



**PALM BEACH COUNTY
LAND USE ADVISORY BOARD
(LOCAL PLANNING AGENCY)**

MINUTES OF THE OCTOBER 27, 2000 MEETING

On October 27, 2000, at 9:00 a.m., the Palm Beach County Land Use Advisory Board (LUAB) met in the fourth floor hearing room, 100 Australian Avenue, West Palm Beach, Florida, for their regular meeting.

1. CALL TO ORDER

A. Roll Call

Chairman Bill Hall called the meeting to order at 9:02 a.m. Recording Secretary Ann Himick called the roll.

Members Present

Judy Daversa
Rosa Durando
Bob Eisenberg
Carol Francis
Barry Haberman
Bill Hall
Murray Kalish
Alberta McCarthy
Neil Merin
Katharine Murray
Bill Stueber
Michael Weiner

Members Present - 12

Members Absent

Sandra Greenberg, excused
John Jorgensen, excused
John Martin

Members Absent - 3

Planning Staff Present

Frank M. Duke, Planning Director
Kathy Girard, Principal Planner
Matthew Zern, Planner II
Ann Himick, Recording Secretary

Other Staff Present

Robert Banks, Assistant County Attorney
Charles Walker, Director, Traffic Division
Dave Flinchum, Principal Planner, Zoning Division

Others Present - See files.

Mr. Kalish moved to give an excused absence for today, October 27, 2000, to Ms. Greenberg and Mr. Jorgensen. Mr. Stueber seconded the motion, which passed unanimously.

- B. Pledge of Allegiance
- C. Remarks of the Chair
- D. Proof of Publication (only if needed)
- E. Public Comments (not related to items of the agenda)
- F. Consideration of Minutes - October 13, 2000

Ms. Murray moved to approve the minutes of October 13, 2000. The motion was seconded by Ms. Daversa, and passed unanimously.

2. DIRECTOR COMMENTS

Planning Director Frank Duke stated that staff would review the factors that the Planning Division must consider in any evaluation of a Plan amendment.

Principal Planner Kathy Girard walked the Board through the criteria used to evaluate a future land use amendment. She reviewed and highlighted the following criteria:

- Justification For a Land Use Change
- Demonstration of Need
- Compatibility
- Consistency With the Comprehensive Plan
- Consistency With the Urban Sprawl Rule
- Compliance With the ULDC
- Availability of Infrastructure/Services
- Environmental and Historic Resources
- Neighborhood Plans and Special Studies

Mr. Duke reviewed the roll of site plans in the Plan Amendment process. He said that, as a general rule, the LUAB does not review site plans unless an applicant is seeking to use the Multiple Land Use/MLU designation; then the Board is required to look at that site plan and consider how that site plan is integrating this mix of uses. Mr. Duke also noted that site plans may be considered with Small Scale amendments if the project is moving forward with a simultaneous rezoning.

3. PUBLIC HEARING - SMALL SCALE AMENDMENT

A. 00-SCA 83- COM 2, Lantana Rd/High Ridge Rd.

The item before the Board was to hold a public hearing on a proposed amendment to the Future Land Use Atlas (FLUA) to change the future land use designation for 1.67 acres (part of a 3.68 acre parcel) from Low Residential 3 units per acre (LR-3) to Commercial Low (CLO).

Project Manager Matt Zern gave a presentation on this item. He stated that the site is located on the east side of High Ridge Road, approximately 300 feet south of Lantana Road. Mr. Zern said that the primary considerations surrounding this proposal are justification, demonstration of need and compatibility. Staff received two phone calls, two letters and a petition with 36 signatures of neighboring property owners expressing opposition to the amendment. Staff recommended denial of the applicant's request, and approval of an alternative change, Commercial Low with cross-hatching to limit the site to landscaping, drainage and at-grade parking.

Agent Bob Bentz, Land Design South, gave a presentation on this item. He stated that the subject property is part of a larger parcel that already has a land use designation of Commercial. He summarized the differences between what he asked for and what staff recommended. Mr. Bentz said that he does not disagree with the cross-hatching on the property, but does disagree with the extent of the cross-hatching on the property. He proposed cross-hatching the southernly 100 feet of the property and locating a preservation area in that site, which would provide a buffer to residential development along to High Ridge Road.

Ken Chupurdy, Michael Del Grosso, and Kenneth Wood, all residents of High Ridge Road, stated their opposition to this amendment and expressed traffic concerns regarding access to a commercial property from High Ridge Road.

During Board discussion concern was expressed regarding the access for the site, public safety, consistency with the High Ridge Road Corridor Study, and the set-aside requirements.

Charlie Walker, Traffic Division Director, responded to the Board's concerns associated with the justification of the amendment. He stated that due to safety concerns, the access for the existing commercially designated portion of the site needed to be located as far south as possible on High Ridge Road. This resulted in a need for access through the subject site. Mr. Walker said that there were traffic safety concerns limiting the ability to have full access onto Lantana Road.

Mr. Duke explained the Board of County Commissioners' (BCC) direction from the Commercial Needs Assessment Study to evaluate commercial requests against approved neighborhood plans and special studies. He stated that the High Ridge Road Corridor Study clearly indicates that extending commercial depth south on High Ridge Road, as proposed, would be incompatible with the neighborhood.

Ms. Daversa moved to recommend approval of staff's recommendation of denial of the amendment and approval of an alternative for Commercial Low with 200 feet of cross-hatching and a 50 foot vegetated buffer along the southern boundary. The motion was seconded by Ms. Francis and failed in a 5-7 vote, with Mr. Haberman, Mr. Kalish, Ms. McCarthy, Mr. Merin, Mr. Stueber, Mr. Weiner and Mr. Hall dissenting.

Mr. Weiner moved to recommend approval of staff's recommendation of denial of the amendment and approval of an alternative for Commercial Low with 150 feet of cross-hatching on the southernmost property. Ms. Daversa seconded the motion, which failed in a 6-6 vote, with Ms. Daversa, Ms. Durando, Mr. Eisenberg, Ms. Francis, Ms. Murray, and Ms. McCarthy dissenting.

Ms. Durando moved to recommend staff's recommendation of denial of the amendment and approval of an alternative of Commercial Low with 200 feet of cross-hatching on the site. The motion was seconded by Mr. Haberman, and passed 7-5, with Mr. Kalish, Mr. Merin, Mr. Stueber, Mr. Weiner and Mr. Hall dissenting.

4. UPDATES AND COMMENTS

- A. Board Members
- B. Staff

Mr. Duke announced that the next LUAB meeting would be November 17, 2000. At this time the Initiation of Amendment Round 01-1 will take place. He requested that the Board come prepared to identify items they wished to have workshopped.

5. ADJOURNMENT

The LUAB meeting adjourned at 11.35 a.m.

This signature is to attest that the undersigned is the Secretary, or a designated nominee, of the Land Use Advisory Board and that the information provided herein is the true and correct Minutes for the October 27, 2000, meeting of the Land Use Advisory Board of Palm Beach County, approved this _____ day of _____, 2000.

Frank M. Duke, AICP
Planning Director

Recorded tapes of all Land Use Advisory Board meetings are kept on file in the Palm Beach County Planning Division office.