



Palm Beach County Board of County Commissioners
Public Hearing Results*
January 31, 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 Barnett, 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 Commissioner Weiss, seconded by Commissioner Woodward passed in a 7 to 0 vote.

- B. Postponements

None.

- C. Adoption of the Agenda

BCC Action: *Adopt*, motion by Vice Mayor Marino, seconded by Commissioner Baxter passed in a 7 to 0 vote.

3. PUBLIC HEARING – Amendment Round 24-A2 Transmittal

3.A. County Proposed Text Amendments

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.

BCC Action: *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.

3.B. Privately Proposed FLUA and Text Amendments

3.B.1 Spring Haven MUPD (LGA 2024-005) FLUA

Proposed FLUA Amendment: Institutional with an underlying 5 units per acre (INST/5) to Institutional with an underlying 8 units per acre (INST/8)

Size: 11.22 acres **BCC District:** Commissioner Weiss, District 2

Location: South side of Belvedere Road, approximately 0.3 miles east of N Jog Road

Summary: This amendment proposes to change the 11.22 acre site from Institutional with underlying Medium Residential, 5 units per acre (INST/5) to Institutional with underlying High Residential, 8 units per acre (INST/8). The amendment proposes to increase the residential density while maintaining the current institutional use, Elks Lodge No. 1352. This amendment results in an increase in residential development potential from 56 units to 90 units. In addition, the concurrent zoning application includes a request for 71 density bonus units (79%) through the Workforce Housing Program (WHP) and the purchase of all 34 available Transfer of Development Rights (TDRs) for a total of 195 units (17.4 units per acre). The applicant intends

to develop the majority of the site with 195 multifamily rental units, and the Elks Lodge Organization intends to rebuild their institutional facility on a portion of the site.

Staff Assessment: The site is located within boundaries of several overlays and the Haverhill Area Neighborhood Plan, and is adjacent to a low density residential neighborhood to the east, and to medium to high density neighborhoods on all other sides. The proposed amendment with bonus density is requesting a higher density than the surrounding neighborhoods, but is appropriate at this location considering the site’s location adjacent to major roadways and near employment centers. Additionally, a condition of approval requiring enhanced buffers and landscaping, including a 6 foot high wall is recommended by staff to ensure compatibility with surrounding existing residential uses. Consistent with past amendments, staff recommends conditions of approval limiting residential development to 195 units, requiring that 25% of the units (49 units) be provided as workforce housing on-site, and purchase of all available Transfer of Development Rights (TDR) units (34 TDRs). The applicant is in agreement with all of the conditions.

Staff Recommendation: *Approval with conditions*

Planning Commission/LPA Recommendation: *Approval with conditions (as proposed by staff)*, motion made by Lori Vinikoor, seconded by Sam Caliendo passed in an 11 to 0 vote at the January 12, 2024 public hearing. The Commission commended the Elks Lodge for their charitable activities and expressed support for the project as a “win-win”. The Commission asked questions regarding surrounding densities, proposed access, height of the buildings and parking for both uses. Four members of the public, all representatives of the Elks Lodge, spoke in support of the amendment citing the benefits to the community.

MOTION: To *transmit* the Spring Haven MUPD FLUA amendment.

BCC Action: *Transmit*, motion by Commissioner Weiss, seconded by Commissioner Baxter, passed in a 7 to 0 vote at the January 31, 2024 public hearing. The Board expressed support of the charitable activities of the Elks Lodge and the opportunity to provide needed workforce housing with this amendment. Three members of the public, all members of Elks Lodge #1352, spoke in support of the amendment stating the importance of this project to assist the Elks organization and the community.

3.B.2 Bedner’s Market (LGA 2024-003) FLUA and Text

Proposed Text Amendment: To revise the Comprehensive Plan to define Agriculture Marketplace and allow the use within the preserve area of an AGR-MUPD for Agricultural Marketplaces that were approved prior to May 30, 2013.

