



Palm Beach County Board of County Commissioners

Public Hearing Results*

October 24, 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. Notice
- D. Proof of Publication

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

- E. Swearing In

2. AGENDA APPROVAL

- A. Additions, Deletions, Substitutions

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

- B. Postponements
- C. Adoption of the Agenda

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

- D. Disclosures for All Zoning Items on Agenda

3. PUBLIC HEARING – Amendment Round 23-B & Zoning Application Adoption

3.A Privately Proposed FLUA and Text Amendments

3.A.1 [Indian Trails Grove Agricultural Reserve Exchange \(LGA 2022-021\) FLUA & Text](#)

FLUA Summary: To modify previously adopted conditions of approval and conceptual plan for the Indian Trails Grove site found in Ordinance 2016-041.

Text Summary: The privately proposed text amendment request would modify the Western Communities Residential Overlay (WCRO), Western Communities Residential (WCR) future land use designation, modify existing policies and establish new Agricultural Reserve Tier policies as described below:

- Revise the policies of the WCRO & WCR to allow for a 532-acre expansion of Water Resource/Agricultural uses and establish an exchange of development potential for use in the County’s Agricultural Reserve Tier;
- Revise Ag Reserve Tier Sub-Objective 1.5.1 to allow for specific Agricultural Reserve Planned Unit Developments (AGR-PUDs) to utilize WCRO land to partially fulfill the 60/40 preserve requirements;
- Establish a new Sub-Objective for an Overlay in the Agricultural Reserve Tier in the “West Hyder” area to allow for a new AGR-PUDs with 1,277 units and institutional uses west of SR-7, using WCRO land as preserve area for AGR-PUDs; and
- Revise the Map Series Special Planning Areas Map LU 3.1 to create a new overlay within the Agricultural Reserve Tier for the West Hyder Overlay area.

Size: 4,866.10 acres **BCC Districts: Comm. Baxter, District 6
Vice Mayor Sachs, District 5**

Location: West of 180th Avenue North, North and West of the M-Canal

Summary: The intent of the proposed amendment is to revise the Comprehensive Plan to allow land area located in the previously approved Indian Trails Grove project, in the Western Communities Residential Overlay (WCRO) in the County’s Rural Tier to become preserve areas for planned developments in the Agricultural Reserve (Ag Reserve) Tier. This change would allow up to approximately 1,600 acres of WCRO land to be used as Ag Reserve Planned Development (AGR-PUD) preserve areas with a density of .80 units per acre. The units that had been approved in the WCRO will be available to be clustered into development areas of AGR-PUDs in the Agricultural Reserve Tier.

Staff Assessment: The proposed amendment represents a departure from the vision anticipated for the Agricultural Reserve as stated in the Comprehensive Plan objectives and policies. However, the proposal offers the potential to achieve a long term outcome that could improve regional water management and the movement of water to the Lake Worth Lagoon and potentially even the Loxahatchee Slough and River system, as well as the potential to store water during periods of inundation, and address water quality within the L-8 Basin. Since the

initiation of the amendment in February 2022, the applicant proposed constructing an approximately 750-acre above ground reservoir for approximately 3,000 acre-feet of storage and water quality treatment. Although this is a significant regional benefit that could ultimately be achieved, it will require a lengthy revision process in amending existing, approved state and federal water management plans and permits, and could take two-or-more years to complete permitting and construction. Furthermore, allowing dwelling units to be shifted from one geographic area of the County to another is a significant policy departure for the County, with significant repercussions for the County's Managed Growth Tier System. These include the potential for subsequent amendment requests, not only from the WCRO, but from any other location in the County.

Staff Recommendation: *Denial*

Planning Commission/LPA Recommendation: *Denial*, motion for approval by Glenn Gromann, seconded by Spencer Siegel, failed in a 4 to 8 vote (with Barbara Roth, Lori Vinikoor, Dagmar Brahs, Sara Pardue, Marcia Hayden, Rick Stopek, David Serle, and Cara Capp dissenting) at the August 12, 2022, public hearing. Under discussion, Commission members asked questions regarding the proposed water resources project, including how the proposal improves regional water quality, the feasibility of the project, estimated construction and maintenance costs, and alternative sites that could achieve a regional water benefit. The Commission also discussed the broader policy implications to the Comprehensive Plan and the proposed workforce housing percentages and income ranges. Four members of the public spoke in support citing the water resource benefit provided by the project to assist in solving regional water issues. Eleven members of the public spoke in opposition including the representatives from the Coalition of Boynton West Residential Associations (COBWRA), Sierra Club Loxahatchee Group, Everglades Law Center, and 1,000 Friends of Florida, citing fundamental changes to the Agricultural Reserve, loss of farmland, and equestrian concerns around Sunshine Meadows.

