



## **DEVELOPMENT REVIEW ADVISORY COMMITTEE (DRAC)**

**JUNE 9, 2017 2:00 PM-4:00 PM**

**PZ&B – VISTA CENTER**

**2300 NORTH JOG RD., WEST PALM BEACH, FL 33411**

**2<sup>ND</sup> FLOOR CONFERENCE ROOM (VC-2E-12)**

### **MINUTES**

**PREPARED BY ZONING DIVISION STAFF**

#### **CALL TO ORDER**

Called the meeting to order at 2:05 p.m.

#### **MEMBERS PRESENT –**

Scott Mosolf-UDKS

Kevin McGinley-Land Research Management, Inc.

Bradley Miller, Miller Planning

Lauren McClellan-Morton Planning, Landscape Architecture

Yexsy Schomberg, Cotleur & Hearing

#### **INTERESTED PARTIES –**

Brian Chegus, Iplan & Design, LLC

Damian Brink, Schmidt Nichols

#### **ZONING/ENGINEERING/PLANNING/BUILDING -**

Jon MacGillis, Zoning Director

Maryann Kwok, Deputy Zoning Director

Wendy Hernandez, Zoning Manager

Alan Seaman, Principal Site Planner, AR/PI Section

Barbara Pinkston, Principal Site Planner, Zoning Division

William Cross, Principal Site Planner, Code Section

Carrie Rechenmacher, Senior Site Planner, CD Section

Carolina Valera, Sr. Site Planner, CD Section

Adam Mendenhall, Site Planner II, AR/PI Section

Jan Rodriguez, Senior Site Planner, AR/PI Section

Nicole Lewis, Zoning Technician, Admin Section

Nate Wicke, Site Planner II, AR/PI Section

Josue Leger, Site Planner II, CD Section

Bryan Davis, Principal Planner, Planning

Ramsay Buckleley, Deputy Director PZB

Bobby Jagoo, Land Development

Tia Counts, Engineering

Carlos Irizarry, Site Planner II, CD Section

Patricia Rice, Senior Secretary, Admin Section

Nicole Lewis, Zoning Technician, Admin Section

Nate Wicke, Site Planner I, Admin Review Section

Sheri Hack, Site Plan Technician, Admin Section

Yexsy Schomberg, Cotleur & Hearing, assumed the chair position for this meeting since Chair and Vice chair both absent, Meeting began at 2:06 p.m.

### **AGENDA**

#### **1) REVIEW OF THE MARCH 10, 2017 MINUTES - (ATTACHMENT 1)–**

Chair asked if everyone read the minutes and if there were any changes. Seeing no responses from Board Members the Minutes were approved as prepared by staff.

#### **2) REVIEW DRAC OPEN TASK LIST - NO PENDING TASKS–WENDY-**

Wendy stated that there are no DRAC Tasks on our Chart as this time.

**3) NEW DRAC MEMBERS:**

- BRIAN CHEQUIS-IPLAN & DESIGN
- TONY PALUMBO-PULTE GROUP

Mr. Chequis was welcomed to DRAC as a new member. Mr. Palumbo was not present so no action taken on his membership.

**4) UPDATE ON STAFFING: LEAVING AND COMING—JON**

Jon MacGillis had the new Zoning staff introduce themselves:

- Nicole Lewis-Zoning Tech-Administration Section
- Nate Wicke-Site Planner I-Administrative Review Section
- Sheri Hack-Site Plan Tech- Administration Section
- Tia Count, Professional Engineer with Land Development.

**5) ULDC UPDATES—BILL**

➤ **Round 2017-01 BCC Public Hearings—Bill**

Bill went over the list of amendments for Round 2017-01 in detail, focusing on: rounding up of numbers under Art 1-Rules of Construction, Mobile Home Disclosure, unmanned retail structures, LDRAB-removing contractor's representative from Board for lack to participation, etc. He asked if anyone had any specific questions regarding this Round he would be happy to address any concerns. Hearing no questions, he stated the amendments are going to BCC for Permission to Advertise on July 22, 2017, with 1<sup>st</sup> Reading at July Zoning BCC Hearing and August for Adoption.

