



**ROUND 08-2**  
**Adoption Executive Summary/Table of Contents**  
**PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS**

**Adopted on December 3, 2008**

**2.A. Privately Initiated Amendments to the Future Land Use Atlas - which received Objections and comments from the Department of Community Affairs**

ITEM	DESCRIPTION	RECOMMENDATION
<p><b>2.A.1</b>  <b>Lake Worth Commercial</b>  <b>(LGA 2008-009)</b></p> <p>District: 6</p>	<p><b>Request:</b> LR-2 to CH/2  <b>Size:</b> 37.85 acres  <b>Location:</b> South side of Lake Worth Road approximately 1,320 feet east of Lyons Road.</p>	<p>Staff: <b>Denial</b>  LPA: <b>Denial</b> (9-4 with Ms. Murray, Mr. Merin, Ms. Pinnock and Mr. Kohler dissenting) July 11, 2008  BCC: <b>Approval with conditions</b> (6-1) Motion to transmit with conditions by Comm. Koons, seconded by Comm. McCarty, with Comm. Santamaria dissenting. At the July 23, 2008 public hearing, Board discussion focused on the applicant's agreement with conditions in staff's alternative action, including traffic conditions, the development of a regulating master plan and design guidelines. The BCC also directed the applicant to work with the community and provide additional information to address demonstration of need concerns. The applicant did agree to all conditions and to bring it back to the BCC for review at the November adoption hearing. Several members of the public spoke in opposition to the proposed project. Attorney Neil Schiller, representing several of the area's homeowner associations, was given additional time to speak on behalf of these neighborhood groups.</p> <p><b>Since Transmittal:</b> The Board directed the applicant to address issues raised by neighboring residential communities and to provide additional data and analysis to sufficiently demonstrate need, between transmittal and adoption. The applicant has submitted additional data and analysis pertaining to the demonstration of need portion of the application and reported that meetings with neighboring residential communities have been productive.</p>
<p><b>DCA's ORC Report:</b> The ORC report contained an objection to 5 FLUA amendments proposed for adoption with conditions that limited development to a certain size, use, or intensity, and recommended that either additional data &amp; analysis was provided at the maximum intensity or that the FLUA included a notation to clearly indicate the development limitations.</p> <p><b>Staff Response:</b> Three forms of the County's FLUA (the paper version at PZB, the pdf online version, and the official digital version in GIS) all include notations/ references to the adopted ordinances. The ordinances are housed both online and at PZB, for access by the public. County staff ensures that development conditions are adhered to throughout the development review &amp; construction through the County's ePZB and GIS review. Staff has relayed this information to DCA staff in a conference call, and anticipates that this objection will be resolved.</p>		
<p><b>MOTION:</b> To preliminarily <b>adopt an ordinance with conditions</b> amending the Future Land Use Atlas for the proposed Lake Worth Commercial FLUA Amendment <b>as modified</b>. Motion by Commissioner Aaronson, seconded by Commissioner Greene passed in a 4-3 vote (with Commissioners Marcus, Santamaria and Vana dissenting) at the December 3, 2008 Public Hearing. (Ord. 2008-048)</p>		

