

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

MINUTES OF THE FEBRUARY 27, 2004 MEETING

On February 27, 2004, 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.

I. CALL TO ORDER

A. Roll Call

Vice Chairman Judy Daversa called the meeting to order at 9:02 a.m. Recording Secretary Ann Himick called the roll.

Members Present

Judy Daversa
Carol Francis
David Goodstein
Sandra Greenberg
Jerry Greenfield
Murray Kalish
Dennis Koehler
Alberta McCarthy
Neil Merin
Katharine Murray
Richard Pinsky
Dean Turney
Michael Weiner

Members Present – 13

Members Absent

Andrew DeGraffenreidt
Bill Hall

Members Absent – 2

Planning Staff Present

Lorenzo Aghemo, Planning Director
Susan Miller, Principal Planner
Tonya Deal, Senior Planner
Michael Howe, Senior Planner
Khurshid Mohyuddin, Senior Planner
John Rupertus, Senior Planner
Vinod Sandanasamy, Planner II
Brandon Schaad, Planner I
Ann Himick, Recording Secretary

Other Staff Present

Bob Banks, Assistant County Attorney
Dan Weisberg, Traffic Engineering

Others Present - See files.

- B. Pledge of Allegiance
- C. Proof of Publication (only if needed)
- D. Public Comments (not related to items of the agenda)
- E. Consideration of Minutes

II. COMMENTS BY THE CHAIR

Vice Chairman Judy Daversa opened the Public Hearing.

III. PLANNING ITEMS

- A. Administrative Appeal – Coastal High Hazard Area

The item before the Board was a formal appeal of the Planning Division's interpretation of the Comprehensive Plan with respect to the Coastal High Hazard Area.

Planning Director Lorenzo Aghemo called attention to a letter received from Attorney Thomas Carney withdrawing this appeal.

IV. PUBLIC HEARING – AMENDMENT ROUND 04-1

A. Privately Initiated Site Specific Amendment

1. Hypoluxo/Jog Residential (LGA 2004-00009)

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 approximately 117.16 acres from Low Residential, 1 unit per acre (LR-1) to Low Residential, 3 units per acre (LR-3).

Mr. Aghemo stated that this item has been withdrawn by the applicant.

B. Transportation Related Amendments

1. Military Trail/Haverhill Road East-West Connector

Mr. Aghemo stated that this item is a County initiated amendment and is being administratively withdrawn.

2. 10th Avenue North TIM & 2020

The item before the Board was to hold a public hearing on a proposed amendment to increase the right-of-way for 10th Avenue North from Congress Avenue to I-95 on the Thoroughfare Right-of-Way Identification Map (Figure TE-14.1), from 80 feet to 110 feet and to increase the laneage on the 2020 Roadway System by Number of Lanes Map (Figure TE 1.1) from 4 to 6 lanes.

Project Manager Vinod Sandanasamy gave a presentation on this item. He stated that 10th Avenue presently exists as a 4-lane roadway and it needs to be widened because traffic volumes have exceeded beyond the Level of Service D standard. He said that the proposed amendment is consistent with the Comprehensive Plan's policies regarding maintenance of the TIM and the 2020 Roadway Network Map. Staff recommended approval of the proposed amendment.

Dale Hemmitt, resident of 10th Avenue, expressed his concern with the alignment of the road and how close it might come to his house.

Dan Weisberg responded that there is a Design and Alignment Study being conducted now, and there is not yet an exact location of where the road would be and that it is possible that some homes would be taken. Mr. Weisberg noted that concerned residents could certainly be part of the discussions during the design process.

During Board discussion, concern was expressed regarding action being taken on this item before the feasibility study has been completed.

Ms. Greenberg moved to recommend approval of the proposed amendment, with the assurance that concerns of the residents are addressed. Carol Francis seconded the motion, which passed 9-4, with Mr. Greenfield, Mr. Merin, Ms. Murray, and Mr. Pinsky dissenting.

3. School Intersections LOS

The item before the Board was to hold a public hearing on a proposed amendment to Policy TE 1.2-d (regarding 130% of Level of Service D permitted for schools on roadway segments) to include roadway intersection; and to limit the applicability of this policy to public and private kindergarten, elementary, middle, and high schools only.

Project Manager Khurshid Mohyuddin gave a presentation on this item. He stated that the intent of the proposed amendment to Transportation Element Policy 1.2-d is to expand a lower level of service to roadway intersections to facilitate the timely construction of schools. Mr. Mohyuddin said that due to concern raised by some LUAB members during a January 23 workshop on this amendment, the reference in this policy to the definition of public and private schools in the Introduction and Administration Element is being deleted. This is to specifically limit the applicability of the policy to kindergarten, elementary, middle, and high schools only and not to extend the benefits to vocational and technical schools, which were included in the definition. Staff recommended approval of the proposed amendment.

