

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

(Updated 11/13/19)

Minutes of September 25, 2019 LDRAB Meeting

On Wednesday, September 25, 2019, the Palm Beach County Land Development Regulation Advisory Board (LDRAB), met in the Kenneth S. Rogers Hearing Room (VC-1W-47), at 2300 North Jog Road, West Palm Beach, Florida.

A. CALL TO ORDER/CONVENE AS LDRAB

1. Roll Call

Chair Mr. Wesley Blackman, called the meeting to order at 2:00 p.m. Mr. Alexander Biray, Code Revision Zoning Technician, called the roll.

Members Present: 14

Joanne Davis (District 1, Commissioner Valeche)

Ari Tokar (District 3, Commissioner Kerner)

Glenn E. Gromann (District 4, Commissioner Weinroth)

Dr. Lori Vinikoor (District 5, Commissioner Berger)

Robert J. Harvey (District 7, Commissioner Bernard)

Anna Yeskey (League of Cities)***

Terrence Bailey (Florida Engineering Society)*

Jaime M. Plana (American Institute of Architects)

Susan A. Kennedy (Environmental Organization)

Frank Gulisano (Realtors Association of the Palm Beaches)

Charles D. Drawdy (Assoc. General Contractors of America)

Wesley Blackman (PBC Planning Congress)

Daniel J. Walesky (Gold Coast Builders Association)

Abraham Wien (Alternate At-Large #2)

Members Absent: 3

Drew Martin (District 2, Commissioner Weiss)

Tommy B. Strowd (Alternate At-Large #1)

Myles Basore (District 6, Commissioner McKinlay)

County Staff Present: 12

Jon MacGillis, Zoning Director

Wendy N. Hernández, Principal Site Planner

Jan Rodriguez, Senior Site Planner

Lorraine Fuster, Senior Site Planner

Alexander Biray, Zoning Technician

Scott A. Stone, Assistant County Attorney I

Dorine Kelley, Customer Relations Manager

Bryan Davis, Principal Planner

Melissa Michael, Senior Planner

Jean W. Matthews, Senior Planner

Khurshid Mohyuddin, Principal Planner*

Bruce O. Thomson, Principal Planner*

Vacancies: 1

Florida Surveying and Mapping Society

* *County Staff in audience.*

** *Mr. Bailey arrived at 2:04 p.m.*

*** *Mrs. Yeskey arrived at 2:05 p.m.*

2. Introductions

Mr. Blackman introduced Mr. Gromann of District 4 and Mr. Tokar of District 3 as new Board members, who gave brief introductions.

3. Commemoration of Former Board Member Mr. Jim Knight's Service

Mr. Blackman recognized Mr. Jim Knight for his years of service to the County. Ms. Kelley presented a plaque to Mr. Knight as a token of appreciation and took his photo with Mr. Blackman. Mr. Knight thanked the Board and County Staff, looking forward to working with them as a Planning Commission member. Mr. MacGillis thanked him for his service on behalf of Staff.

** Mr. Bailey arrived at 2:04 p.m.

4. Additions, Substitutions, and Deletions

Mr. Blackman noted an Add/Delete sent to the Board in advance. Motion to incorporate the Add/Delete by Mr. Gulisano, seconded by Mr. Gromann. Motion passed (13-0)

5. Motion to Adopt Agenda

Motion to adopt the Agenda by Dr. Vinikoor, seconded by Mr. Gulisano. Motion passed (13-0).

4. Adoption of August 28, 2019 Minutes (Exhibit A)

Motion to adopt the Minutes by Dr. Vinikoor, seconded by Mr. Gulisano. Motion passed (13-0).

5. Public Comments

No public comments.

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B. ULDC AMENDMENTS – NEW

1. Exhibit B – Art. 2, Planning Processes and Historic Resources Review

Mrs. Hernández explained the amendment from the Planning Division to update quorum requirements and meeting policy for the Historic Resources Review Board (HRRB) and Planning Commission (PLC).

** Mrs. Yeskey arrived at 2:05 p.m.

a. Discussion

Mr. Blackman clarified that it will make it easier for the HRRB and PLC to have quorum and more flexibility in scheduling meetings.

Motion to approve by Dr. Vinikoor, seconded by Mr. Gulisano. Motion passed (14-0).

2. Exhibit C – Art. 12, Codification of Ord. No. 2017 and Ord. No. 2009-031

Mrs. Hernández explained the amendment from the Planning Division is to update policy in the ULDC to be consistent with the aforementioned Plan Amendments, resulting in them being stricken out of Art. 12, Traffic Performance Standards.

a. Discussion

Mr. Blackman asked for clarification of CRALLS to new Board members. Mr. Davis explained it is an acronym for Constrained Roadway at a Lower Level of Service (LOS), which regulates development based on roadway capacity. Mrs. Yeskey asked if it would affect intergovernmental coordination. Mr. Davis said it is merely a housekeeping item to delete obsolete, non-applicable language.

Motion to approve by Mr. Gulisano, seconded by Mr. Drawdy. Motion passed (14-0).

3. Exhibit D – Art. 3 and 5, Community and Neighborhood Park Recreation Standards

Mrs. Hernández explained the amendment from the Parks and Recreation Department, noting Mrs. Matthews present to address any questions, is to consolidate existing Property Development Regulations (PDRs) for Recreation properties, establish new size ranges, and update cross-references.

a. Discussion

Mr. Blackman asked if the new sizes would facilitate infill development. Mrs. Hernández said that is correct.

