las Farms \(LGA 2022-001\)](#)

Proposed FLUA Amendment: From Agricultural Reserve (AGR) to Industrial, with an underlying Agricultural Reserve (IND/AGR)

Size: 6.95 acres **BCC District: Comm. Sachs, District 5**

Location: West side of State Road 7, approx. 0.5 miles north of Boynton Beach Blvd.

Summary: The 6.95 acre subject site is located in the Agricultural Reserve Tier. The amendment is proposing to allow for industrial uses on the site located on the west side of State Road 7. The applicant has proposed two conditions of approval to prohibit heavy industrial uses and to prohibit commercial uses with the exception of landscape service, self-service storage and accessory uses.

Staff Recommendation: *Denial*

Planning Commission/LPA Recommendation: *Approval with conditions*, motion by Spencer Siegel, seconded by John Carr, passed in a 9 to 4 vote (with Barbara Roth, Dagmar Brahs, Sara Pardue and Cara Capp dissenting) at the October 1, 2021 public hearing. Under discussion, Commission members expressed support for the application due to the need for additional uses, deliberated the existing use and limitations of the subject site, and supported the concept of light industrial. Eight members of the public spoke and twelve comment cards were read into the record in support of the proposed amendment.

BCC Transmittal Hearing: *Transmit*, motion by Commissioner McKinlay, seconded by Vice Mayor Weinroth, passed in a 5 to 1 vote with Mayor Kerner dissenting (Commissioner Bernard absent) at the November 3, 2021 public hearing. Under discussion, Commissioners asked about the potential for the colocation of the existing nursery with landscape service, and requested for the applicant to meet with the Coalition of Boynton West Residential Association (COBWRA) to discuss the project and have a site plan for the Board to consider at the adoption hearing. Thirteen members of the public and the two property owners spoke in support citing the need for local industrial storage and is a good location for landscape services due to its access on to State Road 7. Two members of the public representing the Sierra Club spoke in opposition, citing the need to maintain agricultural uses and to limit industrial uses west of State Road 7. In addition, a letter from Robert Hartsell representing 1000 Friends and Sierra Club Loxahatchee Group and a letter from Lori Vinikoor representing Alliance of Delray Residential Associations were submitted (see Exhibit 10).

Subsequent to the BCC Transmittal Hearing: The applicant in December 2021 submitted a rezoning application (Z-2021-2124) from Agricultural Reserve (AGR) to Light Industrial (IL) for a landscape service use.

MOTION: To *adopt an ordinance* for the Las Farms amendment.

BCC Action: *Adopt*, motion by Commissioner Kerner, seconded by Commissioner McKinlay, passed in a 7 to 0 at the February 2, 2022 public hearing. Under discussion, the Commissioners recognized that the applicant and agent addressed concerns regarding proposed uses on the site and that the amendment assists with solving the landscape service issue in Heritage Farms at an appropriate location. The two property owners and the broker for the property spoke in support. Five members of the public including one member representing the Sierra Club Loxahatchee Group spoke in opposition citing concerns of development west of State Road 7. **Ord. 2022-006.**

4. PUBLIC HEARING – Amendment Round 22-A2 Transmittal

4.A. Privately Proposed Amendments in the Agricultural Reserve

4.A.1. [Atlantic Commercial & Self-Storage \(LGA 2022-004\), Feurring II \(LGA 2022-008\), and Seneca II \(LGA 2022-009\)](#)

Proposed FLUA Amendments: Atlantic Commercial & Self-Storage - from Agricultural Reserve (AGR) to Commercial Low, with an underlying Agricultural Reserve (CL/AGR);
Feurring II – to adopt conditions of approval; and
Seneca II – to revise conditions of approval

Size: 19.30 acres (total) **BCC District: Comm. Sachs, District 5**

Location: Southeast corner of Atlantic Avenue and Lyons Road

Summary: This is a three-part request in the Agricultural Reserve Tier that will revise previously adopted conditions of approval to reduce the maximum allowable commercial square footage on the Feurring II and Seneca II sites. This will release 13,444 square feet from the commercial cap to be utilized by Atlantic Commercial and Self-Storage, which is proposing a future land use amendment on 9.89 acres from Agricultural Reserve (AGR) to Commercial Low with an underlying Agricultural Reserve (CL/AGR).

