

**MEETING: BOARD OF COUNTY COMMISSIONERS, COMPREHENSIVE PLAN
TRANSMITTAL PUBLIC HEARING FOR AMENDMENT ROUND 2001-1
(Continued from March 26, 2001)**

1. CALL TO ORDER: April 10, 2001, at 9:36 a.m., in the Palm Beach County Governmental Center, West Palm Beach, Florida.

1.A. ROLL CALL

MEMBERS AND OFFICERS PRESENT:

Chair Warren H. Newell
Vice-Chair Carol A. Roberts
Commissioner Burt Aaronson
Commissioner Addie L. Greene - Absent
Commissioner Mary McCarty - Absent
Commissioner Karen T. Marcus
Commissioner Tony Masilotti - Arrived later
Assistant County Attorney Robert P. Banks
Deputy Clerk Joan Haverly

1.B.1. OPENING PRAYER - None

1.B.2. PLEDGE OF ALLEGIANCE

1.C. REMARKS OF THE CHAIR

The Palm Beach County, Florida, Board of County Commissioners has reconvened 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 01-1. This public hearing is being held on Tuesday, April 10, 2001, at the McEaddy Conference Room, Twelfth 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 for transmittal in Round 01-1 include text amendments, map amendments, and site specific amendments to the Future Land Use Atlas. Adoption of the transmitted amendments by the BCC will be in August 2001. The Local Planning Agency held its public hearings on these amendments on May 19, 2000, February 2, 9, and 23, 2001, and March 9, 2001. The BCC began this public hearing on March 26, 2001, and continued it to this date and time.

1.D. PROOF OF PUBLICATION APPROVED 3-26-2001 [see note below]

MOTION to receive and file proof of publication 927639 [3-26-2001]. Motion by Commissioner Marcus, seconded by Commissioner Roberts, and carried 4-0. Commissioners Greene, McCarty, and Masilotti absent.

(CLERK'S NOTE: Proof of publication 927639 was approved for receipt and file on March 26, 2001, the first day of this meeting.)

1.E. COMMENTS BY THE PLANNING DIRECTOR

Planning Director Frank M. Duke noted that Item 5.B., a resolution dealing with the Big Blue Cypress Preserve in the Village of Wellington, had been added to the agenda and that a packet of additional backup material had been distributed to each commissioner. (See pages 6-7.)

1.F. UNSCHEDULED ITEMS

1.F.1.

PROCLAMATION DECLARING APRIL 2001 AS FAIR HOUSING MONTH. APPROVED 4-10-2001

MOTION to approve the proclamation. Motion by Commissioner Roberts on behalf of Commissioner Newell, seconded by Commissioner Marcus, and carried 4-0. Commissioners Greene, McCarty, and Masilotti absent.

1.F.2.

BUTTS PROPERTY. DISCUSSED 4-10-2001

Commissioner Newell initiated discussion on the Butts property, citing memoranda both from himself and from Assistant County Attorney Barbara Alterman.

Following Mr. Cox's comments below, Assistant County Attorney Banks advised the board that this issue was for discussion only and would not bind the board in any way.

Jack Cox, attorney for Rebecca Butts, made the following comments:

- His client owned a 100-acre property lying in the Agricultural Reserve, approximately two miles north of Boynton Beach Boulevard and one mile west of State Road 7 (U.S. 441).
- Kevin Gleason represented Mr. Rowan, owner of the adjoining 20-acre parcel.
- The Butts property has been the subject of litigation between Mrs. Butts, Mr. Rowan (the mining operator), and the South Florida Water Management District (SFWMD).
- Settlement of the litigation essentially required the discontinuation of mining efforts. Accordingly, they ceased about May 2000. It also required certain acreage to be subject to a conservation easement on behalf of SFWMD as well as a certain amount of restoration work. These stipulations can be met only if the property's clustered units are removed and sold.
- His client has entered into a contract with G.L. Homes of Florida to sell these development rights. This contract must close by the end of the month. At closing, moneys from a fund will go to the mining operator to stop him from restarting operations as well as to SFWMD to fund the restoration work. Part of the fund will also be available for bond requirements to ensure the removal of exotics from the property.
- G.L. Homes needs assurance from the county that the clustered units can be removed prior to their filing for a zoning application. Mrs. Butts will continue to own the property until the zoning is completed. In that way, G.L. Homes can be assured that all issues have been complied with.

1.F.2. - CONTINUED

- G.L. Homes will be responsible for whatever happens on their project but not for anything the property owner might do. They do not want to have a situation in which there may be a violation on the property that would jeopardize their project.
- This is a very significant piece of property that has large lakes with a large fish population, much native vegetation, and nesting and wading birds, deer, and hogs. His client had committed to Richard E. Walesky, director of Environmental Resources Management, to sell the property to the county for \$2,000 an acre. To the west of the property, the SFWMD property has been leased to the Loxahatchee National Wildlife Refuge.
- His client had agreed to G.L. Homes' request to execute a power of attorney that would allow them to sign any document necessary for their zoning application.
- His client has prepared to file and record the conservation easement in favor of the county immediately upon transfer of the clustered units from the property to G.L. Homes, even before the zoning application is put in place.

Kevin Gleason, attorney for Rowan Construction, supported Mr. Cox's remarks.

Planning Director Duke made the following comments:

- Staff had been meeting with Mr. Cox and with G.L. Homes on this property and had informed them that the site met the requirements of the Comprehensive Plan in order for the clustered units to move off the site for an Agricultural Reserve planned unit development (AGR PUD).
- SFWMD may place a conservation easement on the property. The question then becomes whether the board would want a county easement placed on it and whether the board would want the units to be allowed to be used in the Ag Reserve. An SFWMD conservation easement on the property would not take the units away. They would still exist and could be used outside the Ag Reserve or, in his interpretation of the Comprehensive Plan, inside the reserve through the AGR PUD.
- The easement would significantly reduce the value of the property.
- There is nothing in the Comprehensive Plan or the Unified Land Development Code that require the preserve areas for an AGR PUD to be held in the same ownership as the developed portion.

Commissioner Newell commented that this was a weakness in the code. Mr. Duke responded that it could also be argued to be an asset because it allowed for those lands to be used for a public purpose that might otherwise not be so allowed.
- In order for the property to be platted as part of an AGR PUD, the code required that the property owner be able to sign the papers consenting to it being platted as a preserve area.

1.F.2. - CONTINUED

- G.L. Homes was proposing to close on the clustered units, to have an easement placed on the property so that it could not be used as part of another development, to bring the units forward and get credit for them, to record the easement, and to plat the property when it comes forward for the AGR PUD.
- The county could not commit to not causing a delay since staff would have to ensure that the company was complying with all codes in place at the time they came forward for an approval.

Larry Portnoy, representing G.L. Homes, echoed certain remarks made by Mr. Cox.

Chief Deputy County Attorney Gordon P. Selfridge reiterated what Assistant County Attorney Banks said earlier, noting that the parties proceed at this at their own risk.

The board informally agreed they could give no assurance to G.L. Homes.

2. 45TH STREET CRALLS STIPULATED SETTLEMENT AGREEMENT

2.A.1.

STIPULATED SETTLEMENT AGREEMENT [DOCUMENT R-2001-0447] WITH FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS AS A COMPLETE AND FINAL SETTLEMENT OF ALL CLAIMS RAISED IN THE PROCEEDING ENTITLED STATE OF FLORIDA, DEPARTMENT OF COMMUNITY AFFAIRS, V. PALM BEACH COUNTY, DIVISION OF ADMINISTRATIVE HEARINGS (DOAH) CASE 00-5852GM. EACH PARTY SHALL BEAR ITS OWN COSTS, INCLUDING ATTORNEY FEES. THIS AGREEMENT RESOLVES THE DEPARTMENT'S FINDINGS OF NONCOMPLIANCE REGARDING COMPREHENSIVE PLAN AMENDMENTS ADOPTED ON SEPTEMBER 18, 2000, BY ORDINANCE 2000-024. THE AGREEMENT COMMITS THE COUNTY TO ADOPT AMENDMENTS TO THE TRANSPORTATION ELEMENT ESTABLISHING A CONSTRAINED ROADWAY AT A LOWER LEVEL OF SERVICE (CRALLS) FOR SEGMENTS OF 45TH STREET, EXCLUSIVELY FOR THE PURPOSES OF REDEVELOPMENT OF THE JAI-ALAI FRONTON SITE IN THE TOWN OF MANGONIA PARK. (P.O.P. 927639 [3-26-2001]) APPROVED STAFF RECOMMENDATION AS AMENDED 3-26-2001

3. AMENDMENT ROUND 2001-1 TRANSMITTAL

3.A. PRIVATELY INITIATED SITE SPECIFIC AMENDMENTS - To the Future Land Use Atlas

**3.A.1. APPLICATION 2001-94 MLU 1
Flavor Pict/Military MLU**

AMENDMENT TO THE FUTURE LAND USE ATLAS ON THE 20.94-ACRE PROPERTY LOCATED AT THE NORTHWEST CORNER OF MILITARY TRAIL AND FLAVOR PICT ROAD (OWNER-APPLICANT: BRYAN M. DUVALL AND SUN TRUST BANK/COMPSON ASSOCIATES, INC.; AGENT: ROBERT A. BENTZ), CHANGING THE FUTURE LAND USE DESIGNATION FROM MEDIUM RESIDENTIAL 5 (MR-5) TO MULTIPLE LAND USE (MLU). (P.O.P. 927639 [3-26-2001]) APPROVED WITH CONDITIONS, SUGGESTIONS, AND DIRECTIONS 3-26-2001

3.A.2.

**APPLICATION 2001-64 INST 1
Palm Beach Atlantic College**

AMENDMENT TO THE FUTURE LAND USE ATLAS ON THE 60.22-ACRE PROPERTY LOCATED ON THE NORTH SIDE OF SOUTHERN BOULEVARD APPROXIMATELY 0.25 MILE EAST OF JOG ROAD (OWNER: DIOCESE OF PALM BEACH AND CHASE MANHATTAN; APPLICANT: PALM BEACH ATLANTIC COLLEGE, DIOCESE OF PALM BEACH, AND CHASE MANHATTAN; AGENT, ROBERT MASSARELLI), CHANGING THE FUTURE LAND USE DESIGNATION FROM MEDIUM RESIDENTIAL 5 (MR-5) TO INSTITUTIONAL 5 (INST/5). (P.O.P. 927639 [3-26-2001]) APPROVED WITH CONDITION AS AMENDED 3-26-2001

3.A.3.

**APPLICATION 2001-82 COM 1
Lantana Road Commercial 2**

AMENDMENT TO THE FUTURE LAND USE ATLAS ON THE 16.58-ACRE PROPERTY LOCATED ON THE NORTH SIDE OF LANTANA ROAD APPROXIMATELY 0.50 MILE WEST OF MILITARY TRAIL (OWNER-APPLICANT: PAUL MELOCHE AND MARJORIE MELOCHE; AGENT: ROBERT A. BENTZ), CHANGING THE FUTURE LAND USE DESIGNATION FROM MEDIUM RESIDENTIAL 5 (MR-5) TO COMMERCIAL LOW 5 (CL/5). (P.O.P. 927639 [3-26-2001]) APPROVED WITH CONDITION AS AMENDED BY ADDITIONAL CONDITIONS 3-26-2001

3.A.4.

