

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

MINUTES OF THE FEBRUARY 9, 2001 MEETING

On February 9, 2001, 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 9:03 a.m. Recording Secretary Ann Himick called the roll.

Members Present

Members Absent

Judy Daversa
Andrew DeGraffenreidt
Bob Eisenberg
Carol Francis
Sandra Greenberg
Barry Haberman
Bill Hall
John Jorgensen
Murray Kalish
Dennis Koehler
Alberta McCarthy
Neil Merin
Katharine Murray
Bill Stueber
Michael Weiner

Members Present - 15

Members Absent - 0

Planning Staff Present

Frank M. Duke, Planning Director
Maria Bello, Principal Planner
Kathy Girard, Principal Planner
Alex Hansen, Senior Planner
Linda Hoppes, Senior Planner
Lisa Lowe, Senior Planner
Meg Smith, Senior Planner
Steve Foren, Planner II
Tonya Deal, Planner I
Ann Himick, Recording Secretary

Other Staff Present

Robert Banks, Assistant County Attorney

Others Present - See files.

- B. Pledge of Allegiance
- C. Remarks of the Chair

Chairman Bill Hall opened the Public Hearing.
- D. Proof of Publication
- E. Public Comments (not related to items of the agenda)
- F. Consideration of Minutes

2. DIRECTOR COMMENTS

3. PUBLIC HEARING - AMENDMENT ROUND 01-1

- A. United Technologies Overlay Revisions

The item before the Board was to hold a Public Hearing on a proposed amendment to the Future Land Use Element, Objective 2.7, United Technologies Overlay, supporting policies, and implementation text to:

- 1. replace language which limits uses in the Overlay to those which support and contribute to the operations of Pratt-Whitney with language that permits compatible uses;
- 2. revise the list of permitted future land use designations;
- 3. limit the permitted uses for internal consistency; and
- 4. add previously deleted language regarding the history of the Overlay to clarify its intent.

Project Manager Lisa Lowe gave a presentation on the United Technologies (UT) Overlay text and site specific amendments. She stated that the Overlay was established with the adoption of the 1989 Comprehensive Plan and its purpose is to provide protection of the Pratt-Whitney facilities from the encroachment of incompatible uses and activities, and also to provide opportunities to locate supporting industrial uses. Ms. Lowe said that several actions have occurred which led to the reexamination of the United Technologies Corporation Protection Area Overlay. They are: identification of excessively restrictive and inaccurate statements regarding the UT Overlay language; internal changes and diversification at the Pratt-Whitney facility; and the addition of the Economic Development Center (EDC) future land use designation to the Comprehensive Plan, as part of the Managed Growth Program. Staff recommended approval of the proposed amendment.

This item was presented in conjunction with item 3.B.

B. United Technologies (01-11 EDC 1)

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 a 275.6 acre parcel from Industrial (IND) to Economic Development Center (EDC).

Ms. Lowe stated that the site specific amendment is proposed to change the land use designation from IND to EDC. She stated that the site is located west of the Beeline Highway (SR 710) and the CSX railroad, south of Indiantown Road. The subject portion consists of 138 acres, which are mostly developed with Office, Laboratory, and Warehouse uses; and approximately 128 acres, which is used for a water treatment facility and associated treatment ponds. Ms. Lowe said that there are no negative impacts associated with the land use change and the EDC designation is intended to encourage more light Industrial and office type uses in a campus-like setting. Staff recommended approval of the proposed amendment.

During Board discussion concern was expressed regarding environmental impacts and the Palm Beach Speed World project, which was withdrawn about 1 ½ years ago due to the Planning Director's interpretation that the existing language precluded such a use. The Board questioned whether a mixed-use planned recreational development would be inconsistent with the proposed new language. Planning Director Frank Duke declined to respond without an application to review.

Chairman Bill Hall said that the examination of the Director's position or bringing up this issue at this time is not within the purview of the Board.

Mr. Duke recommended to change the language in Policy 2.7-d to read as follows: "Such incompatible uses (due to their sensitivity to noise) include," and then continue with original language to clarify the nature of the incompatibility.

