

**MEETING: BOARD OF COUNTY COMMISSIONERS, COMPREHENSIVE PLAN  
Transmittal Public Hearing for Amendment Round 2003-1**

**1. CALL TO ORDER:** April 2, 2003, at 9:33 a.m., in the Palm Beach County Governmental Center, West Palm Beach, Florida.

**1.A. ROLL CALL**

MEMBERS AND OFFICERS PRESENT:

Chair Karen T. Marcus  
Vice-Chair Tony Masilotti  
Commissioner Burt Aaronson  
Commissioner Addie L. Greene - Arrived later  
Commissioner Jeff Koons  
Commissioner Mary McCarty  
Commissioner Warren H. Newell  
Deputy County Administrator Verdenia C. Baker  
Assistant County Attorney Leonard Berger  
Deputy Clerk Joan Haverly

**1.B.1. INVOCATION -** Commissioner Koons

**1.B.2. PLEDGE OF ALLEGIANCE**

**1.C. REMARKS OF THE CHAIR**

The Palm Beach County, Florida, Board of County Commissioners has convened to hear and consider public comments, pursuant to Chapter 163, Part II, Florida Statutes, Chapters 9J-5 and 9J-11, Florida Administrative Code, and other authority, on the transmittal of Comprehensive Plan Amendment Round 03-1. This public hearing is being held on Wednesday, April 2, 2003, at the Jane M. Thompson Memorial Chambers, Sixth Floor, 301 North Olive Avenue, West Palm Beach, Florida. This public hearing may be continued to another time and place as necessary.

The proposed amendments to the 1989 Palm Beach County Comprehensive Plan include text amendments and site specific amendments to the Future Land Use Atlas. Adoption of the transmitted amendments by the BCC will be in August 2003.

The Land Use Advisory Board held its public hearings on these amendments on February 14 and 28, 2003, and March 14, 2003.

**1.D. PROOF OF PUBLICATION APPROVED 4-2-2003**

**MOTION to receive and file proof of publication 931143. Motion by Commissioner Masilotti, seconded by Commissioner Aaronson, and carried 6-0. Commissioner Greene absent.**

**1.E. PLANNING DIRECTOR COMMENTS**

Planning Director Lorenzo Aghemo said that no board action was necessary on items 1.E.2. and 1.E.3., which were listed for informational purposes.

## 1.E.1.

AMENDMENTS PROPOSED FOR INITIATION ROUND 2003-2. APPROVED FOR INITIATION 4-2-2003

### a. **Proposed Text and Map Series Amendment**

#### (1) **General Flue Provisions**

This proposed amendment will revise and update several provisions of the Future Land Use Element (FLUE). In particular, it will: (a) revise language dealing with the Traditional Development Districts (TDDs); (b) potentially consolidate several land use designations; (c) modify language under the Utility Uses section for the Transportation and Utilities (U/T) designation to note that certain utility-related uses are permitted under all land use designations; and (d) revise language in FLUE policy 2.2-f that currently states that the county shall not approve Future Land Use Atlas amendments to create residual parcels. The proposed revision also includes language to prohibit the creation of a residual parcel during the rezoning process.

### b. **Proposed Transportation-Related Amendments**

#### (1) **Update Transportation 2020 Roadway Network Maps to 2025**

This proposed amendment will revise Figures TE 1.1 through TE 13.1 of the Map Series; text of the Transportation Element (TE) by replacing the currently adopted 2020 Roadway Network Map with the 2025 Roadway Network Map; modify the Thoroughfare Right-of-Way Identification Map (TIM) based on the proposed 2025 network; and modify the General Requirements of the Introduction and Administration Element.

#### (2) **City of Riviera Beach TCEA**

This proposed amendment will add a policy to designate Riviera Beach Community Redevelopment Area (CRA) as a Transportation Concurrence Exception Area (TCEA) in order to facilitate development and redevelopment activities in the CRA.

#### (3) **Update Policy TE 1.1-n - Buildout Analysis**

This proposed amendment to the Transportation Element (TE) will revise Policy TE 1.1-n to list the additional 26 corridors, as required by this policy, to be targeted for the Corridor Master Plans.

#### (4) **Greenview Shores Boulevard 2020 Map Amendment**

This proposed amendment will modify the 2020 lanes from 2 to 4 for Greenview Shores Boulevard between South Shore Boulevard and Wellington Trace.

#### (5) **Wabasso Drive TIM**

This proposed amendment to the Map Series will reduce the Wabasso Drive segment from Okeechobee Boulevard to Belvedere Road from 80 feet to 60 feet on the Thoroughfare Right-of-Way Identification Map (TIM).

## **1.E.1.(b) - CONTINUED**

### **(6) LOS Tables Update**

This proposed amendment will update Level of Service (LOS) Tables TE 1a through TE 2c, consistent with the latest Florida Department of Transportation Generalized Level of Service Tables.

### **c. Proposed County-Initiated Corrective Site Specific Amendment**

#### **(1) Forest Hill Boulevard Property**

This proposed amendment will remove cross-hatching from a property that received a commercial development approval in 1984 and had a commercial zoning district prior to 1989. Because of the development approval and the existing commercial zoning, cross-hatching should not have been placed on the property. The affected property--1.03 acres out of 1.54 acres--is located on the north side of Forest Hill Boulevard approximately 0.35 mile east of Congress Avenue and 350 feet west of Florida Mango Road.

### **d. Proposed County-Initiated Site Specific Amendments**

#### **(1) Commercial Categories III**

This proposed amendment will revise the Future Land Use Atlas (FLUA) to establish commercial categories to parcels with a C designation. Staff will determine if the subject properties' C designation should be amended to CL (Commercial Low) or CH (Commercial High) based on the criteria of Future Land Use Element (FLUE) Policy 2.2-b. The parcels are of undetermined size and exist countywide.

#### **(2) Cypress Creek ESL**

This proposed amendment will assign a Conservation designation to the 598.76-acre property, now designated Rural Residential with an underlying 10 units per acre (RR-10) and located in the northwest quadrant of the intersection of Indiantown Road and Jupiter Farms Road. The property was purchased with the 1999 conservation bond funds established to conserve and protect environmentally sensitive lands (ESLs). The property will be preserved in its native state in perpetuity as part of the county's system of natural areas.

#### **(3) Stonewal PUD**

This proposed amendment will implement Future Land Use Element (FLUE) Policy 1.4-b to analyze redesignating this subdivision to more accurately reflect the existing development pattern. A remedial tier change will also be required since the RR-2.5 (Rural Residential with an underlying 2.5 units per acre) FLU designation is consistent with the Exurban Tier and not consistent with the Rural Tier. The 977.0-acre property, located on the south side of Northlake Boulevard approximately 4.0 miles west of the BeeLine Highway, is now designated RR-10.

### **1.E.1.(d) - CONTINUED**

#### **(4) 180th Avenue Rural Subdivision**

This proposed amendment will implement Future Land Use Element (FLUE) Policy 1.4-b to analyze redesignating this subdivision to more accurately reflect the existing development pattern. The size of each lot falls in the range of 5.00 to 5.05 acres; therefore, this lot size pattern is more consistent with the requested RR-5 (Rural Residential with an underlying 5 units per acre) designation than the current RR-10 designation. The 70.0-acre development comprises 14 properties and is located approximately 1.0 mile west of Seminole Pratt Whitney Road and north of the M Canal, with access from 180th Avenue North and 181st Terrace.

**MOTION to initiate the items in Amendment Round 2003-2 as recommended by staff. Motion by Commissioner Masilotti, seconded by Commissioner McCarty, and carried 7-0.**

### **1.E.2.**

AMENDMENTS IN PROCESS FOR INITIATION ROUND 2003-2. NO ACTION TAKEN 4-2-2003

The following items are being privately initiated and are listed for informational purposes only.

#### **(a) Application 2003-0027 LGA - Turner II**

This proposed amendment will redesignate the 17.96-acre property located at the southwest corner of Boynton Beach Boulevard and El Clair Ranch Road from Multiple Land Use (MLU) to Commercial Low-Office (CL-O) and Medium Residential with an underlying 5 units per acre (MR-5).

#### **(b) Application 2003-0028 LGA - Military/Hypoluxo MLU II**

This proposed amendment will redesignate the 27.92-acre property located at the northwest corner of Hypoluxo Road and Military Trail from Multiple Land Use (MLU) and Commercial High (CH) to MLU.

