

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

Minutes of October 28, 2015 Meeting

On Wednesday, October 28, 2015 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 2:15 p.m. Zona Case, Code Revision Zoning Technician, called the roll.

Members Present: 10

Wesley Blackman (PBC Planning Congress)
David Carpenter, Vice Chair (District 2)
Barbara Katz (District 3)
Lori Vinikoor (District 5)
Stuart R. Fischer (District 6)
Joni Brinkman (League of Cities)
Jerome Baumoehl (AIA)
Tommy B. Strowd (Environmental Org.)
Frank Gulisano (PBC Board of Realtors)
Gary Rayman (Fl. Surveying & Mapping Soc.)

Vacancies: 1

(Assoc. General Contractors of America)

Members Absent: 7

Michael J. Peragine (District 1)
Jim Knight (District 4)
Henry Studstill (District 7)
Daniel Walesky (Gold Coast Build.)
Terrence Bailey (Florida Engineering Society)
James Brake (Member At Large, Alt.)
Leo Plevy (Member At Large, Alt.)

County Staff Present

Leonard Berger, Chief Assistant County Attorney
John Rupertus, Senior Planner, Planning
Maryann Kwok, Deputy Zoning Director
William Cross, Principal Site Planner, Zoning
Zona Case, Zoning Technician, Zoning

2. Additions, Substitutions, and Deletions

Mr. Blackman noted that there were no additions, substitutions or deletions.

3. Motion to Adopt Agenda

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

4. Adoption of September 30, 2015 Minutes (Exhibit A)

Motion to adopt by Ms. Vinikoor, seconded by Ms. Katz. Motion passed (10 - 0).

B. ULDC AMENDMENTS

1. Exhibit B - Art 8.H.2, Billboards

Mr. Cross provided a brief background and history of the Settlement Agreement related to billboards which is currently the language in the ULDC. He continued by saying the Agreement has worked well and the basic tenets are being retained so there are only minor tweaks in the amendment. All references to the Settlement Agreement is being eliminated and it is due to expire on February 6, 2016.

Mr. Baumoehl asked to be recused from voting, citing a conflict, and provided a completed Form 8B.

Mr. Cross responded to Mr. Carpenter's question that there were no changes in the billboard spacing requirements.

Ms. Brinkman asked how the annexation of a billboard by another municipality is treated from the County's standpoint. Mr. Cross replied that it becomes the responsibility of that jurisdiction and is automatically deducted from the total number in the County. It cannot be relocated, and is no longer regulated by the ULDC.

Motion by Ms. Vinikoor, seconded by Ms. Katz. Motion passed (9 - 0). Mr. Baumoehl abstained from voting.

2. Exhibit C – Northlake Boulevard Overlay Zone (NBOZ)

Ms. Brinkman asked to recuse herself from the vote citing a conflict and provided completed Form 8B.

For the benefit of those present with limited knowledge of the area, Mr. Cross showed a Power Point presentation of the Northlake Boulevard Overlay Zone (NBOZ) and said this would help to dispel confusion on how the regulations would apply.

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Mr. Carpenter said that because he was personally involved in the original draft of the Design Guidelines and has worked on properties in that area, an historical overview would be helpful to members and he provided the following information:

- The properties were developed in the fifties and have existing pavement from one property line to the next, both side to side and front to back.
- The lots are one-third of an acre or smaller and in most cases the buildings are on the property line and every square inch is used.
- The municipalities are very accommodating to the existing buildings and minor modifications are made here and there to that end.
- None of the buildings meet parking requirements and there is little or no drainage.
- There is a 15 ft. utility easement along the back where nothing is allowed.

Mr. Carpenter further opined that the amendment seeks County standards which cannot possibly be met. He gave examples and said in his view the County is not tolerant of unmet requirements and in the past has not been very understanding. He recommended that the County be more accommodating to what is there. In his opinion the amendment has no touch with reality and is one of the most restrictive.

