

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

MINUTES OF THE JUNE 25, 2004 MEETING

On June 25, 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

Chair Bill Hall called the meeting to order at 9:05 a.m. Recording Secretary Ann Himick called the roll.

Members Present

Judy Daversa
Carol Francis
David Goodstein
Jerry Greenfield
Bill Hall
Dennis Koehler
Alberta McCarthy
Neil Merin
Katharine Murray
Dean Turney
Michael Weiner

Members Present – 11

Members Absent

Sandra Greenberg
Murray Kalish

Members Absent – 2

Planning Staff Present

Lorenzo Aghemo, Planning Director
Susan Miller, Principal Planner
Denise Malone, Principal Planner
Alex Hansen, Senior Planner
Khurshid Mohyuddin, Senior Planner
Vinod Sandanasamy, Planner II
Keehren Richards, Planner
Brandon Schaad, Planner I
Ann Himick, Recording Secretary

Other Staff Present

Bob Banks, Assistant County Attorney

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

Chair Bill Hall opened the Public Hearing.

III. PUBLIC HEARING – AMENDMENT ROUND 04-2

Chair Bill Hall called attention to three letters from Land Design South requesting a postponement of items III.B.4, 5, and 6 to the next amendment round.

Mr. Koehler moved to postpone the three items. Ms. Francis seconded the motion, which passed unanimously.

- A. County Initiated Text Amendment

The item before the Board was to hold a public hearing on proposed amendments to the Introduction and Administration (IA), Future Land Use (FLUE), and Map Series regarding the Central Western Communities (CWC) Sector Plan Overlay.

After much Board discussion on whether to hear this item at this time, Mr. Weiner moved to forego staff presentation and go right on to public comments. The motion was seconded by Ms. Francis. Mr. Merin made a substitute motion to hear the presentation from staff. That motion was seconded by Ms. Daversa, and passed unanimously.

Project Manager Alex Hansen gave a presentation on this item. He stated that this amendment would: 1) add a definition to the Introduction and Administration Element; 2) modify text in the Future Land Use Element to adopt the Central Western Communities (CWC) Sector Plan Overlay and related policies; 3) modify Map Series Map LU 3.1 Special Planning Areas to update the boundaries of the CWC Sector Plan; and 4) adopt Map Series Map LU 9.1 CWC Sector Plan Conceptual Plan Overlay. He said that this is one of the fastest growing areas in the County. It is comprised of a number of exurban and rural communities, as well as many agricultural areas. Some goals of the Sector Plan are to address land use balancing and the needs for increasing demands on services, as this area continues to grow, to protect the rural character in the area and enhance the environment, and to provide for adequate facilities and services. Mr. Hansen walked the Board through the CWC Sector Plan Overlay, the overlay policies, the Rural Residential cluster development, the Traditional Marketplace developments, and the Employment Center. Mr. Hansen noted that no land uses would be changed as a result of adopting this document. Staff recommended approval of the proposed amendment.

Members of the public who provided comments were: Cynthia Plockelman, Rita Miller, Joan Shewmake, Charles Walsey, Bob Diffenderfer, Alex Larson, Kieran Kilday, Steve Gutman, Marge Herzog, Bill Louda, and Penny Riccio.

Board discussion took place regarding medical related uses, cross access roads, the economic development center, sprawl, and lack of equestrian amenities.

Ms. Francis moved to recommend approval of the proposed amendment, with the understanding that it is a living document that will be moving forward with adjustments, and to develop some equestrian friendly regulations. Mr. Koehler seconded the motion.

Dean Turney suggested policy language that the County will be adding developing ULDC regulations that recognize unique characteristics of the equestrian community.

Mr. Merin made a substitute motion to recommend denial of the proposed amendment, but support the concept of the plan and to revisit within 60-90 days. Mr. Weiner seconded the motion, which failed 3-8, with Ms. Daversa, Ms. Francis, Mr. Goodstein, Mr. Greenfield, Mr. Koehler, Ms. McCarthy, Ms. Murray, and Mr. Turney dissenting.

The original motion for approval of the proposed amendment with the addition of an equestrian policy passed 8-3, with Mr. Merin, Mr. Weiner, and Mr. Hall dissenting.

Mr. Turney made a motion that a letter go to the BCC stating that the LUAB considers this to be a living document that has obvious deficiencies, given the Scripps project and other factors. Ms. Francis seconded the motion, which passed unanimously.

B. Privately Initiated Amendments

1. "F" Road (LGA 2004-00010)

Principal Planner Susan Miller called attention to a letter from Kilday & Associates regarding changes to "F" Road. The letter stated that they wish to amend the request from Commercial Low to Commercial Low-Office. Ms. Miller explained that this request was not covered under advertising requirements or staff's review.

After much Board discussion on whether to hear this item due to a change in the request, staff made a presentation.

The item before the Board (as presented by staff) 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 3.63-acre site from Rural Residential 10 (RR-10) to Commercial Low with underlying Rural Residential, 1 unit per 10 acres (CL/RR-10).

