

EXHIBIT A

PALM BEACH COUNTY
LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

Minutes of April 23, 2014 Meeting

On Wednesday, April 23, 2014 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 2:03 p.m. Zona Case, Code Revision Zoning Technician, called the roll.

Members Present: 14

Wesley Blackman (PBC Planning Congress)
David Carpenter (District 2)
Richard Kozell (District 1) **
Barbara Katz (District 3)
Jim Knight (District 4)
Lori Vinikoor (District 5)
Michael Zimmerman (District 6) *
Raymond Puzzitiello (Gold Coast Build. Assoc.)
Joni Brinkman (League of Cities)
Terrence Bailey (Florida Eng. Society)
Jerome Baumohl (AIA)
Edward Tedtmann, Environmental Organization)
Frank Gulisano (PBC Board of Realtors)
Leo Plevy (Member at Large, Alt.)

Members Absent: 3

Gary Rayman (Fl. Surveying & Mapping Society)
Henry Studstill (District 7)
James Brake (Member At Large, Alt.)

Vacancies: 2

(Assoc. General Contractors of America)
(Condominium/HOA Association)

County Staff Present:

Leonard W. Berger, Chief Assistant County Attorney
Mary Ann Kwok, AICP Chief Planner, Zoning
William Cross, AICP, Principal Site Planner, Zoning
Lauren Dennis, Site Planner II, Zoning
Zona Case, Zoning Technician, Zoning
John Rupertus, Senior Planner, Planning
Erin Fitzhugh, AICP Senior Planner, Planning

2. Additions, Substitutions, and Deletions

Mr. Cross stated there are changes to Exhibit C which will be read into the record when Exhibit C is addressed.

3. Motion to Adopt Agenda

Motion to adopt by Mr. Puzzitiello, seconded by Ms. Vinikoor Motion passed (12 – 0* **).

4. Adoption of February 26, 2014 Minutes (Exhibit A)

Ms. Vinikoor stated that the March 26, 2014 minutes did not reflect the discussion on whether a wall would be required as part of adverse impacts of the bay door orientation PIA. Motion to adopt as amended by Mr. Gulisano, seconded by Mr. Puzzitiello. Motion passed (12-0* **).

* Michael Zimmerman arrived at 2:05 p.m.

** Richard Kozell arrived at 2:08 p.m.

B. ULDC AMENDMENTS

1. Exhibit B – Modifications to BCC/ZC Approvals

Ms. Dennis explained that the exhibit addressed Development Review Officer (DRO) administrative addition of square footage to buildings on sites approved by the Board of County Commissioners (BCC) and Zoning Commission (ZC). The provision clarifies the ability to add five percent or 5,000 square feet for any freestanding building or structure and cannot exceed 5,000 square feet of the total approved square footage for the whole development. Ms. Dennis clarified that the additional square footage does not allow creation of new freestanding buildings or structures.

Mr. Knight inquired how staff determined the five percent or 5,000 square feet limitation and whether it would apply to county projects as well. Ms. Dennis clarified the limitation was existing code and this amendment was a clarification of the existing thresholds and the standard applied to all non-residential projects approved by the BCC or ZC.

Ms. Brinkman requested clarification on whether the 5,000 square feet allowable for the entire project could be added incrementally throughout the entire development. Ms. Dennis responded in the affirmative and further indicated that it would be banked until the maximum addition for the entire development was reached.

Motion to adopt by Mr. Puzzitiello, seconded by Ms. Vinikoor. Motion passed (14 – 0).

2. Exhibit C – RVPD Real Estate Sales Office

Ms. Brinkman advised that she would recuse herself from discussions on Recreational Vehicle Planned Development District (RVPD) Real Estate Sales Office, and provided Voting Conflict Form 8B.

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Mr. Cross outlined that this amendment was to clarify a temporary sales offices would be permitted as an accessory use to the Recreational Vehicle Planned Development (RVPD), and a permanent sales office would be allowed in a commercial pod.

There was no Board discussion.

Motion to adopt by Mr. Gulisano, seconded by Ms. Vinikoor. The motion passed (13 - 0).

3. Exhibit D – Economic Development Center

Mr. Cross explained that Economic Development Center (EDC) is being added to the ULDC to address the EDC Future Land Use (FLU) designation in the Comprehensive Plan. Mr. Cross clarified that the Code needs to identify the uses permitted in EDC even though in the past it has been interpreted as industrial FLU category, subject to compliance with the Comprehensive Plan. He indicated that during the upcoming years, the Comprehensive Plan may be updated to clarify the EDC in greater detail and at such time, the ULDC will be updated for consistency as well.

Mr. Cross further clarified that the EDC is intended to allow for clean industrial uses, corporate headquarters, and research and development.

