



Palm Beach County Board of County Commissioners

Public Hearing Results

May 4, 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 Commissioner Bernard, seconded by Commissioner Kerner passed in a 7 to 0 vote.

2. Agenda Approval

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

BCC Action: *Motion to postpone Item 3.B.1 Brentwood of Wellington*, motion by Commissioner McKinlay, seconded by Vice Mayor Weiss passed in a 7 to 0 vote.

- C. Adoption of the Agenda

BCC Action: *Motion to adopt the agenda*, motion by Commissioner Kerner, seconded by Vice Mayor Weiss passed in a 7 to 0 vote.

3. PUBLIC HEARING – Amendment Round 22-B Transmittal

3.A. Privately Proposed Amendments in the Agricultural Reserve Tier

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

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: *Transmit*, motion by Vice Mayor Weiss, seconded by Commissioner Marino, passed in a 7 to 0 vote at the May 4, 2022 public hearing. There was minimal board discussion. One member of the public spoke in support, citing staff's support of the proposed amendment and that the site will provide interconnectivity to adjacent commercial parcels.

3.A.2. [West Atlantic Industrial Fina \(LGA 2022-018\)](#)

Summary: The amendment proposes to allow up to 198,176 square feet of light industrial uses on a site west of State Road 7 in the Agricultural Reserve Tier. 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 Assessment: The subject site is located within the Agricultural Reserve Tier, and the addition of industrial in the Tier was not supported by the Board of County Commissioners (BCC) at the time the Master Plan was completed. Therefore, unlike the commercial future land use designation, there is no policy guidance in the Plan directing the appropriate locations, extent, intensity, and uses for this designation within the Tier. Although the applicant's proposed conditions of approval may mitigate some staff concerns regarding potential uses on the site, the lack of comprehensive policy guidance and a site plan preclude staff from making a finding that the requested industrial land use is appropriate and compatible for the subject location. Furthermore, County-Initiated text amendments are currently in process to establish policy guidance for all new industrial requests, through the newly proposed Commerce future land use. The Board has not had an opportunity to provide direction regarding the location and extent of new industrial uses in the Tier, rendering the request premature.

Staff Recommendation: *Denial*

Planning Commission/LPA Recommendation: *Denial*, motion by Glenn Gromann, seconded by Barbara Roth, passed in an 8 to 1 vote (with Edwin Ferguson dissenting) at the April 8, 2022 public hearing. The Commission discussion included comments and questions regarding the suitability of the site for industrial, the access onto Atlantic Avenue, the history of the SFWMD owned lands surrounding the property, the impact of a future FP&L electrical substation to the south, the unknown intensity and use proposed for the site, and the concurrent County Initiated

text amendment in process. Two members of the public spoke in opposition, representing the Loxahatchee Group of the Sierra Club and 1,000 Friends of Florida, citing that the proposed amendment would be incompatible with the surrounding preserves and agricultural uses, and further degrade the character and environment of the Agricultural Reserve. One member of the public spoke in support, citing that the amendment could provide a location for small businesses such as landscape service to locate in proximity to the customers they serve.

MOTION: To *deny* the West Atlantic Industrial Fina amendment.

BCC Action: *Denial*, motion by Commissioner McKinlay, seconded by Commissioner Bernard, passed in a 6 to 1 vote (with Mayor Weinroth dissenting) at the May 4, 2022 public hearing. Board discussion included comments regarding the status of the proposed text amendments within the Tier, ownership and history of preserve parcels north of the site, the unsuitability of a single-family dwelling on the site and whether the applicant had sought to preserve a portion of the subject site. Six members of the public spoke in opposition, including a representative of 1,000 Friends of Florida and Sierra Club Loxahatchee Group, citing negative environmental impacts, inadequate justification by the applicant, and a piecemeal approach to development within the Tier. Five members of the public spoke in support, including the property owner and family members, citing a need for small businesses such as landscape service to locate in proximity to customers, the changed built conditions within the Tier, and the detrimental effects imposed on their quality of life.

3.B. Privately Proposed Amendments in the Urban/Suburban Tier

3.B.1. [Brentwood of Wellington \(LGA 2022-020\)](#)

Summary: The amendment is requesting to delete previously adopted conditions of approval for portions of the site approved for the development of a congregate living facility. The proposed amendment results in an increase in residential development potential from 25 to 82 units. In addition, the concurrent zoning application includes a request for a 100% density bonus through the Workforce Housing Program (WHP) and the purchase of 31 Transfer of Development Rights (TDRs) for a total of 194 units (19 units per acre).

