

EXHIBIT A

**PALM BEACH COUNTY
LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)**

(Updated 3-15-16)

Minutes of February 24, 2016 LDRAB/LDRC Meeting

On Wednesday, February 24, 2016 the Palm Beach County Land Development Regulation Advisory Board (LDRAB), also sitting as the Land Development Regulation Commission (LDRC), met in the Ken 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 Wes Blackman called the meeting to order at 2:04 p.m. Zona Case, Code Revision Zoning Technician, called the roll.

Members Present: 9

Wesley Blackman (PBC Planning Congress)
David Carpenter (District 2)
Barbara Katz (District 3)
Jim Knight (District 4)
Lori Vinikoor (District 5)
Jerome Baumohl (AIA)
Frank Gulisano (PBC Board of Realtors)
Tommy Strowd (Environmental Organization)
Leo Plevy (Member at Large, Alt.)

Members Absent: 4

Stuart R. Fischer (District 6)
Joni Brinkman (League of Cities)
Daniel J. Walesky (Gold Coast Build. Assoc.)
Tommy Strowd (Environmental Organization)

County Staff Present:

Jon MacGillis, ASLA Zoning Director
Maryann Kwok, Deputy Director, Zoning
William Cross, AICP, Principal Site Planner, Zoning
Robert P. Banks, Chief Land Use County Attorney
Bryan Davis, Principal Planner, Planning
Zona Case, Zoning Technician, Zoning

Vacancies: 5

(District 1)
(District 7)
(Florida Engineering Society)
(Florida Society Professional Surveyors)
(Assoc. General Contractors of America)

2. Additions, Substitutions, and Deletions

Mr. Blackman noted the distribution of the amendments to the agenda handout and requested that it be included in the motion to adopt the agenda.

3. Motion to Adopt Agenda

Motion to adopt the agenda, as amended, by Ms. Vinikoor, seconded by Ms. Katz. Motion passed (9 - 0).

4. Annual Election of Chair and Vice Chair

The Chair opened the nominating process by offering the opportunity to members to elect a new Chair and Vice Chair. Mr. Blackman kindly suggested that others nominate a new Chair, other than the current Chair. Motion to re-elect Wes Blackman as Chair by Ms. Vinikoor, seconded by Ms. Katz. Motion passed (9 -0).

Motion by Ms. Vinikoor to re-elect David Carpenter as Vice-Chair, seconded by Mr. Knight. Motion passed (9 - 0).

5. Adoption of January 27, 2016 Minutes (Exhibit A)

Motion to adopt by Ms. Vinikoor, seconded by Ms. Katz. Motion passed (9 - 0).

B. ULDC AMENDMENTS

1. Exhibit B – Florida Power and Light (FPL) Commercial Communication Towers Privately Initiated Amendment (PIA)

Mr. Cross congratulated Mr. Blackman and Mr. Carpenter on their re-election to Chair and Vice-Chair, respectively.

Mr. Cross recognized the presence of representatives of FPL (which included Messrs. Mike Tammaro, Bruce Barber, Tim Young and Don Kiselewski, and Mr. Josh Long of Gunster Yoakley), who were in attendance to support the application.

Mr. Cross informed Board members that this is the first of two phases for a Privately Initiated Amendment proposed by Florida Power and Light (FPL), and the Board is being asked to perform a cursory evaluation and recommend whether or not the BCC should initiate the amendment. If the BCC directs Zoning to proceed, staff would convene an LDRAB subcommittee as the vehicle for obtaining input from industry and the public, prior to bringing it back to the LDRAB for a final recommendation to the BCC for adoption.