**APPLICATION 2001-63 COM 1
Southern/Turnpike**

AMENDMENT TO THE FUTURE LAND USE ATLAS ON THE 6.69-ACRE PROPERTY LOCATED ON THE NORTHWEST QUADRANT OF SOUTHERN BOULEVARD AND THE FLORIDA TURNPIKE (OWNER-APPLICANT: FRED KELLER, TRUSTEE; AGENT: DOUGLASK. MATTSON), CHANGING THE FUTURE LAND USE DESIGNATION FROM INDUSTRIAL (IND) TO COMMERCIAL HIGH (CH). (P.O.P. 927639 [3-26-2001]) APPROVED 4-10-2001

Staff Recommendation: Approval.

MOTION to transmit the proposed Southern/Turnpike amendment. Motion by Commissioner Roberts and seconded by Commissioner Aaronson.

Commissioner Marcus stated that when the project came through the zoning process, she would be looking for many design characteristics to mitigate the effects of strip commercial development.

PUBLIC COMMENT: None

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

3.A.5. See page 29.

3.A.6.

**APPLICATION 2001-69 INST 2
Wellington Medical - Phase 2**

AMENDMENT TO THE FUTURE LAND USE ATLAS ON THE 27.22-ACRE PROPERTY LOCATED APPROXIMATELY 600 FEET WEST OF STATE ROAD 7 (U.S. 441) AND 0.25 MILE NORTH OF FOREST HILL BOULEVARD (OWNER-APPLICANT: WELLINGTON REGIONAL MEDICAL CENTER, INC.; AGENT: ANNA COTTRELL AND GREGORY S. KINO), CHANGING THE FUTURE LAND USE DESIGNATION FROM LOW RESIDENTIAL 2 (LR-2) TO INSTITUTIONAL 8 (INST/8). (P.O.P. 927639 [3-26-2001]) APPROVED WITH CONDITIONS 3-26-2001

3.B. PROPOSED TEXT AND MAP AMENDMENTS

3.B.1. AGRICULTURAL RESERVE TIER

AMENDMENT TO THE FUTURE LAND USE ELEMENT (FLUE), INTRODUCTION AND ADMINISTRATION ELEMENT, AND THE COMPREHENSIVE PLAN MAP SERIES THAT WILL:

- REVISE FLUE OBJECTIVE 1.5, THE AGRICULTURAL RESERVE TIER, APPROVED BY THE BOARD OF COUNTY COMMISSIONERS IN 2000;
- REVISE FLUE OBJECTIVE 2.1, BALANCED GROWTH, TO ESTABLISH INTENSITIES FOR NONRESIDENTIAL DEVELOPMENT IN THE AGRICULTURAL (AG) RESERVE; FLUE OBJECTIVE 2.4, MIXED-USE DEVELOPMENT PATTERNS, TO PERMIT TRADITIONAL MARKETPLACE DEVELOPMENTS (TMD) IN THE AG RESERVE; FLUE OBJECTIVE 3.3, LIMITED URBAN SERVICES AREA, TO PROVIDE FOR SERVICE DELIVERY IN THE AG RESERVE; AND FLUE OBJECTIVE 5.5, TURNPIKE AQUIFER PROTECTION OVERLAY (TAPO) DISTRICT, TO EXTEND THE TAPO BOUNDARIES;
- REVISE THE DESCRIPTION OF III.C, OTHER MIXED-USE DEVELOPMENT TYPES IN THE IMPLEMENTATION SECTION OF THE FLUE;
- REVISE THE DEFINITION OF WATER PRESERVE AREAS IN THE INTRODUCTION AND ADMINISTRATION ELEMENT;
- REVISE THE COMPREHENSIVE PLAN MAP SERIES, MAP LU 3.1, SPECIAL PLANNING AREAS, TO REFLECT THE NEW BOUNDARIES OF THE TAPO;
- REVISE THE COMPREHENSIVE PLAN MAP SERIES, MAP LU 2.1, SERVICE AREAS, TO REFLECT THE ADDITION OF THE AG RESERVE TIER AS A LIMITED URBAN SERVICE AREA AND FOR INTERNAL CONSISTENCY. (P.O.P. 927639 [3-26-2001]) [CONTINUED BELOW]

Staff Recommendation: Approval.

Planning Director Duke began his presentation.

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

Noting that Commissioner Masilotti had arrived, Commissioner Aaronson asked for a motion to reorder the agenda in order to consider item 5.B. as a courtesy to Village of Wellington Mayor Wenham who was present to speak on the item.

(CLERK'S NOTE: For continued discussion of item 3.B.1., see pages 7-13.)

REORDER THE AGENDA

MOTION to reorder the agenda to consider add-on item 5.B. Motion by Commissioner Masilotti, seconded by Commissioner Roberts, and carried 5-0. Commissioners Greene and McCarty absent.

(CLERK'S NOTE: For earlier discussion of item 5.B., see page 1.)

5.B. RESOLUTION R-2001-0521

RESOLUTION REQUESTING THE VILLAGE OF WELLINGTON TO DENY ANY APPLICATION TO DEVELOP BIG BLUE CYPRESS PRESERVE AND REQUESTING THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT TO TAKE ANY ACTION NECESSARY TO ENFORCE THE PERMIT CONDITIONS APPLICABLE TO THE PRESERVE. ADOPTED 4-10-2001

MOTION to adopt the resolution. Motion by Commissioner Masilotti.

Commissioner Masilotti invited Mayor Wenham to speak.

5.B. - CONTINUED

PUBLIC COMMENT:

Thomas Wenham, mayor of the Village of Wellington, said that the previous evening, the village had taken the necessary action to deny any further development in the environmentally sensitive Big Blue Cypress Preserve. He described Big Blue as 92.4 acres with probably the biggest cypress stand in the county and said that the village had been told last night that the developer-caused devastation in Big Blue could be remedied. He expressed his gratitude to the county for its support.

Commissioner Masilotti said that South Florida Water Management District was considering a penalty of \$2 million to \$4 million.

During discussion of item 3.B.1., Joanne Davis expressed the gratitude of 1000 Friends of Florida for the county's support of Big Blue and encouraged its continuing support since it would be needed.

SECOND TO MOTION by Commissioner Roberts and carried 5-0. Commissioners Greene and McCarty absent.

(CLERK'S NOTE: For earlier discussion of the following item, see page 6.)

3.B.1.

AGRICULTURAL RESERVE TIER

AMENDMENT TO THE FUTURE LAND USE ELEMENT (FLUE), INTRODUCTION AND ADMINISTRATION ELEMENT, AND THE COMPREHENSIVE PLAN MAP SERIES THAT WILL:

- REVISE FLUE OBJECTIVE 1.5, THE AGRICULTURAL RESERVE TIER, APPROVED BY THE BOARD OF COUNTY COMMISSIONERS IN 2000;
- REVISE FLUE OBJECTIVE 2.1, BALANCED GROWTH, TO ESTABLISH INTENSITIES FOR NONRESIDENTIAL DEVELOPMENT IN THE AGRICULTURAL (AG) RESERVE; FLUE OBJECTIVE 2.4, MIXED-USE DEVELOPMENT PATTERNS, TO PERMIT TRADITIONAL MARKETPLACE DEVELOPMENTS (TMD) IN THE AG RESERVE; FLUE OBJECTIVE 3.3, LIMITED URBAN SERVICES AREA, TO PROVIDE FOR SERVICE DELIVERY IN THE AG RESERVE; AND FLUE OBJECTIVE 5.5, TURNPIKE AQUIFER PROTECTION OVERLAY (TAPO) DISTRICT, TO EXTEND THE TAPO BOUNDARIES;
- REVISE THE DESCRIPTION OF III.C, OTHER MIXED-USE DEVELOPMENT TYPES IN THE IMPLEMENTATION SECTION OF THE FLUE;
- REVISE THE DEFINITION OF WATER PRESERVE AREAS IN THE INTRODUCTION AND ADMINISTRATION ELEMENT;
- REVISE THE COMPREHENSIVE PLAN MAP SERIES, MAP LU 3.1, SPECIAL PLANNING AREAS, TO REFLECT THE NEW BOUNDARIES OF THE TAPO;
- REVISE THE COMPREHENSIVE PLAN MAP SERIES, MAP LU 2.1, SERVICE AREAS, TO REFLECT THE ADDITION OF THE AG RESERVE TIER AS A LIMITED URBAN SERVICE AREA AND FOR INTERNAL CONSISTENCY. (P.O.P. 927639 [3-26-2001]) APPROVED AS AMENDED 4-10-2001

Planning Director Duke continued his presentation, discussing first the additional backup that had been distributed to the board:

- A letter from the Land Use Advisory Board (LUAB) requesting that the Ag Reserve Tier regulations include criteria to encourage non-vehicular interconnectivity between areas in the tier.

3.B.1. - CONTINUED

Staff recommended approval.

- Staff-recommended language in response to a Board of County Commissioners (BCC) directive to prohibit pari-mutuel wagering in the Ag Reserve.

Instead of devising language prohibiting pari-mutuel wagering in the reserve, staff developed language (new Policy 2.2.3-c [Commercial Recreation]) that permits pari-mutuel wagering in the Urban/Suburban Tier (as is consistent with what current regulations allow) and prohibits it in the Exurban, Rural, Ag Reserve, and Glades tiers, except in those portions of the Glades Tier in which the provisions of the Urban/Suburban Tier apply.

Mr. Duke explained that staff had chosen the wording it had because by prohibiting pari-mutuel wagering in the Ag Reserve, it appeared that such wagering was being encouraged in the other named areas.

Staff recommended approval.

- A correction to Table 2.1-2 (Maximum Floor Area Ratios [F.A.R.s] For Non-Residential Future Land Use Categories).

Staff recommended approval.

- LUAB-recommended policy changes:

- (a) New policies 1.5-k (Commercial) and 1.5.1-m (Traditional Marketplace Development), establishing an additional location with commercial potential in the Ag Reserve, specifically within one-quarter mile of the northeast quadrant of the intersection of State Road 7 (U.S. 441) and Clint Moore Road (current location of Thomas Produce Company). This was requested by an agent for Mr. John Thomas.

Staff did not recommend approval.

- (b) Revised Policy 1.5.1-b (Planned Developments), increasing the extent of use of native or drought-tolerant species in landscape requirements for planned developments from the 50 percent that the plan currently requires to 60 percent. This was requested by 1000 Friends of Florida

Staff did not recommend approval, given that BCC direction was to move forward with implementing the Agricultural Reserve Master Plan, which had been silent on that issue. The 60 percent is required by the Unified Land Development Code (ULDC).

