

**EXHIBIT A**

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

(Updated 11/15/18)

**Minutes of November 14, 2018 LDRAB/LDRC Meeting**

On Wednesday, November 14, 2018, the Palm Beach County Land Development Regulation Advisory Board (LDRAB), met in the Ken Rogers Hearing Room, (VC-1E-60), at 2300 North Jog Road, West Palm Beach, Florida.

**A. Call to Order/Convene as LDRAB**

**1. Roll Call**

Vice Chair, Dr. Lori Vinikoor, called the meeting to order at 2:03 p.m. Zona Case, Code Revision Secretary, called the roll.

**Members Present: 10**

Lori Vinikoor (District 5)  
Joanne Davis (District 1)  
Drew Martin (District 2)  
Derek Zeman (Fl. Surveying & Mapping)  
James Knight (District 4)  
Myles Basore (District 6)  
Terrence Bailey, (Fl. Engineering Society)  
Daniel Walesky (Gold Coast Bld. Assoc.)  
Anna Yeskey, (League of Cities)  
Charles Drawdy (Assoc. Gen. Contractors of America)\*

**Members Absent: 7**

Wesley Blackman (PBC Planning Congress)  
Philip Barlage (District 3)  
Robert J. Harvey District 7)  
Frank Gulisano, (Realtor's Assoc. of the Palm Beaches)  
Xavier Salas, (AIA)  
Abraham Wien (Member at Large, Alt. 1)  
Winifred Park Said (Member at Large, Alt. 2)

**County Staff Present:**

Jon MacGillis, Zoning Director  
Wendy Hernandez, Principal Site Planner  
Jan Rodriguez, Senior Site Planner  
Leonard Berger, County Attorney  
Scott Rodriguez, Senior Planner, Planning  
Zona Case, Zoning Technician, Zoning

**Vacancies: 1**

Environmental Organization

**2. Additions, Substitutions, and Deletions**

Dr. Vinikoor noted an add-delete sheet and asked the Board to approve, along with the agenda.

**3. Motion to Adopt Agenda**

Motion to adopt the agenda by Mr. Knight, seconded by Mr. Bailey. Motion passed (9-0).

\*Mr. Drawdy arrived at 2:05 p.m.

**4. Adoption of October 26, 2018 Minutes (Exhibit A)**

Motion to adopt the Minutes by Mr. Martin, seconded by Mr. Bailey. Motion passed (10-0).

**5. Public Comments**

There were no public comments

**B. ULDC AMENDMENTS NEW**

**1. Exhibit B - Article 4 - Adult Entertainment and Place of Worship**

Ms. Hernandez explained that the amendment exempts the requirement for Adult Entertainment to be subject to Conditional Use approval by the BCC from all thresholds in the code, as uses that exceed a maximum square footage in certain zoning districts are subject to BCC approval. The same amendment applies to Places of Worship in Part 2 of the Exhibit, and both address First Amendment issues.

Motion to approve by Mr. Knight, seconded by Ms. Davis.

Discussion: Mr. Martin opined that there should be an avenue for neighbors to voice concerns about Adult Entertainment. Mr. MacGillis explained that for approximately 20 years approval has been by Special Permit, administratively, and churches were approved under Conditional Use by the Board.

The Motion passed (10-0).

**C. ULDC AMENDMENTS-REVISIONS AFTER 10/24 LDRAB**

**1. EXHIBIT C - ARTICLE 7 – LANDSCAPING**

Ms. Hernandez indicated that this Exhibit was presented to the LDRAB previously and relates to Article 7, Landscaping, and how to rectify removal and replacement of trees. Since then the County Attorney's office and Zoning staff have been working with FPL on the relationship of trees planted in proximity to power lines. Ms. Hernandez incorporated a Power Point presentation with changes on the add/delete sheet, to clarify the modifications to the original presentation. She highlighted the following points:

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- Part 1, page 3, Reasons for amendments are modified to remove overhead power lines from the Type 1 Waiver Table, as the Code is being modified to allow changes to the minimum tree sizes, palms and pines, and this will be done administratively by right.
- Part 2, page 4, minor change to the original standards for Removal and Replacement adding “proximity of the tree to the overhead electric utilities”.
- Part 3:
  - Page 5, adding reference and exemption from heights – allow shorter palms; line 7 Reasons for amendment, and lines 20-42 addition and reference to “Right Tree, Right Place”;
  - Page 6, lines 1-8, include graphic on how to measure large trees using language from “Right Tree, Right Place”
- Part 4:
  - Pages 6-7, added reference to an exemption from the average if there is an overhead utility;
  - Page 7, add/delete, lines 37-39, strike out exemption from minimum height as pines do not have varied heights.
- Part 5, page 9, line 6 add chapter reference.
- Part 6, page 10, lines 42-43, add reference to FPL “Right Tree, Right Place

The Vice Chair suggested looking at replacing the term “Right Tree, Right Place”, in case FPL changes that terminology. Mr. MacGillis recommended retaining it at this time.

Mr. Walesky inquired if the intent is to allow for variation of species. Mr. MacGillis explained that in the past the code stipulated 12ft trees, and last year change related to average height was adopted because of the difficulty in getting enough 12ft. trees. An average calculation was done to determine the amount of trees, and it was decided to keep the same number and allow height variation. Besides, the intent is not to have tall trees near the wire.

