



## Executive Summary

### PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS ROUND 06-2 & 06-D2

Adopted on:  
Monday, November 13, 2006  
&  
Monday, November 27, 2006

#### I. Round 06-2 Amendments

##### A. PROPOSED TRANSPORTATION AMENDMENTS - *which did receive objection or comment from DCA*

ITEM	DESCRIPTION	RECOMMENDATION/ ACTION
<a href="#">A.1 Riviera Beach TCEA Modification</a>	This proposed amendment will amend the Transportation Element and Map Series by modifying the Riviera Beach Traffic Concurrency Exception Area (TCEA).	Planning: <b>Approval</b> LPA: <b>Approval w/ modification</b> (7-3) BCC: <b>Motion to transmit</b> (3-2 with Comm. Greene & Comm. McCarty dissenting and Comm. Aaronson & Comm. Masilotti absent) at the July 19, 2006 Public Hearing.
<p><b>DCA POTENTIAL OBJECTIONS:</b> The DCA's main concern is the lack of conformance with the new requirements of s. 163.3180, F.S. which requires guidelines for granting the transportation exceptions; implementation strategies to support and fund mobility; supporting purpose of the exception; addressing urban design and appropriate land use mixes including intensity and density, and network connectivity; providing a locational map; justifying the size of the area; and coordinating with FDOT to address impacts on Strategic Intermodal System (SIS) facilities.</p>		
<p><b>STAFF RESPONSE:</b> Guidelines for the exceptions are already adopted by reference to the Unified Land Development Code (ULDC) in the plan. ULDC identifies the urban infill development, urban redevelopment, &amp; downtown revitalization areas where TCEAs may be established. The Riviera Beach CRA TCEA includes a wide range of strategies to support and fund mobility within the TCEA and addresses urban design standards and appropriate land use mixes. No changes are proposed to the boundaries of the TCEA as already incorporated in Map TE 15.3. Table 2 from the original TCEA study assesses the impacts on SIS facilities although the TCEA limits the impact on SIS by stating "Any project utilizing this TCEA and significantly impacting the Florida Intrastate Highway System (FIHS) shall be required to address its impacts on FIHS facilities pursuant to the ULDC."</p>		
<p><b>MOTION:</b> To <b>adopt an ordinance</b> amending the Transportation Element and Map Series pursuant to the proposed Riviera Beach TCEA Modification amendment, Passed in a passed in a 5-2 vote (with Commissioners Greene and McCarty dissenting) at the November 13, 2006 Public Hearing, then continued on to November 27, 2006 Public Hearing. (Ord. 2006-057)</p>		

**2.B PROPOSED TRANSPORTATION AMENDMENTS - which did not receive objection or comment from DCA**

ITEM	DESCRIPTION	RECOMMENDATION/ ACTION
<a href="#">2.B.1 Australian Ave/ Airport Center CRALLS</a>	This proposed amendment will amend the Transportation Element and Map Series by designating some segments and intersections in the vicinity of Australian Avenue exclusively for the purposes of concurrency for Airport Center Project.	Planning: <b>Approval</b> LPA: <b>Approval</b> (11-0). <b>Motion to transmit</b> by Commissioner Koons; seconded by Commissioner Newell in a 4-0 vote (with Comm. Greene, Comm. Aaronson, & Comm. Masilotti absent) at the July 19, 2006 Public Hearing.
<b>MOTION:</b> To <b>adopt an ordinance</b> amending the Transportation Element and Map Series pursuant to the proposed Australian Ave/Airport Center CRALLS amendment, passed a unanimous vote (6-0, with the District 6 commission seat vacant) at the November 13, 2006 Public Hearing. (Ord. 2006-045)		
<a href="#">2.B.2 Lyons Road TIM and 2020 Map Amendment</a>	This proposed amendment will amend the Transportation Element and Map Series by increasing lanes from two to four on Lyons Road from Lake Worth Road to Lantana Road on the 2020 Map. It will also modify TIM and Policy TE 1.4-u.4 to remove the maximum of two-lane restriction on this segment.	Planning: <b>Approval</b> LPA: <b>Approval</b> (11-0). BCC: <b>Motion to transmit</b> by Commissioner Koons; seconded by Commissioner Newell in a 5-0 vote (with Comm. Aaronson, & Comm. Masilotti absent) at the July 19, 2006 Public Hearing.
<b>MOTION:</b> To <b>adopt an ordinance</b> amending the Transportation Element and Map Series to the proposed Agenda Items 2.C.1 & 2.C.2, passed a unanimous vote (6-0, with the District 6 commission seat vacant) at the November 13, 2006 Public Hearing. (Ord. 2006-046)		