➤ **Round 2017-02 Scheduling (Aug, Sept. Oct. LDRAB Meetings)— Bill**

- Art. 7, Landscaping & Landscape Subcommittee Updates—**Handout Maryann/Barbara**
- Article 2 Update & General LDRAB Subcommittee—**Maryann**

**Article 7-Landscape** -Maryann provide a handout to Committee Members with bullet points highlighting amendments to Article 7-see below. Barbara Pinkston elaborated on the schedule of the amendments upcoming meetings: June 20, July 12, and August 2 Subcommittee Meeting, LDRAB Meeting August 23, 2017; adoption as part of 2017-02 Round.

As stated above, Maryann provided a handout with a written summary for the DRAC members, and she went through some of the highlights:

- Clarify that planting requirements are based on the Managed Growth Tier System (MGTS) of the County's Comprehensive Plan.
- Relocate specific objectives under Art. 7.A.1.A. 1-8 (e.g. Appearance, Environment... Removal of Prohibited Plant Species, etc.) and combined them under the affiliated Design Principles in Art. 7.A.1.B. This proposed consolidation is to reduce redundancy between these 2 Sections of Art. 7, and provide more realistic types of design principles that can be applied to the site design, and for staff to review and evaluate the merits of the landscape design and use of plant materials.
- Expand the Type 1 Waiver Table to include those existing waivers which are located in other Sections of Art.7. Also update the references in accordance with the proposed Article 7.
- Need input on tree height reduction under the Type 1 Waiver for Landscaping.
- Add palm or pines are a requirement in R-O-W and Incompatibility buffers since they are always included as Conditions of Approval.
- Also clarify that calculation for interior planting for non-residential lots is based on open space only. The prior calculation was based on the entire lot area and is excessive in terms of planting requirements, and does not consider the deduction of buildings, parking lot, etc. Since the Code already requires perimeter buffers, planting for parking areas and foundation planting; therefore, the proposed code will only require planting in the pervious areas only, and adjacent to the retention areas subject to the approval of the Land Development Division.

- Need input on whether we need to include spacing of trees, since the Code already specifies the quantity.
- Under Ordinance 2016-042, the Code has been revised to specify how to measure size of a tree, palm and pine so that it is consistent with the Florida Grades and Standards.
- Clarify that hedges, fences and walls are considered as landscape barriers to provide screening effect. Clarify that Hedge materials are shrubs that are closely planted together to form a visual barrier.
- Allow vinyl coated chain link fence if installed behind a hedge in R-O-W buffer without a Type 2 Waiver process.
- Establish procedures for Vegetation Barricade Permits.
- Relocate the Tree Credit in Chapter E since credit is always affiliated with the Tree Preservation, replacement, etc.
- Working with Shannon Fox, attorney on the consistency between Property Maintenance Code (PMC) and the ULDC. Proposed relocating the maintenance of the vacant residential lots to the PMC.
- Clarify Phasing of landscape installation must follow the approved phasing for a development. For application that has no phasing (i.e. develop under one phase), then all the landscape requirements must be completed prior to the issuance of a Certificate of Occupancy of the facilities.

**Article 2-Processes**-Maryann explained staff is working on reformatting the Article to relocate like information together, providing a separate Chapter just for Comp Plan. Stressed this is a very important Article and needs to be overseen by staff and industry to ensure we streamline processes, timelines, etc. In August there will be a special LDRAB meeting to just focus on Article 2 and 7. Also, there is a concurrent LDRAB General Subcommittee meetings being established to also review Article 2 and provide input/feedback. See the Zoning, Code Page for information on this topic and to stay current on dates and drafts. Jon asked that if anyone has residential or commercial developers who might want to participate on discussion, please let us know so we can invite them to participate.