<p><b>2.A.2 Coconut/ Northlake Commercial III (LGA 2008-025)</b></p> <p>District: 6</p>	<p><b>Request: RR-20 to CL/RR-5</b>  Size: 30.71 acres  Location: Southwest corner of Northlake Boulevard and Coconut Boulevard</p>	<p>Staff: <b>Denial</b>  LPA: <b>Denial</b> (7-2 with Mr. Lipp &amp; Mr. Weiner dissenting). June 27, 2008  BCC: <b>Approval with conditions</b> (6-1) Motion to transmit with the conditions by Comm. Koons, seconded by Comm. Aaronson with Comm. Marcus dissenting. The Board discussed the applicant's proposed conditions to deed restrict other properties under the same ownership along the corridor to trails, institutional use and/or water retention. Public comments ranged from support of commercial services for the neighborhood, to residents who indicated that a retail center would impact area roads and would be a detriment to the rural character of the area. Staff from the cities of West Palm Beach and Palm Beach Gardens indicated support for the effort to update the Western Northlake Corridor Land Use Study, and submitted letters of objection to the amendment.  <b>Changes Since Transmittal:</b> Per the BCC transmittal motion, staff and the applicant's agent held a teleconference with DCA regarding the area plan including conservation easements and/or deed restrictions for parcels the applicant controls. The deed restrictions are intended to preclude the development of strip-type commercial within the area plan; the conservation easements were entered into between the applicant and the South Florida Water Management District and include provisions for the preservation and conservation of the natural state of the parcels. The proposed restrictions for the parcels are Exhibit 3 of the staff report.</p>
<p><b>DCA's ORC Report:</b> The ORC report contained an objection to 5 FLUA amendments proposed for adoption with conditions that limited development to a certain size, use, or intensity, and recommended that either additional data &amp; analysis was provided at the maximum intensity or that the FLUA included a notation to clearly indicate the development limitations.</p> <p><b>Staff Response:</b> Three forms of the County's FLUA (the paper version at PZB, the pdf online version, and the official digital version in GIS) all include notations/ references to the adopted ordinances. The ordinances are housed both online and at PZB, for access by the public. County staff ensures that development conditions are adhered to throughout the development review &amp; construction through the County's ePZB and GIS review. Staff has relayed this information to DCA staff in a conference call, and anticipates that this objection will be resolved.</p>		
<p><b>MOTION:</b> To preliminarily <b>adopt an ordinance with conditions</b> amending the Future Land Use Atlas for the proposed Coconut/Northlake Commercial III FLUA Amendment. Motion by Commissioner Aaronson, seconded by Commissioner Santamaria passed in a 5-1 vote (with Commissioner Marcus dissenting &amp; Commissioner McCarty absent) at the December 3, 2008 Public Hearing. (Ord. 2008-049)</p>		

<p><b>2.A.3 Seminole / Southern Commercial III (LGA 2008-023)</b></p> <p>District: 6</p>	<p><b>Request: RR-10 to CL/RR-5</b>  Size: 64.48 acres  Location: Northwest corner of  Seminole Pratt Whitney Road and  Southern Boulevard</p>	<p>Staff: <b>Approval with conditions</b>  LPA: <b>Approval with conditions</b> (11-2 with Ms. Murray &amp; Mr. Lipp dissenting) June 6, 2008  BCC: <b>Approval with conditions</b> (7-0) Motion to transmit by Comm. Koons, seconded by Comm. Kanjian. Board discussion was minimal. The Board questioned potential future uses and possible future requests from adjacent parcels. Several local residents spoke in opposition to the project, citing that the timing was too soon for the area and compatibility was a concern. Several more local residents spoke in favor of the request citing that the location was ideal at a large intersection and that the request would provide necessary amenities to the area.</p>
<p><b>DCA's ORC Report:</b> The ORC report contained an objection to 5 FLUA amendments proposed for adoption with conditions that limited development to a certain size, use, or intensity, and recommended that either additional data &amp; analysis was provided at the maximum intensity or that the FLUA included a notation to clearly indicate the development limitations.</p> <p><b>Staff Response:</b> Three forms of the County's FLUA (the paper version at PZB, the pdf online version, and the official digital version in GIS) all include notations/ references to the adopted ordinances. The ordinances are housed both online and at PZB, for access by the public. County staff ensures that development conditions are adhered to throughout the development review &amp; construction through the County's ePZB and GIS review. Staff has relayed this information to DCA staff in a conference call, and anticipates that this objection will be resolved.</p>		
<p><b>MOTION:</b> To preliminarily <b>adopt an ordinance with conditions</b> amending the Future Land Use Atlas for the proposed Seminole/Southern Commercial III. Motion Commissioner Santamaria, seconded by Commissioner Aaronson passed in a 6-0 vote (with Commissioner McCarty absent) at the December 3, 2008 Public Hearing. (Ord. 2008-050)</p>		
<p><b>2.A.4 Southern / Jog EDC (LGA 2008-027)</b></p> <p>District: 6</p>	<p><b>There were three options available to the BCC:</b></p> <p><b>Exhibit 1a: INST/5 &amp; MR-5 to EDC</b>  Size: 59.04 acres  Location: North side of Southern Boulevard (SR-80), 0.4 miles east of North Jog Road</p> <p><b>Exhibit 1b: INST/5 to EDC</b>  Size: 58.13 acres  Location: North side of Southern Boulevard (SR-80), 0.4 miles east of North Jog Road</p> <p><b>Exhibit 1c:</b></p> <p>a. <b>INST/5 to EDC</b>  Size: 48.37 acres</p> <p>b. <b>MR-5 to EDC</b>  Size: 10.67 acres</p> <p>c. <b>INST/5 to EDC/5</b>  Size: 9.76 acres  Location: North side of Southern Boulevard (SR-80), 0.4 miles east of North Jog Road</p>	<p>Staff: <b>Approval with conditions</b>  LPA: <b>Approval with conditions</b> (12-1 with Mr. Merin dissenting) July 11, 2008  BCC: <b>Approval with conditions</b> (5-0) Motion to transmit by Comm. Koons, seconded by Comm. Aaronson (Commissioners Marcus and Kanjian absent). There was minimal Board discussion. One member of the public spoke, a representative of the Independence homeowners association, who requested to speak on the location of workforce housing on the northern piece of the site and not on the merits of the amendment.</p> <p><b>Changes Since Transmittal:</b> Changes have been made to the staff report to clarify staff's recommendation and the BCC Transmittal Action to eliminate the underlying MR-5 designation. Regarding the proposed exchange of property, negotiations have continued between the County (PREM) and Palm Beach Atlantic University.</p>