Ms. Murray moved to recommend approval of the proposed amendment - United Technologies Overlay Revisions - with two revisions: 1) the recommendation by Mr. Duke of additional language to Policy 2.7-d; and 2) the additional language to the Implementation Section, to read: "The purpose of the Overlay is to provide for the protection of a critical manufacturing, and research and development employer from encroachment, etc". The motion was seconded by Ms. Francis. The motion passed 10-3, with Mr. Koehler, Mr. Stueber, and Mr. Weiner dissenting, and Mr. Merin and Mr. Haberman not present.

Ms. Murray moved to recommend approval of the proposed amendment United Technologies (01-11 CSX 1) . Ms. Francis seconded the motion, which passed unanimously.

C. Environmentally Sensitive Lands (01-3, 4, 11 CON 1, 2)

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 four sites totaling 399 acres from Industrial (IND) to Conservation (CON).

Project Manager Linda Hoppes gave a presentation on this item. She stated that the four parcels are located north of the Beeline Highway and west of Seminole Pratt-Whitney Road. These parcels were purchased using funds from the Environmentally Sensitive Lands Acquisition Program. The County purchased the subject parcels through the Bond Program for the purpose of conserving and protecting them. Ms. Hoppes said that the four parcels are located within the United Technologies Corporation Protection Area Overlay. Because the four parcels will be vacant and for conservation purposes, the parcels will not be inconsistent with the purpose of this overlay. No objections to this amendment have been received. There are no major land use issues associated with this amendment. Staff recommended approval.

Mr. Eisenberg moved to recommend approval of the proposed amendment. The motion was seconded by Mr. Weiner, and passed unanimously .

D. Loxahatchee Mitigation Bank (01-97, 101 CON 1)

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 2 parcels, totaling 210.46 acres, from Agricultural Reserve (AGR) to Conservation (CON) located approximately 1.5 miles west of SR-7.

Project Manager Linda Hoppes gave a presentation on this item. She stated that the site is located just east of the L-40 Levee, and approximately 1 mile north of Clint Moore Road (parcel 1) to 2 miles (parcel 2) north of Clint Moore Road. The subject parcels are part of the nearly 1,400 acres included within the Loxahatchee Mitigation Bank. The land was formerly owned by Palm Beach County. In December of 1998 the Board of County Commissioner (BCC) approved the transfer of the 210.46 acres to the South Florida Water Management District (SFWMD) for the purpose of establishing a comprehensive mitigation bank. These parcels are now included within the District's Mitigation Bank, to be used for wetland and habitat restoration and the Conservation land use is most appropriate. She said that there are no

objections to this amendment and SFWMD is supportive of the land use change. Staff recommended approval of the proposed amendment.

The Board questioned public access to these parcels. P.K. Sharma, representing the SWFMD, responded that as a policy, SWFMD promotes and provides public access whenever it is feasible. The Board also questioned whether the land would be covered with water. Mr. Sharma commented that it was his understanding that the land would not be inundated, however, he was not the Project Manager. He stated that it was the intent of the SFWMD to environmentally enhance the area.

Ms. Francis moved to recommend approval of the proposed amendment. Mr. Eisenberg seconded the motion, which passed unanimously.

E. Agricultural Reserve Tier

The item before the Board was to hold a public hearing on a proposed amendment to the Future Land Use Element, Introduction and Administration Element and the Comprehensive Plan Map Series.

Project Manager Linda Hoppes gave a presentation on this item. She stated that the intent of this amendment is 1) to revise the Future Land Use Element (FLUE) consistent with BCC direction on the Agricultural Reserve Master Plan; 2) to reformat the Agricultural Reserve Tier consistent with the format of the FLUE; and 3) to revise other FLUE policies to reflect the Agricultural Reserve provisions. She said that the proposed amendments will affect the following sections of the FLUE, Goals, Objectives and Policies: Objective 1.5, the Agricultural Reserve Tier; Objective 2.1, Balanced Growth; Objective 2.4, Mixed-Use Development; Objective 3.3, Limited Urban Services Area; Objective 5.5, Turnpike Aquifer Protection Overlay (TAPO) District; and Part III Implementation of the FLUE. In addition, the boundary extension to the Turnpike Aquifer Protection Overlay will be reflected in the Comprehensive Plan Map Series and the definition of water preserve areas has been revised in the Introduction and Administration Element. She walked the Board through each section of proposed changes. Staff recommended approval of the proposed amendment.

