

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) LAND DEVELOPMENT REGULATION COMMISSION (LDRC) (Updated 11/22/16)

Minutes of November 16, 2016 LDRAB Meeting

On Wednesday, November 16, 2016 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 ^(v)

Wesley Blackman (PBC Planning Congress)
Michael Peragine (District 1)*
David Carpenter (District 2)
Barbara Katz (District 3)
Jim Knight (District 4)
Lori Vinikoor (District 5)
Stuart R. Fischer (District 6) ^(v)
Terrence Bailey (Florida Eng. Society)
Frank Gulisano (PBC Board of Realtors)***
Tommy Strowd (Environmental Organization)
Daniel J. Walesky (Gold Coast Bld. Assoc.)**
Derek Zeman (FL Surveying & Mppng. Soc.)
James McKay (AIA)

Members Absent: 4

Henry Studstill (District 7)*
Joni Brinkman (Palm Bch. League of Cities)
James Brake (Member at Large, Alt.)
Leo Plevy (Member at Large, Alt.)

Vacancy: 2 ^(v)

(Assoc. General Contractors of America)

County Staff Present

Leonard Berger, Chief Assistant County Attorney
William Cross, AICP, Principal Site Planner, Zoning
Erin Fitzhugh Sita, Senior Planner, Planning
Zona Case, Zoning Technician, Zoning

2. Additions, Substitutions, and Deletions

Mr. Blackman noted the distribution of an add/delete sheet and requested that it be included in the motion to adopt the agenda.

3. Motion to Adopt Agenda

Motion to adopt the agenda and the add/delete, by Ms. Vinikoor, seconded by Ms. Katz. Motion passed (9 - 0).

4. Adoption of October 26, 2016 Minutes (Exhibit A)

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

*Mr. Peragine arrived at 2:03 p.m.

B. ULDC Amendments

Mr. Cross clarified that B did not apply to the Use Regulations Project, but was comprised of usual and customary ULDC Amendments.

1. Exhibit B – AGR Tier - Previously Approved and Non-conforming Uses

Mr. Cross provided a general overview on the context of amendments, as follows:

- When the Agricultural Reserve (AGR) was first created, provisions were established in both the Comprehensive Plan (Plan) and Unified Land Development Code (ULDC), to recognize that existing Commercial and Institutional Uses were to be accommodated and allowed to continue.
- Over time, it became increasingly difficult for applicants and staff to confirm that subsequent modifications to these developments were consistent with the intent of the Plan and ULDC.
- This issue was recently resolved as part of the recent BCC Workshop Series on the AGR Tier, resulting in text amendments to the Plan to allow for the bulk of these properties to receive staff initiated future land use (FLU) amendments and rezoning to applicable Commercial and Institutional FLU designations and zoning districts.

Mr. Cross further elaborated on the amendments:

- Identification of the Commercial and Institutional sites, which under the Agricultural Reserve (AGR) future land use (FLU) designation, are now considered “conforming Commercial uses and “conforming” Institutional uses.
- The maximum development potential of eligible Commercial or Institutional parcels with AGR FLU and zoning.

He further clarified these sites were rezoned, the existing provisions under the AGR district no longer applied. However, he noted that additional language was required for Faith Farms Ministries under the Institutional and Public Facilities (IPF) Zoning District,

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to accommodate existing accessory commercial or other uses not accommodated in the INST FLU designation or IPF Zoning District. Alternatively, the existing AGR language was modified to recognize one remaining site located West of SR 7.

**Mr. Walesky arrived at 2:07 p.m.

Motion to approve by Mr. Knight, seconded by Ms. Vinikoor. Motion passed (11 – 0)

2. Exhibit C – AGR Tier - Planned Development Districts

Mr. Cross explained that, similar to above, Plan amendments resulting from the recent BCC Workshops on the AGR Tier, required in Plan amendments to Future Land Use Element Objective 1.5, Agricultural Reserve Tier, summarized as follows:

***Mr. Gulisano arrived at 2:11 p.m.

- allow for Multiple Use Planned Development Districts (MUPD) in the Tier;
- eliminate the requirement that all new commercial development shall be in the form of a Traditional Marketplace Development (TMD);
- add revisions specific to the AGR Tier for mixed use in MUPDs, which are not provided for under the current MUPD development standards;
- require new commercial development greater than 16 acres to provide Preserve Areas; and,
- establish general design standards for all new commercial or mixed use development.

