



PALM BEACH COUNTY AMENDMENT ROUND 09-1
Executive Summary – Table of Contents
Adopted on August 25, 2009

2.A. Related Text and Site Specific Amendments to the Future Land Use Atlas – which received objections from the Department of Community Affairs

ITEM	DESCRIPTION	RECOMMENDATION/ACTION
<p>2.A.2 Okeelanta ILC (LGA 2009-008)</p> <p>District: 6</p>	<p>Request: AP to AP/IND Size: 318.17 acres Location: Western Palm Beach County, fronting on US 27 (north-south road), and approx. 1.1 miles south of County Road 827A (nearest east-west road)</p> <p>Text & Map Series Amendments: To amend the Future Land Use and Introduction & Administration Elements to add implementing provisions for an inland logistic center (ILC). The Service Areas Map, LU 2.1, will be revised to identify the site as Limited Urban Service area.</p>	<p>Staff: Approval with conditions LPA: Approval with conditions (12-2 with Mr. Lipp and Mr. Shannon dissenting), March 13, 2009. BCC: Motion to transmit by Comm. Greene, seconded by Comm. Aaronson, passed in a 6-1 vote (with Comm. Marcus dissenting) at the April 13, 2009 Hearing. The Board discussed the condition of approval to limit the designation and LUSA only for an ILC, the DRI review process and thresholds, and the intent that the ILC not conflict with Everglades restoration efforts. Seventeen members of the public spoke. Eight spoke in support, citing the location and need for jobs and economic development. Members of the public opposed to the amendment cited that it was premature, would raise land prices and conflict with Everglades restoration efforts, was circumventing the DRI process, and should require environmental and other impact assessments.</p>
<p>DCA's ORC Report: There were six objections to these amendments:</p> <ul style="list-style-type: none"> Obj. 1: inadequate demonstration of need for the proposed ILC Obj. 4: lack of standards for natural resource protection/ecosystem restoration Obj. 5: need for limitations on intense industrial uses in the proposed definition of an ILC Obj. 6: need for internal consistency/clarification in the text amendments of the ports to be served by the ILC Obj. 7: need to incorporate proposed site-specific conditions in a Comprehensive Plan policy, and Obj. 8: inadequate data and analysis regarding the anticipated potable water and wastewater treatment demands. <p>Staff Response:</p> <ul style="list-style-type: none"> Obj.1: Additional data and analysis demonstrating the need for an ILC, in the Okeelanta area, are being provided Obj. 4: Existing Comprehensive Plan and ULDC provisions that provide for these standards and protections are being provided; in addition, two conditions and two new policies are added to address natural resource protection Obj. 5: The proposed definition has been revised to address the State's recommendations. Obj. 6: Pursuant to BCC direction on July 23rd, the text amendments and conditions have been revised to reflect that the ILC is expected to serve multiple south Florida ports, not just the Port of Palm Beach; additional data and analysis is provided to clarify that impact assessments in the amendment application assumed multiple ports. Obj. 7: An explanation has been provided of the County's existing process to ensure that all adopted FLUA amendment conditions are adhered to through the development of the subject site, and that adopted conditions can only be modified through a subsequent FLUA amendment. Obj.8: Additional information on potable water and wastewater demands, and provider capacity, is being provided. 		
<p>MOTION: To preliminarily adopt an ordinance with conditions amending the Future Land Use Atlas for the proposed Okeelanta ILC FLUA Amendment as modified. Motion by Commissioner Aaronson , seconded by Commissioner Abrams passed in a 6-1 vote (with Commissioner Marcus dissenting) at the August 25, 2009 Public Hearing. (Ord. 2009-026)</p>		

2.B. Privately Initiated Amendments to the Future Land Use Atlas - which received objections from the Department of Community Affairs

