

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

(Updated 02/24/17)

Minutes of February 22, 2017 LDRAB Meeting

On Wednesday, February 22, 2017 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

Vice Chair David Carpenter, called the meeting to order at 2:10 p.m. William Cross, Principal Site Planner, called the roll.

Members Present: 12

David Carpenter (District 2)
Michael Peragine (District 1)
Philip Barlage (District 3)
Jim Knight (District 4)
Lori Vinikoor (District 5) **
Henry Studstill (District 7) *
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 & Mappng. Soc.)
James McKay (AIA)

Members Absent: 2

Wesley Blackman, (PBC Planning Congress)
James Brake (Member at Large, Alt. #1)

Vacancies: 4

District 6
PBC League of Cities
Assoc. General Contractors of America
Member at Large, Alt #2

County Staff Present: 3

Leonard Berger, Chief Assistant County Attorney
William Cross, AICP, Principal Site Planner, Zoning
Monica Cantor, Senior Site Planner

2. Additions, Substitutions, and Deletions

Mr. Carpenter noted that there were no additions, substitutions or deletions, and requested a motion to approve the Agenda.

3. Motion to Adopt Agenda

Motion to adopt the agenda by Mr. Knight, seconded by Mr. Gulisano. Motion passed (10 - 0).

4. Adoption of January 25, 2017 Minutes (Exhibit A)

Motion to adopt by Mr. Knight, seconded by Mr. Gulisano. Motion passed (10 - 0).

B. ULDC Amendments

1. Exhibit B - Phase I PIA 2017-00314, PIPD Commercial Recreation Facilities (AKA Surf Ranch Florida)

Mr. Cross indicated that Exhibit B is a Phase 1 Privately Initiated Amendment (PIA) application from Urban Design Kilday Studios, and briefly reiterated how the two phases of the (PIA) process works. In this particular case, Phase 1 provides a general overview of what the request entails, a staff summary and recommendation, and opportunity for the LDRAB to provide a recommendation on whether or not to recommend initiation of Phase 2. If the BCC gives approval to proceed to Phase 2, additional research and analysis will be performed, and amendment language drafted for presentation to the LDRAB. Mr. Cross also made the following points.

- The request is for de-minimis amendments on paper, but the issue is much larger as it entails amending Planned Industrial Park Development (PIPD) regulations to increase the current limitation on commercial square footage, intended to allow for a commercial recreation use known as Surf Ranch Florida.
- The key point is that a Surf Ranch is not an industrial use and planned industrial parks are intended to encourage investment and job creation in Palm Beach County. Any other support activities are intended to be limited to those that serve workers, residents and customers of those businesses in the park. At the peak of the housing boom in the 2000's, a good portion of industrial lands were lost and since then the County and several municipalities have attempted to preserve its industrial lands.

* Henry Studstill arrived at 2:15 p.m.

- Staff is open to pursuing additional research contingent on entities such as the Business Development Board (BDB) confirming that this will be an asset to the County, meriting the reduction in commercial lands. If the BCC initiates Phase 2 Board approval, Zoning will solicit feedback from other entities before developing regulations to move forward.

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Mr. Cross deferred to Ms. Joni Brinkman, to elaborate on the proposal.

Ms. Joni Brinkman, indicated for the record, that she was representing Urban Design Kilday Studios, and the company will be pursuing a Development Order Amendment (DOA) to allow the proposed use. She further indicated that although this is not project specific, she would be doing a Power Point presentation to give the Board a better understanding of the project, and its proposed location. A power point presentation was used, with key comments as follows:

- The World Surf Lake and the Kelly Slater Wave Company are considering an 80-acre parcel within the Park of Commerce for this project. She surmised that the parcel is not suitable for the type of large scale development that the County is seeking to preserve industrial lands for. The project is being funded privately by a strongly capitalized organization, is anticipated to cost about \$50 million, and there are no expectations of receiving incentives from Palm Beach County.
- She introduced Mr. Brian Waxman, main project leader (present at the meeting), and advised that the development team is seeking to address sustainability. The proposed project will be a man-made lake developed to provide an open barrel wave, probably the longest in the world, noting that the technology has been ten years in development. The lake will be constructed at the east end of the 80-acre tract. Accessory buildings include a learning center, clubhouse, boardroom and training facility.
- An aerial view of the 80-acre parcel, shows it to be irregularly-shaped, 600 ft. wide and 5,000 ft. deep. Ms. Brinkman surmised that the width is not conducive to industrial development such as wholesale /warehouse distribution, and that is reflected in the fact that the parcel has been vacant since 2006, when it was brought into the park. It is located at the north end of the Park of Commerce, just north of the canal that separates it from the rest of the park. Access will be from Seminole Pratt Whitney Road.,
- Ms. Brinkman indicated that the project will bring national recognition to Palm Beach County and promote tourism year-round. This is an up and coming sport which can be used as an innovative tool to attract the types of industries the County is looking for. There will be a training academy and the community will be included in the availability to use the facility for contest events, corporate retreats. Two special events are anticipated during the year where the World Surf League would hold a competition here, attracting athletes from all over the world and focusing national attention on Palm Beach County. These events would be televised on national networks.
- Ms. Brinkman indicated that two options had been developed for consideration:
 - ✓ The preferred option would be to amend the ULDC to allow this use within a IG pod in the Park, subject to Class A Conditional Use approval. The Class A approval allows the BCC to assess the merits of the project and it goes through a Public Hearing process.
 - ✓ The Second option is to amend the ULDC to allow a Commercial Pod to exceed 15 acres in the PIPD. The Park of Commerce was approved in 1981 and exceeds the current 15-acre limit; however that commercial land has been vacant, other than a gas station and a small office building, since the 80s, and the request would be to still maintain the compliance with the 20% limitation but still be allowed to exceed the 15 acres. That would allow a change in the use zone to Commercial General in which this use, the outdoor commercial use is already a permitted use within the PIPD. Again this would be specific to PIPDs in the Bio Research Protection Overlay (BRPO) district and the Park of Commerce happens to be the only one within that district.

Ms. Brinkman also presented a short video of a proto-type developed in California, to illustrate how the surf lake actually functions.

Ms. Brinkman addressed concerns about the PIPD commercial areas being focused on providing services to the workers and the residents in the PIPD and clarified that there is no residential component in this PIPD, however there are workers. Arrangements would be made with the workers and hopefully this would attract more business. In addition, the developers would like to be a community player and offer the availability of the surfs pool to under-privileged children in the area so, the proposal outweighs the concerns about the industrial land. There have been consultations with the Business Development Board (BDB) on this project and hopefully they will have additional information to relay.

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Mr. Cross referred to the second option which is to increase the amount of commercial acreage based on the fact that the use is permitted by right. The provision of the PIPD explicitly states that all those uses have to be intended for the workers and residents of the PIPD, like hotels convenience stores, other uses that would serve those workers – and pointed out that to say it is permitted by right is not entirely correct. This use would not be intended for those clients, so if that option was pursued it would be recommending requiring Class A Conditional Use approval. It is not necessarily countywide because of the limited numbers of PIPD, but if this does not succeed, what would be another use that would try to come in and use this code, and this has to be anticipated. In addition, on the site plan showing the lake being developed, there is some additional land area on that 80-acre parcel that is yet to be developed or shown as what could be developed, and we wouldn't want to open the door to have additional commercial uses on that parcel that is not inter-connected to the PIPD, and didn't intend to serve the workers and residents in the PIPD. It boils down to does this merit consideration on the industrial issue or not.

Mr. Carpenter referred to the increase in commercial in the PIPD that would result and the fact that it is not serving the area, and questioned if there is concern that if something happens to this project, later on, if they left, the commercial would be 20 acres instead of 15.

Mr. Cross responded that both PIPDs in question have acreages that exceed the 15-acre limit, that limit was imposed later. The main thing is that there will be a decrease in the available industrial lands and the potential for other commercial uses to intrude, should this not move forward.

Ms. Brinkman explained that this is the reason the preferred option is to leave it in the IG so nothing is taken out of industrial, and by allowing a Class A Conditional Use on it, if we don't go forward somebody else will be able to use it. She also pointed out that there is additional acreage facing Seminole Pratt Whitney Road and that is another reason to keep it as industrial use zone because there might be some kind of spinoff where smaller flex space users go into that space, and in that way it will be set up for industrial users.