#### **(c) Application 2003-0029 LGA - Palm Beach Aggregates**

This proposed amendment will redesignate the 467.65-acre property located on the north side of Southern Boulevard (State Road 80), approximately 3.0 miles west of Seminole Pratt Whitney Road, from Rural Residential with an underlying 10 units per acre (RR-10) to Special Agriculture (SA).

### **1.E.3.**

ITEMS ADMINISTRATIVELY WITHDRAWN OR POSTPONED FROM AMENDMENT ROUND 2003-1. NO ACTION TAKEN 4-2-2003

#### **(a) Contiguous Lot Definition**

This amendment was proposed to modify the definition of contiguous lot to include language to be used for commercial designations. Currently, the definition states that it is only applicable for density calculations.

### **1.E.3.(a) - CONTINUED**

After further review, it was concluded that a text amendment to make changes was necessary.

#### **(b) Lyons Road Clarification**

This amendment to the Transportation Element (TE) was proposed to revise Policy TE 1.1-1 regarding the time frame associated with the construction of Lyons Road.

The amendment was administratively withdrawn at the request of the Engineering and Public Works Department.

#### **(c) Wabasso Drive TIM**

This amendment to the Map Series was proposed to reduce the Wabasso Drive segment from Okeechobee Boulevard to Belvedere Road from 80 feet to 60 feet on the Thoroughfare Right-of-Way Identification Map (TIM).

The amendment was postponed to Amendment Round 2003-2, based on the Engineering and Public Works Department's time constraints.

#### **(d) Update 2020 Roadway Network to 2025**

This amendment was proposed to revise Figures TE 1.1 through TE 13.1 of the Map Series; text of the Transportation Element (TE) by replacing the currently adopted 2020 Roadway Network Map with the 2025 Roadway Network Map; modify the Thoroughfare Right-of-Way Identification Map (TIM) based on the proposed 2025 network; and modify the General Requirements of the Introduction and Administration Element.

The amendment was postponed to Amendment Round 2003-2 because of time constraints of the Engineering and Public Works Department and of the Planning Division.

#### **(e) Commercial Low-Office (CL-O) and Commercial High Office (CH-O) Consolidation**

This amendment was proposed to modify several policies and provisions of the Future Land Use Element (FLUE) in order to consolidate the CL-O and CH-O land use designations into a new Commercial Office (CO) designation.

The amendment was postponed to Amendment Round 2003-2 in order to provide Planning Division staff and Zoning Division staff further time to consolidate.

#### **(f) ROSE Text Revisions**

This amendment was proposed to delete a citation to 9J-5.053, Florida Administrative Code (FAC), which was repealed, and update other sections of the Recreation Open Space Element (ROSE).

The revision of this element will be addressed during the Evaluation and Appraisal Report (EAR).

### 1.E.3. - CONTINUED

#### (g) SA Designated Properties

This amendment to the Future Land Use Element (FLUE) was proposed to change the future land use designation for three parcels, collectively totaling approximately 10.67 acres, from Special Agriculture (SA) to Agricultural Reserve (AGR) in order to eliminate the SA land use category.

The amendment was administratively withdrawn because of issues that needed further research and analysis.

#### (h) Application 2003-0010 LGA - Renaissance Village

This proposed amendment would have redesignated the 576.97-acre property located at the northeast quadrant of the intersection of Indiantown Road and Mack Dairy Road from Rural Residential with an underlying 10 units per acre (RR-10) to Institutional (INST).

The amendment was withdrawn at the applicant's request.

## 2. OPEN HEARING

### 2.A. PROPOSED TRANSPORTATION AMENDMENTS

#### 2.A.1. HAVERHILL ROAD CRALLS

AMENDMENT TO THE TRANSPORTATION ELEMENT TO PLACE A CONSTRAINED ROADWAY AT A LOWER LEVEL OF SERVICE (CRALLS) DESIGNATION FOR A LIMITED TIME ON HAVERHILL ROAD FROM PURDY LANE TO 10TH AVENUE NORTH FOR PURPOSES OF THE PROPOSED ABBEY PARK MUPD (MULTIPLE USE PLANNED DEVELOPMENT). (P.O.P. 931143) DISCUSSION CONTINUED LATER IN MEETING 4-2-2003

Senior Transportation Planner Khurshid Mohyuddin said that staff recommended denial of the item:

- The proposed amendment would designate Haverhill Road from Purdy Lane to 10th Avenue North as a CRALLS in order to allow the proposed Abbey Park commercial MUPD to move forward with a 16,000-square-foot pharmacy and a 104,000-square-foot self-storage facility.
- The mitigation proposed for this CRALLS included providing a pedestrian-vehicular interconnectivity on Abbey Road for the adjacent residential development and providing easements for future bus shelters on Haverhill Road and Forest Hill Boulevard.
- The CRALLS would expire on December 31, 2006, or when construction begins on the five-lane widening of Haverhill Road from Purdy Lane to 10th Avenue North (currently a three-lane section), whichever comes first.
- In December 2002, the board put a condition on the approved Abbey Park commercial MUPD that allowed 130,000 square feet of self-storage to wait until the widening of Haverhill Road commences or until a CRALLS designation is adopted. Prior to that board action, the project could have been built without any phasing conditions.

## 2.A.1. - CONTINUED

- There are no physical or policy constraints on the widening of this segment.
- The widening is scheduled for construction in the Five Year Road Program in fiscal year 2006.
- In a letter to staff contained in the staff report, the City of Greenacres requested an acceleration of the Haverhill Road widening. County Engineer George T. Webb indicated that such an acceleration would be possible.
- The Land Use Advisory Board (LUAB) recommended approval with minimal discussion.

Commissioner Koons made the following comments:

- In December 2002, he worked out an agreement with staff to take a look at a CRALLS for this segment of Haverhill Road.
- He confirmed Commissioner Newell's comment that this segment was not five-laned because the previous commissioner had not wanted it to be five-laned.
- The self-storage facility was good for the large number of apartments in the area.
- The pharmacy was good for the senior communities in the area.
- Phasing on retail is something that happens in the backend.
- He and others had been working over a period of time to change the land use from apartments, which they did not want. They also had some issues with the drainage. They agreed to take a look at a CRALLS in order to allow this to phase in. Then the county would initiate the five-lane widening. He said he thought it was almost in budget and that at least the two commercial phases--drugstore and self-storage--would happen.
- When staff came back, they said it did not make sense to do the CRALLS there.
- A CRALLS was the only mechanism that would allow something to happen in this area and a little quicker than would normally happen.

Commissioner Newell asked Mr. Webb what date the widening could be accelerated to from fiscal year 2006 in the Five Year Road Program. Mr. Webb responded that the best that could be done was 2005. Commissioner Newell said that for him to support the CRALLS, the road construction would need to be accelerated.

Commissioner Masilotti said he would not vote for the proposed amendment. He contended that the county should try to encourage mass transit on any major thoroughfare road and that an easement for a bus shelter should be brought forward on all zoning changes. He said he did not think that providing a bus shelter was mitigation nor was creating a vehicular-pedestrian roadway to the western residential development.

## 2.A.1. - CONTINUED

Commissioner Marcus said she would not support the proposed amendment. She agreed with Commissioner Masilotti that providing a bus shelter and interconnectivity were not mitigation for a CRALLS.

Mr. Webb confirmed to Commissioner Koons that the road widening was assured construction, having been adopted by the board as part of the Five Year Road Program. The request before the board today would enable the applicant to move faster than waiting for that roadway to happen.

Mr. Webb confirmed to Commissioner Masilotti that the applicant could get the zoning desired by Commissioner Koons but would need to wait until the road construction was completed.

Commissioner Marcus said she did not believe that this proposed amendment met the determination criteria for a CRALLS.

Robert A. Bentz, agent for Abbey Park MUPD, made the following remarks:

- About 20 years previously, Abbey Park was approved as a multi-family affordable housing parcel.
- In 1997, the residential units were converted to a commercial development, specifically, a 130,000-square-foot self-storage facility.
- In 2001, the applicant sought to reduce the size of the self-storage facility, add a pharmacy, and add some additional retail space.
- The 2001 request was recommended for approval by the LUAB.
- The 2001 request was not brought before the Board of County Commissioners (BCC) because there was a drainage problem with the property.
- In 2002, the drainage problem was solved.
- In 2002, a traffic problem was discovered, one that everyone had missed. The applicant then met with the former and present district commissioners and with County Engineer Webb in an effort to resolve the problem. The applicant proposed to add the road to the Five Year Road Program and to contribute additional funds in order to accelerate the road building. That did not seem to be an option for the county at the time.
- In December 2002, two things happened: (a) the initiation round began for the CRALLS, courtesy of Commissioner Koons and the county engineer's office; and (b) Haverhill Road was added to the Five Year Road Program.
- In short, the original project was approved 20 years ago. A few months ago, because of delays in the process, the county took away even the old approval of the project. The applicant spent the last three years trying to improve the application. It has gone to the LUAB three times, each time being unanimously recommended for approval.
- The CRALLS was initiated by the district commissioner. It was supported by the Engineering department, he believed. It was not supported by the Planning Division. It was supported by the LUAB.



