

## EXHIBIT A

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

(Updated 4/30/18)

#### Minutes of April 25, 2018 LDRAB Meeting

On Wednesday, March 28, 2018, 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, Wesley Blackman called the meeting to order at 2:03 p.m. Zona Case, Code Revision Zoning Technician, called the roll.

##### Members Present: 13

Wesley Blackman (PBC Planning Congress)  
Michael Peragine (District 1)  
Drew Martin (District 2)  
Philip Barlage (District 3)  
James Knight (District 4)  
Lori Vinikoor (District 5)  
Robert J. Harvey District 7)  
Terrence Bailey (Florida Eng. Society)(\*  
Frank Gulisano (PBC Board of Realtors)  
Anna Yeskey (PBC League of Cities)  
Charles Drawdy (Assoc. Gral Contractors of America)  
Abraham Wien (Member at Large, Alt. 1)  
Winifred Park Said(Member at Large, Alt. 2)

##### Members Absent: 3

Daniel Walesky (Gold Coast Bld. Assoc.)  
Derek Zeman (Fl. Surveying & Mapping)  
Xavier Salas, (AIA)

##### County Staff Present:

Leonard Berger, Assistant County Attorney  
Jon MacGillis, Zoning Director  
Maryann Kwok, Deputy Zoning Director  
Monica Cantor, Principal Planner  
Jehan Wallace, Site Planner,  
Bryan Davis, Principal Planner, Planning. Div.  
Scott Rodriguez, Site Planner 2  
Zona Case, Zoning Technician, Zoning

##### Vacancies: 2

District 6  
Environmental Organization

##### 2. Additions, Substitutions, and Deletions

Mr. Blackman noted the distribution of an add/delete sheet, and requested a motion to incorporate it into the agenda.

Motion by Dr. Vinikoor, seconded by Mr. Knight. Motion passed (12-0).

##### 3. Motion to Adopt Agenda

Motion to adopt the agenda, including the add/delete sheet, by Dr. Vinikoor, seconded by Mr. Knight. Motion passed (12-0).

##### 4. Adoption of March 28, 2017 Minutes (Exhibit A)

Motion to adopt the Minutes by Dr. Vinikoor, seconded by Mr. Gulisano. Motion passed (12-0).

Discussion by Mr. Martin that the minutes did not include his appointment to the Medical Uses Sub-committee. Motion passed (12 – 0), with the understanding that it would be added.

Editor's note: Mr. Martin's appointment to the Medical Uses Sub-committee had been recorded in the February 28, 2018 meeting.

#### B. ULDC AMENDMENTS

##### 1. Exhibit B - Art. 2.C.5.F, Reasonable Accommodation

The Chair explained that based on the add/delete sheet, review of the Reasonable Accommodation amendment is rescheduled to next LDRAB meeting.

##### 2. Exhibit C - Equestrian Waste Management Facility

Ms. Cantor reminded participants that the BCC requested staff to introduce a one-year moratorium on zoning applications requesting Equestrian Waste or any composting use that includes equestrian waste, animal waste or bio-solids located in the Glades Tier. She indicated the amendment is the result of the Equestrian Waste Pilot Program deleted from the Comprehensive Plan. Ms. Kwok presented the amendment as follows:

- Part 1 deletes an exception that allows Equestrian Waste Management Facilities in the Agricultural Production (AP) Zoning District for parcels with Special Agriculture (SA) Future Land Use (FLU) designation. She explained, that the use is limited to industrial zoning districts or Planned Developments Districts (PDDs) with an Industrial FLU designation.
- Ms. Kwok noted part 2 of the add/delete removes part 2 of this exhibit.

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- Part 3 deletes the moratorium language and addresses the intent of the moratorium by prohibiting the use in the Glades Tiers. She further noted that such prohibition was extended to the Agricultural Reserve (AGR) Tier as requested by the LDRAB Subcommittee, also noted in the add/delete. The amendment also clarifies collocated Equestrian Waste is subject to public hearing approval for composting, chipping and mulching and Potting Soil Manufacturing Uses, when those uses are located in industrial zoning districts.
- Part 4 deletes the moratorium language from Composting Facility use and prohibits the use of equestrian waste, animal waste or bio-solids under this use when the use is located in the Glades or AGR Tiers, also noted in the add/delete.

Motion to approve by Mr. Martin, seconded by Dr. Vinikoor. Motion passed (12-0).

