

EXHIBIT A

**PALM BEACH COUNTY
LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)**

Minutes of February 26, 2014 Meeting

On Wednesday, February 26, 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 2:02 p.m. Zona Case, Code Revision Zoning Technician, called the roll.

Members Present: 14

Wesley Blackman (PBC Planning Congress)
Richard Kozell (District 1)
Barbara Katz (District 3)
Jim Knight (District 4)
Lori Vinikoor (District 5)
Michael Zimmerman (District 6)
Henry Studstill (District 7)*
Raymond Puzzitiello (Gold Coast Build. Assoc.)
Joni Brinkman (League of Cities)
Terrence Bailey (Florida Eng. Society)
Jerome Baumoehl (AIA)
Edward Tedtmann, Environmental Organization)
Gary Rayman (Fl. Surveying & Mapping Society)
Leo Plevy (Member at Large, Alt.)

Members Absent: 3

David Carpenter (District 2)
Frank Gulisano (PBC Board of Realtors)
James Brake (Member At Large, Alt.)

Vacancies: 1

(Assoc. General Contractors of America)

County Staff Present:

Rebecca D. Caldwell, Executive Director, PZ&B
Jon MacGillis, ASLA, Zoning Director
Mary Ann Kwok, Chief Planner
Lenny Berger, Chief Land Use County Attorney
John Rupertus, Senior Planner, Planning
Monica Cantor, Senior Site Planner
Lauren Dennis, Site Planner II
Scott Rodriguez, Site Planner II, Zoning
David Nearing, AICP, Site Planner I, Zoning
Zona Case, Zoning Technician, Zoning

2. Additions, Substitutions, and Deletions

Chair Blackman noted two items to be included in the agenda: the amendments to the agenda hand out; and, the Palm Beach County Charter booklet.

3. Motion to Adopt Agenda

Motion to adopt by Ms. Vinikoor, seconded by Mr. Puzzitiello. Motion passed (13 - 0)*.

4. Annual Election of Chair and Vice-Chair

Motion to re-elect Wes Blackman as Chair by Ms. Vinikoor, seconded by Ms. Katz. Motion passed (13 - 0)*. Motion by Ms. Vinikoor to re-elect David Carpenter as Vice-Chair, in absentia, seconded by Mr. Puzzitiello. Motion passed (13 - 0)*.

5. Adoption of October 23, 2013 Minutes (Exhibit A)

Mr. Tedtmann stated that he was satisfied with the changes he requested at the November 13, 2013 review. Motion to adopt by Mr. Puzzitiello, seconded by Ms. Katz. Motion passed (13-0)*.

* Henry Studstill arrived at 2:06 p.m.

6. Adoption of November 13, 2013 Minutes (Exhibit B)

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

B. ANNUAL ORGANIZATION DISCUSSION

Ms. Cantor provided a brief overview on the following:

- Internet links to LDRAB/LDRC rules and regulations applicable to members;
- 2013 LDRAB members attendance report;
- Summary of ULDC amendments adopted in Rounds 2013-01 and 2013-02;
- Current LDRAB members list and schedule of 2014 LDRAB meeting dates (including a special meeting on June 25);
- Zoning Director's memo on deadlines for agencies and privately initiated amendments;
- Proposed amendments for Round 2014-01; and,
- Update on active subcommittees.

Mr. Tedtmann inquired if the Inland Logistics Center and Minto West Amendments would be reviewed by the BCC. Mr. MacGillis said that Inland Logistics Center is in preliminary discussions with staff and will require amendments before submitting an application to rezone. Minto West is in the Public Hearing process and will also require amendments concurrent with

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a rezoning application. All amendments will be presented to the LDRAB prior to going before the BCC.

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

C. ULDC AMENDMENTS

1. Exhibit C – Additional Amendments to Recycling Plant Use (Industrial Uses presented on October 23, 2013 to LDRAB)

Ms. Brinkman advised she would be recusing herself from any discussion or vote on this exhibit, and provided Voting Conflict Form 8B.

Ms. Cantor advised that the previously reviewed amendments were revised in response to feedback from industry and recycling plant owners who pointed out minor issues related to collocated Chipping and Mulching uses. A Recycling Plant will most likely be revisited when Chipping and Mulching is reviewed under Utilities Uses. Ms. Cantor responded to a question from Mr. Knight by stating that recycling of building materials on site related to construction is not covered by the Recycling Plant amendments.

Motion to adopt by Ms. Vinikoor, seconded by Mr. Puzzitiello. Motion passed (13 – 0).

2. Exhibit D – Recreation Uses

Mr. Cross outlined how the Use Regulations Project amendments would be presented by staff.

Ms. Brinkman advised that she would be recusing herself from discussions on Campgrounds and Recreational Vehicle Planned Development District (RVPD), and provided Voting Conflict Form 8B.

