

EXHIBIT A

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

(Updated 8/15/17)

Minutes of July 26, 2017 LDRAB Meeting

On Wednesday, July 26, 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 2:05 p.m. Zona Case, Code Revision Zoning Technician, called the roll.

Members Present: 11

Wesley Blackman (PBC Planning Congress)
David Carpenter (District 2)
Michael Peragine (District 1)
Philip Barlage (District 3)
Dr. Lori Vinikoor (District 5)
Dr. Rena Borkhataria (District 6)
Robert J. Harvey (District 7)
Terrence Bailey (Florida Eng. Society) *
Frank Gulisano (PBC Board of Realtors)
Tommy Strowd (Environmental Organization)
James McKay (AIA)

Vacancies: 3

PBC League of Cities
Assoc. General Contractors of America
Member at Large, Alt #1

County Staff Present:

Jon MacGillis, Director, Zoning
William Cross, AICP, Principal Site Planner, Zoning
Doug Wise, Building Director
Monica Cantor, Senior Site Planner
Leonard Berger, Assistant County Attorney
Scott Rodriguez, Senior Planner, Planning Division
Zona Case, Zoning Technician, Zoning

Members Absent: 4

Jim Knight (District 4)
Daniel Walesky (Gold Coast Bld. Assoc.)
Derek Zeman (FL Surveying & Mapping)
Abraham Wien (Member at Large, Alt. #2)

2. Additions, Substitutions, and Deletions

Mr. Blackman noted that there were no additions substitutions or deletions to the agenda.

3. Motion to Adopt Agenda

Motion to adopt the agenda by Mr. Gulisano, seconded by Dr. Vinikoor. Motion passed (11-0).

4. Adoption of May 24, 2017 Minutes (Exhibit A)

Motion to adopt the agenda by Mr. Peragine, seconded by Dr. Vinikoor. Motion passed (11-0).

B. ULDC AMENDMENTS

1. Art. 18, Flood Damage Prevention

- Exhibit B-1 - Art. 1, General Provisions
- Exhibit B-2 - Art. 18, Flood Damage Prevention

Mr. Cross recommended that the Board review the amendments in Exhibit B1 and B2 simultaneously as both relate to the re-write of Article 18, Flood Damage Prevention. He introduced Mr. Doug Wise, Building Director, who did a Power Point presentation and highlighted the main areas of change, as follows:

- The Flood Emergency Management Agency (FEMA) has implemented new maps.
- Both FEMA and Florida Division of Emergency Management (FDEM) require the adoption of a new Flood Damage Prevention Ordinance that complies with the National Flood Insurance Program (NFIP) regulations and the Florida Building Code.
- Notice of NFIP Rate Maps was sent on April 5, 2017 and the effective date for mandatory enforcement of the new maps is October 5, 2017
- The amended Article 18 will not adopt the updated maps; the maps are mandated by FEMA.
- The revised Article 18 will acknowledge the new study and subsequent updates and ensure compliance with the Code of Federal Regulation National Flood Insurance Program Regulations (44CFR-59&60).
- The new mapping has increased the number of maps for unincorporated Palm Beach County (PBC).
- The newly mapped Special Flood Hazard Area includes the addition of partially located parcels, some parcels are removed, while some remain.
- The FEMA website has a breakdown of the parcels affected in each Commission district.

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Mr. Wise clarified that FEMA divided the County into panels, each map representing a panel. A number is assigned to each panel, and paper maps are available.

At the request of Dr. Vinikoor, Mr. Wise said he would provide copies of the Power Point presentation to members and he confirmed to Mr. Blackman that the proposed changes would fit into a parallel process within the Zoning Division.

Motion to approve by Mr. Bailey, seconded by Mr. Carpenter. Motion passed (11 – 0).

2. Exhibit C – Medical Marijuana Dispensing Facility

Mr. Cross reminded the Board that Mr. Scott Rodriguez of the Planning Division had done extensive work on Medical Marijuana when he worked in the Zoning Division. He now acts as a liaison between both divisions.

Mr. Rodriguez referred to the Exhibit that outlined the background of the legislative processes from 2014 to the present and the research findings. From the information gathered, the proposed amendments are:

- To revise the existing Retail Sales use to allow for Medical Marijuana Dispensaries in unincorporated PBC which would be regarded as similar to pharmacies and therefore entitled to the same treatment.
- To keep the approval process.
- To define Medical Marijuana Dispensing Facility.
- To delete the definition of Medical Marijuana Dispensing Organization, which was written specifically for the Moratorium. The language for Medical Marijuana Moratorium is also being deleted as stipulated by the sun-setting provisions which are one year, or upon adoption of Code amendments.
- To allow Type 2 Waivers to address 250' separation distances from Schools required by FS 381.986.

Responding to Mr. Barlage's inquiry on limitations regarding separation distances, Mr. Rodriguez said that Medical Marijuana Dispensing Facilities are to be treated as pharmacies per State Statutes. He noted that pharmacies are categorized under Retail Sales and the ULDC does not subject them to separation requirements. Mr. MacGillis added that Zoning will not be regulating the number of establishments but will be concerned only with the suitability of the Zoning. Mr. Bailey expressed the view that the market will regulate the numbers.

Motion to approve by Mr. Bailey, seconded by Mr. Peragine, Motion passed (11 – 0).