## 2.A.1. - CONTINUED

- The applicant was asking for only a portion of the project to go forward as part of the CRALLS. The remaining property would not be allowed to be developed until the road widening occurred in 2005 or 2006. The applicant regarded the request as a fairness timing issue.

When asked by Commissioner Marcus for his comments, County Engineer Webb said that it was a peer policy call and that he did not care one way or another.

Commissioner Newell said that the problem with Haverhill Road was that it was a five-lane road that became a three-lane road and then became a five-lane road again. He asked how one commissioner could dictate such a situation. Mr. Webb responded that when the board directs staff to build a five-lane road, that is what staff builds, not a road of varying laneage. As for this road, he said, it had full BCC direction. Staff would not have cut it down at the request of one commissioner.

Commissioner Newell asked Mr. Webb to provide the board with the date of the hearing at which this item was heard. He said he suspected that it was in the 1980s. Mr. Bentz interjected that it was 1989-1990. Mr. Newell repeated his request for the date of the hearing.

Commissioner Koons said that he would make a motion to approve transmittal of the amendment and that if it did not pass, he would like to have the developer talk to the Engineering department about paying the construction costs upfront and getting reimbursed by the county and to have the county move the road project to June 2005 when the Five Year Road Program is adopted.

Commissioner Masilotti said that he, too, was going to suggest the applicant pay costs upfront and get reimbursed. If the applicant would agree, he could support the amendment, he said.

Mr. Bentz agreed.

Mr. Webb said that the cost of the project was substantially in excess of the applicant's impact fees.

Mr. Bentz said that the applicant's impact fees were about \$250,000 and the road project about \$1.3 million. The applicant had offered to pay about 30 percent more in impact fees, or about \$350,000, which would not be returned to the applicant, in order to get the road built a little quicker.

Commissioner Masilotti said that apart from impact fees that are owed to the development of the site, there seemed to be about \$1 million short in the budget to complete the road linkage. He reiterated that if the applicant would help the county accelerate that construction, he could support the proposed amendment. The applicant was receiving all the benefit at this area, he commented.

**MOTION to transmit the proposed amendment. Motion by Commissioner Koons and seconded by Commissioner Greene. The vote was taken and called 4-3 with Commissioners McCarty, Marcus, and Masilotti opposed.**

Commissioner Aaronson said he was opposed to the motion as well.

Commissioner Marcus apologized that she had not seen Commissioner Aaronson's hand raised in opposition.

## 2.A.1. - CONTINUED

Commissioner Aaronson said that Commissioner Masilotti had never gotten an answer to his question about the applicant being willing to pay for the road construction. He said that \$100,000 still left the county short of \$1 million, and asked if the applicant was willing to pay that \$1 million to have the project go forward.

Mr. Bentz said he understood that that was something that could be done without the CRALLS. Commissioner Marcus agreed.

Mr. Bentz observed that \$1 million was a significant amount of money and the project was a relatively small one. He said the matter had to be reanalyzed to see if the option was a viable one.

Commissioner Aaronson said that if Mr. Bentz could not answer the question, he would vote against the proposed amendment.

Mr. Bentz responded that the applicant was willing to contribute an additional \$100,000 for the road, without receiving any money back.

Commissioner Aaronson said there was still a shortage of \$1 million and reiterated that he would not support the amendment unless the applicant put up the money.

**UPON THE VOTE BEING RECALLED, the motion FAILED 3-4. Commissioners Aaronson, McCarty, Marcus, and Masilotti opposed.**

After continued discussion, Mr. Webb stated that the county could not produce the road even if the applicant was ready to move quickly to get a building permit on the property and even if they front the money. If the applicant fronts the money and the county is ready to go in 2005 instead of 2006 and if the applicant is ready to build his project in early 2004, the CRALLS would allow him to be able to move forward with the building permit, get in, build his project, and occupy it before even the county could advance the road. The only benefit the CRALLS would give the applicant was an earlier, absolute construction of the building.

Commissioner Masilotti clarified for the public that it was not unusual for a developer to front construction money and get reimbursed. He recalled a project on State Road 7 for which the developer fronted \$7 million. Some of the money was repaid, said Mr. Webb.

Mr. Bentz said that his understanding of what the applicant was being offered was that the applicant would have a short-term CRALLS. The applicant would front the money that would allow the road to be built earlier which in turn would allow the applicant to move forward. In the meantime, the applicant would have the CRALLS between now and when the road contract was released. Mr. Webb agreed.

Mr. Bentz said the applicant would front the money for the road.

Commissioner Aaronson said he would support the CRALLS if the applicant put up some sort of surety that \$1 million would be paid to the county.

Commissioner Marcus asked if Commissioner Aaronson wished to reconsider the item.

## **2.A.1. - CONTINUED**

### **RECONSIDER ITEM**

**MOTION to reconsider item 2.A.1. Motion by Commissioner Aaronson, seconded by Commissioner Masilotti, and carried 6-1. Commissioner Marcus opposed.**

A discussion ensued on what the condition for the road widening should include.

Commissioner Newell asked Mr. Webb to inform the board later today of: (a) the roadway's volume to capacity; and (b) whether the development was reviewed from the standpoint of the new criteria peak hour versus 24-hour average daily trips. Mr. Mohyuddin said staff did a peak hour analysis as well. Mr. Webb said the numbers would be given to Commissioner Newell shortly.

Assistant County Attorney Berger proposed the following condition:

That the developer will provide funding in the form of irrevocable surety in the amount of \$1 million at the time of CRALLS adoption.

Mr. Bentz agreed in concept, contending that it seemed to him to be tied to development order approval, not to CRALLS adoption.

Planning, Zoning and Building Executive Director Barbara Alterman suggested including in the amendment that the applicant must post the funds at the time of his development order. That way, the applicant was not paying for it upfront before he even got his development order, she said.

Mr. Bentz agreed to Ms. Alterman's suggestion.

Commissioner Marcus recommended that the agenda be reordered to enable staff to develop the condition language.

### **REORDER AGENDA**

**MOTION to reorder the agenda to bring back item 2.A.1. later in the meeting when the recommended language is ready and with the information requested by Commissioner Newell. Motion by Commissioner Masilotti, seconded by Commissioner Koons, and carried 7-0.**

(CLERK'S NOTE: For later discussion of item 2.A.1., see pages 27-28.)

## **2.A.2.**

### **ATLANTIC AVENUE CRALLS**

AMENDMENT TO THE TRANSPORTATION ELEMENT TO PLACE A CONSTRAINED ROADWAY AT A LOWER LEVEL OF SERVICE (CRALLS) FOR A LIMITED TIME ON ATLANTIC AVENUE FROM THE FLORIDA TURNPIKE TO LYONS ROAD FOR PURPOSES OF THE MIZNER COUNTRY CLUB PROJECT. (P.O.P. 931143) APPROVED TRANSMITTAL WITH DIRECTION 4-2-2003

Staff presentation was given by Planner Bruce Thomson who noted that the Mizner County Club's 500 dwelling units had been reduced by the developer to 471 units.

## 2.A.2. - CONTINUED

Responding to a question by Commissioner Masilotti, Senior Transportation Planner Mohyuddin said that the developer would be making an additional contribution to the widening of Atlantic Avenue, which was 1.5 times the \$1.5 million impact fee. Traffic Division Assistant Director Dan Weisberg clarified that the new amount would be \$2.25 million.

Commissioner Aaronson added that other parties, including the state with \$2 million, were contributing to the road construction as well.

Commissioner McCarty questioned language in the staff report that stated the CRALLS was initiated by the district commissioner. Planning, Zoning and Building Executive Director Alterman replied that amendments are always initiated by the board. Commissioner Marcus observed that more accurate language would have been that the CRALLS was brought to the board by the district commissioner. Ms. Alterman agreed.