**Continued.....2.A.4 Southern / Jog EDC (LGA 2008-027)**

**DCA's ORC Report:** The ORC report contained an objection to 5 FLUA amendments proposed for adoption with conditions that limited development to a certain size, use, or intensity, and recommended that either additional data & analysis was provided at the maximum intensity or that the FLUA included a notation to clearly indicate the development limitations.

**Staff Response:** Three forms of the County's FLUA (the paper version at PZB, the pdf online version, and the official digital version in GIS) all include notations/ references to the adopted ordinances. The ordinances are housed both online and at PZB, for access by the public. County staff ensures that development conditions are adhered to throughout the development review & construction through the County's ePZB and GIS review. Staff has relayed this information to DCA staff in a conference call, and anticipates that this objection will be resolved.

**MOTION:** To preliminarily **adopt an ordinance with a condition (Exhibit 1c)** amending the Future Land Use Atlas for the proposed Southern/Jog EDC amendment **as modified**. Motion by Commissioner Vana, seconded by Commissioner Koons passed in a 5-0 vote (with Commissioner McCarty and Marcus absent) at the December 3, 2008 Public Hearing. (Ord. 2008-051)

**2.B. Proposed Text And Map Series Amendments - which *did not* receive objections and comments from the Department of Community Affairs**

ITEM	DESCRIPTION	RECOMMENDATION
<p><b>2.B.1</b>  <b>Future Land Use Element Reorganization</b></p>	<p>This proposed 'housekeeping' amendment will revise the Future Land Use Element to:</p> <ul style="list-style-type: none"> <li>• Re-organize to remove redundant text,</li> <li>• Consolidate related provisions, and</li> <li>• Delete outdated language.</li> </ul> <p>The proposed amendment will not alter any policy directions or intent within the Element, and is simply designed to improve organization and readability.</p>	<p>Staff: <b>Approval</b>                      LPA: <b>Approval with a modification</b> (12-0) June 6, 2008                      BCC: <b>Approval of LPA Recommendation</b> (5-0) Motion to transmit by Comm. Koons, seconded by Comm. Aaronson with Commissioners Marcus and Kanjian absent. There was minimal Board discussion. Several members of the public spoke in opposition to any changes to the Element, expressing fears that any text changes could possibly weaken the Tier System or the 'shall not'/prohibitive policies. One member of the public spoke in opposition to existing language regarding the boundaries of the Ag Reserve referencing the extension of Hypoluxo Road.  <b>Changes Subsequent to Transmittal:</b> Following the transmittal of the amendment, several headings proposed for deletion have been retained for organizational purposes. In addition, the language regarding the boundary of the Ag Reserve referencing the extension of Hypoluxo Road has been deleted to resolve issues raised at transmittal.</p>
<p><b>MOTION:</b></p>	<p>To preliminarily <b>adopt an ordinance</b> amending the Comprehensive Plan as modified. Motion by Commissioner Aaronson , seconded by Commissioner passed in a 6-0 vote (with Commissioner McCarty absent) at the December 3, 2008 Public Hearing. (Ord. 2008-052)</p>	

