

## EXHIBIT A

### AGRICULTURE MARKETPLACE SUBCOMMITTEE (FKA: PRODUCE STAND AND RELATED USES SUBCOMMITTEE) A SUBCOMMITTEE OF THE LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

#### MINUTES OF THE APRIL 16, 2012 MEETING

Prepared by Zona Case

On Monday, April 16, 2012, the Agriculture Marketplace Subcommittee met at the Vista Center, Kenneth Rogers Hearing Room, VC-1W-47, at 2300 North Jog Road, West Palm Beach, Florida.

#### A. CALL TO ORDER

##### 1. Roll Call

Ms. Lori Vinikoor, Chair, called the meeting to order at 2:05 p.m.

##### 2. Introductions

Those in attendance were asked to introduce themselves.

**Subcommittee Members:** Lori Vinikoor, Jim Knight, Terrence Bailey, Barbara Katz, Joni Brinkman.

**Interested Parties:** Steve Bedner, Jeff Brophy, Mark Perry, Ken Lassiter, Richard Machek, Robert Pawa, Mitchell Marder, Rick Roth, Harvey Berger, Robert Schulbaum, Dagmar Brahs, Myrna Rosoff, and Stuart Caine.

**County Staff:** Commissioner Shelley Vana, Barbara Alterman, Audrey Norman, Arthur Kirstein, Danna Ackerman-White, Monica Cantor, William Cross, Bryan Davis, Kurt Eisman, Cynthia McDougal and Zona Case.

##### 3. Additions, Substitutions and Deletions to Agenda

There were no additions, substitutions or deletions to the agenda.

##### 4. Motion to adopt Agenda

Motion to adopt by Terrence Bailey seconded by Jim Knight. Motion passed (4-0).

##### 5. Adoption of April 2, 2012 Minutes (Exhibit A)

Mr. Bailey moved to adopt, seconded by Barbara Katz. Motion passed (4-0).

#### B. DIRECTORS COMMENTS

Mr. Cross advised that due to staffing, the minutes will be presented in a more summarized format for all future meetings. Every effort will be made to record the important points. He also pointed out that the recorded meetings can be found on the Zoning Division web page, which negates the need for detailed minutes.

Mr. Cross noted the arrival of Commissioner Shelley Vana.

#### C. CONTINUATION OF 4-2-12 DRAFT AMENDMENT DISCUSSION

##### 1. Collocated Uses

Following-up on the last meeting where the question of what is agriculture and what is commercial was discussed, Mr. Cross noted that a request was made for Planning staff to clarify the land use regulations in the Comprehensive Plan and to find out what trips the balance from agriculture to commercial. Mr. Davis explained that:

- Zoning regulates the policies and objectives of the Comprehensive Plan.
- In relation to the Agricultural Reserve (AGR) Tier, the Plan requires limiting uses to agriculture, conservation, and low density residential. The non residential uses should serve the residents of the tier.
- There are several thresholds in the Plan and the ULDC and it is not possible to go beyond the land use without text amendments.
- The possibility to have other uses in the tier is through Special Agriculture (SA) Future Land Use (FLU) regulations which allow more flexibility. There may be other categories under which the proposed uses might fit and he will check to see if there are others that can be used.

Ms. Norman questioned whether green markets were being considered for the site. Mr. Cross clarified that such was being proposed as a collocated use. Clarification was given that Zoning staff has not received exactly of what is desired by industry.

Ms. Vinikoor invited feedback from members of the public. Some of the comments included limiting agriculture marketplace size and remove restrictions to allow grocery sales; to make the site one-stop shop convenient for residents in the area by allowing edibles, while other participants requested to limit the sale of groceries; focus on what agriculture is intended; review the definition of food; support farmers to succeed; and, allow some commercial operations if owner meets criteria to make agriculture a sustainable enterprise.

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Mr. Perry, when asked by Ms. Katz and Mr. Cross to express what Bedners would like to do on the site, stated to include sale of processed products; allow food service (semi-permanent BBQ trailer); have 12 events per year; and, use previous idea to utilize all site intensity to be 30 percent retail sales for food items and agriculture products, 30 percent collocated uses, and 30 percent for institutional uses such a museum in conjunction with educational component. He also clarified that he disagrees with the five percent for sale of grocery items.

Mr. Bailey asked that staff's position be respected as they have to be professional and ensure the regulations are acceptable to a broad cross section and to the Commissioners.

Ms. Katz recommended staff to look for another term other than "*commercial*" activity since it seems to be an issue for the project to develop and requested every effort be made to ensure that the AGR is preserve.

Ms. Norman said her understanding is that Bedners is interested in selling food items only, agricultural tours, and seasonal food events and questioned if they are asking to have food festivals. Mr. Perry responded that he did not ask to sell groceries, just raw, processed or prepared food and have events that enhance holidays.

Mr. Brophy stated his opinion by saying that he has very little disagreement about collocated uses but recommended use the farm product definition contained in the bonafide agriculture state law. Parking and landscaping issues can be overcome and definition of commercial comes down to size and how it is affected by the Plan. Regarding special events he suggested to get ideas from public as to what they would want.

Mr. Bailey made the point that the BBQ trailer is left on site every night. It is not mobile, it is not a restaurant, so it should be termed "*permanent*" if left permanently on site which could become a restaurant in the future. Mr. Knight opined that he is comfortable with either and Ms. Katz suggested the possibility of drafting language to say it is allowed to stay or move. Mr. Perry said the trailer is now parked on site and moved approximately five to six times per year. Hours of operation are 9 a.m. to 6 p.m., seven days a week. Ms. Brinkman recommended that regulations be very clear and suggested a limit of one food truck.

### 2. Special Events

It was explained that the Code only allows three special events per year for not more than 14 consecutive days. The proposed 12 events per year would be better included on approved site plan and monitored by Code Enforcement on a report basis.

Ms. Brinkman recommended that those events related to agriculture be subject to special permit while those that do not meet the agricultural tier intent be presented to the BCC for approval.

Mr. Cross asked industry to fill out the form included in the packet and differentiate if they are special events or activities. Ms. Alterman added that staff has consistently asked what is Bedners business plan and she suggested that they should be mindful that the larger the use the less the agricultural space will be - it turns into a parking lot. Mr. Perry indicated that flow of traffic would be provided individually for every special event and said he would complete the list soon.

### 3. Maximum Overall Square Footage

Mr. Perry expressed appreciation for staff's open mindedness but said 15,000 sq. ft. collocated is too restrictive and is unacceptable. Mr. Bailey pointed that this is 3,000 sq.ft. more than Bedners now have. Mr. Perry responded that additional space is not needed at this time, but if approval is given, they will apply for more at a later date.

Mr. Bailey moved for 0.05 FAR and split it half for produce stand and half for accessory uses. Mr. Davis said he would go back and look at the Plan and discuss further with Management staff to find out if that is possible.

Mr. Knight was comfortable with the 0.05 FAR limited to 1/3<sup>rd</sup> each for produce stand, collocated uses, and institutional, and he moved for approval. Motion approved (4 - 0).

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### **4. Maximum Percentage/Square Footage Permitted for Grocery Sales**

This topic was generally discussed under Collocated Uses at the beginning of the meeting.

### **5. Definitions**

This topic was included in the discussion under Collocated Uses at the beginning of the meeting.

### **D. NEXT MEETING AGENDA**

Depending on feedback from industry, the next meeting will include additional changes to the proposed language presented in the draft.

### **E. ADJOURN**

Mr. Knight motioned for adjournment and Mr. Bailey seconded the motion. The meeting adjourned at 4:15 p.m.