The Board questioned staff's language for new Policy 1.5.1-a, "All proposed planned developments must be able to meet all level of service standards, etc." It was suggested replacing the word "must" with the word "shall". County Attorney Bob Banks said he did not understand why that language was used since everybody has to meet all the levels of service standards. Mr. Duke agreed the language should be deleted for clarity.

Lawyer Gary Brandenburg, representing the Rooney family, requested additional language be included in the Agricultural Tier to help preserve the nature of the Tier. He requested that the Board adopt a policy that would indicate that there would be no gaming, parimutuel wagering, or off track betting permitted.

Joanne Davis, representing 1000 Friends of Florida, expressed her support for Mr.

Brandenburg's request. She expressed concern with golf courses having native and drought tolerant species in the Ag Reserve. She requested that drought tolerant be stricken from the language, and to use 100% native plants. She also stated her objection to cul-de-sacs, stating that a more connective street system would be an improvement in that area. If cul-de-sacs are used, she suggested that greenways, bike and equestrian paths be required. She expressed her support for the Traditional Market Place developments and suggested keeping them in the areas that are designated for them in the Master Plan.

Bob Bentz, Land Design South, requested that the Economic Development Center be added into the Comprehensive Plan language, with the north side of Boynton Beach Boulevard, from Lyons Road to Acme Dairy Road designated as an appropriate site. Mr. Bentz also requested that the property on the northwest corner of Clint Moor Road and SR-7 be designated as a potential commercial node.

Henry Handler, attorney representing White Farms, reiterated Mr. Bentz's comments and offered language for the changes.

Mr. Duke noted that the language provided by Mr. Handler did not reflect changes to the Comprehensive Plan but to the Ag Reserve Master Plan and was thus not appropriate for consideration. The LUAB would need to develop language itself should it seek to make the changes requested by Mr. Handler and Mr. Bentz. He also noted that the Economic Development Center and the Traditional Marketplace were totally separate issues under the Plan, though both Mr. Bentz and Mr. Handler used them interchangeably.

Mr. Handler stated that they were suggesting changes to both the Traditional Marketplace and the Economic Development Centers though their language disputed only one.

Kim Glas Castro, representing Dubois Farm, expressed her concern with the TAPO and well fields regulations.

During Board discussion concern was expressed regarding housing for farmworkers.

Mr. Kalish moved to recommend approval of the proposed amendment including the recommendations by Mr. Bentz and Mr. Handler, that the Traditional Marketplace be allowed to extend eastward along the north side of Boynton Beach Boulevard to Acme Dairy Road, and be allowed within 1/4 mile of the intersection of Clint Moore Road and State Road 7. He also moved to authorize the Economic Development Center along the north side of Boynton Beach Boulevard from Lyons Road to Acme Dairy Rd. Ms. Francis seconded the motion.

Mr. Duke noted that these changes would require modification to numerous policies and suggested the changes be handled individually.