Mr. Duke said that staff recommended deletion of Policy 5.5-a of the proposed amendment, dealing with the Turnpike Aquifer Protection Overlay (TAPO) District. In developing the Agricultural Reserve Master Plan, the county's consultants, working with the Water Utilities Department (WUD), had recommended that the TAPO be extended into the Ag Reserve to Lyons Road. When staff developed Objective 5.5, based on BCC direction, they carried that forward. Since then, WUD informed Planning staff that they have all the wellfield sites they will be able to use in this area; therefore, they recommended deletion of those provisions.

3.B.1. - CONTINUED

Commissioner Aaronson proposed the following language in addition to the staff-recommended provision on pari-mutuel wagering in order to strengthen the provision:

Gaming, pari-mutuel wagering, off-track betting, or events or activities held or broadcast for similar purposes shall be prohibited in the Ag Reserve.

Mr. Duke responded that he thought the same thing could be done by revising the first sentence of new Policy 2.2.3-c as follows:

The County shall permit gaming, pari-mutuel wagering, off-track betting, or events or activities broadcast for similar purposes only on sites with a Commercial Recreation designation within the Urban/Suburban Tier. Such uses shall be prohibited in the Exurban, Rural, Agricultural Reserve, and Glades Tiers, except in those portions of the Glades Tier where the provisions of the Urban/Suburban Tier apply.

Commissioner Marcus objected that, first, the county does not "permit" wagering, and, second, the staff-recommended provision was inappropriate and complicated. She supported Commissioner Aaronson's recommendation as the sole provision and advised Mr. Duke, if he felt it necessary, to add a line prohibiting all other commercial recreation uses except for golf courses (the only currently allowed use in the Ag Reserve). Mr. Duke noted that new Policy 1.5-n (Commercial Recreation) stated that "Freestanding golf courses shall be allowed as the only form of commercial recreation in the Agricultural Reserve Tier..." Thus, any other event was already precluded. Commissioner Roberts suggested including Commissioner Aaronson's recommendation in parentheses.

MOTION to add Commissioner Aaronson's recommendation to Policy 1.5-n as stated. Motion by Commissioner Roberts, seconded by Commissioner Masilotti, and carried 5-0. Commissioners Greene and McCarty absent.

Commissioner Masilotti objected that Policy 2.1-b (Balanced Growth) did not allow several uses in the Glades Tier, an area which the county was trying to redevelop. Mr. Duke responded that the current plan did not allow those uses and that the board had directed staff to bring forward amendments addressing those issues in 2002. Commissioner Roberts agreed with Commissioner Masilotti.

MOTION to revise Table 2.1-2 to allow the same uses in the Glades Tier as allowed in the

Urban/Suburban Tier in order to encourage redevelopment in the Glades. Motion by Commissioner Masilotti.

MOTION DIED FOR LACK OF SECOND.

Assistant County Attorney Banks advised that what Commissioner Masilotti was recommending was a new amendment to the Comprehensive Plan and that that could not be done at a BCC transmittal hearing. Commissioner Masilotti asked that his recommendation be put on a later agenda. Commissioner Aaronson agreed as to its importance and said it should be studied and scheduled for board consideration as soon as possible. Moreover, when the board met on the item, the commissioners should figure out a way to give Mr. Duke additional staff.

3.B.1. - CONTINUED

PUBLIC COMMENT:

Commissioner Newell apologized to Joanne Davis that he had not noticed she had submitted a card to speak on the Big Blue Cypress Preserve in addition to a card for the Agricultural Reserve Tier. After addressing the former issue (see page 7), Ms. Davis explained that 1000 Friends of Florida had made the 60 percent recommendation in Policy 1.5-1 for consistency with the ULDC. She said that 1000 Friends of Florida supported the Agricultural Reserve Master Plan, which she characterized as good and very workable. The group did not support industrial use or increasing commercial in the Ag Reserve. She thanked the commission for their support of, and staff for their hard work on the amendment.

Robert A. Bentz, agent for White Farm, made the following comments:

- He expressed agreement with the 60 percent recommendation of 1000 Friends of Florida. Adding more native plant material, especially in view of the drought, would be a positive thing. Further, it would be consistent with the ULDC.
- An economic development element had been included in the original master plan, which proposed both commercial and industrial uses at Boynton Beach Boulevard and the Florida Turnpike and at Atlantic Avenue and the turnpike. The board decided to remove it, primarily in response to a resident's concern. He asked that the board consider reinstating it with a much reduced area and a much more limited number of allowed uses. He further asked that the affected area be on the north side of Boynton Beach Boulevard adjacent to the proposed traditional marketplace node within the Ag Reserve area. He briefly discussed some of the uses being requested. Mr. Bentz submitted a proposed new Policy 1.5-p (Economic Development Center) concerning this matter; he withdrew the request immediately prior to his comments on Thomas Produce Company (page 12).

Gary Smigiel, representing Mecca Farms, discussed the changing dynamics in the Agricultural Reserve and the desirability of a location near the Florida Turnpike from which the new farming operations could be serviced.

Kim Glas-Castro, agent for DuBois Farms, asked the board not to transmit the TAPO extension (Policy 5.5-a):

- The extension would encourage the establishment of new wells; this would bring in more wellfield regulations, which are burdensome to agricultural operations.
- Additionally, the existing Policy 5.5-e states that "Existing or approved uses and developments...which store, process or handle regulated substances shall be considered non-conforming uses." Fertilizer, pesticides, and herbicides are regulated substances; therefore, agricultural uses that utilize these would be non-conforming, which is inherently inconsistent with the objective of the Agricultural Reserve area.

3.B.1. - CONTINUED

John Thomas, representing Thomas Produce Company, discussed the operations and growth of his company. In addition to which, he stated that all produce grown on the company's farms is packed at and shipped from its packing plant on Clint Moore Road, employing hundreds of local workers. All of this activity creates an overload of vehicular traffic at this location. Since the company has expanded to Henry, St. Lucie, and Martin counties, his family now thought it would be better to relocate its packing and shipping facilities from Clint Moore Road to a more central and less congested area. Mr. Thomas added that he had engaged the services of Robert A. Bentz to address the non-farm issues. In response to a question by Commissioner Masilotti, Mr. Thomas clarified that he planned to continue farming in Palm Beach County on all the land that is available to his company, would bid on the land being bought by the county to remain agricultural, and would fight hard to stay here with the winter vegetables.

Mr. Duke explained to Commissioner Marcus that Mr. Thomas was asking the board to support LUAB-recommended new policies 1.5-k and 1.5.1-m, discussed earlier, to allow the property at the northeast quadrant of State Road 7 and Clint Moore Road to qualify as having commercial potential. Staff did not recommend approval of these policy recommendations, he said, because it had previously been determined that the most appropriate places for commercial potential were interior to the Ag Reserve. The interior locations would primarily serve residents of the reserve. Locating these uses on the perimeter would draw more people into the area. He added that a packing house could be located on any property with an Agricultural Reserve (AGR) land use designation provided it was not part of an Ag Reserve planned unit development. Mr. Duke further explained that Mr. Thomas was looking to relocate the packing house and redevelop the Clint Moore Road property as commercial.

Commissioner Aaronson said he was not opposed to the packing plant's relocation or to the LUAB-recommended policies but stated that he would only approve Commercial Low on the vacated property when it came up for zoning since it was surrounded by residential properties. Mr. Aaronson later clarified he would approve only Commercial Low with restrictions.

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

Rosa Durando said that the plan would escalate the value of every acre in the Ag Reserve and the adjoining agricultural land, specifically Heritage Farms, and render the land impractical for farming. She questioned how the county could encourage lending institutions, such as the Farm Credit System, to lend money on leased lands. They will not lend money, she said, unless they can carry a potential lien on the property in the event of failure to repay the loan. Ms. Durando said there was much in the plan that should be scrutinized further.

Marvin Sanders, representing Sanders Planning Group, distributed a graphic depicting Le Rivage, an 80-20 planned unit development at Clint Moore and Lyons roads for which his group was responsible.

(CLERK'S NOTE: The board informally accepted the document for receipt and file.)

3.B.1. - CONTINUED

Mr. Sanders spoke in opposition to the provision in the proposed amendment that did not allow a water preserve component in planned developments (revision of water preserve area definition, Introduction and Administration element, B.39.). Le Rivage abutted what he described as a very significant water preserve on three sides. Essentially, there had been no wildlife on the site when it was a nursery. Today, after development, there are hundreds of birds and the lake is full of fish. Mr. Sanders asked that the water preserve component be restored within the preservation area under the 80-20.

Addressing the interconnectivity issue, Mr. Sanders questioned the viability of vehicular flow through an association's privately owned road system across another association's property through "duelling gate houses." There are serious issues attendant on interconnectivity, some of which can create great social disorder, he said.

Dagmar Brahs asked that the county not open the door on additional commercial in the area. She said that the Lyons Road-Boynton Beach Boulevard intersection and Lyons Road-Atlantic Avenue intersection have always been designated as the commercial nodes for the Agricultural Reserve area, and identified several commercial nodes on the perimeter of the Ag Reserve that will service the residents.

Lewis J. Doctor, president of Coalition of Boynton West Residential Associations (COBWRA), agreed with the comments of Ms. Brahs. He asked the board to maintain this unique South Florida area and

to enhance agriculture, limit residential development, and allow no commercial in the reserve.

Robert A. Bentz, agent for Thomas Produce Company, added his comments to those of Mr. Thomas earlier.

Commissioner Newell noted that the board had come to no decision on the interconnectivity issue. Planning Director Duke said that staff felt very strongly that the county needed to provide alternative means of access unless it was prepared to widen roads on the thoroughfare map or lower the level of service on a countywide basis. Commissioners Marcus and Newell indicated their support of the concept with each case being individually considered as it came forward while Commissioners Aaronson and Masilotti objected to it as a requirement.

Mr. Duke explained to Commissioner Masilotti that county policy encouraged interconnectivity outside the Ag Reserve and that the Agricultural Reserve Master Plan required it in the reserve. He identified new policy 1.5.1-c as containing the requirement.

Commissioner Newell stated that in the absence of a consensus, the matter would be set aside for the time being.

Commissioner Newell asked for the board's decision on the water preserve component, an objection to which had been raised by Mr. Sanders. Mr. Duke remarked that Mr. Sanders objected to the revised definition of water preserve area in the Introduction and Administration Element. Staff, on the other hand, supported the change. It was the best definition that staff could come up with at this time, he said. Commissioner Newell asked whether the board supported the revision. Commissioner Aaronson said that he did not.

3.B.1. - CONTINUED

Addressing the Thomas Packing Company issue (new policies 1.5-k and 1.5.1-m), Commissioner Newell said that he believed that Commissioners Aaronson and Masilotti supported the changes while Commissioner Marcus did not. He added his support to the changes.

Addressing TAPO District revised policy 5.5-a, Commissioner Marcus asked certain questions of staff. Representatives of the Environmental Management Department and Water Utilities Department expressed support of the changes.

MOTION to transmit the proposed Agricultural Reserve Tier amendment with modifications as discussed. Motion by Commissioner Masilotti.