**2.C. PROPOSED TEXT AND MAP SERIES AMENDMENTS - which did not receive objection or comment from DCA**

ITEM	DESCRIPTION	RECOMMENDATION/ ACTION
<a href="#">2.C.1 Capital Improvement Element Annual Update</a>	To hold a public hearing on proposed amendments to the Capital Improvement Element (CIE) updating the CIE Tables; revising references from a six year capital improvement schedule to a five year schedule in relevant elements.	Planning: <b>Approval</b> LPA and BCC Transmittal hearings are not required for this item. Annual CIE table updates only require one public hearing.
<b>MOTION:</b> To <b>adopt an ordinance</b> amending the Capital Improvement, Public School Facilities, Utilities and Transportation Elements pursuant to the proposed Capital Improvement Element Annual Update amendment, passed in a unanimous vote (6-0, with the District 6 commission seat vacant) at the November 13, 2006 Public Hearing. (Ord. 2006-047)		
<a href="#">2.C.2 De Minimis Report</a>	To submit to the Department of Community Affairs the De Minimis Report dated November 13, 2006.	
<b>MOTION:</b> To <b>submit</b> to the Department of Community Affairs the De Minimis Report dated November 13, 2006 per the requirement in sec.163.3180(6), Florida Statutes.		

ITEM	DESCRIPTION	RECOMMENDATION/ ACTION
<a href="#">2.C.3 Mining &amp; Excavation Policy Revisions</a>	This proposed amendment will amend the Future Land Use Element by restricting mining activities to projects supporting Everglades and related restoration and regional water management projects.	Planning: <b>Approval</b> LPA: <b>Denial</b> (8-3) BCC: <b>Motion to transmit</b> by Commissioner Marcus, seconded by Commissioner Aaronson, passed in a 3-2 vote (with Commissioner Koons & Commissioner Newell dissenting and with Commissioner Masilotti and Commissioner McCarty absent) at the July 19, 2006 Public Hearing.
<b>MOTION:</b> To <b>adopt an ordinance</b> amending the Future Land Use Element pursuant to the proposed Mining & Excavation amendment, passed (5-1, with Commissioner Newell dissenting and the District 6 commission seat vacant) at the November 13, 2006 Public Hearing. (Ord. 2006-048)		
<a href="#">2.C.4 Optional Plan Elements List Update</a>	This proposed amendment will add the Introduction and Administration Element to the list of optional elements referenced under Part A on p. 2-IA of the I & A Element to actually reflect a total of 7 optional elements, as noted in the paragraph preceding this list.	Planning: <b>Approval</b> LPA: <b>Approval</b> (11-0). BCC: <b>Motion to transmit</b> by Commissioner Koons, seconded by Commissioner Marcus passed in a 5-0 vote (with Commissioner Aaronson and Commissioner Masilotti absent) at the July 19, 2006 Public Hearing.
<a href="#">2.C.5 LOS Water and Wastewater Table Updates</a>	This proposed amendment will amend the Utility Element by updating the water and wastewater tables to reflect current conditions of concurrency management.	Planning: <b>Approval</b> LPA: <b>Approval</b> (11-0). BCC: <b>Motion to transmit</b> by Commissioner Marcus, seconded by Commissioner Koons passed in a 5-0 vote (with Commissioner Aaronson & Commissioner Masilotti absent) at the July 19, 2006 Public Hearing.
<a href="#">2.C.6 Traditional Town Development (TTD)</a>	This proposed amendment will amend the Future Land Use Element by correcting the minimum residential percentage (55%) for a TTD on FLUE pg. 99 to be consistent with the percentage (60%) in the TTD matrix on FLUE pg. 55.	Planning: <b>Approval</b> LPA: <b>Approval</b> (11-0). BCC: <b>Motion to transmit</b> by Commissioner Marcus, seconded by Commissioner McCarty passed in a 6-0 vote (with Comm. Masilotti absent) at the July 19, 2006 Public Hearing.
<a href="#">2.C.7 Infill Policy 1.2.2-a</a>	This proposed amendment will revise Future Land Use Element policy 1.2.2-a to change the minimum acreages for the applicable land use designations below which this policy may apply from 12 acres to 5 acres for the LR-1, LR-2, LR-3 and MR-5 designations and from 10 acres to 3 acres for the HR-8, HR-12, and HR-18 designations, due to a 02/06 ULDC amendment similarly reducing the minimum Planned Unit Development (PUD) acreages for these designations.	Planning: <b>Approval</b> LPA: <b>Approval</b> (11-0). BCC: <b>Motion to transmit</b> by Commissioner Marcus, seconded by Commissioner Aaronson passed in a 6-0 vote (with Commissioner Masilotti absent) at the July 19, 2006 Public Hearing.
<b>MOTION:</b> To <b>adopt an ordinance</b> amending the Introduction and Administration Element and Future Land Use Element pursuant to the proposed Agenda Items 2.D.4 through 2.D.7, passed in a unanimous vote (5-0, with the District 6 commission seat vacant and Commissioner Koons was absent) at the November 13, 2006 Public Hearing. (Ord. 2006-049)		

