

EXHIBIT A

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

(Updated 12/14/16)

Minutes of December 14, 2016 LDRAB Meeting

On Wednesday, December 14, 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 2:05 p.m. Zona Case, Code Revision Zoning Technician, called the roll.

Members Present: 12

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)
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: 2

Henry Studstill (District 7)
James Brake (Member at Large, Alt.)

Vacancies: 4

District 6
Assoc. General Contractors of America
League of Cities
Member at Large/Alternate

County Staff Present: 8

Leonard Berger, Chief Assistant County Attorney
Maryann Kwok, Deputy Zoning Director, Zoning
William Cross, AICP, Principal Site Planner, Zoning
Monica Cantor, Senior Site Planner
Scott Rodriguez, Site Planner II, Zoning
Daniel Greenberg, Site Planner II, Zoning
Bryan Davis, Principal Planner, Planning
Zona Case, Zoning Technician, Zoning

2. Additions, Substitutions, and Deletions

Mr. Blackman requested a motion to approve the Agenda with the incorporation of the items on the add/delete sheet.

3. Motion to Adopt Agenda

Motion to adopt the agenda and the add/delete by Ms. Katz, seconded by Ms. Vinikoor. Motion passed (12 - 0).

4. Adoption of November 30, 2016 Minutes (Exhibit A)

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

B. ULDC Amendments

1. Exhibit B – Western Community Residential Overlay (WCRO)

The Chair noted that there were requests from members of the public to speak on this item, and advised they would be allowed to do after staff's presentation.

Mr. Cross clarified that the item was a Privately Initiated Amendment, submitted by GL Homes concurrent with related Comprehensive Plan, land use and rezoning applications, and was originally presented to the LDRAB/LDRC on April 27, 2016. Subsequently, the Land use and text amendments were adopted by the BCC separately in September 2016, and the applicant has since sought to revise their original request, necessitating re-submittal to the LDRAB/LDRC. He clarified that the revisions generally addressed:

- the deletion of the terminology "parcel designation" on page 14;
- establishment of a new exception for landscape buffer requirements inbetween residential pods and WCR specific open space areas, subject to increased separation requirements;
- establishment of a new exception for perimeter landscape buffer requirements for WCR specific open space tracts;
- establishment of special provisions for section line easements intended for drainage, ingress, egress, irrigation, etc., to allow for limited improvements, including landscaping, within those easements.

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Mr. MacGillis opined that the Board would benefit from some background information and this was provided by Mr. Bryan Davis of the Planning Division. He explained that the area is west of Seminole Pratt Whitney Road in the Rural Tier, the last piece adjacent to the Acreage, and that the Division has been studying the area for the past 15 years. The intent is to develop at a density commensurate with the adjacent land uses, protect the wild life and the Everglades Agricultural Area, look at ways to provide amenities for the residents, and address issues such as drainage. The amendments were requested by the GL Homes concurrent with a land use amendment application for the Indian Trails Grove.

In response to questions from Ms. Vinikoor, Mr. Cross explained the percentage requirements for Open Space and Mr. Davis responded that the rural parkway, as described in the Plan, is no less than 50ft in width and is typically on one side, although some sections may be 80ft wide.

A member of the public, Mr. Drew Martin, Chair of the Loxahatchee Group, Sierra Club, expressed the following concerns: the development is inconsistent with the area as it is more intense and changes the personality of the rural area; residents are offended by such large developments; the preserve site is not clearly defined as "open space" to ensure that in the future it will not be used for a fire station, school, etc. He also expressed traffic and drainage concerns.

Similar concerns about density and traffic congestion were expressed by Mr. Edward Tedtmann.

Mr. Chris Barry of Urban Design Kilday Studios representing Iota Carol spoke in support of the development, as did Mr. Kevin Ratterree, representing GL Homes.

C. USE REGULATIONS PROJECT (URP) AMENDMENTS

1. Amendments Not Previously Presented
 - a) Exhibit C – Article 3, Overlays and Zoning Districts

Referring to pages 17 through 37 of the exhibit, Ms. Cantor provided a general overview of the amendments, noting that the Exhibit includes: the renaming uses for consistency with revisions under the Use Regulations Project; reiterated that the terminology "Requested Use" was technically the same as "Conditional Use" and would be consolidated with the latter; and, establishes that the Institutional and Public Facilities District (IPF) Zoning district is consistent with the Utilities and Transportation (U/T) Future Land Use designation, to accommodate development for certain types of publicly or privately operated utilities that do not fit the criteria for the Public Ownership (PO) Zoning District.

Mr. Cross referred to page 38, line 34, MUPDs and said that page 1, line 11 of the add/delete sheet, clarifies applicability of provisions for freestanding buildings.