Commissioner Newell asked if the maker of the motion wished to separate the Thomas Packing House issue from the motion in view of Commissioner Marcus's opposition.

MOTION WITHDRAWN.

MOTION to approve LUAB-recommended new policies 1.5-k and 1.5.-1.m. Motion by Commissioner Masilotti, seconded by Commissioner Aaronson, and carried 3-1. Commissioner Marcus opposed. Commissioners Greene, McCarty, and Roberts absent.

MOTION to take the staff recommendations and submit the Comprehensive Plan changes for the Agricultural Reserve Tier amendment as discussed in this meeting. Motion by Commissioner Masilotti, seconded by Commissioner Aaronson, and carried 4-0. Commissioners Greene, McCarty, and Roberts absent.

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

3.B.2.

MINING AND WATER MANAGEMENT

AMENDMENT TO FUTURE LAND USE POLICY 2.3-E(2) TO ALLOW MINING ACTIVITIES IN THE AGRICULTURAL PRODUCTION (AP) LAND USE DESIGNATION FOR PROJECTS RELATED TO ECOSYSTEM RESTORATION AND REGIONAL WATER MANAGEMENT. (P.O.P. 927639 [3-26-2001]) APPROVED 4-10-2001

Staff Recommendation: Approval.

MOTION to transmit the proposed Mining and Water Management amendment. Motion by Commissioner Masilotti and seconded by Commissioner Aaronson.

PUBLIC COMMENT: None

UPON CALL FOR A VOTE, the motion carried 5-0. Commissioners Greene and McCarty absent.

3.B.3.

UNITED TECHNOLOGIES OVERLAY REVISIONS

AMENDMENT TO FUTURE LAND USE ELEMENT OBJECTIVE 2.7, UNITED TECHNOLOGIES OVERLAY, SUPPORTING POLICIES, AND IMPLEMENTATION TEXT WILL: (A) REPLACE LANGUAGE THAT LIMITS USES IN THE OVERLAY TO THOSE WHICH "SUPPORT AND CONTRIBUTE" TO THE OPERATIONS OF PRATT-WHITNEY WITH LANGUAGE THAT PERMITS COMPATIBLE USES; (B) REVISE THE LIST OF PERMITTED FUTURE LAND USE DESIGNATIONS; (C) LIMIT THE PERMITTED USES FOR INTERNAL CONSISTENCY; AND (D) ADD PREVIOUSLY DELETED LANGUAGE REGARDING THE HISTORY OF THE OVERLAY TO CLARIFY ITS INTENT. (P.O.P. 927639) APPROVED AS AMENDED WITH DIRECTION 3-26-2001

RECESS

At 12:00 m., the chair declared a recess.

RECONVENE

At 1:28 p.m. the board reconvened with Commissioners Aaronson, Marcus, Masilotti, Newell, and Roberts present.

3.B.4.

GENERAL FUTURE LAND USE ELEMENT (FLUE) AMENDMENT

AMENDMENT TO THE FUTURE LAND USE ELEMENT TO: (A) MAKE MINOR REVISIONS AND UPDATES TO SEVERAL POLICIES THROUGHOUT THE ELEMENT; (B) ADD A NEW POLICY TO THE URBAN/SUBURBAN TIER OBJECTIVE TO INDICATE THAT THE COMMERCIAL NEEDS ASSESSMENT STUDY IS TO BE USED TO DETERMINE THE NEED FOR ADDITIONAL COMMERCIAL WITHIN THAT TIER; AND (C) DELETE A POLICY DEALING WITH DEVELOPING THE CONVERSION FORMULA FOR RESIDENTIAL TO NONRESIDENTIAL TRANSFER OF DEVELOPMENT RIGHTS (TDR) BECAUSE THE POLICY WAS IMPLEMENTED. (P.O.P. 927639 [3-26-2001]) APPROVED 4-10-2001

Staff Recommendation: Approval.

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

PUBLIC COMMENT: None

UPON CALL FOR A VOTE, the motion carried 5-0. Commissioners Greene and McCarty absent.

3.B.5.

MANAGED GROWTH TIER SYSTEM (MGTS) HOUSING POLICIES AND RELOCATION OF EXISTING HOUSING POLICY LANGUAGE

AMENDMENT TO THE HOUSING ELEMENT TO: (A) REVISE TWO EXISTING POLICIES ADDRESSING THE PROVISION OF AFFORDABLE HOUSING, AND ONE EXISTING POLICY ADDRESSING CONCENTRATIONS OF AFFORDABLE HOUSING; AND (B) ADD TWO NEW POLICIES ADDRESSING THE PROVISION OF AFFORDABLE HOUSING, AND FOUR NEW POLICIES ADDRESSING THE CONCENTRATIONS OF AFFORDABLE HOUSING. (P.O.P. 927639 [3-26-2001]) APPROVED WITH DIRECTION 4-10-2001

Staff Recommendation: Approval.

Commissioner Roberts initiated discussion on incentives to encourage moderate- or higher-income housing in areas with a high concentration of affordable housing. Planner Michael R. Howe told the commissioner that the intent of the proposed amendment would allow the addition of incentives as they come forward.

3.B.5. - CONTINUED

Commissioner Marcus remarked that the Commission on Affordable Housing (CAH) had specific incentives concerning amenity-type projects and asked staff to coordinate with CAH on details.

Commissioner Roberts asked staff to provide the budget impact of the elimination of processing fees, an incentive identified by Planning Director Duke.

Commissioner Masilotti asked staff to look into providing senior housing utilizing the Voluntary Density Bonus Program. Commissioner Roberts observed that in order to be eligible for a voluntary density bonus, the housing would have to meet the three criteria on page E-4 of the backup. Therefore, the criteria would have to be modified to address an exception like senior housing. Ms. Roberts cited the "proximity to...employment opportunities" in the third criterion and said she would like to see the definition of "employment opportunity" under definitions.

Commissioner Aaronson said staff should investigate providing for public-purpose exceptions, such as hospitals, assisted living facilities, and hurricane shelters. Mr. Duke responded that staff would look at what could be done for special needs housing, in particular for seniors, and bring it forward in the next amendment round.

MOTION to transmit the proposed MGTS Housing Policies amendment. Motion by Commissioner Aaronson and seconded by Commissioner Masilotti.

PUBLIC COMMENT: None

UPON CALL FOR A VOTE, the motion carried 5-0. Commissioners Greene and McCarty absent.

3.B.6. COASTAL MANAGEMENT REVISIONS

AMENDMENT TO THE COASTAL MANAGEMENT ELEMENT, CAPITAL IMPROVEMENT ELEMENT, AND INTRODUCTION AND ADMINISTRATION ELEMENT TO CLARIFY POLICIES AND DEFINITIONS RELATING TO COASTAL HAZARD AREAS. (P.O.P. 927639 [3-26-2001]) APPROVED 4-10-2001

Staff Recommendation: Approval.

MOTION to transmit the proposed Coastal Management Revisions amendment. Motion by Commissioner Marcus and seconded by Commissioner Masilotti.

PUBLIC COMMENT: None

UPON CALL FOR A VOTE, the motion carried 5-0. Commissioners Greene and McCarty absent.

(CLERK'S NOTE: Items 3.B.7., 3.B.8., and 3.B.9. were considered together.)

3.B.7. CAPITAL IMPROVEMENT ELEMENT TEXT REVISIONS

AMENDMENT TO THE CAPITAL IMPROVEMENT ELEMENT TO UPDATE AND CORRECT REFERENCES, REVISE TERMINOLOGY, AND DELETE A REDUNDANT POLICY. (P.O.P. 927639 [3-26-2001]) APPROVED 3-26-2001

Staff Recommendation: Approval.

3.B.8. CAPITAL IMPROVEMENT ELEMENT TABLES UPDATE

AMENDMENT TO THE CAPITAL IMPROVEMENT ELEMENT TO UPDATE TABLES TO REFLECT THE FISCAL YEAR (FY) 2001 BUDGET AND SUBSEQUENT FIVE-YEAR PROJECTIONS FOR FY 2002 TO FY 2006. (P.O.P. 927639 [3-26-2001]) APPROVED 4-10-2001

Staff Recommendation: Approval.

3.B.9. CAPITAL IMPROVEMENT ELEMENT (CIE) SIX YEAR ROAD IMPROVEMENT SCHEDULE

AMENDMENT TO THE CAPITAL IMPROVEMENT ELEMENT TO UPDATE TABLE 3A. (P.O.P. 927639 [3-26-2001]) APPROVED AS AMENDED 4-10-2001

Staff Recommendation: Approval.

MOTION to transmit proposed Capital Improvement Element amendments numbered 3.B.7., 3.B.8., and 3.B.9. Motion by Commissioner Masilotti.

Planning Director Duke informed the board of two errors on item 3.B.9.:

- The Northlake Reliever shown in fiscal year 2001 should be for construction and right-of-way, not only construction.
- Roosevelt Avenue shown in fiscal year 2002 as \$910,000 for right-of-way should be for right-of-way and mitigation.

SECOND TO MOTION by Commissioner Marcus.

Citing Capital Improvement Element Table 3A in item 3.B.9., Commissioner Masilotti questioned why the disbursement schedule for Persimmon Boulevard had been changed from two years (fy 2002 and 2003) to three years (fy 2002, 2003, and 2004). He said that the Five Year Road Program adopted on December 19, 2000, showed \$6 million for the next year and \$6 million for the year after. He said he had asked at that adoption hearing if a change could be made and had been told that it could not.

Senior Transportation Planner Khurshid Mohyuddin told Commissioner Marcus that the Five Year Road Program adopted on December 19 (which is being incorporated into the Six Year Road Improvement Schedule) shows \$1 million in fy 2001, \$2 million in fy 2002, and \$2 million in fy 2003 for Persimmon Boulevard.

County Engineer George T. Webb said the road program was changed on the extension, but that he thought it was raised at that time; that staff had made a commitment to Commissioner Masilotti to try to move full speed ahead; and that the funds are available for this project to be able to be done in the two-year time frame previously discussed.

Commissioner Masilotti suggested bringing up the project's \$7 million from fy 2004 and splitting it between fy 2002 and fy 2003. Mr. Webb said the money is in that impact fee zone, is already available, and is not taken from other roads. He confirmed to Commissioner Newell that the cost of Persimmon Road construction was \$12 million and then explained that the problem was with the schedule.

3.B.9. - CONTINUED

Mr. Webb suggested moving the project back to the way it was (fy 2002 or fy 2003) with an asterisk alerting people in the western communities that there can be no reliance on this because it would be dependent on permitting, but that Engineering would be doing its best. Commissioner Roberts recommended adding Mr. Webb's suggestion to the motion on the floor.

AMENDED MOTION to include Commissioner Roberts's suggestion. The maker agreed.

Commissioner Marcus asked if this could be done now without going back to the Five Year Road Program. Assistant County Attorney Banks responded that since they were in amendment transmittal, there was enough time to do this now and then amend the Five Year Road Program Ordinance.