Motion to approve by Dr. Vinikoor, seconded by Mr. Drawdy. Motion passed (14-0).

4. Exhibit E – Art. 2, Monitoring

Mrs. Hernández explained the amendment from the Planning Division, including updated language in the Add/Delete, to define Community Development Districts (CDDs) by referencing the Florida Statutes (F.S.). Mr. Davis explained the rewrite of Art. 2.E, noting Mr. Mohyuddin and Mr. Thomson present to address any questions, is to modernize and update the language in a manner of which the Code is constructed, and make it more clear and succinct to understand, including the addition of Conditions of Approval for Land Use Amendments and creation of CDDs overseen by Monitoring.

a. Discussion

Mr. Blackman noted a typo on page 22, line 21, whereas “owner” was written twice, and wanted further clarification on straight rezonings without a Development Order. Mr. Davis clarified nothing would change. Dr. Vinikoor asked if CDD should just directly be defined in the Code. Mrs. Hernández contended that it is consistent formatting, citing how Agritourism was referenced.

Dr. Vinikoor noted a typo on page 20, line 29, whereas “applies” should be “apply” and asked for consistency on page 21, whether “standalone” and “buildout” should be hyphenated as “stand-alone” and “build-out.”

Mr. Gromann asked if F.S. would conflict with the ULDC and Plan. Mrs. Hernández stated no language exists for CDDs to conflict. Mr. MacGillis noted Staff has to be careful when referencing F.S. because they are subject to change. Mr. Blackman noted F.S. references are hyperlinked in the Code on the web.

Motion to approve as amended, by Mr. Gulisano, seconded by Mr. Gromann. Motion passed (14-0).

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5. Exhibit F – Art. 1, 2, and 7, Vegetation Violations and HB 1159

Mrs. Hernández explained the amendment covers two topics to comply with passed State law on processes and procedures for vegetation removal, whereas permits are not required if determined by a certified arborist or professional Landscape Architect, to be damaged.

a. Discussion

Mr. Gulisano asked whether vegetation encroaching into foundations or sidewalks and dying because the roots have to be cut is self-induced. Mr. MacGillis responded yes. Mr. Gulisano further asked if vegetation has to be replaced because of such actions. Mr. MacGillis said it would if they are required trees. Mr. Stone contended such a situation is very fact specific. Mr. Gulisano clarified his question was regarding Single Family residences. Mr. MacGillis stated that scenario has not been brought to his attention in 30 years and that the Code only requires a minimal amount of trees.

Dr. Vinikoor noted a typo on page 34, line 36, whereas an “I” was missing for “Irreversible.” Mrs. Davis also noted a typo on line 4, whereas “irreparably” should be “irreparable”.

Motion to approve as amended, by Mr. Gulisano, seconded by Mrs. Davis. Motion passed (14-0).

6. Exhibit G – Art. 2, HB 7103 Legislation to Modify Timeline for Review of DOs

Mrs. Hernández explained the amendment is also a response to comply with changes in State law mandating set timelines and response procedures.

a. Discussion

Mr. Gromann asked whether Impact Fee credits and Affordable Housing would require amendments. Mrs. Hernandez responded that she spoke with Planning and the Impact Fee Coordinator, and no additional changes would be needed.

Mr. Wein asked how many times an Applicant is allowed to have extensions. Mrs. Hernandez said there is no limit, as long as it is mutually agreed upon. Mr. Blackman added that Applicants have a right to refuse changes per new State law.

Mr. Plana asked if there is any allowance for an expedited process.

Mr. Walesky asked for clarification on sufficiency requirements as they relation to timeframes. Mrs. Hernandez clarified the timeframe starts when the appropriate documents for review are submitted. Mr. Stone added Staff would have to be reactive to situations.

Motion to approve as amended, by Mr. Gromann, seconded by Mr. Gulisano. Motion passed (14-0).

C. PRIVATELY INITIATED AMENDMENTS

No items.

D. CONVENE AS LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

No items.

E. ADJOURN AS LDRC AND RECONVENE AS LDRAB

No items.

F. STAFF COMMENTS

Mrs. Hernández proposed shifting the next meeting in October to the 31st, or delay to November 13, 2019 with four additional new items and reconvene as LDRC.

Motion to move next meeting to November 13, 2019, by Mr. Gulisano, seconded by Mr. Wein. Motion passed (14-0).

G BOARD MEMBER COMMENTS

1. Follow-Up to Mrs. Kennedy’s question of August 25th meeting regarding CLF approval process.

Mrs. Hernández explained the amendment part of Ordinance No. 2019-005 was to codify Planning Ordinance No. 2017-036, specifically clarifying Type 3 CLFs are prohibited in the RS Zoning District when the Future Land Use designation is LR-1, LR-2, or LR-3. No changes were made in regards to the AR Zoning District. Mrs. Kennedy expressed concern why a sixteen-person plus staff facility is allowed in the lower density AR Zoning District, when not allowed in a higher density RE or RT Zoning Districts.

H. ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 3:03 p.m.

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Recordings of all LDRAB meetings are kept on file in the Palm Beach County Zoning/Code Revision office and can be requested by contacting the Code Revision Section at (561) 233-5243.