ITEM	DESCRIPTION	RECOMMENDATION/ACTION
<p>2.B.1 112th / Northlake Commercial SW (LGA 2008-024) District: 6</p>	<p>Request: RR-5 to CL/RR-5 Size: 9.83 acres Location: Southwest corner of Northlake Boulevard and 112th Terrace North.</p>	<p>Staff: <i>Denial</i> LPA: Approval with a Condition (8-4 with Mr. Greenfield, Ms. Murray, Mr. Shannon and Mr. Weiner dissenting), February 20, 2009. BCC: Motion to transmit with Conditions by Comm. Aaronson, seconded by Comm. Marcus, passed 7-0 at the April 13, 2009 Public Hearing.</p>
<p>DCA's ORC Report: The ORC included objections to all of the Future Land Use Atlas Amendments with conditions, and recommended that site specific conditions be established policies in the Plan or be appropriately noted on the Future Land Use Atlas to clearly indicate that development limitations apply to the site. Staff Response: An explanation has been provided of the County's existing process to ensure that all adopted FLUA amendment conditions are adhered to through the development of the subject site, and that adopted conditions can only be modified through a subsequent FLUA amendment.</p>		
<p>MOTION: To preliminarily adopt an ordinance with conditions amending the Future Land Use Atlas for the proposed 112th / Northlake Commercial SW FLUA Amendment. Motion by Commissioner Aaronson, seconded by Commissioner Vana passed in a 7-0 vote at the August 25, 2009 Public Hearing. (Ord. 2009-027)</p>		
<p>2.B.2 Lake Worth / Turnpike Commercial SW (LGA 2009-006) District: 6</p>	<p>Request: LR-2 to CH/2 Size: 19.04 acres Location: South side of Lake Worth Road, 154 ft west of the Florida Turnpike and .47 miles east of east of Lyons Rd</p>	<p>Staff: Approval with Conditions LPA: Approval with Conditions (11-1 with Mr. Shannon dissenting), February 20, 2009. BCC: Motion to transmit with Conditions by Comm. Aaronson, seconded by Comm. Vana, passed 7-0 at the April 13, 2009 Public Hearing.</p>
<p>DCA's ORC Report: The ORC included objections to all of the Future Land Use Atlas Amendments with conditions, and recommended that site specific conditions be established policies in the Plan or be appropriately noted on the Future Land Use Atlas to clearly indicate that development limitations apply to the site. Staff Response: An explanation has been provided of the County's existing process to ensure that all adopted FLUA amendment conditions are adhered to through the development of the subject site, and that adopted conditions can only be modified through a subsequent FLUA amendment.</p>		
<p>MOTION: To preliminarily adopt an ordinance with conditions amending the Future Land Use Atlas for the proposed Lake Worth / Turnpike Commercial SW FLUA Amendment. Motion to adopt as revised by Commissioner Santamaria, seconded by Commissioner Abrams passed in a 7-0 vote at the August 25, 2009 Public Hearing. (Ord. 2009-028)</p>		

<p>2.B.3 Lake Worth / Lyons Residential (LGA 2009-007)</p> <p>District: 6</p>	<p>Request: LR-2 to HR-8 Size: 58.26 acres Location: East side of Lyons Rd., approx. 0.3 miles south of Lake Worth Rd.</p>	<p>Staff: Denial LPA: Denial (7-3 with Mr. Arnold, Mr. Koehler and Mr. Weiner dissenting), February 20, 2009. BCC: Motion to transmit with Conditions proposed by the applicant by Comm. Aaronson, seconded by Comm. Vana, passed in a 6-1 vote (with Comm. Santamaria dissenting) at the April 13, 2009 Public Hearing.</p>
<p>DCA's ORC Report: The ORC included objections to all of the Future Land Use Atlas Amendments with conditions, and recommended that site specific conditions be established policies in the Plan or be appropriately noted on the Future Land Use Atlas to clearly indicate that development limitations apply to the site.</p> <p>Staff Response: An explanation has been provided of the County's existing process to ensure that all adopted FLUA amendment conditions are adhered to through the development of the subject site, and that adopted conditions can only be modified through a subsequent FLUA amendment.</p>		
<p>MOTION:</p>	<p>To preliminarily adopt an ordinance with conditions amending the Future Land Use Atlas for the proposed Lake Worth / Lyons Residential FLUA Amendment as modified. Motion to adopt as revised by Commissioner Santamaria, seconded by Commissioner Aaronson passed in a 6-1 vote (with Commissioner Marcus dissenting) at the August 25, 2009 Public Hearing. (Ord. 2009-029)</p>	

