

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

(Updated 4-21-17)

Minutes of March 29, 2017 LDRAB/LDRC Meeting

On Wednesday, March 29, 2017 the Palm Beach County Land Development Regulation Advisory Board (LDRAB), 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 2:00 p.m. Zona Case, Code Revision Zoning Technician, called the roll.

Members Present: 12

Wesley Blackman (PBC Planning Congress)
David Carpenter (District 2)
Michael Peragine (District 1)**
Philip Barlage (District 3)
Jim Knight (District 4)
Lori Vinikoor (District 5)
Terrence Bailey (Florida Eng. Society)*
Frank Gulisano (PBC Board of Realtors)
Tommy Strowd (Environmental Organization)
Daniel Walesky (Gold Coast Bld. Assoc.)
Derek Zeman (FL Surveying & Mapping)
James McKay (AIA)

Vacancies: 4

District 6
PBC League of Cities
Assoc. General Contractors of America
Member at Large, Alt #2

County Staff Present:

Jon MacGillis, ASLA Zoning Director
Maryann Kwok, Deputy Director, Zoning
William Cross, AICP, Principal Site Planner, Zoning
Monica Cantor, Senior Site Planner
Shannon Fox, Assistant County Attorney
Bryan Davis, Principal Planner, Planning
Zona Case, Zoning Technician, Zoning

Members Absent: 2

Richard Pinsky (District 7)
James Brake (Alternate #1)

2. Additions, Substitutions, and Deletions

Mr. Blackman noted the distribution of Attachment 10, and requested that it be included in the motion to adopt the agenda.

3. Motion to Adopt Agenda

Motion to adopt the agenda by Ms. Vinikoor, seconded by Mr. Carpenter. Motion passed (10 - 0)* **.

4. Former LDRAB Member Recognition

The Chair said it was his pleasure to present a plaque to Ms. Barbara Katz, former member of the Land Development Review Advisory Board (LDRAB), in recognition of her long and invaluable contribution to the Board. He recalled that she also served as a member of the Citizens Task Force which pre-dated the LDRAB.

Ms. Katz thanked the Chair and members, and said it had been a privilege and a pleasure to serve with such a wonderful group, and she was proud and grateful to accept the plaque.

Mr. Carpenter added that Ms. Katz will be missed and expressed that she has been a great representative for the general public and has been very active in her community for many years.

* Mr. Terrence Bailey arrived at 2:05 p.m.

5. Annual Election of Chair and Vice Chair

Mr. Blackman kindly opened the floor to allow members to nominate a new Chair and Vice-Chair.

Motion to re-elect Wesley Blackman as Chair by Ms. Vinikoor, seconded by Mr. Gulisano. Motion passed (11-0)**.

Mr. Blackman thanked the members and said he would continue to serve to the best of his ability.

Motion by Mr. Gulisano to re-elect David Carpenter as Vice-Chair, seconded by Ms. Vinikoor. Motion passed (11 - 0)**.

Mr. Carpenter expressed appreciation and committed to serve to the best of his ability.

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** Mr. Michael Peragine arrived at 2:07 p.m.

6. Adoption of February 22, 2017 Minutes (Exhibit A)

Motion to adopt by Ms. Vinikoor, seconded by Mr. Knight. Motion passed (12 - 0).

B. ULDC AMENDMENTS

1. Exhibit B - Administrative Approval – Unmanned Retail Structure

Mr. Cross explained that this amendment is to authorize staff to administratively amend prior Board of County Commission (BCC) and Zoning Commission (ZC) approved site plans to add unmanned retail structures, as the structures are de-minimis with less impact than an occupied freestanding structure, similar to unmanned ATMs. This clarification was inadvertently omitted when the use was created during the Use Regulations Project (URP).

Mr. Gulisano asked when are these machines considered a structure and Mr. Cross explained that there are defined standards, such as when it is attached to a building or freestanding. There are other detailed regulations that apply to those that might be located in the parking lot or other areas.

Motion to approve by Mr. Gulisano, seconded by Ms. Vinikoor. Motion passed (12 – 0).

2. Exhibit C - Retail Gas and Fuel – Standards for Approval

Mr. Cross explained that the amendment streamlines the standards for Conditional Use requests by eliminating standards that are redundant or otherwise appear to be arbitrary. The deleted standards are addressed by other standards requiring consistency with the Code and Comprehensive Plan, or Development Patterns. The latter standard better addresses the need to evaluate that the request would result in a logical, orderly and timely development pattern. Whereas, the deletion of the standard pertaining specifically to number of pumps, may be arbitrary due to the number of site specific variables that make it difficult for staff to recommend a specific number of pumps. If industry would like a gas station in a particular location, and if application meets the requirements for landscaping, traffic, pedestrian and vehicular circulation, among others, then those requirements would dictate the maximum number of pumps a particular site might best accommodate.

