

EXHIBIT A

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

(Updated 03/24/21)

Minutes of January 27, 2021 LDRAB/LDRC Meeting

On Wednesday, January 27, 2021, the Palm Beach County Land Development Regulation Advisory Board (LDRAB), met in the Kenneth S. Rogers Hearing Room (VC-1W-47), at 2300 North Jog Road, West Palm Beach, Florida and via Cisco Webex Events communications media technology (CMT).

A. CALL TO ORDER/CONVENE AS LDRAB

1. Roll Call

Chair Mr. Wesley Blackman, called the meeting to order at 2:00 p.m. Ms. Darlene Perez, Code Revision Zoning Technician, called the roll.

Members Present: 17

Drew Martin (District 2, Commissioner Weiss)
Ari Tokar (District 3, Commissioner Kerner)*
Jim Knight (District 4, Commissioner Weinroth)
Dr. Lori Vinikoor (District 5, Commissioner Sachs)
Myles Basore (District 6, Commissioner McKinlay)
Robert J. Harvey (District 7, Commissioner Bernard)
Daniel J. Walesky (Gold Coast Builders Association)
Anna Yeskey (League of Cities)
Terrence Bailey (Florida Engineering Society)**
Jaime M. Plana (American Institute of Architects)
Susan A. Kennedy (Environmental Organization)
Frank Gulisano (Realtors Association of the Palm Beaches)
Jim Sullivan, Florida Surveying and Mapping Society
Charles D. Drawdy (Assoc. General Contractors of America)
Wesley Blackman (PBC Planning Congress)
Tommy B. Strowd (Alternate At-Large #1)*
Abraham Wien (Alternate At-Large #2)*

Members Absent: 1

Joanne Davis (District 1, Commissioner Marino)

County Staff Present: 21

Jon MacGillis, Zoning Director*
Wendy N. Hernández, Deputy Zoning Director
Jeff Gagnon, Principal Site Planner, Zoning
Adam Mendenhall, Senior Site Planner, Zoning
Jerome Ottey, Site Planner II, Zoning
Alexander Biray, Site Planner I, Zoning
Lindsey Walter, Site Plan Technician, Zoning*
Darlene Perez, Zoning Technician, Zoning
Scott A. Stone, Assistant County Attorney I
Patricia Behn, Planning Director*
Kevin Fischer, Deputy Planning Director*
Bryan Davis, Principal Planner, Planning
Lisa A. Amara, Principal Planner, Planning*
Carolina Valera, Senior Planner, Planning*
Sussan M. Gash, Senior Planner, Planning*
Travis Goodson, Planner II, Planning*
Nora G. Acord, Planning Technician, Planning*
Joanne Keller, Land Development Director*
Roberta Dusky, Environmental Program Supervisor, ERM*
Mark Meyer, Site Planner II, ERM*
Richard C. Radcliffe, Palm Beach County League of Cities Executive Director*
Nibal Aziz, Telecommunications Admin II*

Vacancies: 0

* Present via Webex Events.

** Mr. Bailey arrived at 2:08 p.m.

2. Motion to Approve Remote Participation by CMT Due to Extraordinary Circumstances

Motion to approve remote attendance by CMT based on extraordinary circumstances of the coronavirus pandemic for Mr. Tokar, Mr. Strowd, and Mr. Wien, by Dr. Vinikoor, seconded by Mr. Gulisano. The Motion passed unanimously (13-0).

3. Additions, Substitutions, and Deletions

Mr. Blackman noted an Add/Delete sent to the Board in advance, removing Section F, Annual Organization Discussion, and re-lettering the Agenda. Mr. Gagnon also explained an addition of two omitted pages to Exhibit B, Art. 4, Update of AGR-PUD Zoning District Preserve Area Landscape Service Regulations.

4. Motion to Adopt Agenda

Motion to adopt the Agenda as amended, by Mr. Martin, seconded by Dr. Vinikoor. The Motion passed unanimously (16-0).

5. Adoption of Minutes – December 16, 2020 (Exhibit A)

Motion to adopt the Minutes, by Dr. Vinikoor, seconded by Mr. Gulisano. The Motion passed unanimously (16-0).

6. Public Comments

There were no public comments.