Commissioner Marcus addressed what she indicated was her longstanding complaint about developers being overly optimistic about their buildout dates. Like this developer, they project a buildout date when there is plenty of roadway capacity and then find the project will not be completed until a later buildout date when there are capacity problems and then have to apply for a CRALLS. She objected that the only mitigation this developer was offering was a contribution of 1.5 times the applicable impact fee.

Commissioner Newell observed that this project had a long history and asked what it was called before. County Engineer Webb said it was called the Delray Training Center.

Commissioner Aaronson asked how much money was being provided by other parties for the widening of Atlantic Avenue from Lyons Road to the Florida Turnpike. Mr. Webb replied that in addition to the one Florida Department of Transportation (DOT) grant, other developers had committed to contribute funds but no money had been received as yet. DOT was putting money through the Metropolitan Planning Organization (MPO) process into this project as well, he said. Since the pieces were in place but the money was not, the county was trying to get more money, such as from this project, in order to actualize the widening. Mr. Webb said the rough cost of the Atlantic Avenue widening would be around \$10 million and that the county was \$2 million short from completing the project.

Commissioner Newell commented that he had not known this was the Delray Training Center and asked staff to include a history/chronology with future items to enable the board to see former CRALLS, extensions, zoning, and other matters.

Commissioner Masilotti agreed with Commissioner Marcus's earlier remarks about buildout and suggested adopting a policy of holding developers to their first buildout date with no extensions.

Commissioner Marcus said that bad behavior should not be rewarded. Commissioner Masilotti agreed.

Commissioner McCarty remarked that her philosophy was to protect everyone's rights and not to push things along faster than they had a right to go, especially in the Agricultural Reserve which was exploding fast enough as it was. She asked why staff was recommending approval and if approval was legally required.

## 2.A.2. - CONTINUED

Ms. Alterman responded that staff recommended approval because Atlantic Avenue was a constrained roadway and because Mizner Country Club was a partially built project.

Commissioner McCarty remarked that what staff proposed doing was rewarding a developer for mistiming his project. When the funds are there, she said, the road will be widened and the project will continue. The developer had not paid attention because there are no consequences to not paying attention, she said, adding that the board needed to send a message.

### PUBLIC COMMENT:

Joe Pease, representing Toll Brothers, brought out the following:

- When his company started the Mizner Country Club project, it thought it could realize 100-110 units a year and be nearly completed when the stipulation ended. That has not been possible because of the poor economy and troubled stock market. The developer has seen a decline in buyers for the country club. Mizner buyers are affluent and committed to a lifestyle that requires a lot of disposable cash.
- It had not been Toll Brothers' outlook going into this project that it would get an extension in four years. The economy and other factors intervened in Toll Brothers realizing its buildout date.
- Toll Brothers is committed to building a nice corridor to the community of Lyons Road to the north. He did not know when they could build it or how much it would cost, but it would be done. He said he thought the obstruction was the alignment of Atlantic Avenue at Lyons Road.
- As for the community, the infrastructure was complete--every internal road and every water connection were in and every lot had been developed and platted.

Mr. Webb explained that Lyons Road to the north was a small, rural, two-lane road that desperately needed to be widened according to county standards for a thoroughfare. It had been built to serve area nurseries and farm interests, he said. The developer had built a very nice Lyons Road to the south, he commented, and was required by their zoning conditions to pay for Lyons Road to the north as well.

Mr. Webb further explained that the county was holding up construction of Lyons Road to the north because staff believed it was tied in to what the county would do on Atlantic Avenue. Staff had been working on certain procedural questions in an effort to resolve them.

Commissioner Newell pointed out that this project had been existent for 15 years, not four years, and that the issue of sales/no sales had not happened overnight.

Mr. Webb remarked that when the project was finished, Toll Brothers' total contribution to the transportation on a per unit basis was going to be significantly high. The company had to pay a lot of money for right-of-way acquisition in, and construction of, the south end and would be paying a lot of money in the north end as well.

## **2.A.2. - CONTINUED**

Commissioner Newell acknowledged that that was a good point. Perhaps the project was too early in the location, he said, an anomaly in the Agricultural Reserve. Mr. Webb agreed, remarking that it was the first major residential development in the reserve.

**MOTION to transmit the proposed amendment. Motion by Commissioner Aaronson and seconded by Commissioner Koons.**

Commissioner Koons said he supported the amendment because the developer had done more than his share of various contributions. If the Atlantic Avenue widening was to be realized, he said, the private sector should come through on their commitments. He suggested that Mr. Webb meet with the other developers again to discuss the matter.

Commissioner Masilotti agreed and added that he did not want to see the development halted when it was so near completion.

**UPON CALL FOR A VOTE, the motion carried 4-3. Commissioners McCarty, Marcus, and Newell opposed.**

## **2.A.3. 10TH AVENUE CRALLS DELETION**

AMENDMENT TO THE TRANSPORTATION ELEMENT TO DELETE AN EXISTING CONSTRAINED ROADWAY AT A LOWER LEVEL OF SERVICE (CRALLS) DESIGNATION ON 10TH AVENUE NORTH BETWEEN INTERSTATE 95 AND CONGRESS AVENUE. (P.O.P. 931143) APPROVED TRANSMITTAL 4-2-2003

PUBLIC COMMENT: None

**MOTION to transmit the proposed amendment. Motion by Commissioner Koons, seconded by Commissioner Masilotti, and carried 7-0.**

## **2.A.4. AG RESERVE EAST-WEST ROADWAY**

AMENDMENT TO THE TRANSPORTATION ELEMENT TO MODIFY THE THOROUGHFARE RIGHT-OF-WAY IDENTIFICATION MAP (TIM) TO REFLECT AN ADDITIONAL EAST-WEST ROAD FROM STATE ROAD 7 TO LYONS ROAD, APPROXIMATELY 1.0 MILE NORTH OF CLINT MOORE ROAD. (P.O.P. 931143) APPROVED TRANSMITTAL 4-2-2003

Commissioner Aaronson recalled that earlier in the hearing, the board voted to initiate an amendment replacing the 2020 Roadway Network with the 2025 Roadway Network in Amendment Round 2003-2. Therefore, he recommended postponement of this item until the board had all traffic and roadway information in order to make a more informed decision.

Commissioner Marcus recalled this item had been initiated by the board after a lengthy discussion. It provided for additional capacity as well as the interconnectivity desired by some board members, she said.

PUBLIC COMMENT:

Kieran J. Kilday, agent for David Goldstein, requested a postponement of this item to Amendment Round 2003-02 for the following reasons:

#### 2.A.4. - CONTINUED

- A delay would be fair to property owners who might be affected and who had not been given enough notice to allow for a sufficient evaluation of the matter. It would give them their due process.
- The amendment replacing the 2020 Roadway Network with the 2025 Roadway Network was approved this morning for initiation in the next amendment round.
- Adding a road to the thoroughfare plan should have a full public hearing, part of which discussion should include alternatives to that road. That was not provided in the staff report.
- What was provided in the staff report were numbers that indicated that this road virtually had no effect on the local network.

Board discussion focused on how this amendment came about and on possible east-west roadways.

County Engineer Webb said that two or three locations in the Boynton Beach area were considered as east-west roadways and that he would have to check on where the Boynton option stood.

After continued discussion on how the amendment came about, Commissioner Marcus commented that it was preferable to have a road in the thoroughfare plan because it gave the county more leverage vis-à-vis developers.

Commissioner McCarty said that traffic was the number one issue with the public and that an east-west roadway was needed in the Agricultural Reserve to relieve what was left of the north and south access roads. Approving transmittal of this proposed amendment would put the property owners on notice and they could plan their developments accordingly.

Staff explained to the board why Mr. Goldstein had not been notified in its usual timely manner. Commissioner Masilotti emphasized the importance of the county adhering to its own policies.

**MOTION to transmit the proposed amendment. Motion by Commissioner Koons, seconded by Commissioner McCarty, and carried 7-0.**

Planning Director Aghemo said he would look into the matter of property owner notification.