#### 3. Exhibit D - Animal Shelter

Ms. Cantor explained that the amendment is a collaborative effort with the Planning Division to add standards to allow collocated Retail Sales or Veterinary Clinic use in zoning districts where they are not typically allowed as Animal Shelter is. Veterinary Clinic collocated with an Animal Shelter was a supplementary use standard prior to the Use Regulations Project (URP) in 2017. The change was not carried forward, therefore this amendment is adding such provision. She explained that if the Animal Shelter ceases operation then the collocated uses ceases operation too. Mr. Rodriguez supported the explanation.

(\*)Mr. Terrence Bailey arrived at 2:10 p.m.

Motion to approve by Mr. Gulisano, seconded by Mr. Martin. Mr. Bailey made a request to abstain from voting, stating that he had not participated in the discussion. Mr. Berger confirmed that he had to vote yes or no, as he was there at the time the vote was taken. Motion passed (13 – 0)

#### 4. Exhibit E - Art. 5.E.5, Hours of Operation

Ms. Cantor explained the exhibit as follows:

- Remove the term “prohibited” from hours of operation related to stocking activities and deliveries. This allows applicants to look for variances when unique circumstances prevent the site from complying with the 250 ft. separation from residential.
- Clarify that measurement is based on the non-residential use adjacent to a residential use or residential Future Land Use (FLU), instead of the residential zoning district, consistent with similar provisions in the Code.
- Allow hours of operation regulations to be waived through a Type 2 Waiver instead of a Type 2 Variance. The Type 2 Waiver is a procedure considered by the Board of County Commissioners (BCC).

Mr. Martin expressed concern about an increase in alcohol sales after hours due to more flexibility being introduced into the hours of operation. Mr. MacGillis explained that the sale of alcohol is regulated by a separate County Ordinance, and he clarified that hours of operation contained in the ULDC are related to the use.

Motion to approve by Mr. Peragine, seconded by Mr. Gulisano. Mr. Martin voted nay. Motion passed (12 – 1).

#### 5. Exhibit F – Art. 7.C, Landscape Buffers and Interior Landscaping

Ms. Kwok elaborated on the main reason for the amendment is to address underground easements located in buffers parking areas, terminal or, interior islands. She noted that:

- Fire and Water Utilities Departments have made minor modifications to the separation requirements of trees from fire hydrants and pipelines. PBCWUD requires a minimum of 10 feet separation while Fire Rescue requires 5 feet, both specifying the method of measurement indicated on an illustration. She indicated that regulations from other utility authorities may be more restrictive and have to be met by the County.
- The Type 1 Waivers for Landscaping provisions were also modified to allow relocation of trees due to easement overlap. Ms. Kwok clarified that there will be no reduction in the amount of trees through this waiver. Ms. Kwok brought to Mr. Martin’s attention that if the tree requirement cannot be met, the applicant has to obtain a variance.

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Motion by Mr. Peragine, seconded by Mr. Gulisano. Motion passed (13-0).

**C. PUBLIC COMMENTS**

There were no public comments.

**D. STAFF COMMENTS**

Ms. Cantor noted interest by Ms. Yeskey to be part of the Art. 12, Traffic Performance Standards Subcommittee which will be meeting on May 9. Motion by Dr. Vinikoor to include Ms. Yeskey in the Art. 12 Subcommittee, seconded by Mr. Knight. Motion passed (13-0).

She reminded LDRAB member about the Medical Uses Subcommittee meeting on May 7, 2018 at 1:00 a.m. to continue discussion on the Reasonable Accommodation.

She also mentioned that on April 11 at the Art. 15, Health Regulations Subcommittee meeting, LDRAB members were to be sent copies of the draft addressing the issues discussed at the hearing for comments prior to May 23 LDRAB meeting. She noted that Subcommittee members also requested that the amendments be provided to Mr. Bailey to get his comments as a Civil Engineer.

Mr. Bailey said he would provide the response.

In response to Mr. Blackman's question, Mr. MacGillis responded that there will not be an LDRAB meeting in June.

Mr. Blackman invited comments from Board members:

Mr. Martin added further comments on root barriers discussed earlier indicating that there are other types of root barriers.

**E. ADJOURN**

The Land Development Regulation Advisory Board meeting adjourned at 2:30 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

5/23/2018  
Date