

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

**MINUTES OF THE FEBRUARY 22, 2008 MEETING**

On February 22, 2008 at 9:00 a.m., the Palm Beach County Land Use Advisory Board (LUAB) met in the 1<sup>st</sup> floor Hearing Room in the Vista Center, 2300 North Jog Road, West Palm Beach, Florida.

**I. CALL TO ORDER**

A. Roll Call

Chairperson Judy Daversa called the meeting to order at 9:00 a.m. Recording Secretary Alisa Hallberg called the roll.

Members Present

Judy Daversa  
Sandra Greenberg  
Michael Weiner  
Katharine Murray  
Larry Zalkin  
Jerry Greenfield  
Sam Shannon  
Dennis Koehler  
Dennis Lipp  
Ashley Foster Pinnock  
Neil Merin  
Harvey Arnold

Members Present – 11

Members Absent

Larry Zalkin  
Jeff Perlman

Members Absent – 2

Planning Staff Present

Lorenzo Aghemo, Planning Director  
Isaac Hoyos, Principal Planner  
Bryan Davis, Principal Planner  
Erin Fitzhugh, Senior Planner  
Jorge Perez, Senior Urban Designer  
David Wiloch, Planner II  
Kathleen Chang, Planner II  
Ed Fernandez, Planner II  
Nate Marx, Planner I  
Ed Fernandez, Planner II  
Stephanie Gregory, Planner I  
Alisa Hallberg, Recording Secretary

Other Staff Present

Bob Banks, Assistant County Attorney

B. Pledge of Allegiance

C. Proof of Publication (only if needed)

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On file.

D. Public Comments (not related to items of the agenda)

E. Consideration of Minutes

Jerry Greenfield made the motion to approve the February 8, 2008 Minutes and Harvey Arnold seconded the motion, passing unanimously 9-0.

## II. COMMENTS BY THE CHAIR

Chairperson, Judy Daversa mentioned to the Board that Jeff Perlman resigned from his seat on the Planning Commission as of February 18, 2008.

## III. PUBLIC HEARING – SMALL SCALE AMENDMENT ROUND 07-d

A. Privately Initiated Site-Specific Amendments

1. SR7/Palomino INST (2008-016) - Postponed from 1/18/08.

Kathleen Chang, Planner II of the Palm Beach County Planning Division presented before the Board and stated that the subject site had a Future Land Use designation of Low Residential (LR-2), with a density of 2 units per acre. The proposed amendment would change the future land use designation to Institutional with an underlying residential 8 units per acre (INST/8). Ms. Chang stated that the applicant intends to develop a Type III Congregate Facility Living with 155 beds.

Ms. Chang stated that the amendment was inconsistent with the Comprehensive Plan, specifically Housing Element Policy 1.4-c, which states that the allowable density of special needs facilities such as the Congregate Living Facility would only be determined based on the densities of surrounding residential uses.

As such, staff recommends **denial** of the applicant's request because of inconsistency with the Comprehensive Plan.

However, staff provided the Commissioner's with an alternative action of **approval with condition** of the applicant's request by determining that the request is consistent with the Comprehensive Plan and compatible with surrounding land uses with the following condition:

1. The Institutional with an underlying 8 units per acre (INST/8) future land use designation shall only be utilized for the development of a Congregate Living Facility (CLF).

Ms. Chang stated that staff had received two phone calls in opposition of the proposed amendment.

Kevin McGinley, owner/developer of congregate living facilities. The applicant seeks ultimately to obtain approval for an Institutional Future Land use with a maximum potential of 162,500 square feet. However, per the zoning application request, the applicant proposes to develop a 90,137 square-foot Type III Congregate Living Facility. If approved, the proposed future land use amendment would change the current land use designation from LR-2 to INST/8.

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Eric Aanonsen, 9885 Palomino Drive submitted a letter for the record. Mr. Aanonsen stated he supported the applicant's desire to build a congregate living facility, but was not in favor for the entrance on Palomino Drive.

Board discussion focused on the Village of Wellington, issues with the plans or zoning codes and modifying formula in the zoning code.

Lorenzo Aghemo, Planning Director of the Palm Beach County Planning Division stated to the Board that the letter submitted by Mr. Aanonsen stated that they're against the application and that Mr. Aanonsen recommended denial of the petition.

Sam Shannon made a motion to receive and file the letter submitted by Mr. Aanonsen. Dennis Lipp seconded the motion, passing unanimously, 8-0.

Sandra Greenberg made a motion to approve with a condition that the institutional with an underlying 8-units per acre future land use designation, should only be used for the development of a congregate living facility. Jerry Greenfield seconded the motion passing 7-1, with Sam Shannon dissenting.

#### **IV. PUBLIC HEARING - LARGE SCALE AMENDMENT ROUND 08-1**

##### **A. Items Requiring Postponement**

1. URA TCEA Modification - Postponement to 3/7/08

##### **B. Privately Initiated Site-Specific Amendment**

1. Agricultural Reserve Church (LGA 2008-013)

Lorenzo Aghemo, Planning Director of the Palm Beach County Planning Division stated to the Board that the Kevin McGinley, on behalf of the applicant, is asking for a postponement until the April 11, 2007 Planning Commission meeting.