Maryann provided a handout with a written summary for the DRAC members, and she went through some of the highlights:

- Clarify Categories of Processes- Legislative, Quasi-judicial and Administrative
- Refer all dates in the Code to the annual Zoning Calendar.
- Clarify that most of the applications can be submitted electronically and view comments through eZINFO.
- Add Pre-Application Appointment and encourage all official submittal of applications adhere to what were discussed at Pre-Application Conference or Meeting.
- Add Justification Statement as part of the Submittal requirement.
- Current Chapter B is Public Hearing Process, reassign to Comprehensive Amendments will address/present by Planning Staff.
- Reorganize and consolidate Public Hearing review procedures, which are currently located in different section of the Code in one place.
- Reminder to Agents that Standards must be thoroughly prepared in the Justification statement.
- Clarify the role of DRO who only reviews, certifies and provides a recommendation to the ZC or BCC for their decision.
- Add Concurrent Review process: Types II and III.
- Proposed deletion of Airport Variance based on updated State Stats.
- Pending – where to place the County/Private Initiated Amendment process (Art. 2.B or 2.C).
- Replace the request “Special Permit” with “Temporary Use”. The Authority or decision making person is DRO, and the process is Zoning Agency Review.
- Administrative Modifications comparable to a DOA – Create Tables to clearly identify thresholds of Full DRO and Zoning Agency Review. Combine Zoning review under ZAR because it will be the same staff and same timeline.
- Reasonable Accommodation is a request and is subject to the ZAR process.
- Type 1 and 2 CLFs are requests and subject to ZAR process, and will be further clarified under Art.4, Use Regulations, Supplementary Standards.

➤ **Landscape Service Use LDRAB Subcommittee–Bill**

Bill Cross provide an update on past two Subcommittee meetings. He explained that staff has provide an overview of the prior and current ULDC provisions for this use “landscape service” and Planning explained the Land Use provisions. The next meeting is July 11 at 2 p.m. where we hope industry will bring information regarding the site in the AGR and AR and issues with current code. Bradley Miller, stated he is aware of meetings and issues and Mr. Mark Perry, is representing many of the property owners.

➤ **Privately Initiated Amendments–Bill**

- Reminder – Overview of PIA Procedures/Requirements–**Bill**
- Surf Ranch Florida PIA–**Bill**
- AGR Tier PIA’s–**Bill**

Bill explained the PIA process to everyone. Focused on how an application is initiated LDRAB review, BCC direction and then moving the application on to Phase 2, if BCC supports the amendment. He then focused on an update on Surf Ranch PIA that is in process and status of application. The AGR PIAs are either on hold or staff is coordinating with the Planning staff and applicant.

**6) ZONING COMMISSION AND BCC –ORDER OF PRESENTATION CHANGE BEING DISCUSSED-JON**

Jon MacGillis explained that we have discussed with the BCC, ZC, PC changing the order of presentations to Boards. In 2018 the applicant will do their presentation first then staff will follow. This order of presentation is similar to other jurisdiction in county. Some minor ULDC amendment are necessary to implement this change and they will be part of the 2017-02 Round that staff is currently working on for Article 2.

**7) COLLECTING APPLICATION FEES AT INTAKE–WENDY**

Wendy stated that she recently issued a Memo explaining that all fees need to be collected at intake or applications cannot be accepted. She went over the Memo and asked if there were any questions. Yesky stated the revised process seems to be working well. The Memo can be found on the Zoning Web Page under CD Section, DRO

**8) DRO ADMINISTRATIVE REVIEW–ALAN**

- ONLINE SUBMITTAL-WORKING THROUGH ANY REMAINING ISSUES WITH ONLINE SUBMITTALS
- ONLINE RESUBMITTAL TRAINING BY STAFF FOR AGENTS IN MAY 2017
- TURNAROUND TIME FOR ZONING REVIEW VS. AGENCY REVIEW

Alan Seaman explained that his Section has recently implemented improvements to the ePZB Online resubmittal for DRO Administrative Amendments. He said two training session were offered for Agents to come in to the Zoning Division and staff explained the changes and responded to questions. If any additional training is needed by your staff, simply contact him and he will coordinate the training.