Mr. Cross noted that several of these updates were necessary to acknowledge that the previously approved Canyons TMD was rezoned to the newly established AGR MUPD. The Chair pointed out that on Page 14, line 10, the word “it” should be corrected to read “in”.

In response to Ms. Katz inquiry on the 60/40 Preserve Requirement, Mr. Cross affirmed that has not changed, and Ms. Fitzhugh-Sita confirmed that the Plan specifies that the requirement applies to “greater than 16 acres”.

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

3. Exhibit D – Art. 3.B.16, Urban Redevelopment Area Overlay (URAO)

Mr. Cross explained that recent Plan amendments responded to Industry and staff feedback citing obstacles to redevelopment efforts within the URA. The redevelopment standards intended to encourage a more desirable multi-use and pedestrian friendly form of development; however, a number of mandatory standards required by the Plan were perceived as being too rigid, resulting in property owners opting out or seeking BCC Waivers. The amendments seek to redress several of these shortcomings as follows:

- Property owners may be allowed the flexibility to utilize the previous FLU designations and zoning subject to a pre-application meeting with Planning and Zoning staff to determine Zoning and FLU consistency. In the case of inconsistency the property owner may (1) elect to rezone to a district which is consistent with the alternative FLU designation, or (2) may elect to retain the original UC or UI district.
- Amendment of Minimum Building Frontage requirements for Block Buildings to recognize expansion of existing provisions allowing for parking or outdoor uses along the side of buildings. The add/delete sheet also noted that accessory structures to Single Family Residential are allowed, in accordance with Art. 5, Supplementary Standards.
- The minimum two-story requirement for both the UC and UI FLU designations has been deleted. Most Zoning applications had sought Waiver relief from the requirement.
- Glitches: (1) Address standards for concrete in locations that precludes the use of pervious or other acceptable sidewalk materials. The add/delete sheet addresses deletion of the requirement for Engineering Department approval; and, (2) reduce the number of benches required.

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- Amendment to clarify that the UI FLU designation may allow both residential “and/or” non-residential uses, by deleting language which implied that the district was residential with some non-residential.”
- Expand existing provisions allowing for Waiver relief to correspond with deletions or expansion related to several of the above amendments.

Motion to approve as amended, by Mr. Knight, seconded by Mr. Gulisano. Motion passed (12 - 0).

4. Exhibit E – Reasonable Accommodation Time Limitation

Mr. Cross clarified that the Reasonable Accommodation establishes a process for disabled persons, groups or service providers to seek out accommodations from land development regulations based on the specific needs. The amendment establishes a reasonable timeframe of one year to utilize a determination granting an accommodation, or potentially longer when incorporated into another Development Order.

The provision is retroactive and shall apply to all prior Determinations for a Reasonable Accommodation prior to the effective date of this Ordinance.

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

C. ADJOURN AS LDRAB AND CONVENE AS LDRC

1. Proof of Publication

Motion to accept proof of publication approved by Ms. Katz, seconded by Ms. Vinikoor. Motion passed (12 - 0).

2. Consistency Determination

The Chair acknowledged receipt of Consistency Determination from the Planning Division. Ms. Fitzhugh-Sita confirmed that the proposed amendments were consistent with the Comprehensive Plan.

Motion to approve consistency determination by Mr. Gulisano, seconded by Ms. Vinikoor. The motion passed (12 - 0).

D. ADJOURN AS THE LDRC AND RECONVENE AS THE LDRAB

E. PUBLIC COMMENTS

There were no Public Comments

F. STAFF COMMENTS

Mr. Cross advised the Board that the bulk of the Exhibits for the Use Regulations Project (URP) will be presented at the November 30th meeting, along with two Exhibits for Round 2016-02, and the FPL Phase II Privately Initiated Amendment (PIA) for Commercial Communications Towers. He advised that the December 14th meeting was needed to allow for completion of the URP. He responded to an inquiry regarding the Public Hearing dates for Round 2016-02, as follows: December 7, Request for Permission to Advertise for Public Hearing on January 5, 2017, January 5, 2017 1st Reading, and Adoption Hearing on January 26, 2017.

G. ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 2:45 p.m.

Editor’s note: (v) Mr. Stuart Fischer was not an official LDRAB member for this Meeting, hence his vote on each Exhibit was not counted.

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 11/30/16
Zona Case, Zoning Technician Date