** Mr. Carpenter noted the arrival of Ms. Vinikoor at 2:30 p.m.

Mr. Carpenter asked Mr. Cross to clarify the main concern. Mr. Cross responded that this is a policy question, whereas Zoning has historically been directed to take safeguards to preserve industrial lands.

Mr. Carpenter asked if what is to be considered is not really a water park but whether we want to allow the expanded commercial use in a PIPD and Mr. Cross opined that for types of activities that are called regional attractors – something hard to qualify in words, it is how to define what the type of use would be that merits losing industrial land. It's a trade-off, meaning that it is better for jobs, tourism, industry, investment, attracting other industries and investment to Palm Beach County. These are issues that require policy decisions and/or additional evaluation and input from entities such as the BDB.

Mr. Brian Waxman introduced himself, and responding to a question from Mr. Carpenter, put forward the following reasons why the developers want the Surf Ranch to be located in Palm Beach County:

- The desire to affiliate with the World Surf Lake ownership group and Kelly Slater, one of Florida's well known surfers. They have been working on this technology for ten years.
- Both the Chairman and himself live here. After looking else-where they concluded that Palm Beach County has the amenity base and the population base.
- He respects Mr. Cross' opinion and the BCC's directive on industrial lands but would like to stress that although the site has industrial zoning, it is not an industrial site. The width is 600 ft. and a warehouse could not be erected on it as there is not enough width for roadways, landscape buffers, setbacks, etc.
- There have been consultations with the County Commissioners and also constituents such as the BDB, and everybody is in support because the project will bring jobs, tourism and real estate taxes to a place that has been and is currently undeveloped.
- He opined that it is a very interesting business and he expects it will become a community amenity. The aim is to create something that is compatible within the PIPD, but has longevity to it. The idea behind the technology is that it opens up the base so that it is easier, there is better access, safer and more predictable.

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Mr. Knight expressed the view that the project will be a success and he foresees a hotel component and other potential uses. Most people who come will want to stay there. Ms. Brinkman clarified that this would be more in the policy area. The project will be in the Bio-Research Protection Overlay and the United Tech Overlay, and that overlay creates issues with having a hotel in the area. There is a small part in the commercial area within the PIPD that could support a hotel so this may be an option that could be created, but we would not be able to have a hotel on this parcel. Mr. Knight was of the view that regulations may change overtime where a hotel would be possible and he expressed support for the project. A surfer himself, he questioned whether the waves would be lefts and rights.

Mr. Waxman responded that one has been built and with the technology and the worldwide demand, it will be a bi-lateral wave. They are developing the left so that it goes west to east directly into the predominant wind, so it would primarily be an off-shore left-facing barrel wave. Mr. Waxman also spoke of collaboration with PGA National and the positive impact this project will have on tourism and the hospitality business. He anticipates that summer will be the busiest time. There are no plans for a hotel, selling food or beverage, but there will probably be an ancillary industrial facility for vendors of this park so they can manufacture, create and distribute stuff. He expects a boom to that local area, and the North County.

Mr. Waxman also replied to Mr. Barlage's inquiry on whether this will be an open air recreational type complex for entertainment but will it have the open air arena for seating, and if so, how many people can be seated. He clarified that there will be grassy areas for everyday use, permits will be pulled for special events; temporary grand stands will be brought in, similar to the Honda Classics; there will be a yearly world tour event where approximately 8 – 10 thousand people will attend, but ordinarily, just grassy open areas. He further said that they have approximately eleven events around the world through the year in various countries and have partnerships with ABC and ESPN.

In response to Mr. Gulisano's inquiry about the percentage of the Park which is built at this time, Mr. Cross replied that he did not have the percentage but the photos showed that their biggest tenant is a multi-storied Walgreen's distribution center, several smaller industrial tenants, with a gas station, but that the park was largely undeveloped otherwise. Mr. Gulisano responded that it is not very credible that the property just sat there, and roads could be put in and some small buildings, so there could be other uses for the property. The only thing this project would be violating is the fact that instead of having a self-contained industrial park where people work and live and recreate in the park, it would be bringing people from out of the area, but yet generating a nice feature. He opined that it is not a Zoning decision, but a policy decision, which should be made by the BCC. Practically speaking it's a great idea.