<p><b>2.B.2 Future Land Use Atlas Amendment Process Update</b></p>	<p>This proposed amendment will revise the Introduction and Administration Element to:</p> <ul style="list-style-type: none"> <li>• Restore previously deleted text that requires a waiting period before petitioners can reapply for amendments to the Future Land Use Atlas that were denied by the BCC, and</li> <li>• Correct small-scale amendment requirements to reflect current definitions for lots.</li> <li>• Permit lots that have been removed from the PUD to use the small scale amendment process. Lots currently located within a planned development district remain ineligible for this process.</li> </ul>	<p>Staff: <b>Approval</b> LPA: <b>Approval</b> (12-0) June 6, 2008 BCC: <b>Approval</b> (5-0) Motion to transmit by Comm. Koons, seconded by Comm. Aaronson with Commissioners Marcus and Kanjian absent. There was minimal Board discussion and no public comment. <b>Change Subsequent to Transmittal:</b> A modification was made to permit lots that were previously removed from a PUD to utilize the small scale land use amendment process.</p>
<p><b>MOTION:</b> To preliminarily <b>adopt an ordinance</b> amending the Comprehensive Plan as modified. Motion by Commissioner Aaronson, seconded by Commissioner Greene passed in a 5-0 vote (with Commissioner McCarty and Marcus absent) at the December 3, 2008 Public Hearing. (Ord. 2008-053)</p>		
<p><b>2.B.3 Industrial Flex Space</b></p>	<p>The proposed amendment will revise the Introduction and Administration and Future Land Use Element to:</p> <ul style="list-style-type: none"> <li>• Define Flex Space with an emphasis on light manufacturing, research and development, office, processing, and high tech uses, and</li> <li>• Establish Flex Space as a mechanism for promoting the County's economic development and redevelopment strategies.</li> </ul>	<p>Staff: <b>Approval</b> LPA: <b>Approval</b> (11-1 with Mr. Shannon dissenting) July 11, 2008 BCC: <b>Approval</b> (5-0) Motion to transmit by Comm. Koons, seconded by Comm. Aaronson with Commissioners Marcus and Kanjian absent. There was minimal Board discussion and no public comment.</p>
<p><b>2.B.4 Revised Airport Master Plans Incorporation</b></p>	<p>This proposed amendment will:</p> <ul style="list-style-type: none"> <li>• Revise Transportation Element Objective 1.7 to incorporate the four County airports revised master plans into the of the Comprehensive Plan, and</li> <li>• Update the Future 2020 County Airport Clear Zones Map TE 8.1 in the Map Series.</li> </ul>	<p>Staff: <b>Approval</b> LPA: <b>Approval</b> (13-0) June 6, 2008 BCC: <b>Approval</b> (5-0) Motion to transmit by Comm. Koons, seconded by Comm. McCarty with Comm. Marcus and Comm. Kanjian absent. There was minimal Board discussion and no public comment.</p>
<p><b>MOTION:</b> To preliminarily <b>adopt an ordinance</b> amending the Comprehensive Plan pursuant to Agenda Items 2.B.3 through 2.B.4. Motion by Commissioner Aaronson, seconded by Commissioner Greene passed in a 5-0 vote (with Commissioner McCarty and Marcus absent) at the December 3, 2008 Public Hearing. (Ord. 2008-054)</p>		
<p><b>2.B.5 Capital Improvement Element Tables</b></p>	<p>The proposed amendment is the annual update of the CIE Tables required by Florida Statute.</p>	<p>Staff: <b>Approval</b> <b>LPA and BCC Transmittal hearings are not required for this item. Annual CIE table updates only require one public hearing.</b></p>
<p><b>MOTION:</b> To preliminarily <b>adopt an ordinance</b> amending the Comprehensive Plan. Motion by Commissioner Aaronson, seconded by Commissioner Greene passed in a 5-0 vote (with Commissioner McCarty and Marcus absent) at the December 3, 2008 Public Hearing. (Ord. 2008-055)</p>		

