



Palm Beach County Board of County Commissioners
Public Hearing Results*
May 1, 2024

***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

BCC Action: *Receive and file*, motion by Commissioner Weiss, seconded by Commissioner Woodward passed in a 7 to 0 vote.

2. AGENDA APPROVAL

- A. Additions, Deletions, Substitutions

BCC Action: *Receive and file*, motion by Vice Mayor Marino, seconded by Commissioner Woodward passed in a 7 to 0 vote.

- B. Postponements

BCC Action: *Postpone Item 5.B.2 Park West Text Initiation*, motion by Commissioner Baxter, seconded by Vice Mayor Marino passed in a 7 to 0 vote.

- C. Adoption of the Agenda

BCC Action: *Adopt as amended*, motion by Commissioner Weiss, seconded by Commissioner Barnett passed in a 7 to 0 vote.

3. PUBLIC HEARING – Amendment Round 24-A2 Adoption

3.A. County Proposed Text Amendment

3.A.1 Utilities Element Revisions

Summary: The proposed Comprehensive Plan amendment would revise the Utilities Element (UE) to be consistent with new legislative requirements. Florida House Bill 1379/Senate Bill 1632 enacted by the Legislature during the 2023 session changed several State statutes including 163.3177 F.S., which contains requirements for Comprehensive Plans. The changes involved environmental regulations related to sewage treatment and system evaluation with certain requirements to be addressed by July 1, 2024. The amendment proposes to:

- Add a new policy to consider the feasibility of providing sewer service within a 10-year horizon for developments of 50 lots and less than one acre;
- Add a new policy to identify the name and location of wastewater facilities that could receive sanitary sewer flows after connection and the capacity of those facilities and associated transmission facilities; and
- Add a new table to indicate the projected wastewater flow at the aforementioned wastewater facilities for the next 20 years, including expected future new construction and connections of onsite sewage treatment and disposal systems to sanitary sewer; and a timeline for the construction of the sanitary sewer system.

Staff Recommendation: *Approval*

Planning Commission/LPA Recommendation: *Approval*, motion made by Barbara Roth, seconded by Lori Vinikoor passed in an 11 to 0 vote at the January 12, 2024 public hearing. The Commission asked questions regarding the applicability of the statutory requirements and whether additional legislative changes are anticipated. There was no public comment.

Board of County Commissioners Transmittal Public Hearing: *Transmit*, motion by Commissioner Weiss, seconded by Commissioner Baxter passed in a 7 to 0 vote at the January 31, 2024 public hearing. There was minimal discussion and no public comment.

State Review: The State Land Planning Agency reviewed this amendment under Round 24-01 ESR and issued a letter dated March 7, 2024 stating that the Agency had no comment on the proposed amendment. The Florida Department of Environmental Protection (FDEP) provided technical comments requesting that the County “identify the applicable timeline for development of any sanitary sewer determined to be feasible” for consistency with the requirements outlined in 163.3177(6)(3), F.S.

Changes Subsequent to Transmittal: In response to the technical review comments provided by FDEP, the text language proposed for adoption was modified in Exhibit 1 to provide a timeline for studying the feasibility of providing sanitary sewer service to the applicable developments and a timeline to provide this service to the applicable developments if determined to be feasible. These revisions are shown in double underline with red text.

MOTION: To *adopt an Ordinance* for the Utilities Element Revisions.

BCC Action: *Adopt*, motion by Vice Mayor Marino, seconded by Commissioner Woodward, passed in a 7 to 0 vote at the May 1, 2024 public hearing. Board discussion included clarification regarding the areas affected by the amendment. One member of the public spoke citing environmental concerns and the expense of septic to sewage conversion. **Ord. 2024-009.**

4. PUBLIC HEARING – Amendment Round 24-B Transmittal

4.A. County Proposed Text Amendment

4.A.1 [Port of Palm Beach Master Plan Update](#)

Summary: This proposed amendment would revise the Transportation and Coastal Management Elements of the Comprehensive Plan to incorporate by reference Appendix A, which contains the Port of Palm Beach Goals, Objectives and Policies, Figure 55, the Initial Master Plan Map (Improvements 2023-2027), and Figure 57, Key Master Plan Improvement Projects Timing and Budgetary Cost (Capital Improvement Program) of the Port of Palm Beach Master Plan, which were adopted by the Port Commission on September 8, 2023.