#### 2.A.5.

#### COMMERCIAL INTERCONNECTIVITY

AMENDMENT TO THE TRANSPORTATION ELEMENT (TE) AND FUTURE LAND USE ELEMENT TO: (A) CREATE POLICIES TO REQUIRE SHARED ENTRANCES AND VEHICULAR AND NON-VEHICULAR ACCESS BETWEEN AND WITHIN COMMERCIAL USES; AND (B) REVISE TE POLICIES 1.4-G, 1.4-H, AND 1.4-I TO CLARIFY INTENT. (P.O.P. 931143) APPROVED TRANSMITTAL WITH DIRECTION 4-2-2003

**MOTION to transmit the proposed amendment. Motion by Commissioner Masilotti and seconded by Commissioner Aaronson.**

## **2.A.5. - CONTINUED**

Board discussion focused on the staff-recommended language “shall require, where feasible” and the Land Use Advisory Board-recommended language “may require, where feasible.”

**CLARIFICATION that the motion included the staff-recommended language. The maker and seconder agreed.**

Commissioner Newell recalled that at the Amendment Round 2002-1 transmittal public hearing, he and Commissioner Marcus supported the implementation in their districts of the interconnectivity recommendation arising from the North County Traffic Summit. The other commissioners did not. Since Commissioner Koons was not a member of the board at that time, Commissioner Newell suggested bringing back the residential interconnectivity debate at a later zoning hearing inasmuch as the majority may have changed since April 8, 2002.

Commissioner Marcus agreed.

Commissioner McCarty also agreed, noting that she disliked the idea in general but thought it appropriate for her own personal reasons at times.

Commissioner Newell recalled the previous discussion included a matrix design that showed when interconnectivity could be used and when it could not be used. It was specific on how to operate it and it worked out well.

Planning Director Aghemo suggested that this issue be addressed at the board’s Evaluation and Appraisal Report (EAR) review in July. Commissioner Newell agreed.

**UPON CALL FOR A VOTE, the motion carried 7-0.**

## **2.A.6.**

## **AIRPORT FACILITIES**

AMENDMENT TO THE TRANSPORTATION ELEMENT (TE) TO INCORPORATE, BY REFERENCE, THE MASTER PLANS FOR THE FOUR COUNTY AIRPORTS INTO THE COMPREHENSIVE PLAN. AND TO UPDATE FIGURES TE 8.1 AND TE 9.1 DEPICTING FUTURE 2020 AIRPORT CLEAR ZONES AND OBSTRUCTIONS. (P.O.P. 931143) APPROVED TRANSMITTAL 4-2-2003

PUBLIC COMMENT: None

**MOTION to transmit the proposed amendment. Motion by Commissioner Masilotti, seconded by Commissioner McCarty, and carried 7-0.**

(CLERK’S NOTE: The following discussion took place later; see page 17.)

Commissioner Koons commented that Palm Beach International Airport owned substantial amounts of land west of the runway and south of Belvedere Road. He recommended that a mechanism be put in place to allow the airport to come back in a strategic planning mode and place that land back on the tax roll.

Commissioner Masilotti noted that Planning, Zoning and Building Executive Director Alterman had been working with others on finding a funding source to do a master plan and that this issue would be before the board in April. Ms. Alterman said that staff would ask the board to make that issue part of the budget.



(CLERK'S NOTE: Commissioner Koons left the meeting.)

**2.B. PRIVATELY INITIATED SITE SPECIFIC AMENDMENTS - To the Future Land Use Atlas**

**2.B.1. APPLICATION 2003-0008 LGA  
NEW ALBANY MLU III**

AMENDMENT TO THE FUTURE LAND USE ATLAS TO THE NEW ALBANY MLU (MULTIPLE LAND USE) III CONDITIONS OF APPROVAL FOR ORDINANCE 96-66 TO DELETE THE HOTEL/MOTEL COMPONENT AND REDUCE THE INDUSTRIAL LAND USE ACREAGE REQUIREMENT FROM 10 ACRES TO 4.85 ACRES AS REFLECTED ON THE ADOPTED LAND USE MATRIX. THE 61.04-ACRE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF BOYNTON BEACH BOULEVARD AND HAGEN RANCH ROAD. (P.O.P. 931143) APPROVED TRANSMITTAL WITH CONDITION 4-2-2003

(CLERK'S NOTE: Commissioner Koons left the meeting.)

**MOTION to transmit the proposed amendment. Motion by Commissioner McCarty and seconded by Commissioner Aaronson.**

(CLERK'S NOTE: Discussion on item 2.A.6. took place at this time; see page 16.)

PUBLIC COMMENT:

Lew Doctor, president of Coalition of West Boynton Residential Associations (COWBRA), supported the amendment.

**UPON CALL FOR A VOTE, the motion carried 6-0. Commissioner Koons absent.**

**2.B.2. APPLICATION 2003-0009 LGA  
LANTANA FARMS COMMERCIAL**

AMENDMENT TO THE FUTURE LAND USE ATLAS TO CHANGE THE FUTURE LAND USE DESIGNATION OF LANTANA FARMS COMMERCIAL FROM MEDIUM RESIDENTIAL WITH AN UNDERLYING 5 UNITS PER ACRE (MR-5) TO COMMERCIAL HIGH (CH). THE 3.01-ACRE PROPERTY IS LOCATED IN THE SOUTHWEST QUADRANT OF LANTANA ROAD AND THE FLORIDA TURNPIKE. (P.O.P. 931143) APPROVED TRANSMITTAL WITH A COMMERCIAL LOW (CL) DESIGNATION AND WITH DIRECTION 4-2-2003

Staff presentation was given by Senior Planner David Goodman, who detailed the following reasons for the staff-recommended denial. According to staff, the application:

- Provided no adequate justification for the land use change.
- Met the state's urban sprawl rules and may contribute to an inefficient land use pattern.
- Had compatibility and access problems.
- Conflicted with four important Comprehensive Plan policies, in that the site is isolated and mid-block, the requested commercial use may negatively impact existing and future residential areas, the site is small and not part of a planned commercial node, and the site may result in piecemeal development.

## 2.B.2. - CONTINUED

Mr. Goodman directed the board's attention to the staff report containing three letters in opposition to the request as well as to a letter enclosing a petition in opposition handed out that morning. Staff had also received some telephone calls, he said.

Mr. Goodman concluded that the Land Use Advisory Board (LUAB) recommended approval of the request with two conditions, namely, that the subject property must not have direct access to Lantana Road and that it shall be accessed through adjoining properties.

Commissioner Greene asked staff to provide her with a district-by-district list of gas stations that have been closed.

Commissioner Newell initiated discussion on the property (Lantana/Turnpike) catercorner the subject site in the northwest quadrant of Lantana Road and the Florida Turnpike, for which the board had approved a Commercial Low (CL) designation. County Engineer Webb revealed that the county was in the final negotiations to purchase the entire northwest corner from Winston Trails and that the CL designation may not exist after purchase. He explained that staff would ask the board to approve the purchased property for drainage, other county uses, or whatever the county would deem possible on the front part of the property.

Kieran J. Kilday, agent, gave a presentation in which he distributed a copy of a letter to the Planning Division from Gary Smigiel, general counsel for Lantana Farm Associates, committing to file a residential planned unit development (PUD) application. A PUD would create a residual parcel, however, something that was not allowed under the Comprehensive Plan. If the proposed amendment was approved for transmittal today, Lantana Farm Associates would file a PUD for the balance of the property. Both properties would come back before the board in August, one at an adoption public hearing and the other on a zoning agenda. Mr. Kilday stated that the result would be an infill development providing both commercial and residential.

### PUBLIC COMMENT:

Alex Holtzman recalled that five or six years previously, a coalition of four communities opposed the siting of a commercial outlet with gas station, restaurant, and stores just east of the turnpike. Subsequently, the proposal was withdrawn. Area residents were strongly in favor of a PUD in the area and were equally opposed to a group of commercial stores, and particularly to a gas station. Mr. Holtzman pointed out that the proposed gas station would be the sixth gas station in a 1.5-mile radius. He requested that the board deny the proposed amendment.

Larry Cain expressed concern how a gas station would affect his backyard, pool, and recreation area and asked what, if any, buffering had been planned. Commissioner Marcus responded that buffering was a matter for consideration at a zoning hearing, not at a proposed land use hearing. Mr. Cain observed that granting one commercial use might open the door to any number of applicants seeking commercial uses.

Joyce Hunter discussed her opposition to the proposed amendment, specifically the gas station and its access onto Lantana Road. She had no objection to a PUD, she said.

## 2.B.2. - CONTINUED

Commissioner Marcus responded that no direct access (as recommended by the LUAB) meant the gas station would have a driveway onto a road feeding into Lantana Road, not onto Lantana Road directly. That discussion, however, should be reserved to the rezoning process, she said.