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Mr. Cross explained that Florida Power and Light (FPL) submitted two PIA's for inter-related amendments to the ULDC, which would expand upon existing provisions to allow for the collocation of cellular equipment on utility transmission lines and substations. He provided a Power Point presentation showing various transmission lines and sub-station sites, etc., briefly elaborating on them, and outlined the proposed amendments as follows:

- Responding to the increase in cellular usage, FPL is looking for opportunities to collocate cellular equipment with utility infrastructure through its subsidiary, FPL Fibernet. County staff recognizes these industry trends and together with FPL representatives, have identified opportunities where collocation on existing structures could be accommodated by updating or expanding existing regulations.
- The two inter-related amendments from FPL would initiate updates to Commercial Communication Tower regulations specific to modified public utility structures and relate to 1) transmission lines (PIA 2015-02125, and 2) substations (PIA 2015-02125). Although the same terminology applies to both, each is being evaluated independently due to differences in regulatory provisions, typical locations, and differences in height of utility infrastructure.
- The amendments also seek to allow for increased heights to utility infrastructure, without being classified as Commercial Communication Towers. Staff advised FPL that, increased height for the purpose of enhancing collocating cellular equipment, would categorize it as a Commercial Communication Tower.
- Each request allows for three general tower classifications: Camouflage (typically involves modifying existing structures to accommodate cellular equipment), Stealth (essentially a Commercial Communication Tower disguised as another type of structure such as a clock tower, flagpole, etc.), or Full Array (visually noticeable panels typically added to an existing structure).

Mr. Josh Long of Gunster Yoakley provided additional details on the proposed amendments, explaining the need for substations and transmission lines to respond to the great demand for band width, and clarified that in providing structures, the goal is to be mindful of good construction as well as aesthetics. There are locations where service is already established and utility poles and wires are already part of the environment and consequently are not noticeable. He summarized that the proposed amendments to the ULDC addresses:

- The establishment of new definitions to support the proposed "Electrical Communication Structures and Poles – Transmission Lines and Substations".
- Replacing existing text on "Transmission Line streets" with new text that relates to the utility structures, their construction, permitted locations and approval processes.
- Tables that address height, setbacks, separation standards and approval processes in and adjacent to residential and non-residential districts.

Mr. Cross explained that staff originally indicated support for 15% deminimus increase in height but is willing to support increases up to 25% or even 50% in some instances. The concerns are FPL's proposed reduction to setbacks from residential zoning (50 feet in some instances) and the proposed change to the method of measurement from property line to residential structure, which would further diminish existing setback standards, but otherwise re-affirmed that there is a lot of common ground on the topic.

Zoning Staff is recommending that the BCC direct staff to initiate both PIA application requests, PIA-2015-02125 (Transmission Lines) and PIA-2015-02123 (Substations), to be processed as a stand-alone Ordinance with its own timeline, including but not limited to the following suggested requirements:

- Requests for significant increases in height or reduced setbacks within residential areas should be reviewed by the BCC as a Class A Conditional Use, to allow for public participation. Establish regulations to safeguard the balance between increases in height and reduced setbacks from residential or other areas of aesthetic concern, and match with an appropriate approval process.
- Staff has concerns with the proposed camouflage (partial array) and "full array" towers within developed areas of the County, but otherwise generally supports administrative approvals consistent with existing provisions for similar Camouflage or Stealth Communication Towers.

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- The PIA classification should be Type II, which requires establishing an LDRAB Subcommittee, to take advantage of their expertise, and allow for increased industry or public participation.
- Independent confirmation of future requirements of the cellular industry, including the need for additional towers or other equipment, and that the use of existing structures will mitigate the need for additional standalone cell towers. Feedback from other sectors of the cell tower industry should be solicited to ensure that the final amendments are fair and balanced. Notwithstanding the fact that the ULDC requires documentation to substantiate the need for new cellular towers, staff sees the need to evaluate whether other forms of communication infrastructure should be considered prior to approving.
- Staff has concerns with proposals to locate equipment sheds in the front setbacks of properties abutting transmission lines running parallel to streets. Additional standards may be required to address aesthetics including architecture or landscaping and safety issues.
- Facilities Development & Operations (FD&O) has requested assurance that the proposed amendments will not result in adverse impacts to the County's communication infrastructure.