2.C. Transportation Amendments- which received objections from the Department of Community Affairs

ITEM	DESCRIPTION	RECOMMENDATION/ACTION
<p>2.C.1 Build-out Analysis / Corridor Master Plan Deletion</p>	<p>The proposed amendment will revise the Transportation Element to delete the policy regarding Corridor Master Plans (CMP), Policy TE 1.1-n, in light of budgetary constraints and complexity involved in resolving intergovernmental differences.</p>	<p>Staff: Approval LPA: Approval (8-2 with Mr. Shannon and Mr. Koehler dissenting), February 6, 2009. BCC: Motion to transmit by Comm. Marcus, seconded by Comm. Vana, passed in a 4-2 vote (with Comm. Aaronson absent and Comm. Koons and Vana dissenting) at the April 13, 2009 Public Hearing. The Board discussed the need for Corridor Master Plans (CMPs). Staff clarified that the removal of CMPs was necessary not only due to budgetary constraints but also due to difficulty in resolving intergovernmental conflicts. Staff also pointed out that there were other planning tools to address the issues. Two members of the public spoke in opposition to this amendment.</p>
<p>DCA ORC Objection: In Objection 10 indicated a lack of data and analysis showing how the traffic on these 28 roadways will be mitigated to ensure mobility, and deleting is inconsistent and lacks coordination with the MPO 2030 Cost Feasible Long Range Transportation Plan and the FDOT 5 year Work Program. The ORC recommended to revise or update the completion dates for the CMPs or to add specific, measurable, and immediate measures to evaluate the progress of the CMP implementation, including adding programs and activities to achieve and maintain adopted LOS. Staff Response: There is no statutory requirement to develop a Corridor Master Plan (CMP), and these CMPs were not included to address concurrency, but is one of several tools to address long-range failures that might occur in year 2025. Since there is no other policy in the Plan that relies on a CMP, the proposed deletion will not cause internal inconsistency. The County is committed to maintaining the adopted roadway level of service standards and will only issue development orders when traffic concurrency and adopted LOS prescribed by the countywide Traffic Performance Standards created pursuant to the home rule charter authority are met. The County will continue to develop land use and transportation strategies to support and fund mobility through efforts responding to SB 360 TCEA area, HB 697, and through the EAR and the MPO 2035 Plan over the next two years.</p>		
<p>MOTION:</p>	<p>To preliminarily adopt an ordinance with conditions amending the Comprehensive Plan for the proposed Build-out Analysis / Corridor Master Plan Deletion Amendment. Motion by Commissioner Marcus, seconded by Commissioner Abrams passed in a 5-1 vote (with Commissioner Koons dissenting and Commissioner Aaronson absent) at the August 25, 2009 Public Hearing. (Ord. 2009-030)</p>	

2.D. Transportation Amendments - which *did not* receive objections and comments from the Department of Community Affairs

ITEM	DESCRIPTION	RECOMMENDATION/ACTION
<p>2.D.1 Policy 3.5-d Update</p>	<p>The proposed amendment will modify Policy 3.5-d for land use traffic analysis requirements.</p>	<p>Staff: Approval LPA: Approval (14-0), March 13, 2009. BCC: Motion to transmit as amended at the hearing by Comm. Marcus, seconded by Comm. Vana, passed in a unanimous vote (6-0, with Comm. Aaronson absent) at the April 13, 2009 Public Hearing. The modification consisted of the retention of the language proposed for deletion after the LPA hearing regarding Test 2 on P.8. Two members of the public spoke in support of this amendment with the modification.</p>
<p>MOTION:</p>	<p>To preliminarily adopt an ordinance amending the Comprehensive Plan pursuant to the Policy 3.5-d Update Amendment. Motion by Commissioner Marcus, seconded by Commissioner Vana passed in a 6-0 vote (with Commissioner Aaronson absent) at the August 25, 2009 Public Hearing. (Ord. 2009-031)</p>	