3. Exhibit D – Equestrian Waste Moratorium]

Mr. Cross called attention to the many years spent in trying to find solutions for the waste management issue in Wellington and other equestrian communities. He explained that the Zoning in Progress (ZIP) and Moratorium adopted by the BCC for the Equestrian Waste Pilot Project were in response to concerns voiced by the agricultural industry. The industry indicated that the Food and Drug Administration Food Safety Modernization Act (FSMA) Produce Safety Rule has increased food safety requirements regarding growing, harvesting and processing of vegetables. Contamination is possible when vegetable production is in close proximity to the processing of equestrian waste, adversely affecting the fresh vegetable industry and threatening a major component of the Palm Beach County economy.

Mr. Cross went on to explain that the Planning Division will be presenting the repeal of the Equestrian Waste Pilot Project to the BCC on July 27, 2017 and for Adoption hearing on October 30, 2017.

Mr. Cross also informed the Board that the current classification for Equestrian Waste Management facility is Industrial Use, and the amendments are to add text for the Equestrian Waste Moratorium. Composting Facility is classified as a Utility Use and the text for the Equestrian Waste Moratorium is also being added to this use.

Motion to approve by Mr. Carpenter, seconded by Mr. Bailey. Motion passed (11 - 0).

4. Exhibit E - Art. 4.B.2.C.6, Cocktail Lounge

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Ms. Cantor explained the amendments are to correct and clarify inadvertent glitches made in the Use Regulations Project. The amendments clarify separation requirements:

- Cocktail lounges within specified distances of certain zoning districts will require a Class A Conditional Use.
- How to measure the separation distance of a cocktail lounge from residential use.

Motion to approve by Mr. Gulisano, seconded by Mr. Carpenter. Motion passed (11 - 0).

5. Exhibit F - Phase 2 PIA for PIPD Regional Recreation Pod and Outdoor Entertainment (AKA Surf Ranch Florida)

Mr. Cross noted the Board's familiarity with the background of the (Privately Initiated Amendment (PIA) and gave a brief Power Point presentation for the benefit of new Board Members. He noted that Planned Industrial Park Development (PIPD) Zoning Districts are intended to encourage mainly industrial expansion and indicated that although there are a number of industrial areas within the County there are only three existing PIPDs. He indicated the intent of the proposed amendments in the PIA is to allow Outdoor Entertainment subject to Class A Conditional use in the new Regional Recreation pod of PIPD.

The Power Point presentation showed examples of PIPDs and Mr. Cross provided background information and summaries of PIPD's in unincorporated PBC. He indicated that key findings in the case of the Vista Center PIPD, are that the golf course has not adversely impacted industrial uses or development. He went on to say preliminary evaluation by Planning staff indicates that the proposed amendment would be consistent with the Plan and the proposed use may provide jobs or other benefits that merit the reduction in developable industrial lands.

Mr. Cross provided additional details on the project as follows:

- The BCC approved Phase 1 of the PIA, which is to initiate amendments to the ULDC to allow for Outdoor Entertainment uses within a Planned Industrial Park Development (PIPD).
- There have been two Public Informational Meetings to provide an opportunity for public discussion.
- Concurrently the Class A Conditional Use is under review by the Community Development Section, and will be presented to the Zoning Commission, followed by presentation to the BCC.
- Staff does not recommend the addition of uses or amendments to the ULDC, but does recommend that the project be addressed as site-specific.

Dr. Vinikoor requested the provision of a cross reference in Table 4.B.3.C, Outdoor Entertainment Setbacks to the 1,000 feet separation requirement from residential use or vacant Future Land Use (FLU) designation.

The Chair indicated that two members of the public had submitted comment cards and he recommended hearing their comments immediately after the review of the Surf Ranch Florida Exhibit, as they were related to the project.

Ms. Susan Kennedy, President of the Jupiter Farm Environment, thanked Mr. MacGillis and Mr. Cross for the extra time and effort they had extended to allow for community participation. She explained that the community is located next to the Park of Commerce and expressed the view that the net loss of industrial land, which had been a concern for the community, had been addressed by a change of language and other site-specific issues were also being addressed.

Mr. Matt Gitkin, resident of Jupiter Farm, also expressed thanks for the opportunity to bring issues to the table and participate in this project. He indicated that he is looking forward to seeing what happens with this and moving it along, but he was of the view that this is not a fulfilling use of what was originally intended for that space.

Motion to approve with changes by Mr. Carpenter, seconded by Mr. Gulisano. Motion passed (11-0).

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C. CONVENE AS LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

1. Proof of Publication

Motion to accept proof of publication by Mr. Gulisano, seconded by Dr. Vinikoor. Motion passed (11 - 0).

2. Consistency Determination

The Chair acknowledged receipt of Consistency Determination from the Planning Division. Mr. Scott Rodriguez stated that the proposed amendments in Agenda items, B through F are consistent with the Comprehensive Plan.

Motion to approve consistency determination by Dr. Vinikoor, seconded by Mr. Carpenter. The motion passed (11- 0).

D. ADJOURN AS LDRC AND RECONVENE AS LDRAB

E. PUBLIC COMMENTS

Public Comments were related to Exhibit F, (Surf Ranch Florida) and presented directly after review of the Exhibit.

F. STAFF COMMENTS

Mr. Cross informed the Board that Round 2017-02 amendments will be presented at the August, September and October LDRAB Meetings. There will be a final Subcommittee meeting on Article 2 in August, and the Landscape Service Subcommittee will meet shortly, hoping to work with Planning staff to map some of the information on sites.

G. ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 3:20 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

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