



Palm Beach County Board of County Commissioners
Public Hearing Results*
August 28, 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

BCC Action: *To allow WebEx participation for Commissioner Weiss, Commissioner Baxter, and Vice Mayor Marino*, motion by Commissioner Barnett, seconded by Commissioner Woodward in a 4 to 0 vote.

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 Bernard, seconded by Commissioner Woodward passed in a 7 to 0 vote.

B. Postponements

None.

C. Adoption of the Agenda

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

3. PUBLIC HEARING – Amendment Round 24-B Adoption

3.A. County Proposed Text Amendment

3.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 a 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.

Board of County Commissioners Transmittal Public Hearing: *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.

State Review: The State Land Planning Agency reviewed this amendment under Round 24-03ESR and issued a letter dated June 7, 2024 stating that the Agency had no comment on the proposed amendment. The Florida Department of Transportation (FDOT) identified a copying error which was resolved in Exhibit 2.

MOTION: To *adopt an Ordinance* for the Port of Palm Beach Master Plan Update.

BCC Action: *Adopt*, motion by Commissioner Bernard, seconded by Commissioner Barnett, passed in a 7 to 0 vote at the August 28, 2024 public hearing. One member of the public spoke in support of the amendment and had four recommendations which were outlined in a letter that is included in Exhibit 3. Board discussion included the recommendations provided by the speaker. The Board directed staff to share the letter with the Port for their consideration.
Ord 2024-018.

4. REGULAR AGENDA

4.A. County Proposed Text Initiation

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 future action.

4.A.1 [Westgate/Belvedere Homes CRA Bonus Density Pool Initiation](#)

Summary: This County proposed text amendment is requested by the Westgate/Belvedere Homes Community Redevelopment Agency (Agency) to revise Future Land Use Element (FLUE) Sub-Objective 1.2.3., Westgate/Belvedere Homes Community Redevelopment Area Overlay (WCRAO), specifically Policy 1.2.3-b, Density Bonus Pool.

Staff Assessment: In 2005, the Board of County Commissioners recognized the Westgate/Belvedere Homes Community Redevelopment Area (CRA) as a receiving area for commercial and residential bonus provisions beyond what is contemplated by the future land use and established a density pool of 1,300 bonus units. The acceleration of constructed, entitled and planned residential development in the CRA district is depleting the pool which currently holds 934 bonus units. This amendment seeks to increase the number of bonus units by 3,000 to support the Agency's next 20-year build out development horizon, and the ongoing need for housing production countywide.

Staff Recommendation: *Initiate*

Planning Commission/LPA Recommendation: *Initiate*, motion by John Carr, seconded by Penny Pompei, passed in an 11 to 0 vote at the July 12, 2024 public hearing. Commission discussion included comments regarding the extent of future development anticipated within the Westgate CRA area, parking and workforce housing requirements, the proposed redevelopment of the Palm Beach Kennel Club, and the process for approving units from the density pool. The Chair recommended that staff explore the workforce housing requirements within the CRA and consider traffic impacts resulting from the increase in units. One member of the public spoke in support, representing the Frisbie Group, citing the need for redevelopment projects within the County and the Westgate CRA area due to the growing population.

MOTION 1: *To initiate* the Westgate Density Pool Comprehensive Plan text amendment.

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

BCC Action: *Initiate*, motion by Commissioner Bernard, seconded by Commissioner Woodward passed in a 7 to 0 vote at the August 28, 2024 public hearing. Board discussion included comments regarding the timeframe of expected future development within the Westgate CRA area and impacts to infrastructure, including roadways. One member of the public, representing the Frisbee Group, spoke in support citing the opportunity for increased units in the bonus density pool to foster continued growth of the area.

4.B Privately Proposed Text Initiation

This 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 amendment (FLUA), and return to the Board with the FLUA and text amendments through the public hearing process as part of “Phase II”.

4.B.1 [Seventh at Haverhill Text Initiation](#)

Summary: The privately proposed text amendment request is to revise Future Land Use Element (FLUE) policies to allow up to 7 Transfer of Development Rights per acre for sites that are:

- Proposing 100% of the residential units consistent with the Affordable Housing Program, and;
- Located in the designated Revitalization and Redevelopment Infill Overlay (RRIO).

Staff Assessment: Staff recommends that the Board approve the request for initiation. Affordable housing is a priority for Palm Beach County, and affordable housing developments often require higher densities to be financially feasible. The proposed text amendment may provide an appropriate additional means to increase density for these developments, specifically in areas designated for revitalization and redevelopment.