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

ITEM	DESCRIPTION	RECOMMENDATION/ACTION
<p>2.E.1 Office of Community Revitalization Update</p>	<p>This proposed amendment will revise the Future Land use, Intergovernmental Coordination and Capital Improvement Elements by:</p> <ul style="list-style-type: none"> • Revising the Office of Community Revitalization's mission, programs and initiatives supporting and promoting the County's revitalization efforts; • Clarifying the purpose of the Glades Technical Advisory Committee and OCR's role in enhancing communication with Glades communities and organizations; and • Directing appropriate departments to coordinate with OCR in their efforts to establish overall priorities for resource allocation and infrastructure improvements in the RRIO, specifically the CCRT areas. 	<p>Staff: Approval LPA: Approval (9-0), February 20, 2009. BCC: Motion to transmit by Comm. Abrams, seconded by Comm. Marcus, passed 7-0 at the April 13, 2009 Hearing. There was minimal board discussion. Two members of the public spoke in support of focusing efforts for infill and redevelopment to only the areas within the URA, and not the entire County.</p>
<p>2.E.2 Minor Revisions and Updates</p>	<p>This proposed 'housekeeping' amendment will update references, clarify and consolidate text, specifically:</p> <ul style="list-style-type: none"> • Eliminate references to the Economic Element in the I&A and FLUE and to delete outdated text; • Relocate language regarding the Future Land Use Atlas from the I&A to the FLUE; • Remove previously deleted CRALLS from Map TE 15.1. 	<p>Staff: Approval LPA: Approval (10-0), February 6, 2009. BCC: Motion to transmit by Comm. Aaronson, seconded by Comm. Abrams, passed 7-0 at the April 13, 2009 Hearing. There was minimal board discussion. Two members of the public spoke in support of retaining the small scale amendment process and in support of property rights. Staff stated that these two items were not being negatively affected by this amendment.</p>
<p>2.E.3 Renewable Energy</p>	<p>This proposed amendment will revise the Introduction & Administration (I&A) and Future Land Use Elements (FLUE) to:</p> <ul style="list-style-type: none"> • Add definitions to the I&A for Electrical Power Facilities and Renewable Energy; • Relocate language limiting Electrical Power Facility locations to FLUE policy; and • Add language to the FLUE to allow Renewable Energy electrical power facilities solely utilizing solar, wind, or hydroelectric power in all future land use designations, excluding Conservation categories. 	<p>Staff: Approval LPA: Approval (12-0), March 13th 2009. BCC: Motion to transmit as amended at the hearing by Comm. Aaronson, seconded by Comm. Marcus, passed 7-0 at the April 13, 2009 Hearing. One Commissioner questioned the impacts if the legislature altered the definition of Renewable Energy to include nuclear power. Staff stated that any changes to the Plan would require Board action. Two members of the public spoke in support; one questioned the word 'hydrogen' and its implications to nuclear power. The BCC revised the amendment to add a sentence to the Renewable Energy definition exclude nuclear power and to replace 'shall' with 'may' in the first sentence of Policy 2.2.9-d.</p>