Staff Recommendation: *Approval*

Planning Commission/LPA Recommendation: *Approval*, motion by Dagmar Brahs, seconded by Penny Pompei, passed in an 6 to 0 vote at the April 12, 2024 Planning Commission public hearing. Varisa Lall Dass abstained from this item. There was minimal discussion and no public comment.

MOTION: To *transmit* the Port of Palm Beach Master Plan text amendment.

BCC Action: *Transmit*, motion by Vice Mayor Marino, seconded by Commissioner Barnett, passed in a 7 to 0 vote at the May 1, 2024 public hearing. There was minimal Board discussion. Three members of the public, including a representative of the Loxahatchee Group of the Sierra Club, spoke citing environmental concerns, Port worker safety, and possible conflicts with whales in the Port area. A letter was submitted for the record and is included in Exhibit 3.

4.B. Privately Proposed FLUA and Text Amendments

4.B.1 [Central Park Commerce Center MUPD \(LGA 2024-002\) FLUA and Text](#)

Proposed FLUA Amendment: Rural Residential, 1 unit per 10 acres (RR-10) to Economic Development Center (EDC) on 64.46 acres and to revise conditions of approval in Ordinance 2018-012 and apply these conditions to 202.79 acres.

Proposed Text Amendment: To revise Future Land Use Element policies, table, and Map Series regarding Limited Urban Service Areas (LUSAs) and Economic Development Center (EDC) future land use, to include 64.46 acres of the subject site.

Size: 202.79 acres total **BCC District: Commissioner Baxter, District 6**

Location: North side of Southern Boulevard, west of the L-8 Canal, and approximately 3.4 miles west of Seminole Pratt Whitney Road

Summary: The purpose of this amendment is to change the designation of the 64.46 acre portion of the site to EDC, to allow for this portion to be incorporated into the Central Park Commerce Center Multiple Use Planned Development (MUPD) approved and under

development on the 138.31 acre portion. In addition, the amendment proposes to eliminate a condition of approval for the 138.31 acre portion currently designated EDC, adopted by Ordinance 2016-026 and amended by Ord. 2018-012, which has been satisfied. These conditions, which include limitations on the maximum allowable square footage and uses allowed on the 138.31 acres will then be applied to the entire 202.79 acre site.

Staff Recommendation: *Approval with conditions*

Planning Commission/LPA Recommendation: *Approval with conditions (as proposed by staff)*, motion made by Barbara Roth, seconded by Penny Pompei, passed in an 8 to 0 vote at the April 12, 2024 public hearing. The Commission asked questions regarding possible additional future land use changes in the vicinity. One member of the public, representing the Sierra Club-Loxahatchee Group, spoke in opposition, citing concern over proximity to the Everglades Agricultural Area.

MOTION: To *transmit* the Central Park Commerce Center MUPD FLUA and text amendment.

BCC Action: *Transmit*, motion by Commissioner Baxter, seconded by Vice Mayor Marino, passed in a 7 to 0 vote at the May 1, 2024 public hearing. There was minimal Board discussion. Three members of the public, including one representing the Loxahatchee Group of the Sierra Club, spoke in opposition citing concerns over the location's proximity to agricultural and environmental lands. One of the applicants spoke in support, citing the progress on the project and interest in data center development.

5. REGULAR AGENDA

5.A. County Proposed Text Initiation

5.A.1 [Environmentally Sensitive Lands Text Initiation](#)

Summary: The item before the Board is to consider the initiation of County proposed text amendments to the Comprehensive Plan regarding Environmentally Sensitive Lands (ESL). The Department of Environmental Resources Management (ERM) is proposing revisions to the existing definition of ESLs within the Unified Land Development Code (ULDC). ERM is requesting that the modified definition also be added to the Introduction and Administration (I&A) Element of the Comprehensive Plan. This will result in a review of all Elements to ensure that the existing use of the term is consistent with the new definition. Pending staff analysis and coordination with ERM and Zoning, several other elements in the Plan may need to be amended.