**2.D. PROPOSED TEXT AND MAP SERIES AMENDMENTS - which did receive objection or comment from DCA**

ITEM	DESCRIPTION	RECOMMENDATION/ ACTION
<a href="#">2.D.1 Bioscience Research Protection Overlay (BRPO)</a>	This proposed amendment will amend the FLUE, Economic Element, ICE and Map Series to incorporate policies that will prevent the loss of industrial and commercial sites for biotechnology use in support of the SCRIPPS cluster in coordination with impacted municipalities.	Planning: <b>Approval</b> LPA: <b>Approval</b> (9-0). BCC: <b>Motion to transmit</b> by Commissioner Marcus, seconded by Commissioner Newell passed in a 6-0 vote (with Commissioner Masilotti absent) at the July 19, 2006 Public Hearing.
<p><b>DCA POTENTIAL OBJECTION:</b> A potential objection was raised with a recommendation on the two Map Series' maps (LU Map 1.1 &amp; LU Map 3.1) that DCA would like included in the adoption packet and updated with the BRPO.</p>		
<p><b>STAFF RESPONSE:</b> Attached to the staff report is the Map Series Map LU 3.1 Special Planning Areas that has been updated with the BRPO. However, the Managed Growth Tier System Map (MAP LU 1.1) is not attached because it is not being amended. The Manage Growth Tier System map only contains overlays that designate Limited Urban Service Areas (LUSA). As the BRPO is not designating a LUSA, it should not be on Map Series Map LU 1.1.</p>		
<p><b>MOTION:</b> To <b>adopt an ordinance</b> that will amend the FLUE, Economic Element, ICE and Map Series pursuant to the proposed BRPO amendment, passed in a unanimous vote (5-0, with the District 6 commission seat vacant and Commissioner Koons was absent) at the November 13, 2006 Public Hearing. (Ord. 2006-050)</p>		

**2.E. PRIVATELY INITIATED SITE SPECIFIC AMENDMENTS – To the Future Land Use Atlas, which did receive objection or comment from DCA**

ITEM	DESCRIPTION	RECOMMENDATION/ ACTION
<a href="#">2.E.1 112th/Northlake Office (LGA 2006-00022)</a>  <b>Agent: Land Design South</b>  <b>District: 6</b>	Request: RR-5 to CL-O/RR-5 Size: 10.8 acres Location: Southeast corner of Northlake Boulevard and 112th Terrace N.	Planning: <b>Denial</b> LPA: <b>Approval</b> (7-2) BCC: <b>Motion to transmit</b> passed in a unanimous vote (4-0 with Comm. Newell, Comm. Masilotti and Comm. McCarty absent) at the July 19, 2006 Public Hearing.
<p><b>DCA OBJECTIONS:</b> A.1.a.1 - Internal Inconsistency with neighborhood studies and policies in the comprehensive plan that address LOS, strip commercial, encroachment of incompatible land uses, urban sprawl, mid-block commercial and long-range traffic impacts. A.1.a.2 - Public Facilities - The map amendments do not adequately demonstrate through data and analysis what impacts the proposed amendments would have on public facilities for which the County has adopted a level of service standard and does not show the ability to meet and maintain the adopted level of service standards through the five-year planning period. A.1.a.3 –Lack of Cumulative Traffic Analysis - Three future land use map amendments in close proximity to each other on the same road segment. These three amendments, if approved, would cumulatively impact local roadways and facilities in the immediate area, particularly Northlake Boulevard that should be analyzed cumulatively.</p>		
<p><b>Continued .....</b></p>		