BCC Action: *Transmit (with direction)*, motion by Commissioner Baxter, seconded by Commissioner Marino, passed in a 5 to 2 vote (with Commissioner Woodward and Vice Mayor Sachs dissenting) at the May 3, 2023, public hearing. Direction by the Board included requiring the applicant to provide 200 acres in Indian Trails Grove for an active park with campground and ATV uses (reflected as new condition of approval #27 in Exhibit 1-A); as well as for staff to discuss with the applicant details regarding providing infrastructure to the site, and designing and constructing the facility. In addition, the Board authorized staff to move forward with a third party analysis for a consultant to review the impact of development west of State Road 7 in the Agricultural Reserve Tier.

Additional deliberations consisted of other details of the proposal as further described and the Board directed staff to discuss these items with the applicant prior to the adoption hearing. Regarding the West Hyder site, the Board discussed the proposed 100-acre passive park. Items for consideration included ownership/county acceptance of the site, whether the trail surrounding the lake should be for pedestrian or equestrian uses and maintenance/insurance responsibilities of the trail. The applicant suggested an alternative equestrian path along the western edge of the open space and lake connecting to White Road to the north. County staff also suggested a scenario whereby the applicant could retain ownership, build and maintain the trails, while providing public access. County staff indicated the need for active uses due to the proposed residential use and high demand at nearby parks. The applicant stated that regarding

the 25-acre portion of the park they are proposing to fill, they will provide a parking area and bathroom facilities should the County choose to put in active park uses. Vice Mayor Sachs asked if the applicant could provide a boundless park. The applicant stated that they could not commit without understanding the cost and will discuss it with the Parks department. Staff also stated that as an additional consideration for the Board, the County is not currently budgeted to construct or maintain the proposed park.

Regarding Indian Trails Grove, the Board discussed the proposed condition of approval #26, which ties the conveyance of the 1,600 acres to the County to the issuance of the first residential building permit in the Indian Trails Grove development. Staff expressed concerns regarding this condition because it is not known when the development would break ground. Staff stated that the Board has the option to tie the conveyance to the issuance of permits at West Hyder. The applicant stated that they have no issue with tying the two, and will agree to cap the building permits at West Hyder and work with staff on reasonable phasing.

The County's Water Resource Manager stated the following considerations for the water project to work with the applicant prior to adoption, including pursuing configurations that result in the lowest operational cost and are most desirable for potential takeover by SFWMD (including remote control and telemetry), to continue in the plans a culvert from M Canal to ITID L-Canal for operational flexibility and to address the side slopes of the borrow pit (at West Hyder) for safety. Regarding the 200-acre ATV (OHV) Park and campground, staff stated that additional direction to understand expectations would be needed. Staff also stated that as an additional consideration for the Board, the County does not have funds budgeted to construct or maintain the proposed expansion of Samuel Friedland Park.

Overall, Board discussion included benefits of the proposal through the preservation of active farmland, reducing development in an area with infrastructure (roadways, flooding) issues, providing additional workforce housing and civic uses, setting aside 200 acres for an active park (camping and ATV) for the Loxahatchee area, and providing water storage and quality improvements. Board discussion also included uncertainty with the cost, operational and liability issues of the water project, concerns that policy changes to Agricultural Reserve preserves should be considered deliberately with an understanding of the implications and the potential impact of housing adjacent to the Loxahatchee National Wildlife Refuge.

Thirty-seven members of the public, including representatives of Stonebridge HOA, Hundley Farms, West Boca Community Council, Sunshine Meadows, and In the Pines spoke in support. Those in support cited the addition of workforce housing, provision of civic land dedication for community organizations, and water quality improvement for Grassy Waters and the Loxahatchee River. Thirty-one members of the public, including representatives of 1,000 Friends of Florida, Sierra Club Loxahatchee Group, Audubon Everglades, Alliance of Delray, Coalition of Boynton West Residential Associations, Sustainable Palm Beach County, and the Everglades Law Center spoke in opposition. Those in opposition stated that the proposal could set a precedent regarding preserves with conservation easements, expressed concerns regarding the impact to adjacent equestrian uses and stated that the water project will not be beneficial.

State Review: The amendment was transmitted by the Board on May 3, 2023, and reviewed by the State Land Planning Agency under Round 23-06ESR. The State provided no comments on the amendments in their review letter dated June 15, 2023. The Treasure Coast Regional Planning Council (TCRPC), Florida Fish and Wildlife Conservation Commission (FWC), and the Florida Department of Transportation (FDOT) provided technical comments, which are included

in the correspondence section of the report.