Ms. Cantor pointed out that lines 35 – 57 on page 39, deletes the types of approval processes which are already outlined in Article 4, Use Regulations

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

- b) Exhibit D – Article 5, Supplementary Standards

Ms. Cantor identified the significant changes in the Exhibit: The difference between Accessory Office Use and Business and Professional Office use is clarified on page 46; Air Curtain Incinerator is relocated from Article 4, as the use can only be an accessory use - pages 49 – 50; page 53 - clarifications to the Flex Space table; and, page 1, line 28 of the add/delete sheet changes the Hours of Operation table on page 55, line 10.

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

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c) Exhibit E – Article 7, Landscaping

Ms. Cantor provided an overview of the exhibit, highlighting the landscaping requirements for foundation plantings in relation to unmanned retail structures.

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

d) Exhibit F – Article 15, Health Regulations

Mr. Greenberg explained that the amendments reflect name changes primarily related to the Utilities Use Classification.

Motion to approve by Mr. Carpenter, seconded by Ms. Katz. The Motion passed (12 – 0)

e) Exhibit G – Article 4A, Use Classification

Ms. Cantor advised that the User guide is being provided to improve understanding of the methodology and elements to be aware of before moving to the approval process. She noted that the type of use is defined and clarified on pages 63 and 64.

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

2. Modification to Exhibits Previously Presented to LDRAB

a) Exhibit H – Institutional, Public and Civic Uses

Mr. Rodriguez advised that this was previously reviewed on November 18 and he called attention to the subsequent changes:

- A footnote was added to all of the Use Matrices to reiterate that Code users must review the Supplementary Standards prior to determining the applicable application process.
- References to Homeless Resource Center are to be deleted from the Code.
- Page 72 – minor change related to cemetery in a MUPD.
- Page 73 - minor changes to the approval process for College or University use.
- Separation of Prisons, Jails and Correctional Facilities use from the umbrella of Government Uses, to clarify the difference in the approval process for these institutions, versus the process for other Government Service uses.
- Place of Worship - deletion of the standard related to the use in a PO Zoning District as this is now an allowed Use.

Ms. Cantor explained that the amendments on pages 88 – 94 reflect State Statutes, indicating that Charter schools and Public Schools are subject to the same regulations. Provisions for pedestrian safety will be applicable to all schools and the required amount of queuing, drop-off and pick-up spaces is being clarified. She advised that the amendments are subject to further discussion with the School District and therefore subject to further changes.

A brief discussion on queuing and safety followed, and Ms. Kwok noted that the most recent changes had been omitted from the Exhibit, and Ms. Cantor read the following changes into the record:

b) Design Requirements

(1) Drop-off/pick up spaces may be provided in form of a parking space or a queuing space. One designated drop-off/pick-up parking space shall be provided for every 20 students. Dimension of parking spaces shall be pursuant to Art. 6, Parking;

(2) Drop off/pick-up queuing spaces may be provided. Double queuing lanes that are located side by side are discouraged. Dimension of the queuing

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- distance shall be based on one and a half linear feet for each student and the width of the queuing space shall be a minimum of 12 feet;
(3) A minimum four-foot wide sidewalk shall be provided adjacent to the drop-off/pick-up queuing spaces or parking lots and to be connected to the School entrance(s).

Mr. McClellan, Senior Planner, PBC Facilities Development and Operations (FD&O) clarified that he was specifically addressing the proposal to strike all references to Homeless Resource Center from the code as shown in the Exhibit. He informed the Board that as part of the URP, FD&O and Zoning have had ongoing dialogue and a number of meetings with County Administration on this matter. Mr. McClellan expressed the opinion that to take action at this time would be premature with there being another meeting scheduled, and he respectfully requested that the deletion be tabled, no action be taken until the pending meeting convened, and return it to the Board with the conclusions reached.

Mr. Gulisano expressed a preference for tabling the exhibit and postponing for a future meeting.

A discussion ensued and in response to inquiries from the Chair and Vice-Chair, Mr. Cross clarified that Zoning had been directed by County Administration to delete all references to Homeless Resource Center in the Code, both the existing and the proposed version, and proceed with the topic on a separate timeline from the URP. In the interim the use will cease to exist if the amendments are adopted in February 2017. He noted that it was anticipated that the subsequent amendments would be scheduled in early 2017, resulting in a very limited window where the use would cease to exist. In response to an inquiry, he noted that there was only one small existing facility approved as a Homeless Resource Center in unincorporated PBC, which would not be adversely impacted at this time.

Mr. MacGillis expressed that he had no objection to tabling until County Administration decides whether the process should be Public Hearing, which would give the public an opportunity to participate, or the DRO administrative process.

Mr. McClellan indicated he would assume personal responsibility for the request.