Staff Assessment: The amendment is consistent with the Comprehensive Plan policy that establishes TDRs as the required method of increasing density. In addition, the applicant is proposing a 100% WHP bonus density. However, staff is recommending the 80% WHP bonus density based on the point system, resulting in a total 178 units (17 units per acre). The request for higher density is appropriate due to site's location and access along an arterial roadway and the site plan provides for significant separation distances from the adjacent residential. Consistent with previous staff recommendations, proposed conditions include requiring the full purchase of available TDRs and requiring 25% of the total units as on-site workforce housing. Staff is proposing additional conditions of approval such as capping the maximum number of units to 178, a maximum height restriction of three stories, and requiring that the adoption hearing of the future land use amendment and zoning applications be held on the same date.

Staff Recommendation: *Approval with modifications*

Planning Commission/LPA Recommendation: *Denial*, motion by Barbara Roth, seconded by Marcia Hayden, passed in a 6 to 5 vote (with Lori Vinikoor, Glenn Gromann, Angela Vann, Spencer Siegel and Penny Pompei dissenting), at the April 8, 2022 public hearing. An initial

motion by Spencer Siegel, seconded by Glenn Gromann for approval with staff's modifications, failed in a 5 to 6 vote (with Edwin Ferguson, Cara Capp, Rick Stopek, Marcia Hayden, Dagmar Brahs and Barbara Roth dissenting). The Commission discussion included comments and questions regarding the previous condition of approval for the CLF, the traffic impacts to the corridor, the proposed density and surrounding residential density, and layering of density bonuses through the WHP and TDRs programs with the amendment process. Thirteen members of the public spoke in opposition, including representatives of the Thoroughbred Lakes Estates and Fieldstone HOAs. Members of the public stated that the proposed development is not compatible with the area, the proposed building would create visual impacts, property values would decrease, and issues related to drainage and increased traffic.

MOTION: To *transmit* the Brentwood of Wellington amendment.

BCC Action: *Postpone to August 31, 2022*, motion by Commissioner McKinlay, seconded by Vice Mayor Weiss passed in a 7 to 0 vote. Commission discussion included the need for workforce housing and willingness of adjacent residential communities to work with the applicant regarding concerns with the proposed multistory buildings. There was no public comment.

3.B.2. Villages of Windsor SE Residential (LGA 2022-017)

Summary: The amendment is requesting an increase in residential development potential from Congregate Living Facility (CLF), up to 347 beds or Residential, up to 24 units, to up to 95 units. The concurrent zoning application includes a request for an 80% density bonus through the Workforce Housing Program (WHP) and the purchase of 16 Transfer of Development Rights (TDRs) for a total of 187 units (15.8 units per acre). The applicant is also proposing to delete conditions of approval in the previously adopted ordinance related to the development of a congregate living facility.

Staff Assessment: While the proposed development is at a higher density than the surrounding future land uses, the request for higher density is appropriate considering the site's location at the intersection of two major roadways. In addition, the site plan provides a transition and buffer to adjacent residential uses by orienting the buildings towards Hypoluxo Road and providing a significant separation and retention area along the south side of the property. Staff is proposing conditions of approval to limit the site to 187 units, provide separation to existing residential, limit the height of buildings on the southern portion of the site to three stories and require that the adoption hearing of the future land use amendment and zoning applications be held on the same date. Consistent with previous staff recommendations, additional conditions of approval include requiring that 25% of the total units be built onsite as workforce housing (47 units) and requiring the full purchase of available TDRs (36 units).

Staff Recommendation: *Approval with modifications*

Planning Commission/LPA Recommendation: *Approval with staff's modifications*, motion by Glenn Gromann, seconded by Penny Pompei, passed in an 8 to 2 vote (with Barbara Roth and Dagmar Brahs dissenting) at the April 8, 2022 public hearing. Under discussion, Commission member comments and questions included the affordability of WHP rental prices, the applicant's public outreach with neighboring communities and Coalition of Boynton West Residential (COBWRA), and the location and height of the proposed buildings. Three members of the public, including representatives of Valencia Shores and Savannah Estates HOAs, spoke in opposition to the four-story building and high density. A representative of COBWRA spoke

citing concerns that the proposed amendment was not presented to their growth management committee in advance of the meeting.

MOTION: To *transmit* the Villages of Windsor SE Residential amendment.

BCC Action: *Postpone to August 31, 2022*, motion by Commissioner Kerner, seconded by Commissioner McKinlay passed in a 7 to 0 vote at the May 4, 2022 public hearing. Under discussion, the Board discussed that the neighboring community and Coalition of Boynton West Residential Associations (COBWRA) need more time to review the request. A representative of COBWRA requested postponement of the amendment to allow additional time to meet with the applicant. Two members of the public spoke in support citing the need for workforce housing. Three members of the public, including a representative of the Valencia Shores Master Association, spoke in opposition stating that the proposed amendment is too dense.