Changes Subsequent to Transmittal: Subsequent to transmittal, a new condition has been included in Exhibit 1 to reflect Board direction to include a 200-acre active recreational facility in the Western Communities. The condition regarding the WCR Exchange Parcel and water feature has been modified with updated timing mechanisms, and a few other conditions have minor updates that are generally housekeeping in nature.

BCC Action: Deny, a substitute of the substitute motion by Commissioner Bernard, seconded by Vice Mayor Sachs, passed in a 4 to 3 vote (with Commissioner Barnett, Commissioner Marino and Commissioner Baxter dissenting) at the October 24, 2023 public hearing. An initial motion to deny was made by Commissioner Bernard and seconded by Commissioner Woodward. A substitute motion to adopt with modifications (includes applicant's revisions) was made by Commissioner Baxter and seconded by Commissioner Marino. The Board discussed the benefits of the applicant's proposal including the inclusion of an OHV park, the opportunity for the water resource area to address regional water issues and civic land dedication for community groups. The Board also expressed concerns regarding traffic in the West Hyder area, impacts to the Comprehensive Plan and unanswered questions regarding the water project. Forty members of the public spoke in support, including representatives of Gulfstream Goodwill Industries, Jewish Association for Residential Care (JARC), Jewish Family Services, Hundley Farms, Torah Academy and West Boca Community Council. Those that spoke in support cited community benefits including new parks, the water project, and proposed civic uses and land dedication for those uses. Thirty-six members of the public spoke in opposition, including representatives of the Coalition of Boynton West Residential Associations (COBWRA), Sustainable Palm Beach County, Alliance of Delray, Loxahatchee Group Sierra Club, and 1000 Friends of Florida. Those that spoke in opposition cited questions regarding the water project, the loss of agricultural lands, and implications to preserve policies in the Comprehensive Plan.

3.B. Concurrent Zoning Application Adoption

3.B.1 [ABN/DOA/W-2022-00155 Indian Trail Groves](#) (Control 2002-90045)

Zoning Application of Palm Beach West Associates I LLLP by G.L. Homes, Urban Design Studio, Agents.

Location: West side of 180th Avenue North, south of Hamlin Boulevard, south side of 60th Street North, west of 180th Avenue North

Project Manager: Imene Haddad

BCC District: 6

Staff Recommendation: Staff recommends approval of the requests subject to the Conditions of Approval as indicated in Exhibits C-1 and C-2.

- a. **Title:** a Development Order Amendment **Request:** to modify the Master Plan to delete land area (5.46 acres) from a 4,871.57 prior approval, to reduce dwelling units, modify uses, and square footage; and to modify Conditions of Approval.

Zoning Commission Recommendation: Recommended Approval of a Development Order Amendment by a vote of 9-0-0.

MOTION: To adopt a resolution approving item 3.B.1.a.

BCC Action: No action required. Application Administratively Withdrawn based on denial of companion Application LGA-2022-021. A vote of 0-0-0.

- b. **Title:** a Type 2 Waiver **Request** to allow for more than 40 percent of local streets to terminate in a cul-de-sac on 4,866.10 acres.

Zoning Commission Recommendation: Recommended Approval of a Type 2 Wavier by a vote of 9-0-0.

MOTION: To adopt a resolution approving item 3.B.1.b.

BCC Action: No action required. The application was administratively withdrawn based on the denial of companion application LGA-2022-021. A vote of 0-0-0.

3.B.2. [DOA-2022-00203 Hyder AGR-PUD](#) (Control 2005-00455)

Zoning Application of G.L. Homes of Palm Beach Associates LTD by G.L. Homes, WGI, Agents.

Location: West side of SR-7/US441, north of Winners Circle (affected area); West side of Lyons Road, approx. 1.5 miles south of Atlantic Avenue (development area)

Project Manager: Donna Adelsperger

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to the Conditions of Approval as indicated in Exhibit C.

- a. **Title:** a Development Order Amendment **Request:** to delete land area (23.84 acres) from an existing 1,836.79 acre approval, and to modify the Master Plan for the remaining 1,812.96 acres

Zoning Commission Recommendation: Recommended Approval of a Development Order Amendment by a vote of 9-0-0.

MOTION: To adopt a resolution approving item 3.B.2.a.

BCC Action: No action required. Application Administratively Withdrawn based on denial of companion Application LGA-2022-021. A vote of 0-0-0.

- b. **Title:** Release of Conservation Easement **Request:** to allow the partial release of the Conservation Easement recorded in OR 28376, Page 1020 for 23.84 acres from the previously approved 124.27 acre Conservation Easement, for a remaining 100.43 acres.