**C. County Initiated Amendments to the Future Land Use Atlas**

ITEM	DESCRIPTION	RECOMMENDATION
<p><b>2.C.1</b>  <b>URA Site Specifics</b>  <b>(LGA 2008-032)</b></p> <p>Districts: 2 &amp; 3</p>	<p><b>A. URA Congress Avenue</b>  Request: <b>Various to UC or UI</b>  Size: 36.39 acres to Urban Center (UC)  39.11 acres to Urban Infill (UI)  Location: Congress Ave PRA corridor</p> <p><b>B. URA Military Trail</b>  Request: <b>Various to UC or UI</b>  Size: 159.41 acres to Urban Center (UC)  114.64 acres to Urban Infill (UI)  Location: Military Trail PRA corridor  Justification: To implement the new Future Land Use designations (Urban Center and Urban Infill) for these corridors, as generally depicted in the Map Series LU 9.1 Urban Redevelopment Area Regulating Plan.</p>	<p>Staff: <b>Approval</b>  LPA: <b>Approval</b> (12-0) July 11, 2008  BCC: <b>Approval</b> (5-0) Motion to transmit by Comm. Koons, seconded by Comm. McCarty (Comm. Marcus and Comm. Kanjian absent)  There was minimal Board discussion and no public comment.  <b>Changes Since Transmittal:</b> Subsequent to Transmittal, additional detail regarding the parcels, including summarizing the past amendments and conditions, has been added to the report. In addition, the property owners of 45 parcels (just over 100 acres) have either opted out of the proposed amendment (38 parcels), or have annexed their properties into the Village of Palm Springs (7 parcels). These parcels have been removed from the amendment.</p>
<p><b>DCA's ORC Report:</b> The ORC report contained an objection to 5 FLUA amendments proposed for adoption with conditions that limited development to a certain size, use, or intensity, and recommended that either additional data &amp; analysis was provided at the maximum intensity or that the FLUA included a notation to clearly indicate the development limitations.</p> <p><b>Staff Response:</b> Three forms of the County's FLUA (the paper version at PZB, the pdf online version, and the official digital version in GIS) all include notations/ references to the adopted ordinances. The ordinances are housed both online and at PZB, for access by the public. County staff ensures that development conditions are adhered to throughout the development review &amp; construction through the County's ePZB and GIS review. Staff has relayed this information to DCA staff in a conference call, and anticipates that this objection will be resolved.</p>		
<p><b>MOTION:</b> To preliminarily <b>adopt an ordinance</b> amending the Future Land Use Atlas for the proposed County Initiated URA Site Specific Amendment <b>as modified</b>. Motion by Commissioner Aaronson, seconded by Commissioner Greene passed in a 5-0 vote (with Commissioner McCarty and Marcus absent) at the December 3, 2008 Public Hearing. (Ord. 2008-056)</p>		