3.C. County Proposed Text and Map Series Amendments

3.C.1. [Coastal High Hazard Area \(CHHA\) Updates](#)

Summary: This proposed County-initiated amendment would revise the Introduction and Administration Element, Coastal Management Element, and Map Series Coastal High Hazard Area Map CM 2.1 of the Comprehensive Plan, to update the depiction and references to the Coastal High Hazard Area to reflect the most recent maps provided by the Florida Division of Emergency Management.

Staff Assessment: The proposed amendments update the Coastal High Hazard Area (CHHA) map, definition, and references in the Comprehensive Plan to reflect the latest information provided by the Florida Division of Emergency Management, and as such are part of the ongoing maintenance of the Comprehensive Plan.

Staff Recommendation: *Approval*

Planning Commission/LPA Recommendation: *Approval*, motion by Barbara Roth, seconded by Spencer Siegel, passed in a 12 to 0 vote at the March 11, 2022 public hearing. Under discussion, Commission members asked how these maps correspond with evacuation zones and where to see the location of municipal Coastal High Hazard Areas. Two members of the public including a representative of the Sierra Club Loxahatchee Group stated that the County's coastal areas are at risk and expressed that the CHHA should reflect all hurricane categories.

MOTION: To *transmit* the Coastal High Hazard Area Updates text amendment.

BCC Action: *Transmit*, motion by Vice Mayor Weiss, seconded by Commissioner Sachs, passed in a 7 to 0 vote at the May 4, 2022 public hearing. There was minimal board discussion. One member of the public spoke regarding climate change impacts and support of natural dunes.

3.C.2. [Commerce Future Land Use Designation Text](#)

Summary: This County proposed amendment would establish a third future land use designation for light industrial uses. The amendment proposes to establish location, frontage and access requirements for the new CMR future land use in the Urban/Suburban Tier (Exhibit 1-A). In addition, the amendment will limit new industrial uses in the Agricultural Reserve Tier to

the CMR future land use designation, and establish location, frontage, access, and preserve requirements (Exhibit 1-B).

Staff Assessment: The new Commerce (CMR) FLU will allow the Board to review and consider proposed light industrial uses to ensure that each project is appropriately located and compatible with adjacent land uses, and ensure that the approval does not introduce heavy industrial uses, which may not be appropriate at the particular location. The new CMR future land use will be allowed in the Urban/Suburban Tier and not within the Rural and Exurban Tiers. This amendment also proposes to establish policy guidance for industrial uses in the Agricultural Reserve Tier by establishing location requirements and limiting to the new CMR designation. Based on Board direction, the amendment includes two options for the proposed preserve requirements: either for sites over 16 acres consistent with commercial designations or for sites over 50 acres.

Staff Recommendation: *Approval*

Planning Commission/LPA Recommendation: *Approval of the Commerce future land use designation in the Urban/Suburban Tier*, motion by Dagmar Brahs, seconded by Glenn Gromann, passed in a 12 to 0 vote at the March 11, 2022 public hearing. **Denial of the Commerce future land use designation in the Agricultural Reserve Tier**, a motion for approval with modifications by Kiley Harper-Larsen, seconded by Glenn Gromann failed in a 6 to 6 vote (with Barbara Roth, Lori Vinikoor, Dagmar Brahs, Sara Pardue, Marcia Hayden and Rick Stopek dissenting) at the March 11, 2022 public hearing. The failure to pass an affirmative vote resulted in a denial. The motion included the reduction of the minimum acreage to 4 acres and a preserve requirement for sites 16 acres and greater. An initial motion for approval with modifications (to reduce the minimum acreage to 3 acres) by Kiley Harper-Larsen failed for a lack of second. A second motion to approve with a recommendation for preserve requirement for sites 16 acres and greater, by Penny Pompei, seconded by Glenn Gromann, failed in a 5 to 7 vote (with Barbara Roth, Lori Vinikoor, Dagmar Brahs, Sara Pardue, Kiley Harper-Larsen, Rick Stopek, and Eric Royal dissenting).

Under discussion, Commission members deliberated the acreage needed for industrial uses, the appropriateness of the Commerce FLU on the west side of State Road 7, and tightening of language for the Agricultural Reserve Tier. One member of the public spoke in support of the new future land use within the Urban/Suburban Tier stating that it is needed and long overdue. Six members of the public including the Representatives of Sierra Club Loxahatchee Group and 1000 Friends of Florida spoke in opposition to the new future land use in the Agricultural Reserve Tier stating the impact of climate change and need to protect agriculture in the Tier. Ten members of the public spoke in support of light industrial uses in the Tier and requested modifications to extend the location criteria west of State Road 7 on Atlantic Avenue, reduce minimum site size to 3 acres, and allow for preserve requirement for sites 50 acres or greater.