ITEM	DESCRIPTION	RECOMMENDATION/ACTION
<p>2.E.4 Energy Efficiency</p>	<p>This proposed amendment will amend the Future Land Use Element to implement the provisions of 163.3177(6)(a), F.S. only as this section was amended by Chapter 2008-191, Laws of Florida.</p> <ul style="list-style-type: none"> • Adding a seventh principle guiding sustainable land use planning and development; • Adding text to consider energy-efficient land use patterns, energy conservation and greenhouse reduction strategies in the creation of community and neighborhood plans; and • Adding a new policy to address energy efficiency and sustainability as part of the next Evaluation Appraisal Report (EAR). 	<p>Staff: Approval LPA: Approval (9-0), February 20, 2009. BCC: Motion to transmit by Comm. Aaronson, seconded by Comm. Marcus, passed 7-0 at the April 13, 2009 Hearing. There was minimal board discussion. One member of the public spoke in favor of this amendment and the linking of energy efficiency with the discouragement of urban sprawl.</p>
<p>2.E.5 Conservation & Coastal Management Revisions</p>	<p>This amendment is a 'housekeeping' amendment that makes minor text revisions in two elements, specifically:</p> <ul style="list-style-type: none"> • Coastal Management Element to delete the reference to supplemental protection for wetlands to reflect revisions to Unified Land Development Code (ULDC) Article 14 C; and, • Conservation Element in order to add the Conservation Lands Protection Ordinance (No. 2003-052). 	<p>Staff: Approval LPA: Approval (10-0), February 6, 2009. Motion to transmit by Comm. Aaronson, seconded by Comm. Abrams, passed 7-0 at the April 13, 2009 Hearing. There was minimal Board discussion and minimal public comment. Discussion topics included the wetland permitting agencies, their jurisdiction and their role in the County's development review process.</p>
<p>MOTION: To preliminarily adopt an ordinance amending the Comprehensive Plan pursuant to Agenda Items 2.E.1 through 2.E.5. Motion by Commissioner Marcus, seconded by Commissioner Vana passed in a 6-0 vote (with Commissioner Aaronson absent) at the August 25, 2009 Public Hearing. (Ord. 2009-032)</p>		
<p>2.E.6 Affordable Housing Program</p>	<p>The proposed amendment to the Introduction & Administration, Housing, Transportation and Future Land Use Elements will revise language to establish and recognize an Affordable Housing Program (60% and below area median income), and to exclude the Workforce and Affordable Housing Programs within the Limited Urban Service Areas and the Rural and Exurban Tiers.</p>	<p>Staff: Approval LPA: Approval (11-0), March 13, 2009. BCC: Motion to transmit as amended at the hearing by Comm. Marcus, seconded by Comm. Vana, passed in a 4-3 vote (with Commissioners Aaronson, Green, and Koons dissenting) at the April 13, 2009 Hearing. The motion included a change to exclude the Workforce and Affordable Housing Programs within the Limited Urban Service Areas and the Rural and Exurban Tiers. This change is reflected in Exhibit 1, and stemmed from questions raised by several Commissioners.</p>
<p>MOTION: To preliminarily adopt an ordinance amending the Comprehensive Plan pursuant to the Affordable Housing Amendment. Motion by Commissioner Marcus, seconded by Commissioner Vana passed in a 5-1 vote (with Commissioner Vana dissenting & Commissioner Aaronson absent) at the August 25, 2009 Public Hearing. (Ord. 2009-033)</p>		