Proposed FLUA Amendment: From Agricultural Reserve (AGR) to Commerce with an underlying Agricultural Reserve (CMR/AGR)

Size: 14.00 acres total **BCC District: Mayor Sachs, District 5**

Location: Northwest and southwest corners of State Road 7 and Lee Road, approximately 2 miles south of Boynton Beach Boulevard

Summary: The amendment proposes to change the future land use designation from Agricultural Reserve (AGR) to Commerce with an underlying Agricultural Reserve (CMR/AGR) in order to allow up to 213,444 square feet (0.35 FAR) of warehouse office uses on two sites

located on the west side of State Road 7 on the north and south sides of Lee Road. The request also includes a text amendment to add a definition for an “Agriculture Marketplace” use, currently only defined in the Unified Land Development Code (ULDC). In addition, the text is proposing to allow the Bedner’s Market, an approved Agriculture Marketplace use in the AGR zoning district, as an allowable use within a preserve area of an Agricultural Reserve-Multiple Use Planned Development (AGR-MUPD). Current adopted policy does not allow this use in any preserve area for any of the allowed AGR Planned Development zoning options in the Agricultural Reserve Tier.

Staff Assessment: The existing Agriculture Marketplace was approved in 2012 following ULDC amendments that were created solely to allow the conversion of an existing Produce Stand use to an Agriculture Marketplace. The proposed text amendment represents a fundamental policy change from what the Board adopted in 2012. By allowing the Agriculture Marketplace use in a preserve area, it allows for an existing preserve to be replaced with the Bedner’s Market, which is already accommodated on a non-preserve parcel. There would be no increase in the amount of land with a use that is agricultural, environmentally sensitive, or furthers other open space purposes. As a result, the proposed change results in no-net-gain of preserve land, provides a further exception for a use that was previously accommodated, and fails to further the existing goals and objective policies in the Agricultural Reserve Tier of farmland protection and agricultural perpetuation.

Regarding the FLUA request to Commerce, although the sites are eligible to request the Commerce FLU designation, the introduction of an industrial land use surrounded by preserve parcels, active agriculture, and environmentally sensitive lands in proximity creates an isolated pocket with a development potential over 200,000 square feet, an intensity far exceeding those of the surrounding area. In addition, the proposed CMR sites are adjacent to the existing Bedner Agriculture Marketplace, a use that the County worked toward accommodating in the ULDC by approving the use and a major proposed expansion up to 24,000 square feet from its current 8,600 square feet. The Agriculture Marketplace is the only one approved in the County and was intended to help support the adjacent ongoing bona fide active agriculture for residents and visitors in the Agricultural Reserve. Reducing the Agriculture Marketplace site, eliminating expansion plans, and introducing light industrial directly adjacent is not consistent with the overriding objective of the Tier to preserve and enhance agricultural activity, environmental and water resources, and open space within the Agricultural Reserve Tier.

Staff Recommendation: *Denial*

Planning Commission/LPA Recommendation: *Denial*, motion by Barbara Roth, seconded by Dagmar Brahs, passed in a 7 to 4 vote with Lori Vinikoor, Sam Caliendo, Kiley Harper-Larsen and Varisa Lall Dass dissenting at the October 13, 2023 public hearing. Commission discussion included how parking for the market would be accommodated in the future with development of proposed CMR sites, prior changes to the Comprehensive Plan to allow packing plants in preserve areas, adding value to properties for the Bedner family, and possibilities for locating more markets with limitations on major roadways (i.e. State Rd. 7). Discussion also focused on the applicant already agreeing to set aside the 5 acres (Parcel A) as a preserve area, that the proposed amendment would be setting a precedent to allow a market in preserve areas, and that the amendment overall with CMR was premature. A representative of the property owner surrounding Parcel A spoke in support of the proposed amendment citing the project’s ability to enhance and preserve agriculture.

MOTION: To *deny* the Bedner’s Market FLUA and text amendment.

BCC Action: *Transmit*, motion by Commissioner Baxter, seconded by Vice Mayor Marino, passed in a 6 to 1 vote (with Mayor Sachs dissenting) at the January 31, 2024 public hearing. The Board inquired with staff as to the Code requirement for the Agriculture Marketplace to be under the same ownership and contiguous to a bona agricultural use. There was no Board discussion. One member of the public representing the Sierra Club-Loxahatchee Group, spoke in opposition, citing concern over warehouses west of State Road 7, the elimination of the Market expansion, and traffic impacts.

4. COMMENTS

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

5. ADJOURNMENT