ITEM	DESCRIPTION	RECOMMENDATION/ ACTION
	<p><b>2.E.1 - 112th/Northlake Office (LGA 2006-00022).....continued</b></p> <p><b>STAFF RESPONSE:</b></p> <p><b>A.1.a.1 - Internal Inconsistency</b> – In the original staff report, planning staff already determined that the proposed amendment would not contribute to urban sprawl in the area and that the proposed CLO/RR-5 land use designation for this amendment is compatible with the adjacent residential areas. Therefore, several of the objections listed under the internal inconsistency heading do not apply to this amendment; please refer to the staff report for more specific information concerning this previous determination. Additionally, the applicant will also be required to comply with rural design guidelines for this development and urban services are available to the subject property. Although 112th Terrace North is not listed as a collector on the FDOT-PBC Federal Function Classification Table, the nearest collector road on the south side of Northlake Boulevard is Coconut Blvd. There are no other collector roads for the one-mile between Ibis and Coconut Blvd. The applicant has also agreed to limit the project to 82,799 SF of general office and 11,290 SF of Medical Office uses to meet FLUE Policy 3.5-d. Compliance with the adopted LOS for the diverse components of concurrency in the County will be addressed at the Zoning petition level. Concurrency is not analyzed at the land use amendment process. Neighborhood plans are considered in evaluating amendments in the development review process, but are not binding. However, the WNCLUS does recognize the need for new commercial office space within the study area. <b>A.1.a.2 - Public Facilities</b> - This amendment was reviewed against the Comprehensive Plan, specifically Future Land Use Element (FLUE) Policy 3.5-d, which requires that all long-term traffic impacts from new developments be reviewed for both significant and negative traffic impacts. Any short-term roadway failures are addressed through a very comprehensive concurrency system in place in Palm Beach County. Further, the applicant has agreed to limit the project to project to 82,800 SF of general office and 11,290 SF of Medical Office uses to meet FLUE Policy 3.5-d. <b>A.1.a.3 –Lack of Cumulative Traffic Analysis</b> – No comprehensive plan policies require cumulative analysis for site-specific land use amendments. However at the zoning petition stage, projects are required to include cumulative traffic impacts for the purposes of concurrency approval.</p> <p>In Summary, the Board of County Commissioners carefully considered the staff analysis, the applicant’s arguments, the discussion at the transmittal hearing, and the overall situation of this area of the County as explained above, to make the legislative decision of approving the proposed amendment.</p>	
<p><b>MOTION:</b></p>	<p>To <b>adopt an ordinance</b> amending the Future Land Use Atlas pursuant to the proposed 112<sup>th</sup>/Northlake Office amendment with a condition to limit the project to 82,799 SF of general office and 11,290 SF of Medical Office uses, passed (4-2, with Commissioner Aaronson and Commissioner Marcus dissenting and the District 6 commission seat vacant) at the November 13, 2006 Public Hearing. (Ord. 2006-051)</p>	

**2.F. PROPOSED COUNTY INITIATED CORRECTIVE SITE SPECIFIC AMENDMENTS – To the Future Land Use Atlas, which did not receive objection or comment from DCA**

ITEM	DESCRIPTION	RECOMMENDATION/ ACTION
<a href="#">2.F.1 Haverhill Road/ Purdy Lane Properties (LGA 2006-00025)</a> <b>District: 2</b>	Request: MR-5 to HR-12 Size: 5.93 Acres (combined) Location: Northeast quadrant of Haverhill Rd./Purdy Lane.	Planning: <b>Approval</b> LPA: <b>Approval</b> (11-0) BCC: <b>Motion to transmit</b> passed in a unanimous vote (5-0 with Comm. Masilotti and Comm. McCarty absent) at the July 19, 2006 Public Hearing.
<a href="#">2.F.2 Orange Avenue Circle Property (LGA 2006-00026)</a> <b>District: 6</b>	Request: IND to MR-5 Size: 1.58 acres (combined) Location: Two properties located on the south side of Homewood Road, approximately .40 mile east of Congress Avenue.	Planning: <b>Approval</b> LPA: <b>Approval</b> (11-0). BCC: <b>Motion to transmit</b> passed in a unanimous vote (5-0 with Comm. Masilotti and Comm. McCarty absent) at the July 19, 2006 Public Hearing.
<b>MOTION:</b> To <b>adopt an ordinance</b> amending the Future Land Use Atlas pursuant to the proposed Agenda Items 2.G.1 through 2.G.2, passed in a unanimous vote (6-0, with the District 6 commission seat vacant) at the November 13, 2006 Public Hearing. (Ord. 2006-052)		