SECOND TO AMENDED MOTION by Commissioner Marcus.

Mr. Webb said that staff would be bringing forward the midyear adjustment to the Five Year Road Program in June or July, so staff would make sure the two match up at the same time.

PUBLIC COMMENT: None

UPON CALL FOR A VOTE, the motion carried 5-0. Commissioners Greene and McCarty absent.

3.B.10. ECONOMIC AGRICULTURAL RESERVE REVISIONS

AMENDMENT TO THE ECONOMIC ELEMENT TO: (A) REVISE A POLICY TO STRENGTHEN AGRICULTURAL ENHANCEMENT; AND (B) REVISE TWO POLICIES TO REFLECT CURRENT ACTIVITIES AND TERMINOLOGY. (P.O.P. 927639 [3-26-2001]) APPROVED 3-26-2001

Staff Recommendation: Approval.

MOTION to transmit the proposed Economic Agricultural Reserve Revisions amendment. Motion by Commissioner Marcus and seconded by Commissioner Aarnson.

PUBLIC COMMENT: None

UPON CALL FOR A VOTE, the motion carried 5-0. Commissioners Greene and McCarty absent.

3.B.11.

HEALTH AND HUMAN SERVICES ELEMENT REVISIONS

AMENDMENT TO THE HEALTH AND HUMAN SERVICES ELEMENT TO MODIFY GOALS, OBJECTIVES AND POLICIES AS WELL AS THE INTRODUCTION AND IMPLEMENTATION SECTIONS, CORRECT ERRORS, AND CLARIFY INTENT. (P.O.P. 927639 [3-26-2001]) APPROVED 4-10-2001

Staff Recommendation: Approval.

MOTION to transmit the proposed Health and Human Services Element Revisions amendment. Motion by Commissioner Masilotti and seconded by Commissioner Aaronson.

PUBLIC COMMENT: None

UPON CALL FOR A VOTE, the motion carried 5-0. Commissioners Greene and McCarty absent.

3.B.12.

LIBRARY SERVICES REVISIONS

AMENDMENT TO THE LIBRARY SERVICES ELEMENT TO TRANSFER THE DATA AND ANALYSIS OF THE ELEMENT TO A SUPPORT DOCUMENT, SO THAT THE ELEMENT MAY BE REFORMATTED SIMILAR TO THE OTHER ELEMENTS OF THE COMPREHENSIVE PLAN. (P.O.P. 927639 [3-26-2001]) APPROVED 4-10-2001

Staff Recommendation: Approval.

MOTION to transmit the proposed Library Services Revisions amendment. Motion by Commissioner Marcus and seconded by Commissioner Masilotti.

PUBLIC COMMENT: None

UPON CALL FOR A VOTE, the motion carried 5-0. Commissioners Greene and McCarty absent.

3.C. PROPOSED TRANSPORTATION AMENDMENTS

3.C.1. REVISED CRALLS LEVEL OF SERVICE (LOS)

AMENDMENT TO THE TRANSPORTATION ELEMENT TO REVISE POLICY 1.2-F TO REVISED ONE CONSTRAINED ROADWAY AT A LOWER LEVEL OF SERVICE (CRALLS) DESIGNATION FROM THE CURRENT LISTING OF CRALLS, AND REMOVE A SECOND CRALLS DESIGNATION. (P.O.P. 927639 [3-26-2001]) APPROVED 4-10-2001

Staff Recommendation: Approval.

MOTION to transmit the proposed Revised CRALLS LOS amendment. Motion by Commissioner Marcus and seconded by Commissioner Masilotti.

PUBLIC COMMENT: None

UPON CALL FOR A VOTE, the motion carried 5-0. Commissioners Greene and McCarty absent.

3.C.2. PROSPERITY FARMS ROAD CRALLS

AMENDMENT TO THE TRANSPORTATION ELEMENT TO DESIGNATE PROSPERITY FARMS ROAD BETWEEN DONALD ROSS ROAD AND THE GARDENS PARKWAY (FUTURE ENTRANCE TO THE REGIONAL CENTER) AS A CONSTRAINED ROADWAY AT A LOWER LEVEL OF SERVICE (CRALLS) FACILITY. (P.O.P. 927639 [3-26-2001]) APPROVED AS AMENDED 4-10-2001

Staff Recommendation: Approval.

MOTION to transmit the proposed Prosperity Farms CRALLS amendment with the following additional language: "The County shall require that all applicants seeking to utilize the CRALLS ensure the construction of appropriate portions of this segment, as determined by the County Engineer, as a three-laned section with landscaping." Motion by Commissioner Marcus and seconded by Commissioner Masilotti.

Commissioner Masilotti noted that the county was starting to issue many CRALLS, some of which might not be necessary with modification of the standards in the Traffic Performance Standards Ordinance.

3.C.2. - CONTINUED

County Engineer Webb responded that the Traffic Performance Standards Committee would hold its organizational meeting on May 4 and that he had no sense of whether they would want to tackle the level of service (LOS) issue at that time. Dealing with the LOS issue would necessitate the involvement of the Land Use Advisory Board. Staff would then have to determine how the committees could communicate with each other. Commissioner Marcus added that the county was moving forward on this matter because it could not wait for the actions of the Traffic Performance Standards Committee.

Commissioner Newell asked that the motion include not allowing for any diminishment of the three-lane roadway capacity by adding or reducing turn lanes, roundabouts, or other structures that might reduce the roadway's capacity, including no traffic calming that would reduce the speed of the roadway. Mr. Webb responded that the current design, at least of the segment from Lone Pine Road to Donald Ross Road, would meet that criteria.

Commissioner Newell then raised the following points of concern:

- That what is accomplished does not diminish the capacity of the three-lane roadway.

Commissioner Marcus responded that the design was at county Engineering speed with no traffic calming or chicanes and with landscape medians in the absence of turn lanes.

- That no turn lanes are being reduced that would be necessary for left-turn capacity of roadways.

Mr. Webb agreed.

- That speeds are not being reduced.

Mr. Webb agreed.

PUBLIC COMMENT: None

UPON CALL FOR A VOTE, the motion carried 5-0. Commissioners Greene and McCarty absent.

3.C.3. GREENACRES/WELLINGTON SCHOOL TRAFFIC LEVEL OF SERVICE

AMENDMENT TO THE TRANSPORTATION ELEMENT TO ESTABLISH A LOWER LEVEL OF SERVICE (LOS) STANDARD ON A SEGMENT OF STATE ROAD 7 (U.S. 441) FROM SOUTHERN BOULEVARD TO FOREST HILL BOULEVARD TO ALLOW DEVELOPMENT OF A PUBLIC HIGH SCHOOL. (P.O.P. 927639 [3-26-2001]) APPROVED 4-10-2001

Staff Recommendation: Approval.

MOTION to transmit the proposed Greenacres/Wellington School Traffic Level of Service amendment. Motion by Commissioner Aaronson and seconded by Commissioner Masilotti.

PUBLIC COMMENT: None

UPON CALL FOR A VOTE, the motion carried 5-0. Commissioners Greene and McCarty absent.

3.C.4.

GENERAL TIM AND 2020 AMENDMENTS

AMENDMENT TO THE TRANSPORTATION ELEMENT (TE) AND COMPREHENSIVE PLAN MAP SERIES BY REVISING THE THOROUGHFARE RIGHT-OF-WAY IDENTIFICATION MAP (TIM) (TE-14.1), AND THE YEAR 2020; AND ROADWAY NETWORK BY NUMBER OF LANES MAP (TE 1.1) BY:

- CHANGING HAVERHILL ROAD BETWEEN MELALEUCA LANE AND LE CHALET BOULEVARD FROM AN 80-FOOT RIGHT-OF-WAY (ROW) TO A 100-FOOT ROW ON THE TIM;
- CHANGING STATE ROAD 7 (U.S. 441) BETWEEN SOUTHERN BOULEVARD AND BELVEDERE ROAD FROM SIX LANES TO EIGHT LANES ON THE 2020 ROADWAY MAP AND FROM 160 FEET TO 200 FEET ON THE TIM; AND
- CHANGING YAMATO ROAD BETWEEN INTERSTATE 95 (I-95) AND MILITARY TRAIL FROM A 120-FOOT ROW TO A 160-FOOT ROW ON THE TIM AND FROM SIX LANES TO EIGHT LANES ON THE 2020 ROADWAY MAP. (P.O.P. 927639 [3-26-2001]) APPROVED 4-10-2001

Staff Recommendation: Approval.

MOTION to transmit the proposed General TIM and 2020 amendment. Motion by Commissioner Masilotti and seconded by Commissioner Aaronson.

PUBLIC COMMENT: None

UPON CALL FOR A VOTE, the motion carried 5-0. Commissioners Greene and McCarty absent.

3.C.5.

**AGRICULTURAL RESERVE TIM
AND 2020 ROADWAY NETWORK MAP AMENDMENTS**

AMENDMENT TO THE COMPREHENSIVE PLAN MAP SERIES TO DELETE LINTON BOULEVARD AND FLAVOR PICT ROAD FROM THE THOROUGHFARE RIGHT-OF-WAY IDENTIFICATION MAP (TIM) AND THE 2020 ROADWAY NETWORK MAP IN THE AGRICULTURAL RESERVE AREA. (P.O.P. 927639 [3-26-2001]) APPROVED 4-10-2001

Staff Recommendation: Denial.

Planning Director Duke made the following remarks:

- The Board of County Commissioners (BCC) had directed staff to move forward with the implementation of the Agricultural Reserve Master Plan, one recommendation of which was the deletion of Linton Boulevard and Flavor Pict Road from the Thoroughfare Right-of-Way Identification Map (TIM) and the 2020 Roadway Map.
- In order to delete a roadway from either map, the Unified Land Development Code (ULDC) stipulates a set of criteria that must be evaluated. One criterion is that the deletion of the proposed segment must not materially impede the ability of another road segment on the maps to achieve the adopted level of service.
- The deletion of Linton Boulevard causes the segment of Boynton Beach Boulevard east of the Florida Turnpike to fail by a very small number of trips. Similarly, the deletion of Flavor Pict Road causes Boynton Beach Boulevard to fail by a more significant number of trips. Because of the way the code is written, staff has no choice but to recommend denial of this amendment. The Land Use Advisory Board also recommended denial.

3.C.5. - CONTINUED

- A letter from G.L. Homes of Florida (Exhibit 3, backup) offers mitigation for the deletion of Linton Boulevard. Article 15 (Traffic Performance Standards) of the ULDC specifies that if the BCC finds there is a way to mitigate for this deletion, it can move forward with approval. That approval requires a majority-plus-one vote of the board at the adoption hearings.

MOTION to approve the deletion of Linton Boulevard and to deny the deletion of Flavor Pict Road. Motion by Commissioner Aaronson.

