

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

MINUTES OF THE MAY 13, 2005 MEETING

On May 13, 2005, 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 Chair Judy Daversa called the meeting to order at 9:05 a.m. Recording Secretary Ann Himick called the roll.

Members Present

Harvey Arnold
Judy Daversa
Carol Francis
David Goodstein
Blake MacDiarmid
Neil Merin
Katharine Murray
Michael Weiner

Members Present – 8

Members Absent

Sandra Greenberg
Jerry Greenfield
Bill Hall
Dennis Koehler
Dean Turney

Members Absent – 5

Planning Staff Present

Lorenzo Aghemo, Planning Director
Isaac Hoyos, Principal Planner
Susan Miller, Principal Planner
Michael Howe, Senior Planner
Khurshid Mohyuddin, Senior Planner
Etim Udoh, Senior Planner
Lauren Lending, Planner II
Brandon Schaad, Planner II
Lisa Schickedanz, Planner II
Phillipa Williams, Planner I
Ann Himick, Recording Secretary

Other Staff Present

Bob Banks, Assistant County Attorney
Bob Kraus, ERM
Allan Ennis, Traffic Engineering
Tonya Deal, School Board

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 – March 11 and March 30, 2005

Mr. Merin moved to approve the minutes of March 11, 2005. The motion was seconded by Ms. Francis, and passed unanimously. Mr. Merin moved to approve the minutes of March 30, 2005. The motion was seconded by Mr. Arnold, and passed unanimously.

II. COMMENTS BY THE CHAIR

Ms. Daversa opened the Public Hearing.

III. PUBLIC HEARING – SMALL SCALE AMENDMENT

- A. Wellington MUPD II (SCA 2005-00030)

The item before the Board was to hold a public hearing on a proposed amendment to modify the previous condition of approval contained in Ordinance 2002-011 that adopted the Small Scale Future Land Use Atlas Amendment, Wellington MUPD (01-SCA 69 COM 1), for this site.

Project Manager Phillipa Williams gave a presentation on this item. She stated that the site is located on the west side of State Road 7/US 441, approximately ½ of a mile north of Forest Hill Boulevard. Ms. Williams noted that the current land use designation for the property is Commercial High with a condition that limits development to a self-storage facility and a quality restaurant only. She explained that the applicant seeks to modify the existing condition to allow development of a medical office building, instead of the quality restaurant. She noted that the self-storage facility is presently under construction on the site. Ms. Williams provided the Board with background information. Factors of consideration were: justification, demonstration of need, and compatibility. She noted that this request is consistent with the recommendations of the Palms West/State Road 7 Corridor Study, the site can be provided with adequate services, and meets all infrastructure level of service requirements. Ms. Williams stated that the applicant submitted a traffic study, meeting the traffic requirements for a Comprehensive Plan amendment at 123,730 square feet of commercial uses. Staff received no letters or phone calls regarding this proposal. Staff recommended approval of the proposed amendment, subject to

the modified condition and the condition limiting the square footage consistent with the submitted traffic study.

Agent Bob Basehart, Basehart Consulting, Inc., gave a brief presentation. He noted that the condition is for 123,730 square feet of commercial and that the use would be limited to self-storage and medical office/professional.

There was minimum Board discussion.

Mr. Goodstein moved to recommend approval of the proposed amendment as recommended by staff with the requested modifications. The motion was seconded by Ms. Francis, and passed 8-0.

IV. PUBLIC HEARING – AMENDMENT ROUND 05-MINTO (DRI RELATED AMENDMENT)

A. Minto/Fox Property (LGA 2005-00030)

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 250.51-acre parcel from Conservation (CON) to Low Residential, 2 units per acre (LR-2).

Project Manager Phillipa Williams gave a presentation on this item. She stated that the site is located north of Okeechobee Boulevard, approximately 1,960 feet west of State Road 7/US 441. She noted that the site is also within the Urban/Suburban Tier, and is part of a larger 1,538 acre tract that was part of the Fox Settlement Agreement in 1994. Ms. Williams explained that this amendment request would seek to change the FLU designation on 250.51 of the remaining CON land which has become overgrown with melaleuca trees and in exchange, Fox/Minto would transfer ownership of 613 acres of environmentally valuable land to Palm Beach County. She provided the Board with background information. Factors of consideration were: justification, demonstration of need, and compatibility. Ms. Williams stated that the site can be provided with adequate services, and meets all infrastructure level of service requirements. Staff received 12 phone calls regarding this proposal, 8 of the calls pertained to the planned extension of State Road 7. Staff recommended approval of the proposed amendment, subject to one condition: limiting development to 443 single family homes.