**2.G PROPOSED COUNTY INITIATED SITE SPECIFIC AMENDMENTS – To the Future Land Use Atlas, which did not receive objection or comment from DCA**

ITEM	DESCRIPTION	RECOMMENDATION/ ACTION
<a href="#">2.G.1 Pine Glades Natural Area Addition (LGA 2006-00027)</a> <b>District: 1</b>	Request: IND to CON Size: 721.7 Acres Location: Southeast quadrant of Indiantown Road and Seminole Pratt-Whitney Road.	Planning: <b>Approval</b> LPA: <b>Approval</b> (11-0). BCC: <b>Transmit</b> (5-0, with Comm. Masilotti and Comm. McCarty absent). At the hearing, there was minimal Board discussion and no public comment on this item.
<a href="#">2.G.2 Cypress Creek Natural Area Addition (LGA 2006-00028)</a> <b>District: 1</b>	Request: RR-10 to CON Size: 410.1 Acres Location: Within quadrant north of Indiantown Road and east of Mack Dairy Road.	Planning: <b>Approval</b> LPA: <b>Approval</b> (11-0) BCC: <b>Motion to transmit</b> passed in a unanimous vote (5-0 with Comm. Masilotti and Comm. McCarty absent) at the July 19, 2006 Public Hearing.
<b>MOTION:</b> To <b>adopt an ordinance</b> amending the Future Land Use Atlas pursuant to the proposed Agenda Items 2.H.1 and 2.H.2, passed in a unanimous vote (6-0, with the District 6 commission seat vacant) at the November 13, 2006 Public Hearing. (Ord. 2006-053)		

## II. Round 06-D2 Amendment

ITEM	DESCRIPTION	RECOMMENDATION/ ACTION
<a href="#">Florida Research Park CRALLS</a>	<p>This proposed amendment will amend the Transportation Element and Map Series which will designate several segments and some associated intersections of the following roadways as Constrained Roadway at a Lower Level of Service (CRALLS) facilities:</p> <ul style="list-style-type: none"> <li>• Indiantown Road</li> <li>• PGA Boulevard</li> <li>• Okeechobee Boulevard</li> <li>• Seminole-Pratt Whitney Road</li> <li>• Orange Boulevard</li> <li>• Coconut Boulevard</li> </ul>	<p>Planning: <b>Approval</b>            LPA: <b>Approval</b> (9-0).            BCC: <b>Motion to transmit</b> by Commissioner Aaronson, seconded by Commissioner Newell to transmit with modifications passed in an unanimous 5-0 vote (with Comm. Masilotti and Comm. Greene absent) at the July 27, 2006 Public Hearing.</p>
<p><b>DCA POTENTIAL OBJECTION:</b> The proposed amendment does not maintain the level of service standards adopted by Department of Transportation on Strategic Intermodal System (SIS) facilities, in particular the interchange of PGA Boulevard and Florida's Turnpike. The amendment does not demonstrate through relevant and appropriate data how project impacts to SIS facilities will be mitigated to achieve and maintain the state's LOS for both the short and long term planning horizons.</p> <p><b>STAFF RESPONSE:</b> At the request of FDOT District 4, the Applicant is working with Florida's Turnpike Enterprise to resolve the issues identified in the Objections, Recommendations and Comments (ORC) Report. Based upon applicant's discussions with the Turnpike Enterprise, the applicant anticipates obtaining a letter stating that the Enterprise has reviewed the issues raised in the ORC Report and does not object to the amendment.</p>		
<p><b>MOTION:</b> To <b>adopt an ordinance</b> that will amend the Transportation Element and Map Series pursuant to the proposed Florida Research Park CRALLS amendment, passed in a unanimous vote (7-0) at the November 27, 2006 Public Hearing. (Ord. 2006-058)</p>		