BCC Action: *Transmit the Commerce future land use designation in the Urban/Suburban Tier*, motion by Commissioner Sachs, seconded by Commissioner Marino passed in a 7 to 0 vote at the May 4, 2022 public hearing. **Transmit with modifications the Commerce future land use designation in the Agricultural Reserve Tier**, motion by Commissioner Sachs, seconded by Commissioner Bernard, passed in a 5 to 2 vote (with Vice Mayor Weiss and Commissioner McKinlay dissenting) at the May 4, 2022 public hearing. The motion included modifications to reduce the minimum acreage to 3 acres and to require a preserve for sites over 50 acres to allow a broader range that may be narrowed at adoption. The changes are shown in Exhibit 1-

B in double underline and double strikethrough. Under discussion, the Board expressed preliminary support for the new future land use designation and policies in the Ag Reserve Tier, and directed staff to continue dialogue with interested parties and property owners on the topics presented between transmittal and adoption.

Under public comment, 18 members of the public spoke on the item. Eleven members of the public spoke in support of the amendment, although several requested modifications to the minimum acreage, allowing west of SR7, and increasing preserve requirements from 16 to 50 acre sites. Seven members of the public including representatives of Sierra Club Loxahatchee Group and 1000 Friends of Florida spoke in opposition citing the need to preserve the land in the Ag Reserve for agriculture and that the area was not appropriate for industrial or regional uses. Representatives from the Coalition of Boynton West Residential Associations (COBWRA), Save Agriculture Reserve for Agriculture (SARA), the Alliance of Delray Residential Associations, Inc. expressed concern for the amendment in the Agricultural Reserve Tier, and commented on the need to refine some of the policy language, restrictions, and requirements for this language, often citing their written comments (attached in Exhibit 3).

3.C.3. [Agricultural Reserve Essential Housing Future Land Use Designation Text](#)

Summary: This County proposed amendment would establish a new future land use designation to facilitate higher-density residential development including multifamily in the Agricultural Reserve Tier. The amendment proposes to establish location, frontage, minimum size, and required percentages of preserve area and of workforce housing for the new Essential Housing FLU designation; and, remove obsolete policies and clarify language in existing policies.

Staff Assessment: The objective of Agricultural Reserve is to “*preserve and enhance agricultural activity, environmental and water resources.*” Toward this objective, several development types have been implemented, including the low-density 60/40 AGR PUD, and the traditional marketplaces intended to provide services for residents and farmworkers in the Agricultural Reserve Tier. Other uses have introduced additional employment, including a hospital, several schools, and several industrial sites. Given the low-density development pattern in the Agricultural Reserve Tier, there are limited housing opportunities for most people employed in these workplaces. Creating a higher-density category with both a significant workforce housing requirement and a preserve requirement helps to address this imbalance while continuing to support the preservation objective, and helps to create livable communities while recognizing unique characteristics of the area. Locating that higher-density, compact development on major corridors in proximity to the marketplaces limits trips and facilitates transit access. Workforce housing in the Agricultural Reserve Tier also furthers the County objectives of dispersing workforce housing and addressing the housing needs of lower income households.

Staff Recommendation: *Approval*

Planning Commission/LPA Recommendation: *Approval*, motion by Glenn Gromann, seconded by Angella Vann, passed in a 6 to 1 vote (with Cara Capp dissenting) at the April 8, 2022 public hearing. Under discussion, the Commission members asked questions about the density for the proposed future land use designation, utilizing preserve parcels for water management, the requirement for two housing types, and the ability for the preserve areas to be reassigned to another development area. Two members of the public, representing 1,000 Friends of Florida and the Sierra Club Loxahatchee Group, spoke in opposition stating that high

density and workforce housing is not appropriate in the Agricultural Reserve Tier. Three members of the public spoke in support stating that workforce housing is needed in the County and requested modifications to delete the two housing type requirement and to allow water management tracts within preserve areas.

MOTION: To *transmit* the Essential Housing FLU text amendment.

BCC Action: *Transmit*, motion by Commissioner Marino, seconded by Commissioner Sachs, passed in a 6 to 0 vote (with Commissioner Bernard absent) at the May 4, 2022 public hearing. The Board discussed uses permitted in preserve areas, and number of housing units approved in the Agricultural Reserve marketplaces and anticipated by the Master Plan. Fifteen members of the public spoke in support, including a representative of the Coalition of Boynton West Residential Associations, most citing the need for workforce housing and expressing support for modifications to the text to include a farm-to-table restaurant and water quality enhancement features in the preserve area. Five members of the public spoke in opposition, including representatives of 1,000 Friends of Florida and the Sierra Club, citing the impacts of the proposed increase in density.

4. **COMMENTS**

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

5. **ADJOURNMENT**

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