Staff Assessment: The subject site meets the commercial location requirements for the Tier, falls within the commercial cap, and the site is adjacent to the west to commercial uses. The request for commercial future land use is appropriate at this location, and is compatible with surrounding land uses. The inclusion of the staff recommended conditions of approval to limit the commercial square footage and require connectivity to the adjacent commercial will ensure that the request is consistent with Comprehensive Plan policies.

Staff Recommendation: *Approval with conditions*

Planning Commission/LPA Recommendation: *Approval with modifications, to modify Condition 1 to 100,00 square feet of self-storage uses*, motion by Lori Vinikoor, seconded by Barbara Roth, passed in a 13 to 1 vote (with Cara Capp dissenting) at the January 14, 2022 public hearing. Under discussion, Commission members asked about the timing and inspection process for the brownfield designation, the maximum square footage of the self-storage use and the location of the new preserve areas. One member of the public spoke in opposition stating there is no need for additional commercial in the Tier. Another member of the public spoke in support stating the development is an example of good planning practices with connectivity and there is a need for these services.

MOTION: To *transmit* the Atlantic Commercial and Self-Storage, Feurring II and Seneca II amendments.

BCC Action: *Postpone to May 4, 2022*, motion by Vice Mayor Weiss, seconded by Commissioner Sachs, passed in a 7-0 vote at the February 2, 2022 public hearing. An initial motion by Commissioner Kerner, seconded by Commissioner Sachs to reorder the agenda to move the item to after agenda item 5.A.1 was made. A substitute motion to transmit by Commissioner McKinlay, seconded by Commissioner Marino failed in 3 to 4 vote (with Commissioner Bernard, Kerner, Sachs and Vice Mayor Weiss dissenting). A motion to reconsider, by Vice Mayor Weiss, seconded by Commissioner McKinlay, passed in a 4 to 3 vote (with Commissioner Bernard, Sachs and Kerner dissenting). During discussion, Commissioners asked questions regarding the amendment's consistency with Comprehensive Plan policies, whether the amendment provides the required preserve areas, and the need for self-storage uses. Commissioner McKinlay stated that it would be appropriate at the next Transportation Planning Agency meeting to discuss the timing of the Lyons Road improvements in coordination with Florida Department of Transportation's expansion of Atlantic Avenue. Four members of the public, including a representative of Sierra Club Loxahatchee Group, spoke in opposition citing the traffic on Atlantic Avenue and about preservation of the Agricultural Reserve.

5. REGULAR AGENDA

5.A. Amendment Round 22-B2 Initiation

Introduction: The two agenda items below are provided for Board consideration for initiation. The initiation step allows the Board to consider County and privately proposed changes to the Comprehensive Plan prior to staff working on detailed analyses and staff reports. The complete staff report for each amendment would return to the Board for discussion at subsequent hearings. Initiation does not obligate the Board to future action. The proposed amendments may require subsequent changes to the Unified Land Development Code.

5.A.1. [Indian Trails Groves – Agricultural Reserve Exchange Privately Proposed Initiation](#)

Introduction: The item before the Board is to consider the initiation of a privately proposed amendment to the Comprehensive Plan, also considered "Phase I". If the amendment is initiated, staff will accept the associated future land use amendments, and return to the Board with the two amendments through the public hearing process as part of "Phase II".

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 (AGR) Tier policies to allow the processing of a future land use amendment on the site as described below:

- Revise the policies of the WCRO & WCR to allow for a 532-acre expansion of Water Resource/Agricultural uses and establish a bank of development potential for use in the County's AGR Tier;
- Revise AGR 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 AGR Tier in the “Hyder West” area to allow for new residential and institutional development west of SR7, 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 AGR for the Hyder West area.

Staff Assessment: Staff supports the initiation of the proposed text amendment to provide an 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 amendments. Staff would prepare data and analysis, and present the final recommendation on the text and future land use amendment at subsequent public hearings. **Commission Districts 5 & 6.**

Staff recommendation: *To initiate*

Planning Commission/LPA Recommendation: *To deny initiation*, motion by Cara Capp, seconded by Barbara Roth, passed in a 9 to 4 vote (with John Carr, Sara Pardue, Penny Pompei and Angella Vann dissenting) at the January 14, 2022 meeting. A motion to recommend initiation failed in a vote of 4 to 9. Under discussion, the Commission asked questions regarding the location of the water resources area, asked for clarification on the BCC’s action on December 15th, and staff time needed to review the application. Two members of the public spoke in opposition stating the need to protect the Agricultural Reserve. One member of the public spoke in support citing the water quality benefits for the County and need for additional workforce housing.