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B. UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENTS

1. Exhibit B – Art. 4, Update of AGR-PUD Zoning District Preserve Area Landscape Service Regulations

Ms. Hernández explained that at the December Board of County Commissioners (BCC) Zoning Hearing, a request was made that an additional site be included under Exhibit B listing parcels with Agricultural Reserve Planned Unit Development (AGR-PUD) Zoning District Preserve Areas. The Official Zoning Map incorrectly shows the site in the Preservation/Conservation (PC) Zoning District, when it is zoned AGR-PUD with a conservation easement. The amendment adds the site, which Staff considers and the adjacent site part of a Nursery as one development. Prior deadlines are not modified.

** Mr. Bailey arrived at 2:08 p.m.

a. Discussion

Mr. Blackman noted the Board anticipated possible additions. Mr. Martin asked if it would affect anything else. Mr. Davis responded that it would not, and was inadvertently omitted.

Motion to approve, by Mr. Martin, seconded by Mr. Drawdy. The Motion passed unanimously (16-0).

C. PRIVATELY INITIATED AMENDMENTS – INITIATION

1. Exhibit C – PIA-2020-1201, Art. 4 Boca Lago PUD Clubhouse

Ms. Hernández explained the Board will vote to recommend initiation of the Phase 1 Privately Initiated Amendment (PIA) either on its own schedule, as part of an Amendment Round, or not initiate.

Mr. Jeff Brophy, WGI Agent for the Applicant, presented the issue of golf course conversion and repurposing, noting that redevelopment is usually total or partial takedown. He further noted several examples occurring in the County and statistics of golf courses that are closing. He summarized the PIA request to allow a Hotel or Motel use in the Commercial Pod of a PUD if it is collocated with a golf course, subject to a Class A Conditional Use approval, to better financially sustain clubs on an annual basis without reduction in open space. He disagreed with the Zoning Staff Report regarding consistency with the Plan.

a. Discussion

Mr. Knight asked about income coming to the club and if the Hotel is sold. Mr. Brophy responded the club will be a co-owner of the Hotel and noted a collocation of the amenities. Dr. Vinikoor asked how he can justify how it will be integrated into the development. Mr. Brophy responded Commercial Pods are typically on the periphery of the golf course. Dr. Vinikoor further asked for the Applicant/Agent's scheduling preference. Mr. Brophy responded they would prefer their own schedule. Mr. Gulisano noted that there is no guarantee that the golf course would remain as a golf course. Mr. Brophy responded there are restrictions on what can be done with golf courses. Ms. Kennedy expressed concern about the amendment being Countywide, and how it could affect Commercial Pods. Mr. Brophy responded there is nothing keeping them from doing anything as it is, and is just another tool for them to use to maintain the golf club. Mr. Blackman asked about the language being more restrictive. Mr. Brophy responded it is a question for the Zoning Division, and would be willing to redo the language. Mr. Gulisano noted he does not understand how a Motel will add value to a golf course, and why it would only be allowed for existing golf courses. Mr. Brophy responded it is based on a market study, will more likely be a higher-end accommodation than the perception of a "Motel" and the Code does not distinguish between either, and that it could be for a new golf course, but there is no land to develop a new one. Mr. Martin asked if there is an alternative. Mr. Brophy responded there is not. Mr. Martin further expressed concern about compatibility and how changing to a Commercial Pod will affect the surrounding area. Mr. Brophy noted a Hotel or Motel in a Commercial Pod would be a Class A Conditional Use, requiring Zoning review and Board of County Commissioners (BCC) approval.

Mr. Mendenhall noted some information presented by Mr. Brophy not received by the Zoning Division. He presented the Staff Report analysis. He explained the standards for a PIA not met as they relate to information the Agent provided Staff, and noted a Hotel is not a low-intensity use. In order for a Hotel and golf course to be collocated, the Hotel would need to be within a Recreation Pod. He further explained a Commercial Pod of a PUD is intended to be primarily supported by the residents, whereas a Hotel would pull population from outside the development.

b. Discussion

Mr. Bailey suggested allowing the Hotel use in the Recreation Pod. Ms. Hernández responded that was not the request and noted the lack of information provided when suggested. Mr. Bailey asked for clarification on high and low intensities. Mr. Mendenhall responded while ambiguous, the information Staff received was from the Planning Division about certain uses being listed and their intensity. Mr. Blackman noted the discussion is to determine whether the PIA will move forward. Ms. Hernández also noted the Code definition of collocated means on the same property. Dr. Vinikoor suggested more information be provided and asked if this would help move it forward.