Sandra Greenberg made a motion for approval. Jerry Greenfield seconded the motion passing unanimously, 8-0.

2. Belvedere/Jog Industrial (LGA 2008-014)

Dennis Koehler and Katherine Murray have joined the meeting.

David Wiloch, Planner II of the Palm Beach County Planning Division presented before the Board and stated that the 67.16-acre subject site is located in the Urban/Suburban Tier on the northwest corner of Jog Road and Belvedere Road. Major roadways surround the property with the Florida Turnpike to the north and west, Jog Road to the east and Belvedere Road to the south. The site currently had a development approval for the construction of 281 residential units. The applicant was proposing a land use change from low residential 3 units per acre to an industrial designation for the development of a distribution warehouse.

As such, staff recommends **approval** of the proposed amendment with the condition to limit the project to a maximum floor area of 1,023,921 square feet for consistency with FLUE Policy 3.5-d.

Ed Stackert, on behalf of Duke Reality stated to the Board that the ultimate intention of the applicant was to obtain approval for an Industrial warehouse with

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1,023,921 square feet of development. The applicant had no issues with the condition for approval.

Sam Shannon made a motion to approve with a condition that the amendment was limited to 1,023,921 sq ft of warehouse uses. Sandra Greenberg seconded the motion.

Board discussion focused on traffic studies, traffic issues, warehouse & industrial uses, square footage and trips.

Sam Shannon made a motion, which amended the previous motion, to approve with a condition that the amendment was limited to 1,023,921 sq ft of warehouse or equivalent industrial uses. Sandra Greenberg seconded passing unanimously, 10-0.

3. Military/Hypoluxo Commercial (LGA 2008-004)

David Wiloch for the Palm Beach County Planning Division presented before the Board and stated that the 24.02-acre subject site was located at the northeast quadrant of Military Trail and Hypoluxo Road, in an area that supports both commercial and residential uses. Mr. Wiloch stated that the amendment site was comprised of two parcels. The ultimate intention of the applicant is to obtain approval for a large-scale commercial retail development

The following proposed conditions are necessary for the amendment to be consistent the Comprehensive Plan:

**Conditions**

1. The subject site of LGA (2008-0004) shall be limited to maximum of 366,200 square feet (necessary for consistency with Policy 3.5-d).
2. A minimum of 30 Live / Work and/or residential units, which shall be provided on the subject site.
3. A master plan shall be provided which shows vehicular/pedestrian circulation throughout the subject site with a true cross access easement and a minimum of two (2) vehicular and two (2) pedestrian connections to the adjacent site to the north. The master plan shall be presented to the Planning Division for review and should demonstrate a functional mix of uses.
4. The master plan and the final site plan for this property (Application LGA 2008-004) shall clearly indicate cross access easements with the proposed residential development to the north (Application LGA 2008-008) and a shared access road to Military Trail along the property line separating the two developments, at the general locations shown on the master plan.

Therefore planning staff recommends ***approval with conditions*** of the proposed amendment.

Michael Weiner stated for the record that no longer has a conflict of interest with the proposed amendment.

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Bob Bentz, Land Design South stated to the Board that the applicant proposed a land use change to Commercial High with underlying medium residential 5-units per acre (CH-5). The applicant intends to combine the two parcels with the lot on the corner, which had a CH-5 land use designation for a maximum of 366,200 square feet of commercial development.

Brenda Beck, 4212 Nova Lane shared concerns with the Board that her property is located northeast of the subject site. Ms. Beck stated the applicant agreed to build a 6 ft wall/berm and be included as a condition for approval. Ms. Beck asked the Board to recommend the Board of County Commissioners to include the mentioned condition of approval, so when ownership is transferred to Wal-Mart the condition is honored.

Barbara Katz, COBWRA stated to the Board the proposed amendment was much too intense for the area. COBWRA stated Bob Bentz agreed to limit the retail uses to no more than 250,000 sq ft as well as an agreement regarding the disposition of the current Wal-Mart store, reduction in the number of out parcel buildings and COBWRA's review of the final site plan prior to the zoning hearing. COBWRA was in support of the proposed amendment.

Bob Bentz agreed with COBWRA.

Sandra Kennedy 4366 Sylva Lane, Lake Worth opposed the proposed amendment. Ms. Kennedy shared concern regarding the subject site being so close to a school. .

Lorenzo Aghemo stated to the Board that the School Board is notified of every land use amendment, especially when there is increase in densities.

Judy Daversa, Chairperson noted for the record she had received 4 letters of support from Jerry Doser from Adventure Mini Gold, James Prosen from J & B Management Co, Jim Morneky from American Wood Fence and the Homeowner's Association Treasurer for Jonathan's Grove.

Board discussion focused on the school and sidewalks near the subject site, live work units, 6 ft berm, the existing Wal-mart store, other retail stores in the surrounding area and land use designations.