Attorney John Corbett stated that he concurs with the staff report. He noted that this land use amendment does not create any additional residential units; rather, it is only relocating 433 residential units from Section 1 to this side. He stated that there is no increase in school demands.

A resident of the adjacent La Marcha subdivision, Cindi Baker, expressed her concerns regarding wildlife, traffic, and buffering.

During Board discussion, concerns were expressed regarding traffic, the land swap between Minto and the County, and school capacity.

Allan Ennis, Traffic Engineering, addressed the traffic concerns.

Bob Kraus, ERM, addressed the land swap concerns and confirmed the County would benefit from the ability to preserve more environmentally valuable land.

Tonya Deal, School Board, addressed the school capacity issue.

Agent Craig Unger, P.E., Minto Communities, Inc., pointed out the two entrances to the project.

David Goodstein moved to recommend approval of the proposed amendment, subject to one condition: site shall be limited to a maximum of 443 residential dwelling units. Mr. Turney seconded the motion, which passed 8-0.

V. PLANNING ITEMS

A. Amendment Round 05-2 Workshop

1. Tier Boundary Redesignation Criteria

The item before the Board was to hold a workshop on a proposed amendment to the Future Land Use Element that would amend the criteria, including adding additional criteria, to justify movement of a tier boundary.

Project Manager Brandon Schaad gave a presentation on this item. He stated that this amendment would consider changes to Future Land Use Element Policy 1.1-b, which governs redesignating properties from one tier to another. He provided the Board with background information. Mr. Schaad noted one of the major issues addressed in the recently completed Evaluation and Appraisal Report (EAR) was to evaluate the effectiveness of the tier system and recommend possible changes to it. He stated that staff thought it prudent at this time to revisit this policy. He stated that three different types of changes would be considered; 1) correct unclear language, specifically the use of both the term "redesignation" and the term "pre-designation" in the policy; 2) the policy would be updated to remove reference to not allow tier redesignations until completion of the EAR, since it has now been completed; and 3) consider revising the criteria set fourth in the policy.

During Board discussion, questions were posed regarding the proposed requirement that a property must be contiguous to the tier to which it would be assigned, as well as other possible criteria that could be added.

The Board agreed to reorder the agenda and hear item V.A.4, Congress/Old Boynton CRALLS and then item V.A.3, Workforce Housing Policy.

4. Congress/Old Boynton CRALLS

The item before the Board was to hold a workshop on a CRALLS proposed by the City of Boynton Beach that would amend the Transportation Element by designating two intersections and a roadway segment in the vicinity of the Boynton Beach Mall as Constrained Roadway at Lower Level of Service (CRALLS) facilities.

Project Manager Khurshid Mohyuddin gave a presentation on this item. He said that the Board originally had requested a workshop on Old Boynton TIM and 2020 Map amendment, as well as the CRALLS. He noted that the City has withdrawn the request for the TIM and 2020 Map amendment, which would have reduced Old Boynton Road from 80 to 60 feet and from 4 to 2 lanes. He stated that today's workshop would focus on the proposed CRALLS amendment that would designate segments of Old Boynton/Congress Avenue at Old Boynton Road and Gateway Boulevard as CRALLS facilities to avoid impacts to the adjoining properties. He said that the acquisition of this right-of-way would result in potentially reduced parking, reduced building setbacks, and elimination of landscaping, thus degrading the overall appearance of the area. He stated that the city has determined that a CRALLS designation would be a better alternative. Mr. Mohyuddin noted that old Boynton Road is anticipated to be widened to 5 lanes from Congress Avenue to Spine Road and 3 lanes east to Boynton Beach Boulevard. He stated that as part of the mitigation measures for this CRALLS, widening of Gateway Boulevard to 6 lanes between Congress Avenue and High Ridge Road and implementing the Spine Road connection is still under consideration.

During discussion, the Board indicated they were not concerned with this petition in particular, but wanted to have a general discussion on the use of CRALLS. As for this petition, the Board noted they were generally in favor of CRALLS requested to protect the character of existing neighborhoods. Some members expressed concern regarding the use of CRALLS designation in rural communities to accommodate developments in neighboring urban areas. Other discussion included the need to coordinate right-of-way or lineage reductions and CRALLS; the need to stress adoption of mitigation measures when feasible and realistic; the need to look for opportunities and the feasibility to reduce automobile trips and to use alternative means of transportation; to assess the viability of all these factors on a case-by-base basis; and look at CRALLS as a tool to maintain the quality of life of existing neighborhoods.