Staff Recommendation: *Initiate*

Planning Commission/LPA Recommendation: *Initiate*, motion by Barbara Roth, seconded by Rick Stopek, passed in an 11 to 0 vote at the July 12, 2024 meeting. Board discussion included the need for affordable housing, the concept of residential developers partnering with houses of worship or other civic uses, and potential parking issues. No members of the public spoke.

MOTION 1: *To initiate* the Seventh at Haverhill Comprehensive Plan text amendment.

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

BCC Action: *Initiate*, motion by Commissioner Bernard, seconded by Commissioner Barnett, passed in a 7 to 0 vote at the August 28, 2024 public hearing. Board discussion included the benefit of partnerships between civic institutions and developers to meet housing needs. Five members of the public spoke in support, citing that the proposed amendment would provide support for the West Palm Beach Baptist Seventh Day Church’s community activities as well as much needed affordable housing.

4.C Other Items

4.C.1 [Forest Oaks Community Development District \(CDD\)](#)

Summary: The Board of County Commissioners (BCC) has been petitioned by Mattamy Palm Beach LLC, d/b/a Mattamy Homes, to grant the establishment of the Forest Oaks Community Development District (CDD), pursuant to Chapter 190, Florida Statutes (F.S.). The Petitioner has requested the general powers typical of a CDD, as well as special powers set forth in Chapter 190.012, F.S., which would allow the Petitioner to fund, establish, operate and maintain earthwork, wastewater, water supply, and surface water management systems, roads and paving, landscaping, entrance features, and other improvements necessary to construct and maintain the Forest Oaks residential community, located within the Lucerne Lakes PUD. CDD

assessments will be required to be paid in addition to Home Owner Association (HOA) fees and all other applicable property taxes, including both ad valorem and non-ad valorem taxes.

Staff Assessment: Based upon the review and analysis in this report, the Planning Division has found the Forest Oaks CDD petition to be consistent with the six statutory factors set forth in Chapter 190, F.S. The CDD petition is also consistent with previous BCC direction regarding the prohibition of off-site improvements and providing mandatory enhanced disclosure requirements to future homebuyers.

Staff Recommendation: *Approval*

MOTION: *To adopt an Ordinance* for the Forest Oaks Community Development District

BCC Action: *Adopt*, motion by Commissioner Bernard, seconded by Commissioner Barnett passed in a 7 to 0 vote at the August 28, 2024 public hearing. There was minimal Board discussion and no public comment. **Ord. 2024-019.**

4.C.2 Public Civic Sites Housing Alternative Presentation

Summary: At the January 27, 2022 Board of County Commissioners (BCC) Zoning Hearing, the Board provided direction during the “Civic Site cash out of Phase 1 area of the Whitworth AGR-PUD” agenda item. The BCC direction included the following:

- Expand the number of departments evaluating civic site potentials;
- Revise policies and procedures, if required, to allow for workforce housing or other types of housing for consideration on civic sites; and
- Expand the use of civic site cash-out proceeds to include additional items such as assisting affordable housing builders with utility hookups and other types of down payment assistance the County can provide to reduce the cost of providing affordable housing.

This item will include a recap of the previous BCC direction, an overview of existing civic site evaluation processes, density provisions and the calculation of PUD density, anticipated workflow if the BCC maintains no option for the cash-out of civic sites, and seeking BCC direction on potential policy changes that would allow for the development of workforce/affordable housing on civic sites.

MOTION: *No motion needed.* Staff is seeking direction.

BCC Action: The Board provided direction to staff.

4.C.3 Civic Site Cash Out of the Verdura Farms PUD

Summary: The Verdura Farms PUD is approximately 96.14 acres located on the west side of State Road 7, approximately one-quarter mile south of Hypoluxo Road. Pulte Homes (Pulte) has recently closed on the purchase of the property and plans to develop a residential community consisting of 145 single family dwelling units. The 2% civic site requirement for the 96.14 acre property is 1.92 acres. Pulte has agreed to a cash out price equal to the price per acre that Pulte paid for the property (\$332,218.50 per acre). The cash out of this 1.92 acre civic site is therefore \$637,859.52 under the proposed valuation methodology.

Staff Request: PREM requests Board direction on the civic site cash out request for Verdura Farms PUD.

MOTION: To **approve/deny** the Verdura Farms PUD 1.92-acre civic site cash out in the amount of \$637,859.52. If approved, the funds be allocated to the general government civic account (3800-800-XXXX-2540) for future appropriation toward general government facilities in the general area.

BCC Action: **Approve**, motion by Commissioner Weiss, seconded by Commissioner Woodward passed in a 6 to 0 vote (with Commissioner Bernard absent) at the August 28, 2024 public hearing.

5. COMMENTS

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

6. 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.

T:\Planning\AMEND\24-B2\Reports-Agendas\2-BCC\Tran\Results-BCC-8-28-24.docx