There was minimum Board discussion on this item.

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

C. County Initiated Site Specific Amendment

1. Gamot/Charnock/Veins Natural Areas (LGA 2004-00019)

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 six parcels, 22.76 acres (collectively), from Medium Residential (MR-5), 5 units per acre, to Conservation (CON).

Project Manager Michael Howe gave a presentation on this item. He stated that the six parcels are located within the Limestone Creek Natural Area. Two parcels are on the southwest corner of Central Boulevard and Church Street, and four parcels are on the south side of 1st Street, approximately 400 feet east of Limestone Creek Road. Mr. Howe noted that the subject parcels were purchased by the County as part of the Conservation Lands Acquisition Program that utilizes conservation land bond funds. The entire natural area is part of a Florida Communities Trust Florida Forever grant project site. The Grant Contract includes a requirement that the land use be changed to Conservation. Staff recommended approval of the proposed amendment.

There was no Board discussion on this item.

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

D. Text Amendments

1. Introduction & Administration Element Revisions

The item before the Board was to hold a public hearing on a proposed amendment to the Introduction and Administration Element and the Future Land Use Element which would 1) modify language to reflect the digital Future Land Use Atlas (FLUA) as the official map; and 2) revise Table 2.1-2 of the FLUE to clarify intent of 'non-retail' uses.

Project Manager Brandon Schaad gave a presentation on this item. He provided the Board with background information on this item. He said that among the reasons for establishing the digital Future Land Use Atlas are: 1) it will be easier to maintain than paper maps; 2) it will be more efficient for staff to use; 3) it will include a seamless area of Future Land Use designations throughout unincorporated Palm Beach County; 4) it can be added to GeoNav, to make it more accessible to County staff and eventually the public; 5) it can be incorporated into the e-PZB Project; 6) and it will include data which could be used by staff for population and traffic projections, as well as the analysis of development trends and patterns in the County. Mr. Schaad noted that if this amendment is approved as proposed, the digital Future Land Use Atlas would become the official version on January 1, 2005. Staff recommended approval of the proposed amendment.

The Board questioned whether the paper FLUE maps would be eliminated or maintained.

Staff responded that the maps would be kept both on paper and digitally.

During Board discussion, concern was expressed regarding the narrowing of the definition of “non-retail” uses in Commercial Low (CL) and Commercial High (CH) designations, particularly in the Urban/Suburban Tier. Several Board members expressed concerns that this would limit the creativity and the ability to redevelopment properties and to do mix-uses that would provide for workforce housing. The definition of infill was also discussed. Staff responded that this proposed amendment would not limit the uses allowed in CL and CH, rather would clarify those uses that would meet the exception for a higher floor area ratio in these categories.

Mr. Koehler moved to recommend that the two components of this amendment be voted on separately. Ms. Francis seconded the motion, which passed unanimously.

Ms. Murray moved to recommend approval of the digital mapping component. The motion was seconded by Mr. Koehler, and passed unanimously.

Mr. Merin moved to recommend denial of the modification to the FLUE with regards to the clarification of “non retail” uses in the CL and CH designations. Mr. Koehler seconded the motion, with passed 12-1, with Ms. McCarthy dissenting.

2. Future Land Use Element Revisions

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

Project Manager John Rupertus gave a presentation on this item. He said that there are three minor text amendments to the Future Land Use Element. He walked the Board through the revisions: 1) remove unnecessary language from the FLUE regarding policy 2.2.2-b; 2) provide more appropriate acreage restrictions for policy 1.2.2-a in relation to the Unified Land Development Code (ULDC); and 3) recognize the potential, as well as built environment, in the analysis of surrounding properties connected with determining the applicability of policy 1.2.2-a to a particular property for infill development. Staff recommended approval of the proposed amendment.

Mr. Koehler moved to recommend approval of the proposed amendment, with one modification to the language in the 3rd revision of Policy 1.2.2-a: add the word *existing* before *land use designations*. Mr. Greenfield seconded the motion, which passed unanimously.

V. UPDATES AND COMMENTS

- A. Board Members
- B. Staff
 - 1. Director's Comments

VI. ADJOURN

The LUAB meeting adjourned at 10:25 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 February 27, 2004, meeting of the Land Use Advisory Board of Palm Beach County, approved this _____ day of _____, 2004.

Lorenzo Aghemo
Planning Director

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

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