Staff presented all recreation uses and LDRAB discussed the following:

- **Campground** - Mr. Baumoehl asked for clarification on "180 days" (Page 33, Line 12). Mr. Nearing explained that Florida Statutes allow a unit on site indefinitely and "180 days" refers to the occupant and not the unit. Mr. Cross agreed with Mr. Baumoehl that the language could be misconstrued and suggested deletion of "other than caretakers". In addition, Mr. Baumoehl expressed the view that 500 sq. ft. seems excessive for a porte cochere on a camping cabin (Page 34, line 8). Staff advised that this standard was developed at the time of Lion Country Safari RVPD and that changing would create non-conformities. No action was taken on this issue.
- **Fitness Center** – Mr. Kozell made the observation that the change in the approval process (Page 37, Line 20 to 22) will make it harder for properties in the Community Commercial (CC) Zoning District. The previous language permitted by right up to 15,000 sq ft, and the change in the text has lowered the square footage to 8,000 sq. ft. Ms. Cantor clarified that the deletion of 15,000 sq. ft. was made for consistency between the minimum SF permitted in the CC Zoning District before it is subject to DRO approval as contained in the DRO Thresholds table in Article 4 of the Code. Mr. Cross agreed that the change inadvertently precludes uses previously permitted. Changes will be made to reflect that parcels in the CC Zoning District with less than 15,000 sq. ft. will be subject to DRO approval. Mr. Kozell requested change of the Use Matrix to show permitted use under CC in the light of the discussion. Ms. Cantor clarified that the Use Matrix must show the most restrictive approval process in order to avoid confusion.
- **Golf Course** - Ms. Vinikoor spoke of her concern about the use of pesticides on golf courses which could be detrimental to bees and wash into waterways, negatively impacting best management practices on farms. Ms. Caldwell added that the Palm Beach County Fertilizer Ordinance includes requirements for commercial and personal applications of fertilizer and addresses the main purpose of preserving water quality directly through the Agricultural Extension Office. She continued by clarifying that there is both local and state authority. Palm Beach County Code Enforcement staff is responsible for citing and their thorough training process is performed by the Agricultural Extension Office, so the County and others have the authority to cite in addition to the Department of Environmental Protection (DEP). The fertilizer issues are covered and while more needs to be done to protect the bees, this is not the vehicle to accomplish it.
- **Outdoor Shooting Range** - (Page 43) the Chairman expressed curiosity about the separation distance of 1320 ft. Mr. Rodriguez said it is a quarter of a mile and was

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arrived at through research of several municipalities that use separation distance as a regulatory tool. Mr. Rodriguez also confirmed that per Florida law, private ranges are exempt.

Mr. Plevy inquired about using gauges as a regulatory tool and Mr. Rodriguez explained that "shooting activity" is preferable as gauges or caliber is too specific. Every effort has been made to lay the groundwork for staff and others to make sure the design of the range is safe. Mr. Cross added that proposed standards will provide guidance to staff in reviewing different types of ranges to address necessary safety measures.

Motion by Ms. Vinikoor to vote on Campground and RVPD including the amendments to Campground. Motion passed (13 - 0).

Motion on remainder of Exhibit D by Mr. Puzzitiello, seconded by Ms. Vinikoor. The motion passed (14 - 0).

D. PUBLIC COMMENTS

There were no public comments.

E. STAFF COMMENTS

1. Subcommittee (Status/Members)

- a. **LED (Light Emitting Diode) Signage:** Mr. Cross noted that the BCC requested that the use of LED signage be researched for various uses, including gas stations or drugstores. This topic will need the assistance of a subcommittee and he asked members to volunteer.

Motion by Mr. Puzzitiello to appoint Mr. Knight, Mr. Baumoehl and Mr. Bailey as members of the LED Subcommittee, seconded by Ms. Vinikoor. The motion passed (14 - 0).

- b. Ms. Cantor said that the next meeting of the Landscape subcommittee will be held on March 19, 2014.
- c. The next meeting of the Use Regulations Subcommittee is tentatively scheduled for March 18.

2. Subcommittee Members - Appointment Regulations

Ms. Cantor indicated that Mr. Knight had inquired if Subcommittee participants could be allowed to vote on Subcommittee matters when there was not a quorum present. She pointed out that the ULDC required that Subcommittee members could only be appointed by a majority vote by the LDRAB.

3. Special LDRAB Meeting on June 25, 2014

Mr. Cross advised that a special LDRAB meeting was needed in June due the timing of Comprehensive plan amendments related to the Minto West project, as mentioned earlier under initiation of Round 2014-01 amendments. Mr. Tedtmann asked if these were arrangements to accommodate the Minto West project and Ms. Caldwell replied that property owners have the right to petition and to have their amendments scheduled. This is not unusual and not a special accommodation as it is what Zoning does. Updates on Planning and Zoning applications for Minto West can be found on the Zoning web page.

F. ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 3:53 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  3/26/14

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 February 26, 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 - Recycle Plant Revisions

Exhibit D - Campground and RVPD Revisions Only

Our company is currently processing a RVPD application and

subsequent to the first LDRAB meeting on Recycle Plants, assisted a client

and coordinated with Zoning in regard to the proposed revisions.

2-26-14

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.