Mr. David Lee, representing FPL Company, referred to the strike out on page 1 of the add/delete sheet - the text located under setbacks on page 5, Section 5.a.5. Ms. Hernandez clarified that this is addressed on page 6, under Figure 7.C.5.a. Mr. Lee also added that he would like to ensure that trees that will become a problem to the power lines when they mature, causing potential outages, will not be planted. He also explained that FPL will be working with the Counties and if there is going to be a change of the term “Right Tree, Right Place” the company will advise, but he did not foresee a change of that term any time in the near future.

Motion to adopt by Mr. Knight, seconded by Ms. Davis.

Discussion: Mr. Martin expressed concern about replacing canopy trees with palms and said he would like to discourage this as palms are not conducive to wild life.

Ms. Davis pointed out the following for administrative correction:

Page 4, line 27 – “specie” – should be “species”. Correct wherever necessary.

Page 9, line 8 – “removed”- should be “removal”

Page 10, line 4, - the term “similar specie” was discussed and it was decided to use the language-”replace by a similar tree, palm or pine.”

The motion to adopt with corrections, passed (9-1). Mr. Martin voted nay

#### **D. ADJOURN AS LAND DEVELOPMENT REVIEW ADVISORY BOARD (LDRAB) AND CONVENE AS LAND DEVELOPMENT REGULATION COMMISSION (LDRC)**

##### **1. Proof of Publication**

The Vice-Chair acknowledged Proof of Publication and Mr. MacGillis also confirmed publication.

##### **2. CONSISTENCY**

The Chair acknowledged receipt of Consistency Determination from the Planning Division and Mr. Scott Rodriguez confirmed that the amendments to Exhibits B and C are consistent with the Comprehensive Plan.

Motion to accept Planning Department Consistency Determination by Mr. Knight, seconded by Ms. Davis. Motion passed (10 – 0).

#### **E. ADJOURN AS LDRC AND RECONVENE AS LDRAB**

#### **F. PRIVATELY INITIATED AMENDMENTS (PIA’S)**

##### **1. Exhibit D, PIA-2018-2043 Renewable Energy Solar Facilities**

Mr. Matthew Silver, FPL Project Manager, updated the Board on Solar energy facilities in Palm Beach County informing them that the company has close to 1000 mega-watts, 14 major facilities on line, and more coming this year. All sites have several unique advantages, namely, no lights at night, virtually

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silent, no increased traffic as they are unmanned facilities, no water or fuel, are seated low to the ground and can power 15,000 homes. He showed an example of the sites and panels.

The presentation was turned over to Ms. Joni Brinkman, Urban Design Kilday Studios, who stated that the Privately Initiated Amendment (PIA) is being presented to the Board for their recommendation. There have been pre-application meetings with staff and the proposed amendments listed below will make changes in Articles, 3, 4 and 5:

- ✓ Revision of definition of solar energy
- ✓ Rezoning not required – (AP/AR)
- ✓ Not proposing setback changes
- ✓ Outside of Urban/Suburban Tier
- ✓ Re Article 7: exemption from planting requirements for ROW and perimeter buffers
- ✓ Barbed wire allowed for security purposes
- ✓ Property lines adjacent to existing residential and non-residential uses exempted from maximum height restriction.
- ✓ Looking forward for a favorable recommendation from the BCC to move forward.

Mr. MacGillis explained that the Board reviewed this years ago and there will be no commitment to specific language at this meeting but an opening up for reviewing by the BCC, and bringing back to the Board. Ms. Davis remarked on the buffers and screening and Dr. Vinikoor recommended that even if the fence is opaque, it should be buffered. Mr. Bailey questioned barbed wire adjacent to residential and suggested that this be carefully reviewed when it comes back to the Board. Mr. Silver responded that the design for the fencing has not been completed.

Motion for the proposal to go forward to the BCC by Mr. Martin, seconded by Ms. Davis. Motion passed (10-0).

#### F. STAFF COMMENTS

Ms. Hernandez advised that Ms. Maria Bello of the Planning Division would update the Board on the Workforce Housing Program. Ms. Bello reported that a BCC Workforce Housing Workshop was held on October 23, 2018, and using a Power Point Presentation, she showed the issues that were addressed. There were reports on WHP sale and rental pricing, results of the program to date, and recommendations on WHP ULDC Revisions (a 3 year + process). The presentation also outlined the proposed policy provisions and BCC direction on:

- Density bonus, which will require a Plan amendment
- Elimination of the “No incentive option”
- Conditions for reduction of Obligation and release of Obligation
- Income category flexibility.
- Bedrooms in proportion to market rate
- In-lieu-fees for townhouses, multi and single-family units.
- WHP Option at Public Hearing
- Conditions for Decoupling
- Exchange Program
- Specific calculation for off-site rental WH units
- WH obligation for Comprehensive plan amendments
- Proposed next steps

Ms. Bello added that the Economic Consultant recommends one more round of analysis and process as the code changes. The County will follow up with other agencies.

A brief discussion followed: Mr. Bailey suggested that cost be tied to CPI to keep pace with market and Ms. Bello responded that this is part of Board Direction. Mr. Walesky added that decoupling is essential but there should be language to allow for some process for extension. Mr. Knight opined that there is a huge disparity between the amount of apartments built for rent and the amount built for sale. Ms. Davis inquired about compatibility in design and Ms. Bello confirmed that this is already included.

#### D. BOARD MEMBERS COMMENTS

There were no comments from the Board.

#### E. ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 3:30 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.