Neil Merin made a motion for approval with Staff conditions. Jerry Greenfield seconded the motion passing unanimously, 10-0.

#### 4. Military/Hypoluxo Residential (LGA 2008-008)

Michael Howe, Senior Planner for the Palm Beach County Planning Division presented before the Board. Mr. Howe stated that the site was located on the east side of Military Trail approximately 2/5 of a mile north of Hypoluxo road. The site consists of seven parcels within the boundaries of the Urban/Suburban Tier and in an area that is mostly comprised of land designated for medium-density and high-density residential homes. The subject site is located in a pocket of under-developed land along the heavily developed Military Trail corridor. The existing uses include a nursery on 3 of the parcels and four vacant residential units on the remaining 4 parcels. None of the parcels have been the subject of a previous land use amendment.

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Mr. Howe stated to the Board he had received 2 letters, 5 phone calls and an office visit. All correspondence shared concern, but did not specifically approve or oppose the proposed amendment.

Staff offers a recommendation of **approval** of the applicant's request **with a condition**.

The condition was that the master plan and the final site plan for the property should clearly indicate cross access easements with the proposed commercial development to the south and the shared access road to Military Trail along the property line separating the two developments. In addition, staff supports that the road easement on the east of the property shall line up with the existing COBWRA Road easement, which is an access to Lawrence Road.

Jim Frogner, Frogner & Associates stated to the Board that the entire acreage of the seven parcels is 22.5 acres. The proposal is to change the land use from MR-5 to HR-8 on 20.63 acres. Approximately 1.87 acres (located furthest north) already has the HR-8 designation. The intent of the applicant is to provide residential rental units with a component of workforce housing.

Barbara Katz, COBWRA stated to the Board that COBWRA usually supported residential PUD's, especially those that have workforce housing. At that time, COBWRA neither supported nor opposed the amendment.

Brenda Beck, 4212 Nova Lane opposed the proposed amendment and met with the property owners to discuss encroachment.

Board discussion focused on land uses, workforce housing/units, residential rental units and increases in densities.

Sam Shannon made a motion for approval with Staff conditions and a minimum of 30% Work Force Housing units. Harvey Arnold seconded the motion, passing 6-4 with Neil Merin, Ashley Foster Pinnock, Sandra Greenberg and Michael Weiner dissenting.

### **C. Transportation Amendments**

#### 1. Federal Functional Classification Update - Postponed from 2/8/08

Szi Li for the Palm Beach County Planning Division stated that with the approval of the 2000-2010 FFC map in 2004, there is a need to update Figure TE 3.1 to make it consistent with the 2000-2010 FFC map. Also, this update gives an opportunity to reassess the relativity of candidate roads in the overall hierarchy of roadways, and reflect the changes in land use pattern and county road system over the past years. Related policies also require update to make reference to the latest data available. As such, staff recommends **approval** of this amendment.

Sandra Greenberg made a motion for approval. Dennis Koehler seconded the motion passing unanimously, 10-0

## **V. ROUND 08-1 WORKSHOP**

### **A. Central Western Communities (CWC) Update - Postponed from 2/8/08**

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Maria Bello for the Palm Beach County Planning Division presented before the Board. Ms. Bello stated to the Board that the Overlay was supposed to establish development parameters much as the Sector Plan did and deal with intensity and density and form of development including aspects of form such as open space.

The CWC Overlay:

- Establish development parameter
- Consistent with guiding principals
- Density of 0.2-0.8 units per acre
- Increased density only with non-residential uses
- Required level form with clustering, open space
- No regional level or strip non-residential

Board discussion focused on applications for land use designations, open space and benefits to the community, western communities and rural living.

Ms. Daversa received five (5) comment cards from the public. In the past, Ms. Daversa told the Board that the Planning Commission doesn't accept public input on workshop items. In order to accept the comment cards, Ms. Daversa required a vote from the Board who were in favor of accepting the public comment cards.

Ms. Daversa asked the Board who were in favor of hearing from the public (4), and who not (6). Failing to change, 4-6.

## **VI. UPDATES AND COMMENTS**

### **A. Board Member**

Ms. Daversa received a resignation letter from Jeff Perlman.

Ms. Greenberg suggested the Board read the January 24, 2008 BCC Zoning Hearing verbatim packet.

The Board decided as a whole to follow staff's recommendation to reduce the number of round amendments to one large scale per year, but not reduce the number of two (2) small scales a year.

The Board agreed to remove the acronym "PLC" and not use it as an identifying factor for the Board and use the full name "Planning Commission instead."

### **B. Staff**

Lorenzo Aghemo reminded the Board the BCC requested the Board's input on the round of amendments proposal. (see Board Comments)

Staff recommended to the BCC to reduce the number of round scale amendments to one (1) small-scale amendment per year with exceptions and one (1) large-scale amendment per year.

## **VII. ADJOURN**

The LUAB meeting adjourned at 12:30 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

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true and correct Minutes for the February 22, 2008, meeting of the Land Use Advisory Board of Palm Beach County, approved this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

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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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