<p><b>2.C.2</b> <b>PBIA</b> <b>Properties</b> <b>(LGA 2008-028)</b></p> <p>Districts: 2 &amp; 3</p>	<p><b>Request: Commercial, Institutional and Industrial designations to U/T</b></p> <p>Size: 120.10 Acres (combined)</p> <p>Location: 15 Properties located in the vicinity of the PBIA Airport along or near Belvedere Road, Australian Avenue and/or Congress Avenue.</p> <p>Justification: This proposed amendment will assign U/T designation to properties owned by the Dept. of Airports.</p>	<p>Staff: <b>Approval</b></p> <p>LPA: <b>Approval</b> (12-0) June 6, 2008</p> <p>BCC: <b>Approval</b> (5-0) Motion to transmit by Comm. Koons, seconded by Comm. McCarty (Comm. Marcus and Comm. Kanjian absent) There was minimal Board discussion and no public comment.</p> <p><b>Changes Subsequent to Transmittal:</b> Following the transmittal hearing, the staff report was modified to specifically identify the existing FLU and acreage for each amended parcel, and to clarify the locations of the amendments. These changes are not substantive.</p>
<p><b>2.C.3</b> <b>Loxahatchee Slough Natural Area Addition</b> <b>(LGA 2008-030)</b></p> <p>District: 1</p>	<p><b>Request: LR-1 to Conservation (CON)</b></p> <p>Size: 79.34 Acres</p> <p>Location: Approximately 0.3 mile north of Northlake Blvd and 3.4 miles west of the Bee Line Highway</p> <p>Justification: The property is part of the Loxahatchee Slough Natural Area.</p>	<p>Staff: <b>Approval</b></p> <p>LPA: <b>Approval</b> (12-0) June 6, 2008</p> <p>BCC: <b>Approval</b> (5-0) Motion to transmit by Comm. Koons, seconded by Comm. Aaronson (Comm. Marcus and Comm. Kanjian absent) There was minimal Board discussion and no public comment.</p>
<p><b>MOTION:</b> To preliminarily <b>adopt an ordinance</b> amending the Future Land Use Atlas for the proposed PBIA properties and the Loxahatchee Slough Amendments. Motion by Commissioner Aaronson, seconded by Commissioner Greene passed in a 5-0 vote (with Commissioner McCarty and Marcus absent) at the December 3, 2008 Public Hearing. (Ord. 2008-057)</p>		

**2.D. County Initiated Corrective Amendments to the Future Land Use Atlas**

ITEM	DESCRIPTION	RECOMMENDATION
<p><b>2.D.1</b> <b>Palm Beach Transport</b> <b>(LGA 2008-029)</b></p> <p>District: 2</p>	<p>Request: <b>LR2 to CH/IND</b></p> <p>Size: 0.14 acre</p> <p>Location: Approximately 470' south of Jog Road and .10 mile west of the intersection of Jog Road and the Turnpike.</p> <p>Justification: Property is part of 3.14 acres entirely zoned CG and developed with a 24,242 sq. ft. office building under petition 96-42. Remaining 3 acres are designated CH/IND and amendment proposes the same for the subject property for consistency.</p>	<p>Staff: <b>Approval.</b></p> <p>LPA: <b>Approval</b> (8-0). June 27, 2008</p> <p>BCC: <b>Approval</b> (5-0) Motion to transmit by Comm. Koons, seconded by Comm. McCarty (Comm. Marcus and Comm. Kanjian absent) There was minimal Board discussion and no public comment.</p>
<p><b>MOTION:</b> To <b>adopt an ordinance</b> amending the Future Land Use Atlas for the proposed County Corrective Palm Beach Transport FLUA Amendment. Motion by Commissioner Aaronson, seconded by Commissioner Greene passed in a 5-0 vote (with Commissioner McCarty and Marcus absent) at the December 3, 2008 Public Hearing. (Ord. 2008-058)</p>		

**Final 08-2 Adoption Motion**

**FINAL MOTION:** Motion to adopt ordinances for Agenda Items **2.A.1 through 2.D.1** and reflecting the preliminarily votes on these items. Motion by Commissioner Aaronson, seconded by Commissioner Greene passed in a 5-0 (with Commissioner McCarty and Marcus absent) at the December 3, 2008 Public Hearing.