Commissioner Masilotti told Mr. Holtzman that the board had to base its decision on demonstration of need. To base a decision on too many gas stations in an area was a restraint of trade.

Commissioner McCarty commented on the number of residential uses on Lantana Road in this area, noting that there were not many east-west corridors in the central county with that residential flavor. She urged her colleagues to be sensitive to that residential flavor because it adds to the area quality of life as well as to its property values.

Commissioner McCarty expressed concern that the type of quality of town home development wedged between a gas station and a heavy equipment repair business was not a desirable type of quality. Approval would set up the area for a substandard or, at least, a lower quality situation. With the whole property residential, however, there was a chance of a higher quality development. It would be further enhanced if the project's recreational amenities were located near the corner and the high wall of the turnpike. Ms. McCarty contended that redesignating the subject site commercial was poor planning because: (a) it was not needed; (b) it was inappropriate for the roadway and would downgrade its character; and (c) the MR-5 piece, the town home piece, would become a policing problem for the sheriff's office.

Commissioner Greene disclosed that she was uncomfortable with gas stations-cum-convenience stores and noted that, in her district, such pairings had led to an influx of drugs and the closing of some gas stations and stores. She suggested future discussion on the issue.

Responding to a question of Commissioner Newell, Principal Planner Susan Miller stated that the service area range of this type of commercial development was either 1.5 miles or 3.0 miles.

(CLERK'S NOTE: Commissioner Masilotti left the meeting.)

Mr. Kilday stated that the applicant was using a 3.0-mile threshold as well as the county study which divides the county into different areas. This particular area was indicated in the staff report as one in which commercial needs were not being met by current land use designations. Every application was subject not only to the applicant's market study, he said, but also to the county's commercial needs assessment study.

Commissioner Newell asked if staff was comfortable with the analysis provided. Ms. Miller responded that it was an interesting situation because while there was a need for commercial on the east side of the turnpike in that area, the commercial needs assessment study indicated there was no such need on the west side of the turnpike.

Mr. Kilday informed Commissioner Newell that the town home development would require a berm and wall on the turnpike whereas the commercial portion of the property required no buffering.

## **2.B.2. - CONTINUED**

Commissioner Newell stated that proper notification should be given to potential future residents that they would be abutting a turnpike property.

(CLERK'S NOTE: Commissioner Greene left the meeting.)

Commissioner Koons expressed concern about the coordination between the commercial proposal and the PUD proposal.

Mr. Kilday responded why he thought there would be coordination between the proposals and that if the applicant did not do what the board required, they could turn him down in the zoning process.

Commissioner Marcus remarked that once land use was given, it was very difficult to take it away. By approving commercial, she explained, the board guaranteed some form of commercial. What she was concerned about, she said, was what would happen on neighboring properties in the future, adding that she would like to maintain residential along the area.

### **MOTION to DENY the proposed amendment. Motion by Commissioner McCarty.**

Commissioner Marcus passed the gavel to Commissioner Newell.

### **MOTION SECONDED by Commissioner Marcus. Upon call for a vote, the motion FAILED 2-3. Commissioners Aaronson, Koons, and Newell opposed. Commissioners Greene and Masilotti absent.**

Commissioner Koons said he was looking for a motion that called for a unified strategy on the total property.

Mr. Kilday responded that the applicant was doing a unified strategy. The matter before the board today was only transmittal of the commercial. When it came back for adoption, the board could deny the amendment if it did not satisfactorily factor in the residential.

### **MOTION to transmit the proposed amendment. Motion by Commissioner Aaronson.**

Commissioner Newell asked why the application was for CH, not CL. Mr. Kilday replied that CH was required in order to allow the gas station.

Commissioner Newell questioned whether this was an issue of a gas station or a commercial development. He said he would be more comfortable with a CL zoning, which would allow a lower intense use for the residential community. Mr. Kilday responded that the gas station was clearly going to be a matter for later discussion.

Commissioner Newell asked if the agent would accept CL as a compromise. Mr. Kilday responded that a gas station could not be done with a CL designation.

Commissioner McCarty said she would support a CL land use.

Commissioner Aaronson asked if the board had the right to deny a gas station when the property came back for zoning. Planning, Zoning and Building Executive Director Alterman replied that once the board established a land use, they had to approve a zoning that was consistent with that land use.

## **2.B.2. - CONTINUED**

Commissioner Aaronson asked about the board's right to limit the number of gas pump islands, as they had done previously. Ms. Alterman replied that the board had that right.

(CLERK'S NOTE: Commissioner Greene rejoined the meeting.)

Commissioner Aaronson stated that he had mixed emotions about the item. He said the residential portion would be wonderful, but he was not happy with the gas station. Six gas stations within a 1.5-mile radius was overkill, he said, but the board could not make a decision based on that factor. If the proposed amendment was approved, however, the number of gas pump islands could be limited to what the board and area residents considered appropriate.

Commissioner Marcus remarked that a gas station was a gas station, regardless of the number of gas pumps. If the application was not compatible with surrounding land uses, she said, now was the opportunity to make this a full residential corridor. Ms. Marcus said that in her opinion, it was either a gas station or residential, and for that reason she would not support the proposed amendment.

Commissioner McCarty discussed why a better land use designation on the subject site would be Commercial Low-Office (CL-O) and asked if that could be a legitimate consideration of the board. Staff replied that CL-O was a different review. Principal Planner Miller added that staff had recommended denial of CH because in general, they did not want to see commercial uses introduced in the corridor. Commissioner McCarty said that the majority of the board wanted to see a commercial use and that she would like a lower intensity than CL. Ms. Miller responded that staff would agree that less intense was definitely more palatable in a residential area.

### **SUBSTITUTE MOTION to downgrade the proposed land use designation to Commercial Low-Office (CL-O). Motion by Commissioner McCarty.**

Commissioner Newell passed the gavel back to Commissioner Marcus.

### **MOTION SECONDED by Commissioner Newell.**

Mr. Kilday relayed his client's request for CL since CL-O would not allow any retail use.

Commissioner McCarty asked if CL would allow a gas station. Commissioner Newell replied that it would not. Ms. McCarty then indicated she would defer to Mr. Newell on the land use designation. Mr. Newell responded CL.

### **AMENDED SUBSTITUTE MOTION to downgrade the land use designation to Commercial Low (CL). The maker and seconder agreed. Upon call for a vote, the motion carried 4-2. Commissioners McCarty and Marcus opposed. Commissioner Masilotti absent.**

Someone observed to Commissioner McCarty that she had made the motion. Commissioner McCarty responded that she did not have to vote for it, however.

Commissioner Newell said he wanted to put on the record that Mr. Kilday was going to bring back a PUD for the adjacent property together with buffering for residents on the east and south sides as well as discussion on how the applicant would address the town home issue raised by Commissioner McCarty.

(CLERK'S NOTE: Commissioner Greene left the meeting.)

**2.C. PROPOSED TEXT AND MAP SERIES AMENDMENTS**

**2.C.1. RESIDUAL PARCEL DEFINITION**

AMENDMENT TO THE INTRODUCTION AND ADMINISTRATION ELEMENT TO MODIFY THE DEFINITION FOR RESIDUAL PARCEL TO RECOGNIZE THAT A RESIDUAL PARCEL CAN BE CREATED WHEN A PARCEL IS LEFT OUT OF AN ADJACENT DEVELOPMENT AND HAS LIMITED DEVELOPMENT OPTIONS, REGARDLESS IF THIS DEVELOPMENT WAS A PLANNED UNIT DEVELOPMENT OR IF THE PARCEL WAS CARVED OUT OF THE ORIGINAL PARENT PROPERTY. (P.O.P. 931143) APPROVED TRANSMITTAL 4-2-2003

PUBLIC COMMENT: None

**MOTION to transmit the proposed amendment. Motion by Commissioner McCarty, seconded by Commissioner Koons, and carried 5-0. Commissioners Greene and Masilotti absent.**

(CLERK'S NOTE: Commissioner Aaronson left the meeting.)