Commissioner Aaronson said he made the motion to deny staff recommendation to delete Linton Boulevard because of two recent sources of mitigation: G.L. Homes of Florida (10 acres); and the Bowman property (980-odd acres) under acquisition by the county. Mr. Duke advised that, by code, only the board could determine this to be appropriate mitigation. In his professional judgment, however, it was appropriate. Further, when staff reruns the 2020 Model Run, the numbers may also work out. He reiterated that he had to recommend denial because technically it did not meet the criteria.

SECOND TO MOTION by Commissioner Masilotti.

PUBLIC COMMENT:

Arthur Koski, agent for the owners of Tracts 81-91 inclusive of Palm Beach Farms Plat 1, made the following comments:

- His clients' properties represent approximately 3,300 linear feet of land adjoining the north right-of-way line of Linton Boulevard immediately west of the Florida Turnpike.
- His clients strenuously object to the proposed amendment deleting Linton Boulevard from the TIM and roadway network maps. Deletion will have a specific and negative effect on his clients' property rights. Furthermore, until such time as the true traffic impacts can be identified, deletion of this roadway is premature and imprudent and may prove to be both irresponsible and irreversible. There is no detriment to anyone in leaving the right-of-way as it is nor will it require one dollar of county money to do so. Reacquisition, on the other hand, could be costly and unnecessary.
- By transmittal today, the county concludes it does not need Linton Boulevard to handle traffic needs. In 1997, however, it concluded otherwise. At that time, it concluded that a new Linton right-of-way and realignment would be required to handle traffic needs in south county and, accordingly, established them.
- Further, at that time, his clients, pursuant to county recommendations, relinquished certain of their interests in the then right-of-way contained in Palm Beach Farms Plat 1. They did so in order that the new right-of-way and alignment could be created. Deletion now would leave his clients without access to their properties. Had his clients known in 1997 that the county would take this action today, they would have not participated in the formation of the existing right-of-way in accordance with county recommendations.

3.C.5. - CONTINUED

An extended discussion ensued addressing the speaker's concerns.

Commissioner Newell asked if there was a reason why the board had to take action on this issue today. He said he had definite concerns about the property owners relinquishing certain of their rights in the expectation of getting Linton Boulevard as a major thoroughfare.

Commissioner Aaronson said he saw the property owners' issue as a way of increasing their property values. Moreover, they had access and they used it.

UPON CALL FOR A VOTE, the motion carried 4-1. Commissioner Newell opposed. Commissioners Greene and McCarty absent.

Commissioner Newell asked Mr. Webb to provide the board with a full report on the issue.

Commissioner Marcus said that the philosophical side of roads inside and outside the Agricultural Reserve also needed to be addressed.

Commissioner Masilotti asked that Mr. Webb provide information on why the county suggests abandonment of a right-of-way versus its retention.

3.C.6.

AGRICULTURAL (AG) RESERVE RURAL PARKWAY

AMENDMENT TO THE TRANSPORTATION ELEMENT AND COMPREHENSIVE PLAN MAP SERIES TO: (A) DESIGNATE LYONS ROAD FROM ATLANTIC AVENUE TO BOYNTON BEACH BOULEVARD AS A RURAL PARKWAY ON THE THOROUGHFARE RIGHT-OF-WAY IDENTIFICATION MAP (TIM); AND (B) MODIFY TRANSPORTATION POLICY 1.4-Q TO DESIGNATE LYONS ROAD AS A RURAL PARKWAY FROM ATLANTIC AVENUE TO BOYNTON BEACH BOULEVARD. (P.O.P. 927639 [3-26-2001]) APPROVED 4-10-2001

Staff Recommendation: Approval.

MOTION to transmit the proposed Ag Reserve Rural Parkway amendment. Motion by Commissioner Masilotti and seconded by Commissioner Aaronson.

PUBLIC COMMENT: None

UPON CALL FOR A VOTE, the motion carried 5-0. Commissioners Greene and McCarty absent.

3.C.7.

HURRICANE EVACUATION ROUTES

AMENDMENT TO THE COMPREHENSIVE PLAN MAP SERIES AND TRANSPORTATION ELEMENT (TE) TO MODIFY TRANSPORTATION POLICY 1.2-N AND FIGURE TE 12.1 OF THE MAP SERIES TO DISTINGUISH BETWEEN STATE-DESIGNATED HURRICANE EVACUATION ROUTES AND LOCALLY DESIGNATED ROUTES. (P.O.P. 927639 [3-26-2001]) APPROVED 4-10-2001

Staff Recommendation: Approval.

MOTION to transmit the proposed Hurricane Evacuation Routes amendment. Motion by Commissioner Marcus and seconded by Commissioner Aaronson.

3.C.7. - CONTINUED

PUBLIC COMMENT: None

UPON CALL FOR A VOTE, the motion carried 5-0. Commissioners Greene and McCarty absent.

3.D. COUNTY-INITIATED SITE SPECIFIC AMENDMENTS - To the Future Land Use Atlas

**3.D.1. APPLICATION 2001-11 EDC 1
United Technologies**

AMENDMENT TO THE FUTURE LAND USE ATLAS TO CHANGE THE FUTURE LAND USE DESIGNATION FOR A 275.6-ACRE PARCEL FROM INDUSTRIAL (IND) TO ECONOMIC DEVELOPMENT CENTER (EDC). THE PROPERTY IS LOCATED WEST OF THE BEELINE HIGHWAY (STATE ROAD 710) AND THE CSX RAILROAD, SOUTH OF INDIANTOWN ROAD (OWNER: UNITED TECHNOLOGIES CORPORATION; APPLICANT: PALM BEACH COUNTY). (P.O.P. 927639 [3-26-2001]) APPROVED 4-10-2001

Staff Recommendation: Approval.

MOTION to transmit the proposed United Technologies amendment. Motion by Commissioner Marcus and seconded by Commissioner Masilotti.

PUBLIC COMMENT: None

UPON CALL FOR A VOTE, the motion carried 5-0. Commissioners Green and McCarty absent.

**3.D.2. APPLICATION 2001-78 COM 1-11
Lake Worth Road Corridor Study Area**

AMENDMENT TO THE FUTURE LAND USE ATLAS TO CHANGE THE FUTURE LAND USE DESIGNATION FOR 11 PARCELS TOTALING 5.87 ACRES (OWNER: BS#1, SEAGLADES INVESTMENT COMPANY, ANN AND RICHARD MOUNTFORD ET AL., CARRAN SCHNEIDER, JAMES AND BETTY CONWAY, ROBERT HESSE, ANDREW AND MICHELLE BROWNE, PABLO AND IRMA ORTIZ, AND TC AND HELEN HANSEN; APPLICANT: PALM BEACH COUNTY), AS FOLLOWS:

- FOUR PARCELS TOTALING 3.99 ACRES LOCATED APPROXIMATELY 150 FEET SOUTH OF LAKE WORTH ROAD AND 424 FEET WEST OF CONGRESS AVENUE FROM HIGH RESIDENTIAL 8 (HR-8) TO COMMERCIAL HIGH WITH AN UNDERLYING HR-8 (CH/8);
- THREE PARCELS TOTALING 0.83 ACRE LOCATED BETWEEN THE 2ND AVENUE NORTH-LAKE WORTH ROAD INTERSECTION AND THE KIRK ROAD-LAKE WORTH ROAD INTERSECTION FROM MEDIUM RESIDENTIAL 5 (MR-5) TO COMMERCIAL HIGH WITH AN UNDERLYING 5 UNITS PER ACRE (CH/5); AND
- FOUR PARCELS TOTALING 1.05 ACRES LOCATED BETWEEN THE 2ND AVENUE NORTH-LAKE WORTH ROAD INTERSECTION AND THE KIRK ROAD-LAKE WORTH ROAD INTERSECTION FROM MR-5 TO CH/5 WITH CROSS-HATCHING. (P.O.P. 927639 [3-26-2001]) APPROVED 4-10-2001

Staff Recommendation: Approval.

MOTION to transmit the proposed Lake Worth Corridor Study amendment. Motion by Commissioner Masilotti and seconded by Commissioner Roberts.

PUBLIC COMMENT: None

UPON CALL FOR A VOTE, the motion carried 5-0. Commissioners Greene and McCarty absent.

**3.D.3. APPLICATION 2001-62 USAB 1
USAB/Tier Adjustment**

AMENDMENT TO THE FUTURE LAND USE ATLAS (FLUA) TO REVISE THE URBAN SERVICE AREA BOUNDARY (USAB) ON THE FLUA AND THE URBAN/SUBURBAN TIER ON MAP LU 1.1, MAP LU 2.1, AND ANY OTHER RELATED MAPS OF THE MAP SERIES FOR CONSISTENCY. THE 16.52-ACRE PROPERTY IS LOCATED ON THE WEST SIDE OF CRESTWOOD BOULEVARD APPROXIMATELY 1,000 FEET NORTH OF SOUTHERN BOULEVARD (OWNER: PETER MAHARAJ, JAMES BAILEY, AND MARION BAILEY; APPLICANT: PALM BEACH COUNTY). (P.O.P. 927639 [3-26-2001]) APPROVED 4-10-2001

Staff Recommendation: Approval.

MOTION to transmit the proposed USAB/Tier Adjustment amendment. Motion by Commissioner Masilotti and seconded by Commissioner Roberts.

PUBLIC COMMENT: None

UPON CALL FOR A VOTE, the motion carried 5-0. Commissioners Greene and McCarty absent.

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

3.D.4.

**APPLICATION 2001-1 RRES
Rural FLUA Revisions, Central County**

AMENDMENT TO THE FUTURE LAND USE ATLAS (FLUA) TO CHANGE THE FUTURE LAND USE DESIGNATION FOR 13 SUBDIVISIONS IN THE CENTRAL WESTERN COMMUNITIES, TOTALLING APPROXIMATELY 12,550 ACRES, FROM RURAL RESIDENTIAL 10 (RR-10) TO RR-5 (OWNER: VARIOUS; APPLICANT: PALM BEACH COUNTY). THE SUBDIVISIONS ARE AS FOLLOWS: SANTA ROSA GROVES; TALL PINES; WAITE'S SUBDIVISION; CANAL PINE ACRES; SUNNY URBAN MEADOWS; MANDELL; DEER RUN PLAT 2; LAS FLORES RANCHOS; DELWOOD; DEER RUN; FOX TRAILS; ENTRADA ACRES; AND LOXAHATCHEE GROVES. (P.O.P. 927639 [3-26-2001]) APPROVED WITH DIRECTION 4-10-2001

Staff Recommendation: Approval of 10 subdivisions (Tall Pines, Waite's Subdivision, Canal Pine Acres, Mandell, Deer Run Plat 2, Las Flores Ranchos, Delwood, Deer Run, Fox Trails, and Entrada Acres) and denial of 3 subdivisions (Loxahatchee Groves, Santa Rosa Groves, and Sunny Urban Meadows).

Commissioner Masilotti asked staff to review residentially developed areas in east Loxahatchee between Seminole Pratt Whitney Road and Folsom Road and between Southern Boulevard and North Road (which is a canal) that have developed more consistently with the RR-5 designation, thus possibly not creating additional traffic impacts. Planning Director Duke said it would be brought back in Amendment Round 2001-2.