Mr. Cross also showed the NBOZ Design Guidelines developed by four municipalities that have properties fronting in that municipality and he outlined the boundaries. The Design Guidelines contain standards for uses, architectural guidelines, landscaping, signage and site design and a description of the parcels. There are only 17 parcels in that corridor which run from Alt A1A running west to Home Depot Plaza, east of I-95. He offered to circulate the Guidelines among members.

Mr. Cross added that provisions are being made that would allow application for waivers from the ULDC. The procedure is to apply to the local zoning body, and the more restrictive of the two sources of regulations would apply.

Mr. Cross went on to clarify the following points:

- The Design Guidelines recognize that a local jurisdiction can use its own ordinance and waiver processes. Under today's Code it is possible to get a variance from the Design Guidelines and also from the ULDC. If there were a sign height issue a variance from either is possible.
- The deadline is February 16, 2016, but the proposal is to delete that deadline.
- The changes on page 15, lines 30 to 36, propose (1) to do away with compliance deadline as in the ULDC, and (2) recognize that other jurisdictions have provisions for waivers. Waivers are only from the design guidelines, not granting permission to get waivers from the ULDC. It has to be demonstrated that the waiver is consistent with the Design Guidelines and with the particular department, e. g., landscaping.
- There will be more flexibility throughout the most restrictive standards for the 17 properties which will enable persons to apply for waivers.
- Rebecca Miller and Larry Smith who represent car dealerships have discussed their clients need for more flexibility and Zoning is more than willing to initiate this amendment to increase development there

Mr. Baumoehl questioned who monitors the Design Guidelines and Mr. Cross confirmed that each jurisdiction monitors and applies the guidelines to each development order that comes in. Staff consults both the ULDC and the Design Guidelines and determines which is more restrictive.

In response to Mr. Baumoehl's question Ms. Kwok stated that Zoning does not have a registered architect but has staff with architectural training and they are part of the review team.

Mr. Berger confirmed that deleting the deadline technically takes effect on the 17 parcels in the unincorporated areas but he did not believe that is being enforced in an orthodox way.

Mr. Cross responded to Ms. Brinkman's question confirming that if a property is not in compliance with signage requirements of the NBOZ but conforms to ULDC, they can request a waiver to keep their sign.

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Ms. Rebecca Miller, representing the Napleton Group in Florida, stated that several projects with full intent to improve sites have encountered difficulties under the current long, expensive process. It has been challenging and the Group fully supports the Zoning staff measures to uncomplicate the process and create a level playing field. She stressed appreciation for Zoning staff's support of their interests and said with the improved process time sensitive issues could go away.

Mr. Larry Smith introduced himself as the Attorney for Napleton Group, and for limited purposes, Schumacher Automotive. He also expressed great appreciation for Zoning staff's initiative on the variance issue as there is a clear need for a smoother process. Other municipalities have waiver processes built into their Code.

Mr. Smith said he reviewed the Exhibit and noted in Table 3.N.8.E on page 16 specific sections were listed to which the waiver process would apply. He requested the Board to consider including in Article 5, Signage and Outdoor Displays, Section 5-4, Temporary Signs and most importantly Section 5-5, Accessory Signs. He added, Accessory Signs include directional signs which are important to get people around in the auto parcels. In this case the NBOZ is more restrictive than the County ULDC. Adding those into the Table will not be detrimental

Mr. Cross responded to Mr. Gulisano's question as to what is considered temporary signs by saying that they are only allowed by Special Permit for grand openings or special sales events. In the NBOZ Design Guidelines temporary signs have to be taken down within 48 hours after the event. The County does not specify a time frame but usually they are taken down after the event. On Accessory signs he commented that staff is looking at a 52 page document and may limit to be consistent with the design guidelines.

Motion by Mr. Gulisano to support the amendment, seconded by Mr. Carpenter, as amended. Motion passed (9 -0). Ms. Brinkman abstained from voting.

C. PUBLIC COMMENTS

There were no public comments.