ITEM	DESCRIPTION	RECOMMENDATION/ACTION
<p>2.E.7 Urban Redevelopment Area Update</p>	<p>The proposed amendment will modify URA provisions in the Future Land Use Element to:</p> <ul style="list-style-type: none"> • Establish an Apartment Building Type in Policy 1.2.2-d. • Establish policy language for “Specialized Districts” within the Priority Redevelopment Areas. • Extend the deadline for the County to conduct a feasibility study for a Stormwater Utility. 	<p>Staff: Approval LPA: Approval (10-0). February 6, 2009. BCC: Motion to transmit by Comm. Marcus, seconded by Comm. Aaronson, passed 7-0 at the April 13, 2009 Hearing. In response to the concerns raised by the Planning Commission over the establishment of a stormwater utility, Chairman Koons referenced the efforts underway by the County to look at reducing stormwater runoff that ultimately drains into the C-51 canal basin. One member of the public spoke, but did not address the amendment or issues under consideration.</p>
<p>MOTION:</p>	<p>To preliminarily adopt an ordinance amending the Comprehensive Plan pursuant to the URA Update Amendment. Motion by Commissioner Marcus, seconded by Commissioner Santamaria passed in a 6-0 vote (with Commissioner Aaronson absent) at the August 25, 2009 Public Hearing. (Ord. 2009-034)</p>	
<p>2.E.8 Port of Palm Beach Master Plan</p>	<p>The proposed amendment will revise the Transportation and Conservation Elements to reflect recent revisions to the Port of Palm Beach Master Plan.</p>	<p>Staff: Approval LPA: Approval (13-0), March 13, 2009. BCC: Motion to transmit by Comm. Aaronson, seconded by Comm. Abrams, passed 7-0 at the April 13, 2009 Hearing. The Board discussed the balance between protecting the environment and supporting economic development in the Glades. Three members of the public spoke. Additionally, concerns were raised by the two elected officials from the Glades cities regarding language that states that sites outside of the County may be considered for the Inland Logistics Center (ILC) location. Mr. Edward Oppel, Chair of the Port of Palm Beach, stated that the proposed language regarding site location could not be County specific because the ILC was a regional project involving multiple ports and limiting the site to the County in their Master Plan would preclude the Port from pursuing federal funding sources.</p>
<p>MOTION:</p>	<p>To preliminarily adopt an ordinance amending the Comprehensive Plan pursuant to the Port of Palm Beach Master Plan Amendment. Motion by Commissioner Marcus, seconded by Commissioner Vana passed in a 6-0 vote (with Commissioner Aaronson absent) at the August 25, 2009 Public Hearing, (Ord. 2009-035)</p>	

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

ITEM	DESCRIPTION	RECOMMENDATION/ACTION
<p>2.F.1 County Corrective Amendments (LGA 2009-009) District: 3 & 5</p>	<p>Lantana Road Property (LGA 2009-009a): Request: LR-3 to MR5 Size: 17.20 acres Location: SE corner of Lantana Rd and Hagen Ranch Rd</p> <p>Boca Dunes Property (LGA 2009-009b) Request: UT to HR-8 Size: 0.92 acres Location: Southwest corner of Boca Rio Rd and Via Ancho Rd</p> <p>Justification: These proposed amendments are corrections related to previous data and mapping errors.</p>	<p>Staff: Approval LPA: Approval (10-0), February 6, 2009. BCC: Motion to transmit by Comm. Marcus, seconded by Comm. Vana, passed 7-0 at the April 13, 2009 Public Hearing. There was minimal board discussion and no public comment.</p>
<p>2.F.2 PBIA Grace Drive Properties (LGA 2009-010) District: 3</p>	<p>Request: CL/IND to UT Size: 0.33 acres Location: North and south side of So. Grace Drive, approx. 0.25 mile south of the Southern Blvd/Congress Ave interchange.</p> <p>Justification: This proposed amendment will assign UT designation to properties owned by the Dept. of Airports.</p>	<p>Staff: Approval LPA: Approval (10-0), February 6, 2009. BCC: Motion to transmit by Comm. Marcus, seconded by Comm. Vana, passed in a 7-0 at the April 13, 2009 Public Hearing. There was minimal board discussion and no public comment.</p>
<p>MOTION:</p>	<p>To preliminarily adopt an ordinance amending the Future Land Use Atlas for the proposed County Initiated Site Specific Amendments, 2.F.1 – 2.F.2. Motion by Commissioner Abrams, seconded by Commissioner Vana passed in a vote 5-0 (with Commissioner Aaronson & Commissioner Koons absent) at the August 25, 2009 Public Hearing. (Ord. 2009-036)</p>	

Final 09-1 Adoption Motion

FINAL MOTION: Motion to adopt ordinances for Agenda Items **2.A.1 through 2.F.2** and reflecting the preliminarily votes on these items. Motion by Commissioner Vana, seconded by Commissioner Santamaria passed in a 5-0 (with Commissioner Aaronson and Koons absent) at the August 25, 2009 Public Hearing.

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