1. Clint Moore Road - Mr. Kalish moved to add language to land use Policies 1.5-k and 1.5-m.3 to designate the intersection of Clint Moore Road and State Road 7 as an appropriate location where the Traditional Marketplace Development designation could be sought. The motion was seconded by Mr. Weiner, and passed 8-6, with Ms. Daversa, Ms. Francis, Ms. Murray, Mr. DeGraffenreidt, Mr. Eisenberg and Mr. Haberman dissenting, and Mr. Koehler not present.
2. Bonyton Beach Boulevard - Mr. Kalish move to modify Land Use Policies 1.5-k and 1.5.1-m to add language to designate the north side of Boynton Beach Boulevard, east of Lyons Road ½ mile be designated as an appropriate location for a Traditional Marketplace. The motion was seconded by Mr. Weiner. It failed 5-8, with Ms. Daversa, Mr. Eisenberg, Ms. Francis, Ms. Greenberg, Mr. Haberman, Mr. Jorgensen, Mr. Merin, and Ms. Murray dissenting.
3. Economic Development Center - Mr. Kalish moved to modify the proposed amendment language to permit the Land Use Economic Development Center. Mr. Duke said that this will affect Policies 1.5-a, 1.5-m, 1.5-n, 1.5-p, 1.5.1-a, and 1.5.1-o. Mr. Merin seconded the motion, which failed 1-11, with Ms. Daversa, Mr. Eisenberg, Ms. Francis, Ms. Greenberg, Mr. Haberman, Mr. Jorgensen, Ms. McCarthy, Mr. Merin, Ms. Murray, Mr. Stueber, and Mr. Hall dissenting.
4. Native Plants - Ms. Murray moved to delete the language “or drought tolerant” from Policies 1.5-o and 1.5.1-l. The motion failed due to a lack of a second.
5. Ms. Murray moved to change the minimum requirement of native plants from 50% to 60% in Policy 1.5.1-b.5. Mr. Haberman seconded the motion, which passed unanimously.

During Board discussion concern was expressed regarding interconnectivity, greenways, bridal paths, pedestrian pathways, and stub streets.

Ms. Daversa moved to recommend a letter be sent to the BCC from the LUAB asking that they direct the consultants working on the ULDC provisions to include in its provisions encouragement of non-vehicular interconnectivity in the Ag Reserve. The motion was seconded by Mr. Stueber, and passed unanimously.

Mr. Merin moved to recommend approval of the text changes to the Ag Reserve Tier Amendment with the recommended changes as voted on in the series of motions. The motion was seconded by Mr. Eisenberg, and passed unanimously.

F. Agricultural Reserve Rural Parkway

The item before the Board was to hold a public hearing on a proposed amendment to the Transportation Element.

Project Manager Alex Hansen gave a brief presentation on this item. He stated that this amendment will:

1. designate Lyons Road from Atlantic Avenue to Boynton Beach Boulevard as a Rural Parkway on the Tim; and
2. modify Transportation Policy 1.4-q to designate Lyons Road as a Rural Parkway from Atlantic Avenue to Boynton Beach Boulevard.

Staff recommended approval of the proposed amendment.

Mr. Merin moved to recommend approval of the proposed amendment. Ms. Daversa seconded the motion, which passed unanimously.

G. Agricultural Reserve TIM and 2020

The item before the Board was to hold a public hearing on a proposed amendment to the Comprehensive Plan Map Series which would delete Linton Boulevard and Flavor Pict Road from the Thoroughfare Right of Way Identification Map and the 2020 Roadway Network Map in the Ag Reserve area.

Project Manager Alex Hansen gave a presentation on this item. He stated that the major issue associated with this amendment is the impact of the deletion of these road segments on the remainder of the transportation network. Staff recommended denial of the proposed amendment to delete both Linton Boulevard and Flavor Pict Road.

Mr. Kalish moved to recommend denial of the proposed amendments to delete both Linton Boulevard and Flavor Pict Road. The motion was seconded by Ms. Greenberg.

Mr. Duke advised the LUAB of several on-going issues with this amendment. He noted that under the ULDC, staff has no choice but to recommend denial. He called attention to a letter from G. L. Homes, in which they propose to offer the County land from which the development rights could be removed as a mitigation measure for the deletion of Linton Boulevard. Mr. Duke noted that G. L. Homes is also asking that the trip generation numbers be re-evaluated as the County continues to acquire land as a mitigation measure for the deletion of Linton Boulevard.

Mr. Duke also noted a letter from Kerry Kilday, Kilday & Associates, requesting that this item be continued because they would like staff to continue to evaluate the deletion of Flavor Pict Road as the County continues to acquire land.