D. STAFF COMMENTS

1. Public and Civic URP Subcommittee rescheduled to Nov. 9, 2015

Mr. Cross said that the Public and Civic URP Subcommittee Meeting was rescheduled to November 9. He is hoping for high attendance from members, a good meeting and good feedback, so that the LDRAB can be spared a full, lengthy review and discussion on the amendments. If attendance is poor the whole exhibit would be brought to LDRAB for a more in-depth review.

2. October 28, 2015 BCC Direction on PIA for Agricultural Recycling

Mr. Cross referred to the Privately Initiated Amendment (PIA) for waste recycling presented at the last LDRAB meeting and provided the following update.

- He stressed the fact that the PIA is requesting Agricultural Recycling be done in the AP (Agriculture Production) or AR (Agriculture Residential), not to be confused with the AGR (Agriculture Reserve).
- The BCC did not choose any of the options – either to initiate or not. The recommendation is to work with Commissioner McKinley's office which is currently coordinating meetings to develop long range solutions to the equestrian waste issue.
- Ms. Verdenia Baker, County Administrator, will determine the method updates will be made to the BCC, whether through a workshop, memo, or other.
- Ms. Rebecca Caldwell, Ms. Maryann Kwok and Mr. Cross attended a meeting in Wellington organized by the District 6 Commissioner. Mr. Cross reiterated Wellington's water quality issues related to equestrian waste. Wellington officials are looking to coordinate with the County, interested municipalities and other regulatory agencies, so that the matter can be addressed in an environmentally friendly way. There will be a follow-up meeting in February to look at enforcement and regulations and other ways to look at the issue. The Board will be updated.

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3. December 9, 2015 LDRAB Meeting

Mr. Cross stated that seldom is there a meeting in December, but there will be one on December 9, 2015 for a PIA from Florida Power and Light (FPL). The PIA is to amend cellular attached to existing structures, used in conjunction with an FPL transmission line located at a sub-station. It is a big topic and will be brought to the LDRAB to initiate or not to initiate an amendment.

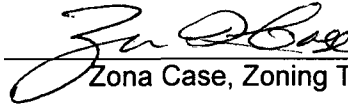
Mr. Cross confirmed that there will be a meeting on November 18, and one on December 9, 2015.

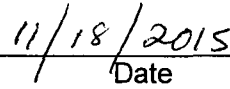
E. ADJOURN

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

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME EDMOND JEROME IRA	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE CDRAB
MAILING ADDRESS 201 WORTH AVENUE # 317	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input type="checkbox"/> CITY <input checked="" type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY PALM BEACH, FLORIDA	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED OCTOBER 26, 2015 3:30PM	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, JEROME BAUMGART, hereby disclose that on OCTOBER 26, 20 11.

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of _____, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

ULDC EXHIBIT @ ARTICLE 8.A.2 BILLBOARDS

* MY SON PRESENTLY IS EMPLOYED BY ~~OUTFRONT~~ OUTFRONT IN NEW YORK. I WOULD CONSIDER THIS A POTENTIAL CONFLICT OF INTEREST..

OCTOBER 28, 2011
Date Filed

[Signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Brinkman Joni	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Land Use Development Regulation Advisory Board
MAILING ADDRESS 201 Rex Ct	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input type="checkbox"/> CITY <input checked="" type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY Palm Springs Palm Beach COUNTY	NAME OF POLITICAL SUBDIVISION: Palm Beach County
DATE ON WHICH VOTE OCCURRED 5-27-15	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

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For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

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APPOINTED OFFICERS (continued)

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DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Joni Brinkman, hereby disclose that on October 28, 20 15 :

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of Urban Design Kilday Studios, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Item B.2. - Exhibit B NBOZ

While our firm is not representing Schumaucher Group in this matter, they are our client and the County Attorney has advised for me to abstain from this vote.

10-28-15
~~May 27, 2015~~

Date Filed

Joni Brinkman
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.