Staff Recommendation: *To Initiate*

Planning Commission/LPA Recommendation: *Initiate*, motion by Penny Pompei, seconded by Varissa Lall Dass, passed in an 8 to 0 vote at the April 12, 2024 meeting. There was minimal discussion. One member of the public representing the Sierra Club-Loxahatchee Group spoke requesting additional information on the change in definition to provide an opinion of support or denial.

MOTION 1: *To Initiate* the Environmentally Sensitive Lands text amendment.

BCC Action for Motion 1: *Initiate*, motion by Vice Mayor Marino, seconded by Commissioner Weiss, passed in a 7 to 0 vote at the May 1, 2024 meeting. Commission discussion included the request for additional information on the proposed definition and clarification of the text initiation process. Two members of the public spoke regarding the importance of protecting environmentally sensitive lands and clarification of the proposed changes.

MOTION 2: *To Initiate* the associated Unified Land Development Code amendments.

BCC Action for Motion 2: *Initiate*, motion by Vice Mayor Marino, seconded by Commissioner Woodward, passed in a 7 to 0 vote at the May 1, 2024 public hearing.

5.B. Privately Proposed Text Initiation

These items before the Board are to consider the initiation of privately proposed amendments to the Comprehensive Plan, also considered “Phase I”. If the amendments are initiated, staff will accept the associated future land use amendment, and return to the Board with the two amendments through the public hearing process as part of “Phase II”.

5.B.1 [West Delray RV Resort Text Initiation](#)

Summary: The privately proposed text amendment request is to revise the Future Land Use Element related to the Agricultural Reserve Tier to allow campgrounds in the Commercial Recreation (CR) future land use designation, subject to the following criteria:

- Minimum lot size of 5 acres;
- Located adjacent to the West Delray Regional Park; and
- Provide preserve area consistent with an AGR-MUPD.

Staff Recommendation: *To Initiate*

Planning Commission/LPA Recommendation: *Initiate*, motion by Barbara Roth, seconded by Kiley Harper-Larson, passed in an 11 to 0 vote at the March 8, 2024 Planning Commission meeting. The Commission asked questions regarding the proposed number of RV sites, the maximum length of stay for users and enforcement regulations, traffic related issues concerning West Atlantic Avenue, and the potential for the RV sites to be sold as individual lots. There was no public comment.

MOTION 1: *To Initiate* the West Delray RV Resort Comprehensive Plan text amendment.

BCC Action for Motion 1: *Initiate*, motion by Commissioner Baxter, seconded by Vice Mayor Marino, passed in a 6 to 0 vote (with Commissioner Weiss absent) at the May 1, 2024 meeting. Board discussion included the appropriateness of the use next to a County park and the opportunity to address environmental concerns next to the Refuge following initiation. Five members of the public, including representatives of the Sierra Club Loxahatchee Group, spoke in opposition citing concerns related to environmental impacts such as noise and light pollution, traffic impacts to the area and the site’s proximity to the Loxahatchee Wildlife Refuge. Two members of the public spoke in support, citing the appropriateness of the proposed use and the applicant’s history as a longstanding property owner in the Agricultural Reserve Tier.

MOTION 2: *To Initiate* the associated Unified Land Development Code amendments.

BCC Action for Motion 2: *Initiate*, motion by Commissioner Baxter, seconded by Vice Mayor Marino, passed in a 6 to 0 vote (with Commissioner Weiss absent) at the May 1, 2024 meeting.

