



Palm Beach County Board of County Commissioners
Public Hearing Results*
August 30, 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 Bernard, seconded by Commissioner Marino passed in a 6 to 0 vote (with Vice Mayor Sachs absent).

2. AGENDA APPROVAL

- A. Additions, Deletions, Substitutions

BCC Action: *Motion to receive and file*, motion by Commissioner Baxter, seconded by Commissioner Marino passed in a 6 to 0 vote (with Vice Mayor Sachs absent).

- B. Postponements
- C. Adoption of the Agenda

BCC Action: *Adopt as amended*, motion by Commissioner Baxter, seconded by Commissioner Marino passed in a 6 to 0 vote (with Vice Mayor Sachs absent).

3. PUBLIC HEARING – Amendment Round 23-B Adoption

3.A. County Proposed Text and Map Series Amendments

The amendments for adoption in Round 23-B were transmitted by the Board on May 3, 2023 and reviewed by the State Land Planning Agency under Round 23-06 ESR. The State provided no comments on the amendments in their review letter dated June 15, 2023. In addition, the State Reviewing Agencies had no comments regarding these amendments.

3.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 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.

BCC Action: *Adopt*, motion by Commissioner Barnett, seconded by Commissioner Marino, passed in a 6 to 0 vote (with Vice Mayor Sachs absent) at the August 30, 2023 public hearing. There was minimal Board discussion. Eight members of the spoke in support, citing the low density character of the area, traffic concerns with any potential development in the future and the need to protect the wildlife of the area. One member of the public provided for the record the applicable Comprehensive Plan policies supporting the creation of the proposed rural enclave overlay (see Exhibit 2). **Ord. 2023-031.**

3.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.

BCC Action: *Adopt*, motion by Commissioner Bernard, seconded by Commissioner Marino, passed in a 6 to 0 vote (with Vice Mayor Sachs absent) at the August 30, 2023 public hearing. There was minimal board discussion and no public comment. **Ord. 2023-032.**

4. PUBLIC HEARING – Amendment Round 23-B2 Transmittal

4.A. County Proposed Text and Map Series Amendments

4.A.1. [Heritage Farms Rural Overlay Text \(County Proposed\)](#)

Summary: *This amendment was postponed at the February 1, 2023 BCC Hearing.* The item before the Board is a County Initiated amendment to revise the Comprehensive Plan to establish an Overlay for the Heritage Farms area. Specifically, the amendment proposes to add a new Sub-Objective and policies to establish the Heritage Farms Rural Overlay; and add the boundaries of the new Overlay to the Special Planning Areas Map (LU 3.1). **District 6.**

Staff Assessment: This proposed amendment was initiated by the Board of County Commissioners on August 25, 2022 at the request of property owners within the Heritage Farms area. This proposed amendment will establish an Overlay in order to support the continuation and preservation of the character of the area. The proposed boundaries of the Overlay encompass much of the area commonly referred to as Heritage Farms. The Overlay establishes policy guidance intended to encourage rural residential densities within the Overlay by requiring an enhanced level of Board approval for proposed density increases, and promotes the preservation of native vegetation and encourages the continuation of agricultural and equestrian-based uses. The Overlay will not change the ability of parcels to develop under the currently adopted rural land use designations.

Staff Recommendation: *Approval*

Planning Commission/LPA Recommendation: *Approval*, an initial motion by Penny Pompei, seconded by Barbara Roth, passed in a 9 to 0 vote (with Kiley Harper-Larsen abstaining) at the January 13, 2023 public hearing. A substitute motion to approve with modifications by Glenn Gromann, seconded by Angella Vann failed in a 4 to 5 vote (with Barbara Roth, Penny Pompei, Dagmar Brahs, Sarah Pardue, and David Serle dissenting). The modification included the removal of the Yee/Cypress Polo properties from the boundaries of the overlay. Commission discussion included comments regarding the proposed policies and boundaries, how properties can develop under current regulations, and the effect of the text amendment on properties with applications in process. Eight members of the public spoke in support, including members of the Loxahatchee Group of the Sierra Club, citing that the proposed text amendment would support agricultural and equestrian uses, enhance quality of life, and support low-density residential

development. Four members of the public spoke in opposition, citing concerns with property rights and negative impacts to agricultural businesses. Two members of the public representing properties under an active application within the proposed boundaries also spoke requesting to be excluded from the overlay.