Adam Mendenhall, Site Planner II, provided an update on the application turnaround time for Administrative Amendments, focusing more on the Agency Review. He provided a handout with sample data and analysis of applications turnaround times based on: submittal date, number of resubmittals and date final decision was rendered. He explained that timeframes are met by staff, however what lengthens that process is the number and timeliness of the resubmittals by Agents. Some resubmittals don’t occur for weeks after Agency comments are made available to the Agent thereby extending the application review process by days and even weeks in some cases. Yexsy asked what about when Zoning staff are out of the office who reviews the application(s). Adam stated other Admin Section Staff continue to work on application(s) so deadlines are met. Brian C asked why is it that the Agent is not allowed to simply resubmit at any time in the process rather than having to wait to the official weekly intake date? Adam explained staff needs time to dedicate to their application review time, if they are accepting and processing applications all week their review time will be greatly reduced as well as the quality of their review. Yexsy asked if there is an “expedited review process” that the developers can pay extra money to have staff rush their applications, she is asking since her clients have asked her to inquiry on their behalf in past. Staff responded at this time there is no special process if you pay extra fees, we have limited Agency staff to dedicated to the administrative review process so

we cannot pull staff of the regular review to focus on rush projects.

**9) COMMITTEE MEMBER TOPICS**

- AFFECTED AREA-HOW IS IT DETERMINED AND COORDINATED BETWEEN COUNTY AGENCIES-**BRADLEY MILLER**

Jon MacGillis said staff prepared a PowerPoint in response to Bradley's inquiry to simply offer clear explanation on how the affected area is determined by applicant, confirmed by Zoning and sometimes expanded by other review agencies. Staff sent the PowerPoint to Committee Members prior this meeting, and pulled it up on the screen during the DRAC meeting. We reviewed the ULDC definition of "affected area", as well as examples Bradley provide us. Bradley said his issue is more to the point on how other Agencies than Zoning go outside the affected area and sometimes his client did not authorize them to make changes to that part of the plan. He used an example of Surveying asking for land area outside the affected area to be shown in polygon in order to get final DRO approval. He did it but did not agree with the call by Surveying. Kevin McGinley said does Zoning not make the call on the affected area? Jon MacGillis, explained the applicant shows it on the plan and Zoning confirms it during our initial review of the application to confirm it is correct, however, other agencies have a right to expand the area, if the "impacts" of the request go outside this boundary. Jon said perhaps we should have separate "affected vs. impacted" area so clear on the application of both terms. Everyone agreed that was a good approach.

Several Committee Members requested that Survey staff be invited to the next DRAC meeting in September to address the number of DRO comments they have recently started putting on their projects. Jon said he would invite them. Yexsy said changes to their review need to be made since starting to hold up their projects at DRO. Jon said please reach out to Glenn Mark, and explain concerns directly to him to see if he can offer solutions.

**10) SPECIAL DRAC MEETING TO DISCUSS ARTICLE 2 ULDC AMENDMENTS, AUGUST 8, 2017 2:00 TO 4:00--JON**

As stated above under Item 5, Article 2 Update, staff is seeking DRAC input on the proposed amendments to Article 2, as part of the 2017-02 Round. We value your expertise and knowledge of process to assist us in reviewing the proposed amendments. Staff will be posting Drafts of the amendments to Art 2 under the DRAC Web Page in the next coming months and will send copies of the DRAFTS to members, at least 2 weeks prior to the August 8, special DRAC Meeting.

**11) TOPICS FOR NEXT REGULAR MEETING ON 9-15-17-**

- Invite Survey staff to meeting to discuss their review and DRO comments.
- Justification statement-like to discuss what staff is looking for in terms of a good justification statement: requests, history of project, overview of proposal.

**12) ADJOURNED AT 3:40**