Mr. Ennis addressed the Board's concerns.

3. Workforce Housing Policy

The item before the Board was to hold a workshop on a proposed text amendment to the Housing Element that would update Policy 1.5-h to revise the timeframe that allows BCC evaluation of the effectiveness of the Voluntary Workforce Housing program from 3 years to 1 year consistent with BCC direction.

Project Manager Etim Udoh gave a presentation on this item. He stated that the intent of this amendment is to revise Policy 1.5-h in the Housing Element to reflect the proposed one-year timeframe for the BCC to evaluate the effectiveness of the Workforce Housing (WFH) Program. He stated that, currently, this policy states that, three years after the adoption of the ULDC amendments implementing the voluntary WFH program, the BCC would evaluate the effectiveness of the program and decide if the program should remain voluntary or become a mandatory requirement. Mr. Udoh provided the Broad with background information. He noted that the BCC directed staff to perform the evaluation of the voluntary program following the first year. He stated that the

proposed amendment is requesting a reduction to the previous timeframe from three years to one year, consistent with the BCC direction. He noted that the ULDC revisions to implement a voluntary WFH program were adopted by the BCC on January 27, 2005. Therefore, he said, evaluation of the voluntary program would take place no sooner than January 27, 2006.

During Board discussion, concern was expressed regarding the timeframe of this program, voluntary vs. mandatory requirement, advertising of this program, how to get services to the people (that are different from the services that are required by the people who can afford market rate housing), and employment for people who need employment vs. people who do not need employment.

Planning Director Lorenzo Aghemo, Senior Planner Michael Howe, and Workforce Housing Program Coordinator Lauren Lending addressed the Board's concerns.

Chris Roog, Governmental Affairs Director for Gold Coast Builders Assoc, stated that they are opposed to a mandatory program and they are currently working with the County and other community organizations as part of the Attainable Housing Committee now meeting to find additional mechanisms to assist in providing Workforce Housing units.

2. Coastal Management Element/Port of Palm Beach Master Plan

The item before the Board was to hold a workshop on a proposed amendment to the Coastal Management Element (CME), and Map Series and that would: 1) modify CME by updating policies to provide consistency with 163.3177 (6)(g)9., F.S.; and 2) add a map to the Map Series, including existing land uses and resources to be consistent with 9J-5.

Project Manager Lisa Schickedanz gave a presentation on this item. She stated that this amendment would amend the CME to include policy of redevelopment area for pre-disaster redevelopment; modify the CME by updating policies to provide consistency with 163.3177(6)(g)9., F.S.; and updating the map series, including land uses and resources to be consistent with 9J-5 and to add a definition for Coastal Planning. Ms. Schickedanz noted that the Port of Palm Beach Master Plan update would amend the Transportation Element and the Coastal Management Element by updating policies to include the new Port of Palm Beach Master Plan.

During Board discussion, questions were posed regarding truck routes and truck activity, and economic incentives.

Kathy Andress, Deputy Director of the Port of Palm Beach and Dave Mach, Consultant with CH2M Hill, addressed the Board's questions.

B. TDR Presentation

Planner Lauren Lending provided the Board with a brief description of the Transfer of Development Rights (TDRs) concept and then gave a presentation on the TDR Program, as follows:

Overview

Mission

History

TDR Bank (Description and Examples of Other Municipalities)

Examples of Developments

TDR Description

Sending Areas (Areas County wants to preserve)

Receiving Areas (Areas County wants to grow)

Transfer Rate (Allowed units per acre from sending areas to receiving areas)

Mission

To protect environmentally sensitive lands and the Ag Reserve while directing higher densities eastward within the Urban/Suburban Tier

Between 1943 and 1970

The County lost

History

1980 TDR Program

Limitations of 1980 TDR Program

1993 Interim TDR Program

Limitations of 1993 TDR Program

1996 TDR Program

TDR Bank History

TDR Bank Examples

King Co., Washington

Montgomery Co., Maryland

Burlington Co., New Jersey

TDR Program Today

Stonybrook

Gateway Gardens

Thoroughbred Lake Estates

Bellaggio

Conclusion

More demand for additional density

More activity on smaller, infill parcels

TDR Bank providing certainty to developers

Ms. Lending concluded by stating that the future holds continued success for the TDR Program.

There was minimum Board discussion on the TDR Program.

VI. UPDATES AND COMMENTS

A. Board Members

B. Staff

VII. ADJOURN

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 May 13, 2005, meeting of the Land Use Advisory Board of Palm Beach County, approved this _____ day of _____, 2005.

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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