5.B.2 Park West (formerly known as Tenderly Reserve) Text Initiation

Summary: The privately proposed text amendment request is to revise Future Land Use Element (FLUE) policies regarding the Agricultural Reserve Tier, specifically to:

- Add a third commercial mixed use intersection in the Tier;
- Allow additional commercial and mixed uses to be located at the intersection of the Florida's Turnpike and Atlantic Avenue;
- Establish the Mixed Use Center (MUC) Multiple Land Use (MLU) Option which permits projects to utilize 100% of the residential density (up to 12 units per acre) and commercial intensity calculated over the entire site with design elements and 25% workforce housing onsite;
- Exempt the site from the commercial square footage cap;
- Require 20% of the total land area over 16 acres to be provided as onsite preserve and allow water management tracts within the preserve area; and
- Exempt the site from the long range traffic requirement within FLUE Policy 3.5-d.

Staff Recommendation: *To not Initiate*

Planning Commission/LPA Recommendation: *Deny initiation*, motion by Rick Stopek, seconded by Dagmar Brahs, passed in an 8 to 0 vote at the April 12, 2024 meeting. The Commission asked questions regarding access, the size and vendor of the hotel use, and other development options available to the site. The Commission expressed concerns regarding the proposed density, commercial square footage exceeding the cap, reduced preserve area and traffic impacts of the project. Six members of the public, including representatives of the Sierra Club-Loxahatchee Group, the Coalition of Boynton West Residential Associations and Irish Acres, spoke in opposition to the amendment citing concerns with the impact to the Agricultural Reserve and incompatibility with surrounding agricultural and equestrian uses. Four members of the public, including the applicant, spoke in support citing changes to the nursery business and the benefit of workforce housing.

MOTION 1: To deny initiation of the Park West Comprehensive Plan text amendment.

MOTION 2: To deny initiation of the associated Unified Land Development Code amendments.

BCC Action: *Postpone to August 28, 2024*, motion by Commissioner Baxter, seconded by Vice Mayor Marino, passed in a 7 to 0 vote at the May 1, 2024 meeting. Board discussion included questions asking whether a denial of initiation would result in a two year waiting period for processing the amendment and if the proposal could be changed by the applicant prior to the August meeting. Seven members of the public, including representatives of the Coalition of Boynton West Residential Areas and the Loxahatchee Group of the Sierra Club, spoke in opposition to the postponement citing the desire for the agenda item to be heard.

5.B.3 Rawlings Estates Text Initiation

Summary: The privately proposed text amendment request is to revise the Future Land Use Element to establish an overlay within the Rural Tier to allow for up to one unit per acre subject to criteria and to revise Special Planning Areas Map LU 3.1 to depict the boundaries of the overlay.

Staff Recommendation: *To Initiate*

Planning Commission/LPA Recommendation: *Initiate*, motion by Rick Stopek, seconded by Brian Stenberg, passed in an 8 to 0 vote at the April 12, 2024 meeting. Commission discussion included traffic concerns, proposed density, and preliminary layout of the site. One member of the public, representing the Sierra Club Loxahatchee Group, noted the proposed on-site preserve area and expressed concerns with traffic congestion, increased density, and drainage issues.

MOTION 1: *To Initiate* the Rawlings Estates Comprehensive Plan text amendment.

BCC Action for Motion 1: *Initiate*, motion by Commissioner Baxter, seconded by Commissioner Woodward, passed in 6 to 0 vote (with Commissioner Weiss absent) at the May 1, 2024 meeting. There was minimal Board discussion. One member of the public spoke in opposition, citing concerns regarding traffic, increased density, drainage and environmental issues. One member of the public, representing the Loxahatchee Group of the Sierra Club, noted the proposed upland preserve area, and expressed concerns regarding traffic congestion.

MOTION 2: *To Initiate* the associated Unified Land Development Code amendments.

BCC Action for Motion 2: *Initiate*, motion by Commissioner Baxter, seconded by Commissioner Woodward, passed in a 6 to 0 vote (with Commissioner Weiss absent) at the May 1, 2024 meeting.

6. COMMENTS

- A. Assistant County Attorney
- B. Planning Director
- C. Zoning Director
- D. Executive Director
- E. Deputy 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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