Zoning Commission Recommendation: N/A

MOTION: To approve item 3.B.2.b.

BCC Action: No action required. The application was administratively withdrawn based on the denial of companion application LGA-2022-021. A vote of 0-0-0.

3.B.3. [DOA-2022-00204 Lyons West AGR-PUD](#) (Control 2005-00003)

Zoning Application of G.L. Homes of Palm Beach Associates LTD by G.L. Homes, WGI, Agents.

Location: West side of SR 7/US 441, directly south of Winners Circle (affected area); East side of State Road 7/US 441, approx. 0.5 miles south of Boynton Beach Blvd (development area)

Project Manager: Donna Adelsperger

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to the Conditions of Approval as indicated in Exhibit C.

- a. **Title:** a Development Order Amendment **Request:** to delete land area (370.01 acres) from an existing 1,043.066 acre approval, and to modify the Master Plan for the remaining 673.06 acres

Zoning Commission Recommendation: Recommended Approval of a Development Order Amendment by a vote of 9-0-0.

MOTION: To adopt a resolution approving item 3.B.3.a.

BCC Action: No action required. The application was administratively withdrawn based on the denial of companion application LGA-2022-021. A vote of 0-0-0.

- b. **Title:** Release of Conservation Easement **Request:** to allow the full release of the Conservation Easement recorded in OR 23125, Page 1122, as modified by OR 25242, Page 1163, for 370.01 acres.

Zoning Commission Recommendation: N/A

MOTION: To approve item 3.B.3.b.

BCC Action: No action required. The application was administratively withdrawn based on the denial of companion application LGA-2022-021. A vote of 0-0-0.

3.B.4. [DOA-2022-00205 Canyon Isles AGR-PUD](#) (Control 2002-00068)

Zoning Application of G.L. Homes of Palm Beach Associates LTD by G.L. Homes, WGI, Agents.

Location: West side of State Road 7/US 441, approx. 0.25 mile north of Stonebridge Country Club Blvd (affected area); East side of State Road 7/US 441, approx. 0.5 miles south of Boynton Beach Boulevard (development area)

Project Manager: Donna Adelsperger

BCC District: 5

Staff Recommendation: Staff recommends approval of the request, subject to the Conditions of Approval as indicated in Exhibit C.

- a. **Title:** a Development Order Amendment **Request:** to delete land area (23.42 acres) from an existing 511.584 acre approval, and to modify the Master Plan for the remaining 488.17 acres.

Zoning Commission Recommendation: Recommended Approval of a Development Order Amendment by a vote of 9-0-0.

MOTION: To adopt a resolution approving item 3.B.4.a.

BCC Action: No action required. The application was administratively withdrawn based on the denial of companion application LGA-2022-021. A vote of 0-0-0.

- b. **Title:** Release of Conservation Easement **Request:** to allow the full release of the Conservation Easement recorded in OR 25867, Page 1456 for 23.42 acres.

Zoning Commission Recommendation: N/A

MOTION: To approve item 3.B.4.b.

BCC Action: No action required. The application was administratively withdrawn based on the denial of companion application LGA-2022-021. A vote of 0-0-0.

3.B.5. [DOA-2022-00206 Canyon Lakes AGR-PUD](#) (Control 2002-00067)

Zoning Application of G.L. Homes of Palm Beach Associates LTD by G.L. Homes, WGI, Agents.

Location: Approximately 0.15 mile west of State Road 7/US 441, approx. 0.54 miles south of Winners Circle (affected area); East side of Lyons Road and West side of State Road 7/US 441, approx. 0.5 miles south of Boynton Beach Boulevard (development area)

Project Manager: Donna Adelsperger

BCC District: 5

Staff Recommendation: Staff recommends approval of the request, subject to the Conditions of Approval as indicated in Exhibit C.

- a. **Title:** a Development Order Amendment **Request:** to delete land area (19.09 acres) from an existing 517.001 acre approval, and to modify the Master Plan for the remaining 497.92 acres.

Zoning Commission Recommendation: Recommended Approval of a Development Order Amendment by a vote of 9-0-0.

MOTION: To adopt a resolution approving item 3.B.5.a.

BCC Action: No action required. The application was administratively withdrawn based on the denial of companion application LGA-2022-021. A vote of 0-0-0.

- b. **Title:** Release of Conservation Easement **Request:** to allow the full release of the Conservation Easement recorded in OR 25867, Page 1437, as modified by OR 32729, Page 1019 and OR 32722, Page 0759, for 19.09 acres.