**2.C.2. EAR PROCESS REVISIONS**

AMENDMENT TO THE INTRODUCTION AND ADMINISTRATION ELEMENT TO INCORPORATE NEW LEGISLATION RELATED TO THE EVALUATION AND APPRAISAL REPORT (EAR). (P.O.P. 931143) APPROVED TRANSMITTAL 4-2-2003

PUBLIC COMMENT: None

**MOTION to transmit the proposed amendment. Motion by Commissioner McCarty, seconded by Commissioner Koons, and carried 4-0. Commissioners Aaronson, Greene, and Masilotti absent.**

**2.C.3. GENERAL FLUE REVISIONS**

AMENDMENT TO THE FUTURE LAND USE ELEMENT (FLUE) AND THE INTRODUCTION AND ADMINISTRATION ELEMENT TO: (A) REVISE AN EXISTING POLICY ADDRESSING STRIP COMMERCIAL DEVELOPMENT IN COMMERCIAL LAND USES AND MODIFY THE DEFINITION FOR STRIP COMMERCIAL IN THE INTRODUCTION AND ADMINISTRATION ELEMENT; AND (B) REVISE AN EXISTING PROVISION IN THE IMPLEMENTATION SECTION OF THE FLUE TO ALLOW UNDERLYING RESIDENTIAL LAND USES IN INSTITUTIONAL (INST) LAND USE DESIGNATIONS. (P.O.P. 931143) APPROVED TRANSMITTAL 4-2-2003

PUBLIC COMMENT: None

**MOTION to transmit the proposed amendment. Motion by Commissioner McCarty, seconded by Commissioner Koons, and carried 4-0. Commissioners Aaronson, Greene, and Masilotti absent.**

**2.C.4.**

**HOUSING DATA CLARIFICATION**

AMENDMENT TO THE HOUSING ELEMENT TO: (A) REVISE A POLICY TO UPDATE THE HOUSING UNIT NEED NUMBERS AS REFLECTED IN THE FIVE-YEAR CONSOLIDATED PLAN FOR PALM BEACH COUNTY/DELRAY BEACH HOME CONSORTIUM FOR 2000-05; AND (B) DELETE ONE POLICY CONCERNING HOUSING ELEMENT POLICY DEVELOPMENT, WHICH IS NO LONGER NECESSARY. (P.O.P. 931143) APPROVED TRANSMITTAL 4-2-2003

PUBLIC COMMENT: None

**MOTION to transmit the proposed amendment. Motion by Commissioner McCarty, seconded by Commissioner Koons, and carried 4-0. Commissioners Aaronson, Greene, and Masilotti absent.**

**2.C.5.**

**NORTHLAKE BOULEVARD OVERLAY**

AMENDMENT TO THE INTERGOVERNMENTAL COORDINATION ELEMENT AND MAP SERIES ELEMENT TO CREATE A POLICY RECOGNIZING THE INTERLOCAL AGREEMENT FOR THIS PLANNING AND REGULATORY EFFORT FOR THE PORTION OF NORTHLAKE BOULEVARD EAST OF MILITARY TRAIL. (P.O.P. 931143) APPROVED TRANSMITTAL 4-2-2003

PUBLIC COMMENT: None

**MOTION to transmit the proposed amendment. Motion by Commissioner McCarty, seconded by Commissioner Koons, and carried 4-0. Commissioners Aaronson, Greene, and Masilotti absent.**

**2.C.6.**

**CIE TABLES UPDATE, WITH WESTERN CORRIDOR PROVISION**

AMENDMENT TO THE CAPITAL IMPROVEMENT ELEMENT (CIE) TO UPDATE TABLES 1-17, INCLUDING TABLE 3A PER WESTERN CORRIDOR INTERLOCAL AGREEMENT. (P.O.P. 931143) APPROVED TRANSMITTAL 4-2-2003

PUBLIC COMMENT: None

**MOTION to transmit the proposed amendment. Motion by Commissioner Koons, seconded by Commissioner Newell, and carried 4-0. Commissioners Aaronson, Greene, and Masilotti absent.**

**2.C.7.**

**HEALTH AND HUMAN SERVICES**

AMENDMENT TO THE HEALTH AND HUMAN SERVICES ELEMENT WILL REVISE LANGUAGE IN THE INTRODUCTION SECTION OF SECTION B, ASSESSMENT AND CONCLUSIONS. (P.O.P. 931143) APPROVED TRANSMITTAL 4-2-2003

PUBLIC COMMENT: None

**MOTION to transmit the proposed amendment. Motion by Commissioner McCarty, seconded by Commissioner Koons, and carried 4-0. Commissioners Aaronson, Greene, and Masilotti absent.**

**2.D. PROPOSED COUNTY-INITIATED CORRECTIVE SITE SPECIFIC AMENDMENTS**

**2.D.1. APPLICATION 2003-0011 LGA MURPHY PROPERTY**

AMENDMENT TO THE FUTURE LAND USE ATLAS TO CHANGE THE FUTURE LAND USE DESIGNATION FROM U/T (TRANSPORTATION AND UTILITIES) TO INDUSTRIAL (IND) OF THE 40.0-ACRE PROPERTY LOCATED BETWEEN BENOIST FARMS ROAD AND PIKE ROAD, APPROXIMATELY 650 FEET SOUTH OF BELVEDERE ROAD. (P.O.P. 931143) APPROVED TRANSMITTAL 4-2-2003

PUBLIC COMMENT: None

**MOTION to transmit the proposed amendment. Motion by Commissioner McCarty, seconded by Commissioner Koons, and carried 4-0. Commissioners Aaronson, Greene, and Masilotti absent.**

**2.D.2. APPLICATION 2003-0012 LGA BURCH-MANGO-MULHOLLAND-PEEPLES**

AMENDMENT TO THE FUTURE LAND USE ATLAS TO CHANGE THE FUTURE LAND USE DESIGNATION FROM LOW RESIDENTIAL WITH AN UNDERLYING 3 UNITS PER ACRE (LR-3) TO MEDIUM RESIDENTIAL WITH AN UNDERLYING 5 UNITS PER ACRE (MR-5) ON 56 LOTS AND A LAND AREA TOTALING 20.42 ACRES LOCATED BETWEEN SUMMIT BOULEVARD AND DRYDEN ROAD, APPROXIMATELY 600 FEET WEST OF MILITARY TRAIL. (P.O.P. 931143) APPROVED NOT TO TRANSMIT WITH DIRECTION 4-2-2003

Staff presentation was given by Senior Planner John Rupertus, who said that the reason for the proposed amendment was to correct a data error on a Future Land Use Atlas map. The subject properties should have been identified with the MR-5, not LR-3, land use designation in preparation for the 1989 adoption of the Comprehensive Plan.

PUBLIC COMMENT:

Walter M. Price addressed the board as follows:

- He owned one of the properties involved in the amendment.
- He bought the property several years ago with the intention of building a duplex on it.
- In 1990, he received a certificate of concurrency for a duplex.
- The subject property is vacant. Immediately north is a duplex. Directly across the street is a duplex. To the south is a single-family property, which he owned. The property consists of two lots that cannot be divided because of the situation of the house.
- He had never been informed of the designation error all these years.

Mr. Rupertus told Commissioner Marcus that Mr. Price's concurrency certificate expired in 1992 and that his 0.37-acre property was too small on which to build a duplex under either the LR-3 designation or the MR-5 designation.



## 2.D.2. - CONTINUED

Commissioner Marcus explained to Mr. Price that when the Comprehensive Plan was changed in 1989, the county did a wholesale notification by newspaper advertisements and held many public hearings. The county did not do individual parcel notification, she said.

Commissioner Marcus further explained to Mr. Price that staff erred in assigning the LR-3 designation and in issuing the concurrency certificate. Under today's code, he could not build a duplex on the property since it lacked sufficient density under both land use designations. She said that perhaps staff could meet with him and show him a solution, such as how to combine his properties.

Planning Director Aghemo said he would meet with Mr. Price.

Julie De Nicolais submitted a petition signed by 15 homeowners on Birch Drive objecting to the land use change. The area had begun to improve because the majority of the existing duplexes were owner-occupied. Residents wanted the area to keep improving instead of allowing more duplexes which would bring in more rentals, she said.

Mr. Rupertus confirmed to Commissioner Marcus that staff was proposing the correction in order to reflect the current density in the neighborhood but that the change did not need to be made.

**MOTION to receive and file the petition. Motion by Commissioner McCarty, seconded by Commissioner Koons, and carried 4-0. Commissioners Aaronson, Greene, and Masilotti absent.**

**MOTION to keep the land use designation at LR-3. Motion by Commissioner Koons and seconded by Commissioner Newell.**

Commissioner Newell observed that the properties on Military Trail were Commercial High with an underlying 8 units per acre (CH-8) and should be updated in order to remove the CH-8 designation. Principal Planner Miller said that staff would review the properties.