Project Manager Brandon Schaad gave a presentation on this item. He stated that the site is located at the northeast corner of Southern Boulevard and "F" Road. He provided the Board with background information. Mr. Schaad said that the site is located in the Rural Tier, just outside the Urban/Suburban Tier and the Urban Service area. It is also within the boundaries of the Loxahatchee Groves Neighborhood Plan and the CWC Sector Plan. Factors of consideration were justification, demonstration of need, and compatibility. In addition, the proposal is urban sprawl, piecemeal development, strip commercial development, and encroachment of an incompatible future land use into a residential area. He noted that the proposal is inconsistent with the Loxahatchee Groves Neighborhood Plan and with existing BCC direction concerning the Sector Plan. Staff received three letters in opposition to this request and two calls in opposition to the request and several calls of inquiry. He

Also noted that two days before the staff report went out, the applicant changed his request to Commercial Low-Office. Since staff did not have time to readvertise or reassess the site based on the modification to CL-O, staff continued to recommended denial of the proposed amendment to CL.

Agent Kieran Kilday, Kilday & Associates, explained why he had changed his request to Commercial Low-Office. He stated that the original intent of the petition was to develop a drug store and medical offices, however he indicated that the drug store is no longer a factor. Mr. Kilday stated that he would be willing to limit the Commercial Low-Office to medical offices only. He then familiarized the Board with the property.

Members of the public who expressed concern were: Bill Louda, Steve Gutman, Rita Miller, Joan Shewmake, Marge Herzog, and Hazel Parker.

Board discussion focused on piecemeal and strip commercial development, infill at an intersection, traffic, and a frontage road.

Mr. Weiner moved to recommend denial of Commercial Low and recommend approval of Commercial Low-Office. Ms. Daversa seconded the motion, which passed 7-4, with Mr. Goodstein, Mr. Greenfield, Ms. Murray, and Mr. Turney dissenting.

2. "E" Road (LGA-2004 (00035))

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 9.13-acre site from Rural Residential 10 (RR-10) to Commercial Low (CL), with underlying Rural Residential, 1 unit per 10 acres (CL/RR-10).

Project Manager Keehren Richards gave a presentation on this item. She stated that the site is located at the northwest corner of Southern Boulevard and "E" Road. Ms. Richards provided the Board with background information. She said that the site is in the Rural Tier and is also within the boundaries of the Loxahatchee Groves Neighborhood Plan and the CWC Sector Plan. She noted that this proposal is inconsistent with the Loxahatchee Groves Neighborhood Plan and the existing Board direction concerning the CWC Sector Plan. Factors of consideration were justification, demonstration of need, and compatibility. In addition, the proposal is urban sprawl, piecemeal and strip commercial development, represents encroachment and creates two residual parcels. Staff received several calls of inquiry and the Loxahatchee Groves Landowners Association submitted two formal letters of objection to the proposed amendment. Staff recommended denial of this petition.

Bob Basehart, Basehart Consulting, Inc. gave a presentation on this item. He said that because of the location of the property on Southern Boulevard and given the factors involved, the property is inappropriate for residential use. He stated that he has been working with the Landowners Association and has now revised the plan. He stated that they did not want retail, which is no longer a factor, and that retail uses were replaced with office uses, in a campus design cluster. Mr. Basehart noted that he would accept a Commercial Low-Office designation on this site with the agreement to limit the floor area ratio (FAR) to .10.

Members of the public who express their support were: Joan Shewmake, Bill Louda, Rita Miller, Steve Gutman, and Marge Herzog. Hazel Parker stated her opposition.

During Board discussion, concern was expressed regarding the extension of water service, and questioned who would provide the service.

Bob Basehart noted that the intention was not to extend potable water lines, but to use well water.

Mr. Goodstein moved to recommend approval of Commercial Low-Office, with conditions: using .1 FAR, and the eastern 1.5 areas would be used for park/open space uses. Ms. Murray and Mr. Greenfield seconded the motion, which passed unanimously.

3. "D" Road (LGA 2004-00034)

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 1.63-acre portion of a 2.62-acre site from Rural Residential 10 (RR-10) to Commercial Low (CL), with underlying Rural Residential 10 (CL/RR-10).

There was no staff presentation.

Agent Bob Basehart gave a brief presentation.

Members of the public who expressed support were Bill Louda, Rita Miller, and Marge Herzog. Hazel Parker said that she opposed this petition.

There was minimum Board discussion.

Mr. Merin moved to recommend approval of the proposed amendment, subject to two conditions as recommended by staff. The motion was seconded by Ms. Murray, and passed unanimously.

4. Simon II "B" Road – NW (LGA 2004-00037)
5. "B" Road – NE (LGA 2004-00038)
6. Seminole-Pratt Whitney/Orange (LGA 2004-00039)

These three items were postponed.

C. Transportation Related Amendments

1. Traffic Requirement Modification – Land Use Amendments

The item before the Board was to hold a public hearing on a proposed amendment to the Future Land Use Element, Policy 3.5-d modifying and enhancing the traffic requirements for land use amendments.

Project Manger Vinod Sandanasamy gave a presentation on this item. He stated that according to this policy, all land use amendments are required to meet LOS D on all roadways where the land use amendment has a traffic impact of 3% of LOS D or greater. Mr. Sandanasamy said that the proposed change would require land use amendments to address smaller traffic impacts, less than 3%, based on the projected long-range volume to capacity ratios. It also requires land use amendments to address the five-year capacity issues in the form of a new Test 2, which is yet to be adopted in the ULDC. This amendment would provide for better coordination between long-range and short-range traffic impacts. Staff recommended approval of the proposed modifications.

There was minimum Board discussion.

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

IV. UPDATES AND COMMENTS

A. Board Members

B. Staff

1. Director's Comments

V. ADJOURN

The LUAB meeting adjourned at 12.20 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 June 25, 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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