BCC Action: *Transmit with modifications*, a substitute of the substitute motion by Commissioner Bernard, seconded by Commissioner Marino, passed in a 5 to 1 vote (with Commissioner Baxter dissenting and Vice Mayor Sachs absent) at the August 30, 2023 public hearing. The modification consisted of excluding the parcels associated with the Verdura Farms FLUA amendment (LGA 2024-01) from the overlay boundaries. The revised boundary is shown on page 12. An initial motion to transmit with modifications (excluding the Verdura Farms site) was made by Commissioner Marino and seconded by Commissioner Bernard. A substitute motion to deny was made by Commissioner Baxter and seconded by Commissioner Barnett. During discussion, Commissioners asked questions regarding whether property owners will retain the ability to request land use amendments and how the overlay will affect existing agricultural businesses. Board discussion also included comments regarding the proposed boundaries, the level of consensus among property owners, and the collaboration between residents and the applicant for Verdura Farms. Twelve members of the public spoke in support citing that the overlay would support agricultural and equestrian uses, protect wildlife and the natural environment, and support low-density rural development. Three members of the public spoke in opposition citing concerns regarding property development rights, lack of consensus, and negative impacts to agricultural businesses. Three members of the public representing properties with an active application within the proposed boundaries also spoke requesting to be excluded from the overlay.

5. REGULAR AGENDA

5.A Comprehensive Plan Text Initiation

The initiation process allows the Board to consider the proposed changes to the Comprehensive Plan prior to processing. The complete staff report for each amendment would return to the Board for discussion at subsequent hearings.

5.A.1 [County Proposed Text Initiation](#)

Summary. These County staff proposed amendments to the Comprehensive Plan consist of:

- Revise the Recreation and Open Space Element (ROSE) and Introduction and Administration Element (I&A) as requested by the Department of Parks and Recreation to add policies that increase access, resiliency and public outreach and to revise definitions;
- Revise the Future Land Use Element (FLUE) to delete the Lifestyle Commercial Center (LCC) policies and provisions;
- Revise the Future Land Use Element to update the Congregate Living Residential (CLR) future land use designation to delete references to Congregate Living Facility, Type 3 and update consistent with uses in the Unified Land Development Code.

Staff Assessment: The initiation process allows the Board to consider the proposed changes to the Comprehensive Plan. The complete staff report for the amendment would return to the Board for discussion at subsequent hearings. Initiation does not obligate the Board to transmit

or adopt the proposed amendments. The proposed text amendments may require changes to the Unified Land Development Code (ULDC).

Planning Commission/LPA Recommendation: *Initiate*, motion by Lori Vinikoor, seconded by Ankur Patel, passed in a 9 to 0 vote at the August 11, 2023 public hearing. The Commission asked questions regarding the justification for the deletion of the Lifestyle Commercial Center policies, how Parks Department will address resiliency and whether any new activities (ex. pickleball) would be added to the policies of the element. There was no public comment.

BCC Action: *Initiate the County Proposed Comp Plan Text Amendments*, motion by Commissioner Barnett, seconded by Commissioner Bernard passed in a 6 to 0 vote (with Vice Mayor Sachs absent) at the August 30, 2023 public hearing. There was minimal board discussion and no public comment.

BCC Action: *Initiate the associated Unified Land Development Code Amendments*, motion by Commissioner Bernard, seconded by Commissioner Barnett passed in a 6 to 0 vote (with Vice Mayor Sachs absent) at the August 30, 2023 public hearing. There was minimal board discussion and no public comment.

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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