Ms. Brinkman asked why General Repair and Maintenance would be permitted and Limited Repair and Maintenance is not permitted as it is a less intense use when compared with the approval in PIPD Industrial Light Use Zone. Mr. Cross stated staff will review the two uses further within the Multiple Use Planned Development (MUPD) with an EDC FLU designation. The approval process is included here as a placeholder and further detailed revision will be done as part of the Use Regulations Project.

Mr. Baumoehl requested clarification that General Daycare in the EDC is subject to DRO approval and whether Government Services are permitted by right in an MUPD with an EDC FLU. Mr. Cross stated General Daycare is subject to DRO approval and Government Services are permitted by right.

Mr. Bailey inquired about Enclosed Gun Club as a Class A Conditional Use which seems incompatible with the intent of the EDC. Mr. Cross stated they are encouraged to be in industrial areas which are away from residential areas. Mr. Cross clarified that staff will review the Gun Club use within an MUPD with an EDC FLU if the board gives direction to staff to do so.

Ms. Brinkman inquired as to why a Fitness Center is allowed in Industrial Light Use Zone of a Planned Industrial Park Development (PIPD) and why it is not allowed in an MUPD with an EDC FLU designation. Mr. Cross clarified the Fitness Center could be an accessory use to a corporate headquarters with in an MUPD with an EDC FLU designation and not be open to the public. He further advised that the subject was being addressed as part of the Use Regulations Project.

Ms. Vinikoor requested clarification on why a Recycling Center is permitted within an MUPD with an EDC FLU designation. Mr. Cross clarified by indicating that this use is not as intense as heavy industrial uses, which are not permitted in EDC. This particular use does not include crushing or activities of that nature.

Mr. Cross and Ms. Kwok clarified that Class A Conditional Use and Requested Use represented with "A" and "R" respectively in the use matrix are the same Board of County Commissioners approval process which will be consolidated as part of the Use Regulation Project.

Mr. Cross stated that the approval process for Manufacturing and Processing will be changed from the proposed permitted by right to Class A Conditional Use since the use matrix will be showing the most restrictive approval process. If the use operates indoor, the approval process shall be reduced, therefore the use standards will be reflecting that approval process option.

Mr. Bailey requested clarification as to why Light Manufacturing Agriculture is not permitted in the EDC. Mr. Berger and Mr. Cross stated the use is related to agricultural production.

Ms. Brinkman requested staff to ensure the proposed exhibit prohibiting "large amounts of material transfer" under the proposed use limitations applicable to MUPD and PIPD in Article 3 of the Code, would not encompass warehouse distribution centers and turn prohibit them. Mr. Cross stated staff will be looking to tighten up use limitations and would have specific design criteria to cluster noisy and more intense uses to avoid affecting uses which are clean industrial

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uses. Mr. Cross stated the County Attorney's office has requested more quantifiable language with regards to clustering.

Mr. Baumoehl requested clarification of the maximum lot coverage and setbacks in the MUPD Property Development Regulations table. Mr. Cross indicated that the information was carried over from existing requirements applicable to the Industrial FLU designation.

Ms. Brinkman requested clarification of Table 3.E.5.D and footnote 1. Ms. Fitzhugh clarified the original implementation of EDC and PIPD prior to the proposed exhibit.

Motion by Ms. Vinikoor, seconded by Mr. Carpenter with attention to Manufacturing and Processing and further quantifying the use limitations as to the noise and large amounts of material transfer. The motion passed (14-0).

C. PUBLIC COMMENTS

None.

D. STAFF COMMENTS

Subcommittees

1. May 28, 2014 LDRAB Meeting Discussion

Mr. Cross explained there are multiple amendments scheduled for the May LDRAB, including the proposed Minto amendments, and various options for presentation of the May items were discussed. Consensus was to have the May LDRAB meeting start at 1 p.m. and make the Minto exhibit time certain at 2:30 p.m. if the item is not postponed. [Editor's note: Since the April meeting, the Minto amendment request has been rescheduled to the June LDRAB meeting. LDRAB members were notified via e-mail and the County's Minto webpage has been updated accordingly.]

Ms. Cantor reminded LDRAB members that the Commercial Uses survey is open until May 30, and invited Board members to the Commercial Uses Kick-Off meeting on May 15, 2014 at 1:00 p.m. at Vista Center.

F. ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 3:12 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:

Lauren Dennis

Lauren Dennis 5/29/14

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Joni Brinkman, hereby disclose that on April 23,, 20 14 :

(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of Urban Design Kilday Studios, by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Exhibit C - RVPD Revisions

Our company is currently processing a RVPD application and although the item is County initiated, our firm has been coordinating with staff in regard to the item.

4-23-14

Date Filed

Joni Brinkman
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.