

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

**MINUTES OF THE JULY 13, 2007 MEETING**

On July 13, 2007, 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

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

Members Present

Harvey Arnold  
Judy Daversa  
Sandra Greenberg  
Jerry Greenfield  
Dennis Koehler  
Katharine Murray  
Richard Pinsky  
Michael Weiner  
Larry Zalkin

Members Present – 9

Members Absent

Neil Merin  
Bill Hall

Members Absent – 2

Planning Staff Present

Lorenzo Aghemo, Planning Director  
Patrick Rutter, Chief Planner  
Isaac Hoyos, Principal Planner  
Khurshid Mohyuddin, Principal Planner  
Jorge Perez, Senior Urban Designer  
Bryan Davis, Principal Planner  
David Wiloch, Planner II  
Sze Li, Planner I  
Kathleen Chang, Planner II  
Erin Fitzhugh, Senior Planner  
Alisa Hallberg, Recording Secretary

Other Staff Present

Bob Banks, Assistant County Attorney

B. Pledge of Allegiance

C. Proof of Publication

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On record

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

None

E. Consideration of Minutes

#### **I. COMMENTS BY THE CHAIR**

Ms. Daversa requested a motion be made to re-order the agenda items and move Commissioner Koons comments first. Richard Pinsky made the motion and Jerry Greenfield seconded the motion, passing 9-0.

#### **III. COMMENTS BY COMMISSIONER KOONS**

Commissioner Koons spoke about the future of Palm Beach County in general and the role of the Land Use Advisory Board.

#### **IV. PUBLIC HEARING – LARGE SCALE AMENDMENT ROUND 07-2**

##### **A. Transportation Amendments**

##### **1. E Road/140th Avenue TIM & 2020 Amendment**

The proposed amendment E Road/140th Avenue TIM & 2020 Amendment will remove E Road/140th Avenue North from Northlake Blvd to Southern Blvd from the Future 2020 Roadway System by Number of Lanes Map (TE-1.1) & the Thoroughfare Right of Way Identification Map or TIM (TE-14.1).

Project Manager Jamie Marcus gave a presentation on this item. He stated that this amendment will help preserve the rural character of the Loxahatchee Groves and the Acreage neighborhoods and enjoys support from the Town of Loxahatchee Groves, the Loxahatchee Groves Water Control District and the Indian Trail Improvement District. Overall, there is little change in the 2030 analysis incorporating the existing land use designations in the central western communities with or without E Road/140th Avenue North.

However, Staff recommended denial of the deletion of E Road & 140th Avenue North at this time based on the findings & conclusions presented in the Staff report.

Bill Louda, 1300 E. Road Loxahatchee Groves supports the deletion of E Road.

Dennis Lipp, 13402 North Road Loxahatchee Groves. Mr. Lipp has been a resident of the Groves before Okeechobee was built and supports Staff's recommendation for denial.

Ms. Murray recommended approval of the proposed amendment. Mr. Arnold seconded the motion, which did not pass 3-6, with Ms. Daversa, Ms. Greenberg, Mr. Greenfield, Mr. Koehler, Mr. Weiner and Mr. Zalkin dissenting.

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Ms. Greenberg moved to recommend denial of the proposed amendment. Mr. Greenfield seconded the motion, which passed 6-3 with Mr. Arnold, Ms. Murray and Mr. Pinsky dissenting.

2. Westgate TCEA Modification

The proposed amendment proposes to modify conditions 4 & 5 of Transportation Element Policy 1.2-R.

Project Manager Michael Howe gave a presentation on this item. He stated this proposal would make policy requirements for housing more consistent with the County's existing Workforce Housing Program. The proposed amendment to condition 4 will extend the date one year to January 2009 for the CRA to adopt their own housing policy and will also delete existing text in order to include housing units in higher workforce income ranges up to 150% of area median income and limit but not exclude additional low and very low income units within new developments. The proposed amendment to condition number 5 will allow 40% of the density bonus pool units will modify the current condition to target middle income to very low-income households.

Staff recommended approval of the proposed amendment.

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

**B. Privately Initiated Site-Specific Amendments**

1. Military / Hypoluxo Commercial (LGA 2007-003)

The item before the Board was a proposed Large-Scale Amendment to the future Land Use Atlas known as Military/Hypoluxo Commercial.

Mr. Weiner disclosed that he had a conflict of interest because he represents the Wolbright group, which has interest in the parcel subject to this amendment.