Mr. Stueber made an alternative motion to recommend denial of the amendments to delete both Linton Boulevard and Flavor Pict Road, and the potential deletion of these two roads be reevaluated as the County acquires land. The motion was seconded by Ms. Daversa, and passed unanimously.

H. Economic Agricultural Reserve Revisions

The item before the Board was to hold a public hearing on a proposed amendment to the Economic Element which would revise a policy to strengthen agricultural enhancement and revise two policies to reflect current activities/terminology.

Project Manager Meg Smith gave a brief presentation on this item. Staff recommended approval of the proposed amendment.

Ms. Murray made a motion to recommend approval of the proposed amendment. Ms. Francis seconded the motion, which passed unanimously.

I. General FLUE Amendments

The item before the Board was to hold a public hearing on a proposed amendment to the Future Land Use Element.

Project Manager Alex Hansen gave a presentation on this item. He stated that this amendment would:

1. make minor revisions and updates to several policies throughout the element;
2. 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
3. delete a policy dealing with developing the conversion formula for residential to non-residential TDR transfers because the policy was implemented.

Mr. Hansen called attention to two handouts; one with revisions to Policy Land Use 2.2.2.-b and the other one for Land Use Policy 2.2.2.-f, in which the word “or” is substitute for “and”. Staff recommended approval of the proposed amendment as modified.

During Board discussion concern was expressed regarding the Commercial Needs Assessment Study be used as one of several tools used by the County. The Board suggested that the language be change to Land Use Policy 2.2-b.1. to read, “the natural environment, including topography, soils and other natural resources”. Mr. Duke concurred in this change.

The Board also recommend that the language be change in Land Use Policy 1.3-g and Land Use Policy 1.4-g, to read “shall be considered” instead of “shall be utilized”. Mr. Duke concurred in this change.

Mr. Merin moved to recommend approval of the proposed amendment as modified. Ms. Francis seconded the motion, which passed unanimously.

J. USAB/Tier Adjustment (01-62 USAB 1)

The item before the Board was to hold a public hearing on a proposed County Initiated amendment to revise the Urban Service Area Boulevard on the Future Land Use Atlas (FLUA) and the Urban/Suburban Tier on Map LU 1.1 of the Map Series.

Project Manager Tonya Deal gave a presentation on this item. She stated that the site is on the west side of Crestwood Boulevard, approximately 1,000 ft. north of Southern Boulevard, and in the Village of Royal Palm Beach. She said that the site is comprised of two vacant properties totaling 16.52 acres. Ms. Deal noted that this is a County initiated amendment based on the factor of data updates due to Royal Palm Beach's annexation of the area. No objections to this amendment have been received and there are no land use issues associated with this proposed amendment. Staff recommended approval of the proposed amendment.

Mr. Haberman moved to recommend approval of the proposed amendment. Mr. Kalish seconded the motion, which passed unanimously.

K. 01-1 Rural FLU Revisions, Central County

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 13 subdivisions in the Central Western Communities, totaling approximately 12,550 acres, from Rural Residential 10 (RR-10), 1 unit per 10 acres, to Rural Residential 5 (RR-5), 1 unit per 5 acres.

Project Manager Steve Foren gave a presentation on this item. He stated that there are 13 unrecorded subdivision within the central portion of the County were reviewed for change:

- Santa Rosa Groves
- Tall Pines
- Waite's Subdivision
- Canal Pine Acres
- Sunny Urban Meadows
- Mandell
- Deer Run Plat 2
- Delwood
- Les Flores Ranchos
- Deer Run
- Fox Trail
- Entrada Acres
- Loxahatchee Groves

Mr. Foren said that the intent of the amendment is to more accurately reflect the existing development pattern. The criteria against which each subdivision was compared to see if it should be re-designated as RR-5 were: 1) average lot size in subdivision is less than 10 acres; 2) subdivision is consistent with the 85% Rule described in Land Use Policy 2.2.1-f; and 3) the number of new lots created in each subdivision has a minimal impact on the transportation network as defined in Land

Use Policy 3.5-d. Mr. Foren noted that after the analysis of the 13 subdivisions, 10 of them were found to be consistent with the criteria; however, three were not consistent - Santa Rosa Grove, Sunny Urban Meadows, and Loxahatchee Groves. He walked the Board through the reasons why these three subdivision were not consistent. Staff recommended approval of a land use change for 10 subdivisions, and to recommend denial of the 3 subdivisions identified by Mr. Foren.