MOTION to transmit the Rural FLUA amendment for 10 subdivisions, as recommended by staff. Motion by Commissioner Masilotti and seconded by Commissioner Marcus.

PUBLIC COMMENT: None

UPON CALL FOR A VOTE, the motion carried 4-0. Commissioners Greene, McCarty, and Newell absent.

3.D.5.

**APPLICATION 2001-3, 4, 11 CON 1, 2
Environmentally Sensitive Lands**

AMENDMENT TO THE FUTURE LAND USE ATLAS TO CHANGE THE FUTURE LAND USE DESIGNATION FOR FOUR PAL-MAR OUTPARCELS TOTALING 399 ACRES FROM INDUSTRIAL (IND) TO CONSERVATION (CON) (OWNER-APPLICANT: PALM BEACH COUNTY). THE SITES ARE AS FOLLOWS:

- PARCEL 1, 180.8 ACRES, LOCATED ON THE SOUTH SIDE OF INDIANTOWN ROAD AND NORTH OF BEELINE HIGHWAY;
- PARCEL 2, 58.85 ACRES, LOCATED AT THE SOUTHWEST CORNER OF INDIANTOWN ROAD AND SEMINOLE PRATT WHITNEY ROAD;
- PARCEL 3, 25.6 ACRES, LOCATED APPROXIMATELY ONE MILE NORTH OF BEELINE HIGHWAY ON THE WEST SIDE OF SEMINOLE PRATT WHITNEY ROAD; AND
- PARCEL 4, 133.8 ACRES, LOCATED NORTH OF BEELINE HIGHWAY ON THE WEST SIDE OF SEMINOLE PRATT WHITNEY ROAD. (P.O.P. 927639 [3-26-2001]) APPROVED WITH DIRECTION 4-10-2001

Staff Recommendation: Approval.

MOTION to transmit the proposed Environmentally Sensitive Lands amendment. Motion by Commissioner Marcus and seconded by Commissioner Masilotti.

PUBLIC COMMENT: None

UPON CALL FOR A VOTE, the motion carried 4-0. Commissioners Greene, McCarty, and Newell absent.

Commissioner Roberts initiated discussion on whether, according to state law, Commissioner Marcus could sit on both the Board of County Commissioners and the Pal-Mar Water Control District. Commissioner Marcus asked for an immediate answer on the question in view of a district meeting in two days. Assistant County Attorney Banks responded that he would get back to her tomorrow.

3.D.6.

**APPLICATION 2001-97, 101 CON 1
Loxahatchee Mitigation Bank**

AMENDMENT TO THE FUTURE LAND USE ATLAS TO CHANGE THE FUTURE LAND USE DESIGNATION FOR TWO PARCELS TOTALING 210.46 ACRES FROM AGRICULTURAL RESERVE (AGR) TO CONSERVATION (CON) (OWNER: SOUTH FLORIDA WATER MANAGEMENT DISTRICT; APPLICANT: PALM BEACH COUNTY). THE SITES ARE AS FOLLOWS:

- PARCEL 1, 208 ACRES, LOCATED APPROXIMATELY 1.5 MILES WEST OF STATE ROAD 7 (U.S. 441), JUST EAST OF THE L-40 LEVEE AND ONE MILE NORTH OF CLINT MOORE ROAD; AND
- PARCEL 2, 2.46 ACRES, LOCATED APPROXIMATELY 1.5 MILES WEST OF STATE ROAD 7 (U.S. 441), JUST EAST OF THE L-40 LEVEE AND TWO MILES NORTH OF CLINT MOORE ROAD. (P.O.P. 927639 [3-26-2001]) APPROVED 4-10-2001

Staff Recommendation: Approval.

MOTION to transmit the proposed Loxahatchee Mitigation Bank amendment. Motion by Commissioner Masilotti and seconded by Commissioner Aaronson.

PUBLIC COMMENT: None

UPON CALL FOR A VOTE, the motion carried 4-0. Commissioners Greene, McCarty, and Newell absent.

3.D.7.

NON-UTILIZED LAND USES

AMENDMENTS TO THE FUTURE LAND USE ATLAS TO CHANGE THE FUTURE LAND USE DESIGNATION FOR FIVE PARCELS TOTALING 68 ACRES, WHICH WILL REMOVE THE NON-UTILIZED FUTURE LAND USE DESIGNATIONS FROM EACH OF THESE SITES, CONSISTENT WITH FUTURE LAND USE POLICY 2.2.2-D. THE SITES ARE DETAILED BELOW (APPLICANT: PALM BEACH COUNTY). (P.O.P. 927639 [3-26-2001]) APPROVED 4-10-2001

Staff Recommendation: Approval.

The five parcels are as follows:

- Parcel 1 - Application 2001-57 COM 1 (AutoNation)
 - Size: 29.09 acres
 - Location: Southwest corner of Okeechobee Boulevard and the Florida Turnpike
 - Change: Commercial and/or Industrial (C/IND) to Commercial High (CH)
- Parcel 2 - Application 2001-57 COM 2 (Palm Beach Plaza MUPD [Multiple Use Planned Development])
 - Size: 27.25 acres
 - Location: Southeast corner of Jog Road and Okeechobee Boulevard
 - Change: Commercial High with underlying Industrial (CH/IND) to CH
- Parcel 3 - Application 2001-78 RES 1 (United Cerebral Palsy Daycare)
 - Size: 1.32 acres of 3.29-acre property
 - Location: Northeast corner of Coconut Road and 2nd Avenue North
 - Change: Commercial Low with an underlying Medium Residential 5 (CH/5) to a depth of 150 feet and MR-5 on the remainder to MR-5
- Parcel 4 - Application 2001-110 COM 1 (Toppel Center)
 - Size: 4.51 acres
 - Location: North side of Glades Road approximately 0.25 mile west of Lyons Road
 - Change: Commercial High with an underlying Medium Residential 5 (CH/5) to CH
- Parcel 5 - Application 2001-102 RES 1 (Arc at Delray West)
 - Size: 2.41 acres of a 4.75-acre property
 - Location: South side of Atlantic Avenue approximately 400 feet east of the Florida Turnpike
 - Change: Commercial 8 (C/8) on 2.41 acres and High Residential 8 (HR-8) on 2.34 acres to HR-8

3.D.7. - CONTINUED

MOTION to transmit the proposed Non-Utilized Land Uses amendment. Motion by Commissioner Masilotti and seconded by commissioner Marcus.

PUBLIC COMMENT: None

UPON CALL FOR A VOTE, the motion carried 4-0. Commissioners Greene, McCarty, and Newell absent.

3.E. COUNTY-INITIATED CORRECTIVE SITE SPECIFIC AMENDMENTS

(CLERK'S NOTE: Items 3.E.1., 3.E.2., 3.E.3., 3.E.4., and 3.E.5. were considered together.)

3.E.1.

**APPLICATION 2001-57 RES 1
Breezy Acres**

AMENDMENT TO THE FUTURE LAND USE ATLAS TO CHANGE THE FUTURE LAND USE DESIGNATION FOR 23 PROPERTIES TOTALING 9.00 ACRES FROM LOW RESIDENTIAL 3 (LR-3) TO MEDIUM RESIDENTIAL 5 (MR-5). THE PROPERTIES ARE LOCATED APPROXIMATELY 0.50 MILE WEST OF HAVERHILL ROAD AND 250 FEET SOUTH OF OKEECHOBEE BOULEVARD ON THE EAST AND WEST SIDES OF BREEZY LANE AND NORTH SIDE OF ELMHURST ROAD (OWNER: MULTIPLE; APPLICANT: PALM BEACH COUNTY). (P.O.P. 927639 [3-26-2001]) APPROVED 4-10-01

Staff Recommendation: Approval.

3.E.2.

**APPLICATION 2001-65 COM 1
Congress Avenue/Holly Road**

AMENDMENT TO THE FUTURE LAND USE ATLAS TO CHANGE THE FUTURE LAND USE DESIGNATION FOR THREE PROPERTIES TOTALING 6.52 ACRES FROM: (A) COMMERCIAL WITH AN UNDERLYING 5 UNITS PER ACRE (C/5) TO COMMERCIAL LOW (CL); AND (B) DELETE CROSS-HATCHING ON APPROXIMATELY 3.21 ACRES. THE SITE IS LOCATED APPROXIMATELY 800 FEET SOUTH OF SUMMIT BOULEVARD AT THE SOUTHEAST CORNER OF CONGRESS AVENUE AND HOLLY ROAD (OWNER: DONALD WALKER [LOT 7010], MOBLEY PROPERTIES, INC. [LOT 7020], AND CHARLOTTE SAIKOWSKI [LOT 7030]; APPLICANT: PALM BEACH COUNTY). (P.O.P. 927639 [3-26-2001]) APPROVED 4-10-2001

Staff Recommendation: Approval.

3.E.3.

**APPLICATION 2001-71 RES 1
Barbridge Road**

AMENDMENT TO THE FUTURE LAND USE ATLAS TO CHANGE THE FUTURE LAND USE DESIGNATION FOR 20 PROPERTIES TOTALING 8.45 ACRES FROM LOW RESIDENTIAL 3 (LR-3) TO MEDIUM RESIDENTIAL 5 (MR-5). THE PROPERTIES ARE LOCATED APPROXIMATELY 0.50 MILE SOUTH OF FOREST HILL BOULEVARD AND 300 FEET EAST OF MILITARY TRIAL ON THE NORTH AND SOUTH SIDES OF BARBRIDGE ROAD (OWNER: MULTIPLE; APPLICANT: PALM BEACH COUNTY). (P.O.P. 927639 [3-26-2001]) APPROVED 4-10-2001

Staff Recommendation: Approval.

3.E.4.

**APPLICATION 2001-71 RES 3
47th Avenue South**

AMENDMENT TO THE FUTURE LAND USE ATLAS TO CHANGE THE FUTURE LAND USE DESIGNATION FOR 15 PROPERTIES TOTALING 4.55 ACRES FROM LOW RESIDENTIAL 3 (LR-3) TO MEDIUM RESIDENTIAL 5 (MR-5). THE PROPERTIES ARE LOCATED APPROXIMATELY 0.20 MILE WEST OF MILITARY TRAIL AND 0.15 MILE SOUTH OF CRESTHAVEN BOULEVARD ON THE NORTH SIDE OF LATERAL CANAL 10 ROAD (OWNER: MULTIPLE; APPLICANT: PALM BEACH COUNTY). (P.O.P. 927639 [3-26-2001]) APPROVED 4-10-2001

Staff Recommendation: Approval.

3.E.5.

**APPLICATION 2001-71 RES 4
Kelly Drive**

AMENDMENT TO THE FUTURE LAND USE ATLAS TO CHANGE THE FUTURE LAND USE DESIGNATION FOR 22 PROPERTIES TOTALING 7.79 ACRES FROM LOW RESIDENTIAL 3 (LR-3) TO MEDIUM RESIDENTIAL 5 (MR-5). THE PROPERTIES ARE LOCATED APPROXIMATELY 0.10 MILE SOUTH OF CRESTHAVEN BOULEVARD AND 250 FEET WEST OF MILITARY TRIAL ON THE NORTH AND SOUTH SIDES OF KELLY DRIVE (OWNER: MULTIPLE; APPLICANT: PALM BEACH COUNTY). (P.O.P. 927639 [3-26-2001]) APPROVED 4-10-2001

Staff Recommendation: Approval.