Ms. Vinikoor requested that Mr. Cross identify the redundant standards and those that appear arbitrary. Mr. Cross specified redundant standards include numbers 1 to 3 as established under the Retail Gas and Fuel use, with the latter being arbitrary due to other existing Code requirements including ingress/egress, buffering from residential or vehicular circulation, etc.

Mr. Cross responded to Mr. Barlage's question on the maximum number of pumps allowed in an interior lot, by explaining that standards are being retained for number of gas stations allowed at intersections. Mr. MacGillis clarified that the Code does not include any provisions on the number of pumps.

Motion to approve by Ms. Vinikoor, seconded by Mr. Peragine. Motion passed (12-0).

3. Exhibit D – Lifestyle Commercial Center (LCC)

Ms. Cantor informed the Board that the LCC as a standalone zoning district is being deleted from the ULDC as a result of recent amendments to the Future Land Use Element (FLUE) of the Comprehensive Plan. She highlighted the following points in the amendment:

- The LCC is now a type of Traditional Marketplace Development (TMD), limited to specific sites noted in two Ordinances for future land use atlas (FLUA) amendments.
- The LCC is only allowed in the U/S Tier, with single tenants limited to 65,000 sq. ft, when located on sites with Commercial Low (CL) designation; or, 100,000 sq. ft on sites with Commercial High (CH) designation, with the latter subject to BCC approval when over 65,000 sq. ft.
- All reference to Live/Work is deleted from Traditional Development District (TDD) regulations as the use was removed from the Code through Ordinance 2017-007.

Mr. Walesky inquired about Table 2.A.1.E, on page 12 and the significance of what is being lost. Ms. Cantor replied that there is not much difference between an LCC and a TMD.

Motion to approve by Mr. Peragine, seconded by Mr. Carpenter. Motion passed (12-0).

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C. ANNUAL ORGANIZATION DISCUSSION

Ms. Cantor presented the following annual organization reports:

1. Internet links to LDRAB/LDRC rules and regulations applicable to members; 2016 LDRAB members' attendance (Attachment 2);
2. 2016 Amendments
 - a. Electronic Changeable Copy Message Pilot Program
 - b. Amendment Round 2016-01 Summary (Attachment 3)
 - c. Amendment Round 2016-02 Summary (Attachment 4)
 - d. Use Regulations Project (Attachment 5)
 - e. Western Communities Residential Overlay
3. 2017 LDRAB Members (Attachment 6)
4. 2017 Meeting Schedule and Work Plan (Attachment 7)
 - a. Deadlines/Scheduling for 2017 Amendments (Attachment 8)
 - b. Initiation of Amendment Round 2017-01 (Attachment 9)
 - c. Status of Subcommittee and Appointments (Attachment 10)
 1. Landscape Service Subcommittee April 10, 2017
 2. Landscaping Subcommittee Meetings Schedule
5. Sunshine Law Overview (Attachment 11)

During the presentation, Mr. Carpenter asked for clarification on term limits to ascertain when his term would expire. He said that he had recently discussed the matter with Mr. Berger.

A brief discussion ensued, and Ms. Fox clarified that as of March 2, 2013, a member cannot serve more than three consecutive terms, so this will not become an issue before 2023.

Ms. Cantor offered to send an e-mail to each member confirming the exact dates of his/her term. Mr. Blackman welcomed the suggestion and said that would be most helpful.

Mr. MacGillis advised the LDRAB that staff proposed amending the ULDC to remove the General Contractors' representation from the LDRAB. There has been no representation for six years in spite of many attempts to get the AGC to recommend an appointee. Mr. MacGillis further said he would send the appropriate letter to the AGC notifying them of the recommendation to delete the position.

Mr. Peragine pointed out an error in the last row of the 2016 Attendance Matrix. The year should be 2016 instead of 2015.

The Chair inquired whether there are any large projects planned for 2017. Mr. Cross informed the Board that Landscape Service will be reviewed based on input from the landscape industry and nursery owners, predominantly those in the Agricultural Reserve Tier. This topic will be subject to an LDRAB subcommittee meeting to be held on April 10, at which time future meeting dates will be set.

Mr. MacGillis added that another project slated for this year is the re-formatting of Article 2, and Ms. Kwok also added that there will be a major re-write related to Article 2 E, Monitoring.

The Chair expressed admiration for staff's systematic approach to addressing outdated or redundant regulations in a timely manner, and not letting such matters fester, resulting in ambiguous regulations.

Ms. Fox read the Sunshine Law and emphasized to members the most important points of the Law.

E. PUBLIC COMMENTS

There were no public comments.

F. STAFF COMMENTS

There were no staff comments.

H. ADJOURN

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

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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

4/26/17

Date