

## EXHIBIT A

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

#### MINUTES OF THE OCTOBER 17, 2011 MEETING

Prepared by Timothy Sanford

On Monday October 17, 2011, the Produce Stand and Related Uses Subcommittee met at the Vista Center, Room VC-1E-58, at 2300 North Jog Road, West Palm Beach, Florida for a third meeting.

#### A. CALL TO ORDER

Ms. Monica Cantor called the meeting to order at 3:05 p.m.

##### 1. Introductions

Those in attendance were asked to introduce themselves.

**Subcommittee Members:** Lori Vinikoor and Jim Knight.

**Interested Parties:** Steve Bedner, Bob Howard, Joni Brinkman, Jeff Brophy, Mark Perry, and Tim Whelan.

**County Staff:** Danna Ackerman-White, Monica Cantor, William Cross, Amy Petrick, Timothy Sanford, and Bryan Davis.

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

No changes were made to the agenda.

##### 3. Motion to adopt Agenda

Motion by Lori Vinikoor, seconded by Jim Knight. Motion passed (2-0).

##### 4. Adoption of August 30, 2011 Minutes (Exhibit A)

Motion to Adopt by Lori Vinikoor, seconded by Jim Knight. Motion passed (2-0).

#### B. REVIEW OF RESEARCH CONCLUSIONS

##### 1. Consistency with the Plan

- Ms. Cantor reminded those attending that this was the last of three Subcommittee meetings originally scheduled and if necessary, she wanted to leave the option opened for additional meetings in case the group did not reach consensus in addressing any Code issues regarding this topic. Ms. Cantor commenced with a PowerPoint presentation which started out entailing the objective of the subcommittee and the Comprehensive Plan provisions applicable to the issues discussed at the subcommittee. She continued with whether a new use would be needed, other than Produce Stand, in order to allow additional sale of products. Ms. Cantor strongly re-emphasized to the Subcommittee that any proposal put forth will ultimately have to be consistent with the Comprehensive Plan.
- Ms. Cantor showed a map of the five Tiers identified in the Comprehensive Plan for Palm Beach County and explained the purposes of each Tier. Ms. Cantor indicated that the expansion of sales in Produce Stand represents a more intense commercial activity more associated with uses such as General Retail Sales. She explained the Subcommittee how Produce Stands are regulated within the Urban/Suburban (US) Tier and how a certain limited number of existing stands are vested from today's current code regulations. She reminded the subcommittee that those sites eventually will be commercial or any other use classification other than agriculture due to the character of surrounding Future Land Use (FLU) designation.
- Ms. Cantor explained that the county only has one active Produce Stand within the Agricultural Reserve (AGR) Tier approved as Class A Conditional Use. She further

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explained how the Comprehensive Plan limits commercial uses in the Agricultural Reserve (AGR) Tier:

- to be permitted in Commercial Low (CL) Future Land Use (FLU) designation;
- to be developed in the form of TMD; and,
- within specific geographic areas pre-identified in the Plan.

She stated that the Comprehensive Plan will have to be reviewed or eventually amended in order for Produce Stands in the AGR Tier to include additional sale of products.

- Mr. Perry stated that he anticipated that a Comprehensive Plan amendment would ultimately be needed since the commercial threshold would have been tripped.
- Ms. Vinikoor asked the Subcommittee if this topic is dead due to the Comprehensive Plan restrictions. Ms. Cantor replied that she wants to keep the meetings open until she gets direction from the BCC.

### 2. Existing Use Status

- Mr. Knight made a comment about Ms. Cantor's PowerPoint slide that referred to a provision adopted in the ULDC in 1995 and then asked how many Produce Stands have been vested and are still operating before that provision was enacted. Ms. Cantor replied that there were 7 Produce Stands operating with required Zoning approvals.
- Ms. Cantor stated that Produce Stands in the U/S Tier can be further analyzed to provide more predictable standards as it was previously suggested by the subcommittee. She also indicated that due to only two sites operating in the Tier, it was suggested to keep the standards as they are due to the fact that the use eventually will evolve into General Retail which do not have restrictions on the type of products to be sold.
- Mr. Knight stated he believed the purpose of the Subcommittee meetings were to relax standards for Produce Stands and to make them more competitive as far as competing with big businesses such as Publix.

### 3. Input from Subcommittee versus Plan Policies

- Ms. Petrick suggested providing the BCC with new code language regarding Produce Stands but at the same time inform the BCC that the Comprehensive Plan is restricting Zoning from moving forward.
- Mr. Perry believed that the first two Subcommittee meetings were constructive as far as generating ideas on Produce Stands related uses and coming to terms on the definitions. Ms. Cantor indicated that in order to understand exactly what industry was envisioning in terms of the use in the Agricultural Reserve Tier, it was necessary for industry to provide some specifics of the use definition and other jurisdictions examples where commercial uses are permitted in agricultural areas. She clarified that as of that moment she has not received any specific use definitions from Mr. Perry as he committed at the previous meetings.
- Mr. Cross stated that there are 2 categorizations of the Comprehensive Plan 1) limitations of Tiers and 2) limitations of future land use. Mr. Cross emphasized that a better definition would be needed for Produce Stand which would include what products can or can not be sold. In addition, he stated location criteria needs to be established.
- Mr. Brophy responded to a previous comment about the continuation of the Subcommittee meetings and expressed interest in continuing the meetings but felt that certain decisions should be vetted by staff before any other meetings proceed.

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- Ms. Vinikoor concurred with Mr. Brophy's statement about continuing the meetings since she believed the Subcommittee had come up with many great ideas that should be implemented.
- Mr. Cross stated that he is fine with continuing the meetings but reminded the Subcommittee that eventually he will have to get direction from the BCC.
- Ms. Petrick believed the next step would be to be asking the BCC about the Comprehensive Plan amendment and providing them with applicable information/suggestions generated from the Produce Stand Subcommittee.
- Ms. Cantor ended the meeting by indicating the conclusion of the subcommittee was going to be presented to the Planning, Zoning and Building Department administrators and any conclusions or further direction will be communicated to the subcommittee participants to eventually reconvene or provide status on next step in the process.

### **C. PUBLIC COMMENT**

None

### **D. ADJOURN**

The Subcommittee meeting was adjourned at 4:20pm