MOTION to transmit the proposed Corrective FLUA amendments numbered 3.E.1. to 3.E.5. Motion by Commissioner Masilotti and seconded by Commissioner Aaronson.

PUBLIC COMMENT: None

UPON CALL FOR A VOTE, the motion carried 4-0. Commissioners Greene, McCarty, and Newell absent.

3.E.6.

**APPLICATION 2001-71 RES 2
Edward Road**

AMENDMENT TO THE FUTURE LAND USE ATLAS TO CHANGE THE FUTURE LAND USE DESIGNATION FOR 15 PROPERTIES TOTALING 7.61 ACRES FROM LOW RESIDENTIAL 3 (LR-3) TO MEDIUM RESIDENTIAL 5 (MR-5). THE PROPERTIES ARE LOCATED APPROXIMATELY 0.50 MILE NORTH OF FOREST HILL BOULEVARD AND 300 FEET EAST OF MILITARY TRAIL ON THE NORTH AND SOUTH SIDES OF EDWARD ROAD (OWNER: MULTIPLE; APPLICANT: PALM BEACH COUNTY). (P.O.P. 927639 [3-26-2001]) DENIED 3-26-2001

3.E.7.

**APPLICATION 2001-71 COM 1
Military Trail/Edward Road**

AMENDMENT TO THE FUTURE LAND USE ATLAS TO CHANGE THE FUTURE LAND USE DESIGNATION FOR A 1.05-ACRE PROPERTY FROM: (A) COMMERCIAL WITH AN UNDERLYING 8 UNITS PER ACRE (C/8) TO COMMERCIAL HIGH (CH) ON APPROXIMATELY 0.71 ACRE; AND (B) LOW RESIDENTIAL 3 (LR-3) TO CH AND ADD CROSS-HATCHING ON APPROXIMATELY 0.34 ACRE. THE SITE IS LOCATED AT THE SOUTHEAST CORNER OF MILITARY TRAIL AND EDWARD ROAD, APPROXIMATELY 0.50 MILE NORTH OF FOREST HILL BOULEVARD. (P.O.P. 927639 [3-26-2001]) APPROVED WITH CONDITION 4-10-2001

Staff Recommendation: Approval with the following condition:

The site shall be limited to drainage (water retention purposes) and landscaping only.

3.E.7. - CONTINUED

MOTION to transmit the proposed Military Trail/Edward Road amendment. Motion by Commissioner Masilotti, seconded by Commissioner Aaronson, and carried 4-0. Commissioners Greene, McCarty, and Newell absent.

4. AMENDMENT ROUND 2000-SCI ADOPTION

4.A.1. Public School Concurrency

4.A.2. Capital Improvement Revisions for Public School Concurrency

ORDINANCE [ORDINANCE 2001-013] AMENDING THE 1989 COMPREHENSIVE PLAN, AS

AMENDED: AMENDING THE TEXT OF THE PUBLIC EDUCATION ELEMENT (TO REPLACE THE EXISTING ELEMENT WITH A NEW PUBLIC SCHOOLS FACILITIES ELEMENT TO ESTABLISH SCHOOL CONCURRENCY); THE INTRODUCTION AND ADMINISTRATION ELEMENT (TO REVISE DEFINITIONS RELATED TO SCHOOL CONCURRENCY); THE CAPITAL IMPROVEMENT (TO REVISE FOR CONSISTENCY WITH THE PUBLIC SCHOOL FACILITIES ELEMENT); AND THE MAP SERIES (TO ADD MAPS RELATED TO SCHOOL CONCURRENCY); AND AMENDING ALL ELEMENTS AS NECESSARY. (AMENDS ORDINANCE 89-17) (P.O.P. 793722 [2-22-2001] AND 927639 [3-26-2001]) ADOPTED AS AMENDED 3-26-2001

RECONSIDER ITEM HEARD ON MARCH 26, 2001

(CLERK'S NOTE: The board informally agreed to reconsider the following item at this time.)

3.A.5.

**APPLICATION 2001-80 COM 1
Uhley 2/State Road 7**

AMENDMENT TO THE FUTURE LAND USE ATLAS ON THE 11.87-ACRE PROPERTY LOCATED AT THE NORTHWEST CORNER OF STATE ROAD 7 (U.S. 441) AND LANTANA ROAD (OWNER-APPLICANT: LANCE S. UHLEY; AGENT: KEVIN MCGINLEY), CHANGING THE FUTURE LAND USE DESIGNATION FROM LOW RESIDENTIAL 1 (LR-1) ON 11.59 ACRES AND COMMERCIAL LOW 1 (CL/1) ON 0.27 ACRE TO INDUSTRIAL (IND) ON 8.68 ACRES AND CL ON 3.18 ACRES. (P.O.P. 927639 [3-26-2001]) APPROVED THE STAFF-RECOMMENDED ALTERNATIVE AMENDMENT WITH CONDITION ON 3-26-2001 AND APPROVED RECONSIDERATION OF COMMERCIAL LOW PORTION IN AMENDMENT ROUND 2001-2 -- 4-10-2001

Commissioner Roberts initiated discussion on the board's action of March 26, 2001.

Richard W. ("Chip") Carlson, Jr., agent, asked that the board allow reconsideration of the Commercial Low portion of the property in Amendment Round 2001-2. At that time, he would present a unified plan for the entire property. Planning Director Duke had no objection to the request, he said.

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

Mr. Duke clarified that Agents Carlson and Kevin McGinley were asking that the board transmit the Industrial for the site, as was done on March 26, and direct staff to look at the Commercial Low request again in the next round. Mr. Duke said he had explained to Mr. Carlson that additional fees would be charged and additional traffic studies and market studies required.

The board indicated approval of the request.

UNSCHEDULED ITEM

1.F.2. See pages 2-4.

5. SECOND AMENDMENT TO CONTRACT FOR CONSULTING SERVICES WITH BSN ENTERPRISES

5.A.1.

DOCUMENT R-2001-0522

AMENDMENT 2 TO THE CONTRACT FOR CONSULTING/PROFESSIONAL SERVICES WITH BSN ENTERPRISES FOR AN AMOUNT NOT TO EXCEED \$42,000 FOR UNANTICIPATED HOURS IN DEALING WITH ISSUES ASSOCIATED WITH THE ADOPTION OF THE INTERLOCAL AGREEMENT REGARDING SCHOOL CONCURRENCY. (AMENDS R-98-1128-D AND R-99-498-D) APPROVED FOR \$25,000 -- 4-10-2001

County Administrator Robert Weisman explained that the item before the board was a request from Leo Noble to approve an amendment to his consulting/professional services contract. This amendment would allow payment of a not-to-exceed amount of \$42,000 for unanticipated hours required to actualize the school concurrency interlocal agreement. Mr. Weisman said that he recommended approval but that some staff disagreed since the original contract described the end product but did not provide for different levels of work to achieve that end product. The basis for the request was that the process of getting to the end product was much more complicated than originally anticipated.

Commissioner Roberts emphasized that the importance of school concurrency and the realization of the interlocal agreement were sufficient to merit approval. Mr. Noble had worked extremely hard, she said.

MOTION to approve the amendment to the contract for an amount not to exceed \$42,000. Motion by Commissioner Roberts and seconded by Commissioner Masilotti.

Commissioner Masilotti asked if the School Board had agreed to pay a portion of the amount. Leo Noble explained that his request had been for an additional \$85,000 of which the School Board had agreed to pay \$42,500. The balance was the item under discussion. Mr. Noble said that much of the additional time was necessitated by changes in state statute, especially in small schools legislation, which no one could have anticipated.

Through discussion with Mr. Noble, Commissioner Aaronson determined that the original contract with the county was for \$90,000, which was later increased by consultant request by \$80,000, which was paid by the county, and by \$110,000, which was paid by the School District. To date, the School District had paid \$110,000, not including the \$42,500, and the county had paid \$170,000, not including the \$42,000. Further, neither the League of Cities nor any of the 26 municipalities had made any contribution toward the cost. Commissioner Marcus interjected that the state League of Cities was opposing the state bill on school concurrency.

Commissioner Aaronson acknowledged the variables encountered by the consultant as well as the consultant's hard work. The commissioner recalled that he had said some time earlier that he had expected the project to be finished at \$170,000. He objected to the municipalities not contributing to the endeavor while the School District, which was in desperate need of money, did contribute.

5.A.1. - CONTINUED

Commissioners Masilotti and Roberts agreed that the municipalities had an obligation to help fund the project. Commissioner Roberts said she would prefer approving the funding today and then approaching the municipalities for their contributions. She suggested publicizing non-contribution.

Commissioner Aaronson proposed that the board fund the request not from the General Fund but by each commissioner contributing \$6,000 from his or her discretionary fund. The school concurrency program would benefit all children in the county, he said.

Commissioner Masilotti said he would withdraw his second so that Commissioner Roberts could modify her motion if she so desired.

SECOND TO MOTION WITHDRAWN.

Commissioner Roberts said she was not adverse to modifying her motion but characterized the proposal as "robbing Peter to pay Paul" since all the dollars, whether from the General Fund or the board's discretionary funds, were taxpayer dollars.

Commissioner Aaronson withdrew his proposal.

Commissioner Masilotti seconded the motion, saying he had been hoping the board could find an alternative funding source.

SECOND TO MOTION by Commissioner Masilotti. Upon call for a vote, the motion FAILED 2-3. Commissioners Aaronson, Marcus, and Newell opposed. Commissioners Greene and McCarty absent.

MOTION to approve the amendment to the contract for an amount not to exceed \$42,000 with funding from the Recreation Assistance Program Fund. Motion by Commissioner Masilotti and seconded by Commissioner Aaronson.

County Administrator Weisman commented that he was not sure that all seven districts had funds available to allocate at this time.

UPON CALL FOR A VOTE, the motion FAILED 2-3. Commissioners Marcus, Newell, and Roberts opposed. Commissioners Greene and McCarty absent.

Mr. Noble said the \$42,000 was for the unanticipated time he had spent to May 31, 2000. It did not include his time since that date, which was "time on his hook," he said.

MOTION to approve the amendment to the contract in the amount of \$25,000. Motion by Commissioner Aaronson, seconded by Commissioner Masilotti, and carried 4-1. Commissioner Marcus opposed. Commissioners Greene and McCarty absent.

Commissioner Roberts explained that she had voted for the motion although she thought the amount should be \$42,000.

ADD-ON ITEM

5.B. See pages 1 and 6-7.

6. ADJOURNMENT

The chair declared the meeting adjourned at 3:45 p.m.

ATTESTED:

APPROVED:

Clerk

Chair