Mr. Cross estimated that Phase 2 would require approximately 4 to 6 months to complete, noting that resolution of an outstanding Code Enforcement issue is pending adoption of these amendments.

Board discussion followed:

Ms. Vinikoor expressed concern about the electro-magnetic and microwaves associated with the towers, and the close proximity to residential properties that could be hazardous to adjacent residences if the tower falls. She also suggested that Camouflage be changed to Barbed Stealth to better represent the appearance of the actual structure.

Mr. Gulisano stressed the importance of the method of measurement and recommended the distance be measured from the property line, which would be protective to all parties. He also expressed the view that a 100 foot pole seemed out of proportion in relation to an adjacent single family house.

Mr. Long replied that the transmission corridors and houses are already there.

In response to Mr. Carpenter's question on the height at which the tower would trigger the requirement of aircraft warning lights, Mr. Long said he would inquire and respond at a later date.

Mr. Baumohl indicated an inclination to let the engineers decide on their need, design the structure, and develop architecture to make it functionally perfect and architecturally pleasing.

Replying to Mr. Knight's suggestion that it would be worthwhile to look at converting to underground structures, Mr. Kiselewski responded that it is too costly at \$1 million per mile.

Mr. Blackman inquired whether health and public welfare have been taken into consideration and Mr. Banks responded that regulation of these issues is pre-empted by the Federal Government (editors note: under the Federal Telecommunications Act, as amended).

Mr. Blackman asked members if there was a decision on how to proceed with the amendments.

Motion by Ms. Vinikoor, seconded by Ms. Katz, to move forward with the process of reviewing the two items, substations and towers according to staff's recommendation. Included in the motion: a suggestion to change the name of Camouflage to Barbed Stealth; to address the height at which aircraft warning lights are required; and, the distance from residential in case a tower falls. Motion passed (9 - 0).

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C. ANNUAL ORGANIZATION DISCUSSION

Mr. Cross presented the following annual organization reports:

- Internet links to LDRAB/LDRC rules and regulations applicable to members;
- 2015 LDRAB members attendance report;
- Summary of ULDC amendments adopted in Rounds 2015-01 and 2015-02;
- Current LDRAB members list and schedule of 2016 LDRAB meeting dates;
- Zoning Director's memo on deadlines for agencies and privately initiated amendments;
- Proposed amendments for Round 2016-01, and,
- Update on active subcommittees, including the ongoing Use Regulations Project (URP) and Landscape Subcommittees.

During the presentation Mr. Cross updated the Board on pending re-appointments and clarified that the term of office is three years, with a maximum of three consecutive terms.

Ms. Katz and Mr. Gulisano volunteered to be part of the FPL subcommittee when convened.

E. PUBLIC COMMENTS

There were no public comments.

F. STAFF COMMENTS

There were no staff comments.

G. BOARD MEMBER COMMENTS

Ms. Vinikoor requested that Zoning staff review the Use Matrix relative to Light Industrial (IL) in the Agricultural Reserve. She cited the recent BCC's and Planning Commission approvals to transmit a Future Land Use Atlas (FLUA) amendment for a parcel west of State Road 441 in the AGR Tier. She recommended that consideration be given to having a separate use matrix for the Agricultural Reserve.

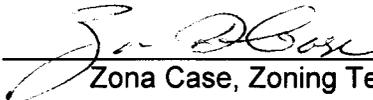
Mr. Bryan Davis, Principal Planner, Planning Division commented that the FLUA for Commercial with underlying Industrial is pending, and not yet approved.

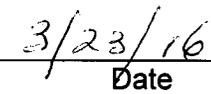
H. ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 3:35 p.m.

Recorded tapes of all LDRAB meeting 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) 233-5213.

Minutes drafted by:


Zona Case, Zoning Technician


Date