MOTION: *To initiate* the Indian Trails Grove Agricultural Reserve Exchange Text amendments.

BCC Action: *To initiate the proposed text amendment*, motion by Commissioner McKinlay, seconded by Commissioner Marino passed in a 4 to 3 vote (with Commissioners Bernard, Sachs and Kerner dissenting) at the February 2, 2022 meeting. Under discussion, the Board discussed the potential for countywide benefits regarding water resources, the impacts of changing development approvals in the Rural and Agricultural Reserve Tiers, and affordable and workforce housing requirements. The Board indicated that it was initiating the amendment to get more information on the proposal for consideration, and that initiation does not mean it will support the project at transmittal and/or adoption. Thirteen members of the public, including representatives of the Sierra Club Loxahatchee Group and 1,000 Friends of Florida, spoke in opposition citing overgrowth and the impact to the Agricultural Reserve and the need to preserve these areas. Eight members of the public, including representatives of Indian Trails Improvement District and the West Boca Community Council, spoke in support citing the long-term water benefits and the need for additional workforce housing.

5.A.2. County Proposed Amendment Initiation

Summary. The item before the Board is to consider the initiation of proposed amendments to the Comprehensive Plan requested by County departments as summarized below.

- Text amendments requested by the Department of Housing and Economic Development (DHED) to establish the Economic Element; **All Districts.**
- Text amendments to the Health and Human Services Element to update the Element to reflect the current system of care in Palm Beach County at the request of the Department of Community Services; **All Districts.**
- Text amendments to add a third industrial future land use designation named Commerce (CMR) to accommodate light industrial uses; **All Districts.**
- Text amendments to establish policy direction for new industrial designations in the Agricultural Reserve Tier limited to the new light industrial Commerce (CMR) future land use designation; **Districts 5 and 6.**
- Text amendments to allow higher density residential development in the Agricultural Reserve Tier, to facilitate the provision of workforce housing. **Districts 5 and 6.**

Staff Recommendation: *To initiate*

Planning Commission/LPA Recommendation: *To recommend initiation of the Economic Element, Health and Human Services Element, text amendments for new Commerce FLU and Commerce FLU in Agricultural Reserve*, motion by Dagmar Brahs, seconded by Barbara Roth, passed in a 13 to 0 vote at the January 14, 2022 meeting. The PLC also voted to *recommend initiation of the AGR Multifamily text amendment*, motion by Penny Pompei, seconded by John Car, passed in a 10 to 3 vote (with Barbara Roth, Dagmar Brahs, and Cara Capp dissenting). A motion to deny initiation failed in a 3 to 10 vote. Under discussion, PLC members expressed support for light industrial uses but had concerns regarding additional density in the Agricultural Reserve. Two members of the public spoke in opposition to projects that increase density in the Tier. One member of the public spoke in support citing the need for additional workforce housing and diverse housing stock.

MOTION: *To initiate* the proposed County text amendments.

BCC Action: *To initiate the Health and Human Services Element and Economic Element text amendments*, motion by Commissioner Kerner, seconded by Commissioner McKinlay passed in a 7 to 0 vote at the February 2, 2022 public hearing. Under discussion, Commissioner McKinlay requested for staff to look into adding substance use disorder policies in the Comprehensive Plan. *To initiate the Commerce FLU text amendments*, motion by Commissioner Marino, seconded by Commissioner McKinlay passed in a 7 to 0 vote at the February 2, 2022 public hearing. *To initiate the Industrial Future Land Use in the AgR Tier text amendments* with direction to provide preserve area requirement options (16 or 50 acres) for the Board to consider, motion by Commissioner Marino, seconded by Vice Mayor Weiss passed in a 7 to 0 vote. *To initiate the AgR Multifamily text amendment*, motion by Commissioner Marino, seconded by Commissioner Sachs passed in a 7 to 0 vote. Nine members of the public spoke in support of the Agricultural Reserve related text amendments with recommendation to increase the acreage required to provide a preserve to 50 acres. Three members of the public spoke in opposition to changes in the AGR Tier.

6. COMMENTS

- A. County Attorney
- B. Planning Director
- C. Zoning Director
- D. Executive Director
- E. Assistant County Administrator
- F. Commissioners

7. ADJOURNMENT

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