Zoning Commission Recommendation: N/A

MOTION: To approve item 3.B.5.b.

BCC Action: No action required. The application was administratively withdrawn based on the denial of companion application LGA-2022-021. A vote of 0-0-0.

3.B.6. [DOA-2022-00207 Canyon Springs AGR-PUD](#) (Control 2002-00069)

Zoning Application of G.L. Homes of Palm Beach Associates LTD by G.L. Homes, WGI, Agents.

Location: West side of State Road 7/US 441 approx. 0.20 mile north of Stonebridge Country Club Boulevard (affected area); East side of Lyons Road, approx. 1.5 miles south of Boynton Beach Boulevard (development area)

Project Manager: Donna Adelsperger

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to the Conditions of Approval as indicated in Exhibit C.

- a. **Title:** a Development Order Amendment **Request:** to delete land area (25.76 acres) from an existing 507.566 acre approval, and to modify the Master Plan for the remaining 481.81 acres.

Zoning Commission Recommendation: Recommended Approval of a Development Order Amendment by a vote of 9-0-0.

MOTION: To adopt a resolution approving item 3.B.6.a.

BCC Action: No action required. The application was administratively withdrawn based on the denial of companion application LGA-2022-021. A vote of 0-0-0.

- b. **Title:** Release of Conservation Easement **Request:** to allow the full release of the Conservation Easement recorded in OR 28376, Page 1068 for 25.76 acres.

Zoning Commission Recommendation: N/A

MOTION: To approve item 3.B.6.b.

BCC Action: No action required. The application was administratively withdrawn based on the denial of companion application LGA-2022-021. A vote of 0-0-0.

3.B.7. [DOA-2023-00269 Whitworth AGR-PUD](#) (Control 2021-00031)

Zoning Application of Boynton Beach Associates 30 LLLP, 156th Court South Associates, LLC by G.L. Homes, Agents.

Location: West side of State Road 7/US 441 approx. 0.33 mile north of Stonebridge Country Club Boulevard (affected area); East side of State Road 7, approx. 1.5 miles south of Boynton Beach Boulevard (development area)

Project Manager: Donna Adelsperger

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to the Conditions of Approval as indicated in Exhibit C.

- a. **Title:** a Development Order Amendment **Request:** to delete land area (90.44 acres) from an existing 721.513 acre approval, and to delete units and modify the Master Plan for the remaining 631.075 acres.

Zoning Commission Recommendation: Recommended Approval of a Development Order Amendment by a vote of 9-0-0.

MOTION: To adopt a resolution approving item 3.B.7.a.

BCC Action: No action required. The application was administratively withdrawn based on the denial of companion application LGA-2022-021. A vote of 0-0-0.

- b. **Title:** Release of Conservation Easement **Request:** to allow the full release of Conservation Easements for Hyder West Preserve parcel 4 recorded in OR 33505, Page 1982, and Hyder West Two Preserve 11 recorded in OR 34355, Page 1203 for a total of 90.44 acres.

Zoning Commission Recommendation: N/A

MOTION: To approve item 3.B.7.b.

BCC Action: No action required. The application was administratively withdrawn based on the denial of companion application LGA-2022-021. A vote of 0-0-0.

3.B.8. [ZV/PDD-2022-00143 Hyder West AGR-PUD](#) (Control 2022-00005)

Zoning Application of G.L. Homes of Palm Beach Associates LTD, Lake Worth Drainage District by G.L. Homes, Agents.

Location: West side of State Road 7/US 441 approx. 0.6 miles north of Clint Moore Road

Project Manager: Timothy Haynes

BCC District: 5

Staff Recommendation: Staff recommends approval of the request subject to the Conditions of Approval as indicated in Exhibit C-2.

- a. **Title:** an Official Zoning Map Amendment **Request:** to allow a rezoning from the Agricultural Reserve (AGR) Zoning District and the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District to the Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District on 581.92 acres.

Zoning Commission Recommendation: Recommended Approval of an Official Zoning Map Amendment by a vote of 9-0-0.

MOTION: To adopt a resolution approving item 3.B.8.a.

BCC Action: No action required. The application was administratively withdrawn based on the denial of companion application LGA-2022-021. A vote of 0-0-0.

3.C. Third Party Development Analysis Presentation

3.C.1. VHB Analysis

On July 19, 2022 and affirmed on May 5, 2023, the Board directed that a third party analysis be conducted to review the impact of development west of State Road 7 in the Agricultural Reserve Tier. Therefore, staff is bringing this item back to the Board as a presentation by VHB, the third party consultant, to present the findings.

MOTION: To receive and file.

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

4. COMMENTS

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

5. ADJOURNMENT