**UPON CALL FOR A VOTE, the motion carried 4-0. Commissioners Aaronson, Greene, and Masilotti absent.**

## 2.D.3.

### **APPLICATION 2003-0013 LGA MELALEUCA AVENUE PROPERTIES**

AMENDMENT TO THE FUTURE LAND USE ATLAS TO CHANGE THE FUTURE LAND USE DESIGNATION FROM INSTITUTIONAL (INST) TO MEDIUM RESIDENTIAL WITH AN UNDERLYING 5 UNITS PER ACRE (MR-5) ON THE 0.31-ACRE PROPERTY LOCATED ON THE WEST SIDE OF MELALEUCA AVENUE, APPROXIMATELY 0.6 MILE NORTH OF FOREST HILL BOULEVARD AND 0.2 MILE WEST OF MILITARY TRAIL. (P.O.P. 931143) APPROVED TRANSMITTAL 4-2-2003

PUBLIC COMMENT: None

**MOTION to transmit the proposed amendment. Motion by Commissioner McCarty, seconded by Commissioner Koons, and carried 4-0. Commissioners Aaronson, Greene, and Masilotti absent.**

**2.D.4.**

**APPLICATION 2003-0026 LGA  
PRESERVE NOTE REMOVAL**

AMENDMENT TO THE FUTURE LAND USE ATLAS TO DELETE AN AGRICULTURAL RESERVE PRESERVE NOTE FROM AN 18.91-ACRE PROPERTY LOCATED APPROXIMATELY 0.5 MILE SOUTH OF THE INTERSECTION OF BOYNTON BEACH BOULEVARD AND THE FUTURE EXTENSION OF LYONS ROAD. (P.O.P. 931143) APPROVED TRANSMITTAL 4-2-2003

PUBLIC COMMENT: None

**MOTION to transmit the proposed amendment. Motion by Commissioner McCarty, seconded by Commissioner Koons, and carried 4-0. Commissioners Aaronson, Greene, and Masilotti absent.**

**2.E. COUNTY-INITIATED SITE SPECIFIC AMENDMENTS**

**2.E.1.**

**APPLICATION 2003-0007 LGA  
SOLID WASTE AUTHORITY**

AMENDMENT TO THE FUTURE LAND USE ATLAS TO CHANGE THE FUTURE LAND USE DESIGNATION FROM TRANSPORTATION AND UTILITIES (U/T) TO INDUSTRIAL (IND) OF THE 73.84-ACRE PROPERTY LOCATED ON THE WEST SIDE OF PIKE ROAD, APPROXIMATELY 1,200 FEET NORTH OF SOUTHERN BOULEVARD (STATE ROAD 80). (P.O.P. 931143) APPROVED TRANSMITTAL 4-2-2003

PUBLIC COMMENT: None

**MOTION to transmit the proposed amendment. Motion by Commissioner McCarty, seconded by Commissioner Koons, and carried 4-0. Commissioners Aaronson, Greene, and Masilotti absent.**

**2.E.2.**

**APPLICATION 2003-0014 LGA  
OCEAN INLET PARK**

AMENDMENT TO THE FUTURE LAND USE ATLAS TO DESIGNATE AS PARKS AND RECREATION (PARK) THE 3.83-ACRE PROPERTY LOCATED EAST AND WEST OF STATE ROAD AIA (OCEAN BOULEVARD), APPROXIMATELY 1.0 MILE NORTH OF BOYNTON BEACH BOULEVARD. (P.O.P. 931143) APPROVED TRANSMITTAL 4-2-2003

PUBLIC COMMENT: None

**MOTION to transmit the proposed amendment. Motion by Commissioner McCarty, seconded by Commissioner Koons, and carried 4-0. Commissioners Aaronson, Greene, and Masilotti absent.**

**2.E.3.**

**APPLICATION 2003-0015 LGA  
ACREAGE PINES NATURAL AREA AND PARK**

AMENDMENT TO THE FUTURE LAND USE ATLAS TO CHANGE THE LAND USE DESIGNATION FROM RURAL RESIDENTIAL WITH AN UNDERLYING 10 UNITS PER ACRE (RR-10) TO CONSERVATION (CON) ON 115.6 ACRES AND TO PARKS AND RECREATION (PARK) ON 54.15-ACRES OF THE 169.75-ACRE PROPERTY LOCATED IN THE ACREAGE, WEST OF 140TH AVENUE NORTH, BETWEEN ORANGE BOULEVARD AND THE M CANAL. (P.O.P. 931143) APPROVED TRANSMITTAL 4-2-2003

**2.E.3. - CONTINUED**

PUBLIC COMMENT: None

**MOTION to transmit the proposed amendment. Motion by Commissioner McCarty, seconded by Commissioner Koons, and carried 4-0. Commissioners Aaronson, Greene, and Masilotti absent.**

**2.E.4. NON-UTILIZED REMOVAL**

AMENDMENT TO THE FUTURE LAND USE ATLAS TO REMOVE THE NON-UTILIZED LAND USES OF THREE SITES PURSUANT TO FUTURE LAND USE ELEMENT POLICY 2.2.2-D: (A) APPLICATION 2002-0016 LGA (WEST LANTANA ROAD PROPERTIES) FROM COMMERCIAL HIGH, 8 UNITS PER ACRE (CH/8) TO CH ON THE 6.31-ACRE PROPERTY LOCATED APPROXIMATELY 550 FEET WEST OF CONGRESS AVENUE ON THE SOUTH SIDE OF LANTANA ROAD; (B) APPLICATION 2002-0017 LGA (LANTANA/CONGRESS AMOCO) FROM CH/8 TO CH ON THE 0.83-ACRE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF LANTANA ROAD AND CONGRESS AVENUE; AND (C) APPLICATION 2002-0018 LGA (LANTANA/CONGRESS COMMERCIAL PROPERTIES) FROM CH/8 TO CH ON THE 33.13-ACRE PROPERTY LOCATED AT THE SOUTHWEST CORNER OF LANTANA ROAD AND CONGRESS AVENUE. (P.O.P. 931143) APPROVED TRANSMITTAL 4-2-2003

PUBLIC COMMENT: None

**MOTION to transmit the proposed amendment. Motion by Commissioner McCarty, seconded by Commissioner Koons, and carried 4-0. Commissioners Aaronson, Greene, and Masilotti absent.**

**RECONSIDERED ITEM**

(CLERK'S NOTE: For earlier discussion of item 2.A.1., see pages 6-11.)

**2.A.1. HAVERHILL ROAD CRALLS**

AMENDMENT TO THE TRANSPORTATION ELEMENT TO PLACE A CONSTRAINED ROADWAY AT A LOWER LEVEL OF SERVICE (CRALLS) DESIGNATION FOR A LIMITED TIME ON HAVERHILL ROAD FROM PURDY LANE TO 10TH AVENUE NORTH FOR PURPOSES OF THE PROPOSED ABBEY PARK MUPD (MULTIPLE USE PLANNED DEVELOPMENT). (P.O.P. 931143) APPROVED TRANSMITTAL WITH CONDITION 4-2-2003

Referencing the numbers Commissioner Newell asked for earlier in the meeting, County Engineer Webb reported that Haverhill Road north of Cresthaven Boulevard has a volume to capacity (v/c) ratio on a daily basis of 1.48, had a v/c ratio during the p.m. peak hour of 1.15, and has a 1.2 v/c ratio on a directional basis during the peak hour. Therefore, Haverhill Road was overcapacity.

**2.A.1. - CONTINUED**

Mr. Webb read the following recommended language:

The Abbey Park commercial MUPD shall not utilize this CRALLS until the following occurs: (a) the developer contributes \$1 million, reimbursable by the county, toward acceleration of widening of Haverhill Road; and (b) the developer shall contribute an additional \$100,000 beyond the impact fee toward the widening of Haverhill Road. This \$100,000 could be used for carrying costs of the \$1 million advancement, a direct contribution if the \$1 million advancement contribution is not advanced at the time the contract for Haverhill Road is let, or some combination of the two.

**MOTION to transmit the proposed amendment with the recommended language. Motion by Commissioner Koons, seconded by Commissioner Newell, and carried 3-1. Commissioner Marcus opposed. Commissioners Aaronson, Greene, and Masilotti absent.**

Agent Bentz agreed to the condition.

**3. CLOSE PUBLIC HEARING**

**4.. ADJOURNMENT**

**The chair declared the meeting adjourned at 12:17 p.m.**

ATTESTED:

APPROVED:

Clerk

Chair