Ms. Vinikoor offered to make a motion to support staffs position noting the written direction that was given to them, and Mr. Bailey inquired whether it would be permissible to approve without the modification, and return to it. He went on to say if it is deleted there will be a void and having the old seems better than having nothing. It could also provide motivation to get to something better. Mr. Cross clarified that current direction would be to bring the subject back as a separate Ordinance, which would likely be processed in short order.

The Chair expressed support for Mr. Bailey's recommendation especially in view of the homelessness crisis in the County. Mr. Walesky also gave his support, indicating that since it is unknown what the decision will be, when it is known the amendment will have to be re-done.

Motion by Mr. Carpenter to accept staff's proposal to delete and to include the language regarding schools that was read into the record, seconded by Mr. Gulisano.

The Chair requested a roll call and clarified the motion: to delete as proposed by staff.

The secretary called the roll and the motion failed (3 – 9).

Motion by Mr. Bailey to approve Exhibit H, including the changes for Schools, and to retain the amendment language for the Homeless Resource Center, seconded by Mr. Walesky. Motion passed (9 - 3). Mr. Carpenter, Ms. Vinikoor and Mr. Gulisano voted nay.

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b) Exhibit I – Temporary Uses

Mr. Greenberg noted that page 113 relates to renaming uses in keeping with the URP, and on page 115, language has been added to Table 6.A.1.B to clarify regulations for off-street parking.

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

c) Exhibit J – Commercial Uses

Ms. Cantor noted that most of the changes in the Exhibit, pages 116 – 207, were minor administrative or editorial corrections. Mr. Rodriguez provided a general overview of several of changes as follows:

- Page 2, line 12 of the add delete sheet, clarifies the approval process for Cocktail Lounge on page 137 of the Exhibit.
- Page 142, noted the amendments to Outdoor Activities for Dog Day-care.
- Page 3, line 7 of the add delete sheet clarifies the approval process for Microbrewery, page 166, which is a new use.
- In the WCRAO - Convenience Stores will be prohibited in specified sub-areas of the WCRAO [editor: as requested by the Westgate Belvedere Homes CRA].
- Page 173, Type 1 Restaurant – on page 3 of the add/delete, the use in the IL district and reference to district specific requirements are deleted.

Mr. Greenberg further noted the following: Retail Sales, outdoor display areas for monument sales on page 179, and Provisions for Unmanned Retail Structures that may sell water, ice or offer temporary storage of packages intended for pick-up - page 180, both amended by pages 3 and 4 of the add delete.

Ms. Vinikoor inquired about the limit of one kiosk per development or per storefront and Mr. MacGillis explained that this is a new concept for drop-off and pick-up, such as Fedex, and the language applies to more substantial kiosks. He suggested that the language could be refined to make exemptions for ice and water machines and allow up to 3 if they are alongside a building. Mr. Cross added that this is an introductory use and staff recommends one for now, see where the industry goes and then review.

Ms. Cantor referred to page 3, line 27 of the add/delete sheet where Design standards and wall signs are being addressed. Ms. Cantor also noted the following amendments:

- Page 194, line 18 – 21 was previously presented and wrongfully double-underlined in the exhibit.
- Pages 203 – 204 updates the Westgate WCRAO Table sub areas, requested by Westgate. Page 206- updates Table 6.A.1.b for parking and also signage for unmanned retail structure.

Mr. Cross apologized for bypassing the amendment on Pg 152– line 4 and the add/delete, page 2, lines 37-38. Additional flexibility is being offered by allowing exceptions to prohibiting access from a residential street for a hotel located in a Regional Park, namely Morikami. The Morikami project was passed some years at which time the access was prohibited.

Mr. Gulisano left the meeting at 3:56 p.m.

Ms. Jennifer Morton spoke in reference to changes for Self Service Storage Facilities, thanking Zoning staff for working with her to amend the code to add an option to allow for a limited Self Storage use subject in the Commercial pod of a PUD. However, she would be requesting deletion of the limitation of maximum of 50 percent of the overall Commercial pod on page 182, line 22. Ms. Morton noted that she is representing the owner of a Commercial pod within a project approved in the

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late 70s, referencing a map handed out, and that the site has remained vacant. She clarified that the proposed use is not a multiple access use with bay-doors but a single entry into air conditioned space. Ms. Morton cited the benefits of the self-storage facility as low traffic generation, quiet neighbor, limited impact on adjacent residential, providing a service to the residents living in the Melrose PUD. If the limit to 50% GFA remains her client would not be able to use the self-service provision. The site is only 4.5 acres and the entire site is needed to do self-storage.