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Ms. Hernández responded that it would help with a determination. Mr. Martin expressed concern over reductions in open space. Mr. Mendenhall responded that open space will be lost regardless with the development. Ms. Yeskey asked if studies were conducted for golf course conversions. Ms. Hernández responded there is language in the Code for conversions. Mr. Gulisano asked if the Board could table the amendment, so the language could be revised. Mr. Brophy responded there have been previous submittals and they are working with Staff on changing the language. Mr. Knight noted that analysis on whether something is successful is not up to the Board, and the proposal is poses an opportunity to keep golf courses open. Ms. Kennedy noted she does not see the connection between golf courses and Hotels. Mr. Walesky noted initiation does not mean it will be approved, but they could at least have the option. He also suggested looking into alternatives. Ms. Hernández noted the Board can table it, but research is the Agent/Applicant's responsibility.

Motion to recommend approval of the initiation of the PIA and allow submission of the Phase 2 Application on its own schedule, by Dr. Vinikoor, seconded by Mr. Gulisano. Ms. Hernández clarified for the Board the process if approved. Several Board members expressed their concerns and reasons for votes. The motion passed (11-5-1). Mr. Sullivan recused himself as an employee of the Agent.

D. CONVENE AS LDRC

The Land Development Regulation Advisory Board convened as the Land Development Regulation Commission at 3:25 p.m.

1. Proof of Publication

Motion to accept Proof of Publication, by Dr. Vinikoor, seconded by Mr. Gulisano. The Motion passed unanimously (16-0).

2. Consistency Determination for Exhibit B

Mr. Blackman noted the Comprehensive Plan Consistency Determination for Proposed ULDC Amendments memorandum. Mr. Davis stated the proposed amendment Exhibit B is consistent with the Comprehensive Plan as amended and recommended by the Board.

Motion to approve, by Dr. Vinikoor, seconded by Mr. Gulisano. The Motion passed unanimously (16-0).

E. ADJOURN AS LDRC AND RECONVENE AS LDRAB

The Land Development Regulation Commission adjourned and reconvened as the Land Development Regulation Advisory Board at 3:26 p.m.

F. STAFF COMMENTS

1. Update on LDRAB Subcommittees

a. Response to Mr. Martin's question regarding tree removal process.

Mr. Gagnon explained when a Homeowner's Association (HOA) can remove trees and how it is checked whether allowed. He noted street trees as a major issue, where they may conflict with utility easements and not be protected by the Code. He further noted if a Landscape Plan was required as part of a Development Order (DO), there is a removal and replacement process. He concluded the County supports preserving as much landscape as possible, but conflict exists regarding street trees planted ten to twenty years ago that do not follow current best management practices such as "Right Tree, Right Place." Mrs. Hernández added that polices are in place for an Applicant to meet with Zoning and ERM Staff, but recognized the Florida Statutes (F.S.) preempts the County from requiring a permit from a residential homeowner under circumstances of danger. Dr. Vinikoor inquired about a development removing all of its trees, and whether permitted. Mr. Martin expressed concern about HOAs removing trees beyond ones causing problems, and being replaced with exotics providing less shade and environmental benefits.

b. Commemoration of Mr. Martin, Mr. Basore, Mr. Walesky, and Mr. Plana's service.

Mr. Blackman thanked the outgoing Board members for their service and provided certificates from Staff. A discussion ensued regarding quorum for the Electric Vehicle Charging Stations (EVCSs) Subcommittee.

G. BOARD MEMBER COMMENTS

Mr. Knight asked for clarification on physical quorum versus virtual, and how it differs by Local Government. Mr. Stone responded that most follow physical quorum requirements based on established precedents. Mr. Martin noted he is a candidate for elected office of the City of Lake Worth Beach.

H. ADJOURNMENT

The Land Development Regulation Advisory Board meeting adjourned at 3:40 p.m.

Recordings of all LDRAB meetings 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) 233-5243.

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