The Board questioned the 85% Rule.

Rita Miller, President of the Loxahatchee Groves Landowners Association, expressed concern with the loss of tree canopy as nurseries move into Loxahatchee Groves. She supported the RR-5 designation for Loxahatchee Groves.

Ms. Murray moved to recommend approval of a land use change for 10 subdivisions, and to recommend denial of 3 subdivisions as recommended by staff. Mr. Stueber seconded the motion, which passed unanimously.

Chairman Bill Hall turned the meeting over to Vice Chairman Barry Haberman.

L. Mining and Water Management

The item before the Board was to hold a public hearing on a proposed amendment to revise the Future Land Use Policy 2.3-e (2). This item was heard concurrently with items M., O., and P.

M. MGTS Housing Policies

The item before the Board was to hold a public hearing on a proposed amendment to the Housing Element which will:

1. revise two existing policies addressing the provision of affordable housing, and one existing policy addressing concentrations of affordable housing; and
2. add two new policies addressing the provision of affordable housing, and four new policies addressing concentrations of affordable housing.

O. Health and Human Services Revisions

The item before the Board was to hold a public hearing on a proposed amendment to the optional Health and Human Services Element which will modify Goals, Objectives and Policies, the Introduction and Implementation Sections, correct errors, and clarify intent.

P. Library Services Revisions

The item before the Board was to hold a public hearing on a proposed amendment to the Library Services Element which will transfer the data and analysis of the Element to a support document, so that the Element may be reformatted similar to the other documents of the Comprehensive Plan.

There was no staff presentation on any of those items which were the subject of separate workshops.

Ms. Francis moved to recommend approval of the proposed amendments. The motion was seconded by Ms. Daversa, and passed unanimously.

N. Coastal Management Revisions

The item before the Board was to hold a public hearing on proposed amendments to the Coastal Management Element (CME), Capital Improvements Element (CIE) and Introduction and Administration Element (IAE) which would clarify policies and definitions relating to coastal hazard areas.

Project Manager Maria Bello gave a brief presentation on this item. She stated that the issues associated with this amendment include: 1) reconciling the policies and directions in the plan which support coastal development and redevelopment with State-required policies to redirect coastal populations away from hazardous coastal areas and ensuring that evacuation capacity is maintained; and 2) determining the appropriateness of various means of hazard mitigation as alternatives to limiting development based on roadway capacity. Ms. Bello said that these revisions would allow for an increased emphasis on coastal development and redevelopment pursuant to the Managed Growth Tier System, while ensuring that evacuation times are not increased.

Ms. Murray moved to recommend approval of the proposed amendment. The motion was seconded by Ms. Daversa, and passed unanimously.

4. UPDATES AND COMMENTS

A. Board Members

B. Staff

Mr. Duke called attention to a flyer from the South Florida Water Management District, regarding the serious drought situation facing Florida. He urged the Board to conserve water and abide by the water use restrictions and share the information with friends and neighbors.

Mr. Duke presented an update on the PGA/Ellison Wilson land use amendment. In reviewing the Plan, a policy was found that precludes the ability to develop live/work units. The only way that the Plan would allow such a use to take place would be if it met the threshold requirements for an MXP or a Mixed Use Plan Development. Those acreage requirements preclude this particular site would not be able to meet that requirement. Mr. Duke noted that a text amendment to the Comprehensive Plan would be required to permit live/work units on this site as suggested by the LUAB.

5. ADJOURNMENT

The LUAB meeting adjourned at 12:55 p.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 February 9, 2001, meeting of the Land Use Advisory Board of Palm Beach County, approved this _____ day of _____, 2001.

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.