Mr. Cross noted that given the limited justification provided by Ms. Morton to date, staff had only been able to justify adding the use with the limitation. He further noted that there were other unresolved issues related to permitted floor area ratio (FAR) that would preclude this site from attaining the desired 100,000 sq. ft. and that it would be premature to incorporate the requested change until that issue was resolved. Mr. Davis advised that the FAR would still not get them to 100,000 sq. ft, which is what they desire. Mr. Cross also reiterated that self-storage was not previously permitted in a Commercial pod. Mr. MacGillis pointed out that the Commercial pod zoning is not regular commercial but required to be primarily for use by the residents. He commented that Ms. Morton was advised to try to do a Privately Initiated Amendment (PIA), or a future land use (FLU) amendment to Commercial.

Mr. Gary Brodis of Atlantic Commercial Group, explained that the owners have been unable to attract buyers or developers in the ten years of ownership, and only in the last year have had a couple of interested parties. There has to be a critical mass to make it financially viable. He fully supported the request and asked for consideration.

Motion by Mr. Bailey, to approve with the addition of a waiver option for Self Service Storage, to allow the BCC to approve above 50%, seconded by Mr. Peragine. Motion passed (11 – 0).

Mr. Bailey left the meeting at 4:04 p.m.

d) Exhibit K – Residential Uses

Ms. Cantor highlighted the following:

- Page 212 – recognizes that the Plan allows affordable housing in IPF zoning when sponsored by a non-profit organization or community based group but does not allow for sale [editor: note this provision was existing, but was limited due to being located under the Place of Worship use].
- Page 219, Mobile Home - clarifies that the only zoning district in which mobile home dwelling is considered a principal use is in the MHPD [editor: Mobile Home Park Development]; Page 221 – Supplementary Use Standards relating to Mobile Home access to bona fide agriculture will be located under Mobile Home use due to reconstruction of Article 4 under the URP.
- Page 223, Multi-family - in the WCRAO multi-family is prohibited in NR sub-areas
- Page 224 - page 228 addresses duplicated use to clarify that only one of each permitted accessory use is allowed per principal use.

Page 243 - New kennel use - Limited Pet Boarding: Mr. Carpenter reiterated the Board's decision not to recommend which passed at the October 14, 2016 meeting (8 – 2). Mr. MacGillis responded that this is a Privately Initiated Amendment which the BCC directed Zoning to bring back.

Motion to approve the other items by Ms. Vinikoor, seconded by Mr. Carpenter. Motion passed (10 – 0).

e) Exhibit L – Recreation Uses

Ms. Cantor referred to Page 258, lines 32 – 33, Fitness Center – and noted a correction: “non” should be removed from “non-conforming”.

Mr. Rodriguez highlighted lines 42 – 44, Golf Course, allow Type 2 variance from fence or netting.

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Motion to approve by Mr. Carpenter, seconded by Mr. Peragine. Motion passed (10-0).

f) Exhibit M – Utility Uses

Mr. Rodriguez explained that on page 273 - Composting Facility clarifies which districts are allowed by right, and those where the use is allowed by Conditional Use approval; page 277 – Electric Transmission Substation clarifies that it shall not be collocated with neighborhood recreation facility for safety reasons, and page 280 Minor Utilities not subject to hours of operation as outlined in Article 5, Supp. Standards.

Motion to approve by Mr. Carpenter, seconded by Ms. Katz. Motion passed (10 – 0).

D. ADJOURN AS LDRAB AND CONVENE AS LDRC

1. Proof of Publication

Motion to approve Proof of Publication by Ms. Vinikoor, seconded by Mr. Carpenter. Motion passed (10 – 0).

2. Consistency Determination

- a. See Exhibits B.1, C.1, a) to e) and C.2.a) through C.2.e), as well as the item on the add/delete sheet, Page 5, Equestrian Waste. Mr. Bryan Davis indicated consistency with the Plan.

Motion to accept Planning's recommendation by Ms. Vinikoor, seconded by Mr. Carpenter. Motion passed (10 – 0).

E. ADJOURN AS LDRC AND RECONVENE AS LDRAB

F. PUBLIC COMMENTS

There were no Public Comments.

G. STAFF COMMENTS

Mr. Berger advised that a Moratorium on uses related to Medical Marijuana is being enacted and it is estimated that regulations will be adopted within a year, as it will be some months before we know what the State will do. Mr. Cross indicated that a link to the Zoning in Progress (ZIP) approved by the BCC could be found online. Mr. Cross added that the FPL PIA will be presented in January and he also advised that Ms. Joni Brinkman had resigned from the Board.

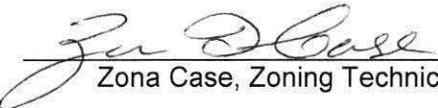
Ms. Cantor thanked the Board for their contribution to the Use Regulations Project over the past three years, and offered special thanks to sub-committee participants. The amendments under the project will go to the BCC on January 5 to Request Permission to Advertise for First Reading on January 26 and Adoption on February 26.

I. ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 4:30 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

1/25/2017
Date

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