Ms. Vinikoor made a Motion to recommend initiation of Phase 2, and expressed that during the process staff will get additional information that might bring a successful resolution to the concerns, seconded by Mr. Gulisano. Motion passed (12-0).

C. PUBLIC COMMENTS

There were no public comments.

D. STAFF COMMENTS

Mr. Cross informed the Board that he had been directed to request that the LDRAB convene a Subcommittee to assist in evaluating potential ULDC amendments related to the Landscape Service industry. He reminded former Use Regulation Project (URP) sub-committee members, Ms. Vinikoor and Mr. Knight, that there had been discussions on Landscape Services, with emphasis on the AGR Reserve Tier. Existing provisions in place since the 90s allowed for a Landscape Service to be an accessory to a Nursery, noting that these uses were often vertically integrated – whereas, farmers who grow nursery stock, sell plants, install plants, and there is not much harm in letting them offer accessory services to trim plants, provided such use remains subordinate to the Nursery. He advised that there has been a recent increase in the number of Code Enforcement violations filed for illegally established Landscape Service or Contractor Storage Yard uses, predominantly in the AGR Reserve Tier. He further clarified that this is not a Tier specific issue, with similar issues having been identified in the Rural and Urban/Suburban Tiers. He advised that representatives from the AGR Tier that had been in discussions with staff during the URP, were invited to a meeting where it was agreed to roll back few of the minor changes that had been proposed to assist Code Enforcement, primarily by clarifying the accessory terminology and location standards. While the postponement may not necessarily

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allow many of the businesses that were cited to come into compliance, it would allow additional time to for the industry to provide feedback. We are going to follow up with a subcommittee, bring industry to the table to see if we can better clarify when they are truly accessory and when they are not, and if they are not, what policy changes may be necessary to allow them to continue in the AGR Reserve Tier or elsewhere.

The following members volunteered to be subcommittee members: Mr. Knight, Ms. Vinikoor, Mr. Gulisano, Mr. Strowd, Mr Barlage, and Mr. Peragine.

Responding to an inquiry from Ms. Vinikoor regarding the AGR 60/40 requirements, Mr. Cross explained that the 60/40 is for preserve areas for Agricultural Reserve Planned Unit Development or Traditional Marketplace Development, to encourage and allow for farming, water conservation and other specific uses stated in the Comprehensive Plan. The Landscape Service use is not among those uses, so that is one of the uses that industry might be requesting to allow to be in a preserve.

Mr. Berger noted that the Code frequently uses limitations for accessory uses as a guidepost to determine whether it really is subordinate to the principal use, because if 80% of your income is having trucks pay to park at your nursery, then it is not accessory to your nursery. He surmised that there may be other options that could be considered to provide more practical, easier to understand regulations. He also indicated that everything is open for discussion in different aspects of businesses.

Motion by Ms. Vinikoor to nominate the six members listed to be on the sub-committee, seconded by Mr. Carpenter. Motion passed (12 - 0).

Mr. Cross informed the Board that the following are scheduled to be presented to the BCC the following day: Adoption: Use Regulations Project and the Medical Marijuana Moratorium; First Reading: Western Communities Residential Overlay (WCRO); Request for Permission to Advertise: FPL Privately Initiated Amendment. The packets are online on the BCC Hearing webpage.

Ms. Vinikoor expressed displeasure that the Kennels on Residential properties in the AGR and AR districts was included in the adoption of the Use Regulations Ordinance and that the Alliance of Delray wrote a letter to the BCC, but acknowledged that Animal Care and Control (ACC) supported the request.

Ms. Vinikoor recalled that LDRAB made a motion to recommend against the use. Mr. Cross confirmed that the code provides supplementary standards for the proposed use, which is more stringent than those for private accessory kennels. A private homeowner under today's code is allowed to construct a dog run, however the dog can be left unattended, which would not be allowed with the new use, which requires supervision by the homeowner. Mr. Berger noted that staff supported it because the ACC supported it.

Ms. Vinikoor stressed that these are residential properties and her objections were strongly supported by Mr. Carpenter.

Mr. Bailey reminded members that LDRAB is an advisory board. Staff did what their job is, the LDRAB did what their job is.

ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 4:00 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 _____ Date _____