Project Manager David Wiloch gave a presentation on this item. Mr. Wiloch stated that the applicant is proposing a land use change to commercial high with underlying medium residential 5 units per acre or CH-5. The amendment site is comprised of two parcels. The northern parcel is 19.18 acres and currently holds a nursery. The future land use is MLU-5 or multiple land use with underlying MR-5. The southern parcel is 4.84 acres and has the MR-5 land use designation. This parcel currently has nursery uses and a single family home.

Staff recommended approval of the applicant's request for a land use change with conditions added for consistency with the comprehensive plan. The conditions are as follows:

1. Limit of 366, 200 sq ft of commercial uses.
  2. A master plan with design guidelines that mandates a mixed-use concept, cross-connectivity and time guidelines.
  3. Proof that the applicant is the contract purchaser of all master plan parcels.
  4. Concurrent rezoning for all master plan parcels.
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Bob Bentz, Land Design South, on behalf of the applicant gave a presentation before the Board. He stated he would like to request the Board's approval with some condition changes. On item #3, Mr. Bentz client, Wolbright Development will not actually own the property at the end of the comp plan process but will be under contract to buy the property. Item #2-a identifies workforce housing units on the actual Wal-Mart parcel and Mr. Bentz is stating that workforce housing units will be located on site but not on this particular parcel.

Ray Christenbury, 6810 South Military Trail supports Staff's recommendation of approval. Mr. Christenbury feels this would be a great asset to the neighborhood.

Sandy Parker, Vice President of COBRA stated the organization supports Staff's recommended conditions as long as the conditions become a permanent part of the approval with the exception of one item: COBRA strongly objects to Staff's conclusion of square footage maximum of 366,200 for commercial uses. COBRA continues to support recommended maximum of 250,000 square feet as part of this project.

Brenda Beck, 4212 Nova Lane Lantana, FL 33462. Opposed the recommendations for approval. Ms. Beck felt there is no need for a super center, which includes a supermarket at this site. There is an Albertson's across the street from the proposed site and approximately 1 mile east at the intersection of Hypoluxo Road and Congress Avenue are a Publix and Winn Dixie.

During Board discussion concern was expressed regarding the square footage associated with the proposed site and the feasibility for other uses to develop on the commercial properties immediately adjacent to the property.

Ms. Greenberg moved to recommend approval of the proposed amendment without Condition 2-A, the minimum 30 work-live units and including 366,000 sq ft. Mr. Koehler seconded the motion, which failed to pass 3-5, with Ms. Daversa, Mr. Greenfield, Ms. Murray, Mr. Pinsky and Mr. Zalkin dissenting.

Ms. Greenberg moved to recommend approval of the proposed amendment with conditions as stated in the staff report. Mr. Koehler seconded the motion, which passed unanimously.

### **C. Text Amendments**

1. Loxahatchee Wildlife Refuge Overlay - Postponed to Round 08-1
2. Water Supply Work Plan Related Amendments

The item before the Board will implement the Counties water supply work plan to be consistent with the new statutory requirements and SFWMD rural east coast regional water supply plan. The amendment will include table 10-a in the CIE, which will highlight alternative water supply projects.

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Ms. Murray moved to recommend approval of the proposed amendment. Mr. Koehler seconded the motion, which passed unanimously 9-0.

A motion was made to re-order Agenda Item III C. 7 to III C. 3 by Mr. Koehler and seconded by Ms. Greenberg, which passed unanimously 9-0.

3. URA Master Plan and Associated Comprehensive Plan Amendments

The item before the Board was the URA Master Plan and Associated Comprehensive Plan Amendments to amend certain portions of Policy 1.2.3 of the Future Land Use Element; to add certain language pertaining to the URA Planning Study and Corridor Master Plan (hereinafter “Master Plan”).

The goal of the Urban Redevelopment Area is to coordinate and provide for redevelopment efforts and infrastructure improvements needed in the area. The designation of the URA and its associated policies:

- Provide and enhance viable redevelopment opportunities to discourage further westward expansion;
- Provide a variety of housing options for persons and families of all income ranges;
- Support existing Comprehensive Plan and Managed Growth Tier System provisions for sustainable urban development;
- Fully utilize and enhance existing infrastructure facilities and services; and attract new residents, businesses and services to improve the quality of life for the current population in the URA.

Dana Little, from the Treasure Coast Regional Planning Council gave a brief presentation before the Board. He stated that the overall study area is approximately 25 square miles and extends north of Okeechobee BLVD all the way south down to Lake Worth Road out to Jog Road to the west and the eastern boundaries are I-95 and incorporate 9 different municipalities. The primary focus of the URA study is Military Trail and Congress Avenue.

Ms. Greenberg moved to recommend approval of the proposed amendment. Ms. Murray seconded the motion, which passed unanimously 9-0.

4. Marine Waterfront Commercial

The item before the Board was the Utility Element (UT), Conservation Element (CE), Intergovernmental Coordination Element (IC), and Capital Improvement Element (CIE) to implement the County’s Water Supply Work Plan consistent with statutory requirement and South Florida Water Management District’s Lower East Coast Regional Water Supply Plan (LECRWSP); and to reflect new water concurrency requirements; revise the Capital Improvement Element by adding Table 10A.

Khurshid Mohyuddin of the Planning Division stated that this amendment basically changes the land use designation requirement into an overlay requirement.

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The purpose of water supply planning is to develop strategies to meet future water demands of urban and agricultural uses, while meeting the needs of the environment. This process identifies areas where historically used sources of water will not be adequate to meet future demands, and evaluates several water source options to meet those demands. As mandated by Florida water law, each regional water supply plan is based on at least a 20-year future-planning horizon, and a complete update of each plan is required every five years.

Ms. Greenberg moved to recommend approval of the proposed amendment. Mr. Zalkin seconded the motion, which passed unanimously 9-0.

5. Greenways & Linked Open Space

The item before the Board was the Greenways & Linked Open Space policy revisions and the map update.

Michael Howe, Project Manager stated that in addition to the Staff Report there were additional policy revisions and also a copy of the updated Greenways & Linked Open Space map.

This Amendment proposes to revise and update the Greenways and Linked Open Space policies within six elements of the Comprehensive Plan to reflect current conditions and activities, to include Northeast Everglades Natural Area (NENA), to reference the ongoing South County Greenways and Trails planning efforts, and to update the Greenways and Linked Open Space Map (part of the Comprehensive Plan Map Series) to reflect changed conditions.

Ms. Murray moved to recommend approval of the proposed amendment. Mr. Zalkin seconded the motion, which passed unanimously 8-0.

6. Future Land Use Element (FLUE) Modifications

This Amendment proposes to modify text in the Future Land Use Element to:

- Clarify the intent of the residual parcel policy; and
- Increase the floor area ratio within the Agricultural Reserve Tier for the Transportation and Utility (U/T) and Institutional Public Facilities (INST) future land use designations.

Erin Fitzhugh, Project Manager stated that the intent of this amendment is to clarify and update two areas of the Future Land Use Element. Part one of the amendment will clarify policies and definitions related to residual parcels. Part two will address concerns about inadequate FAR's for important utility services for the Agricultural Reserve, West Boca and West Delray Beach areas. The intent of this portion of the amendment is to raise the FAR's for the Transportation and Utility future land use designation, while protecting the purpose of the Agricultural Reserve Tier.

Collene Walter with Kilday & Associates on behalf of the Solid Waste Authority of Palm Beach County stated they support Staff's recommendation for approval.

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Kieran Kilday, 1551 Forum Pl #100A West Palm Beach supported Staff's recommendation for approval.

Ms. Greenberg moved to recommend approval of the proposed amendment. Mr. Arnold seconded the motion, which passed unanimously 9-0.

7. Economic Element Deletion

This amendment proposes to delete the Economic Element and references thereto, and add policies to the Future Land Use Element and Capital Improvement Element.

Maggie Smith, Project Manager stated that the Economic Element is an optional Element in the Comprehensive Plan. The deletion of the optional Element will help streamline the Comprehensive Plan. However, to ensure that the County is able to cite Comprehensive Plan references necessary for potential grant or potential budgetary purposes, policy references will be added to the Future Land Use and Capital Improvement Elements.

Board discussion focused on how this amendment affects the Comp Plan process and the changes made by the Board of County Commissioners.

Mr. Koehler moved to recommend approval of the proposed amendment. Mr. Greenfield seconded the motion, which passed unanimously 9-0.

**V. UPDATES AND COMMENTS**

**A. Board Member**

Mr. Koehler stated that the Town of Haverhill has a brief 8-page Workforce Housing ordinance which focuses on moderate-income people and 10-units per acre.

Ms. Murray requested Staff to mail out the Land Use Advisory Board packets be mailed earlier than a week before the hearing in order to have more time to review the materials.

**B. Staff**

No Staff comments.

The LUAB meeting adjourned at 1:10 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 July 13, 2007, meeting of the Land Use Advisory Board of Palm Beach County, approved this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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Lorenzo Aghemo  
Planning Director

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**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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