

EXHIBIT A

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

(Updated 2/17/16)

Minutes of January 25, 2017 LDRAB/LDRC Meeting

On Wednesday, January 25, 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

Chair Wes Blackman called the meeting to order at 2:10 p.m. Zona Case, Code Revision Zoning Technician, called the roll.

Members Present: 9

Wesley Blackman (PBC Planning Congress)
David Carpenter (District 2)
Jim Knight (District 4)
Lori Vinikoor (District 5)
Henry Studstill (District 7)
Terrence Bailey (Florida Eng. Society)
Frank Gulisano (PBC Board of Realtors)
James McKay (AIA)
James Brake (Member at Large, Alt.)

Members Absent: 3

Tommy Strowd (Environmental Organization)
Daniel J. Walesky (Gold Coast Bld. Assoc.)
Derek Zeman (FL Surveying & Mppng. Soc.)

Vacancies: 6

District 1
District 3
District 6
Assoc. General Contractors of America
League of Cities
Member at Large/Alternate

County Staff Present: 7

Jon MacGillis, Director, Zoning
William Cross, AICP, Principal Site Planner, Zoning
Daniel Greenberg, Site Planner II, Zoning
Zona Case, Zoning Technician, Zoning
Shannon Fox, County Attorney
Bryan Davis, Principal Planner, Planning
Scott Rodriguez, Senior Planner, Planning

2. Additions, Substitutions, and Deletions

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

3. Motion to Adopt Agenda

Motion to adopt the agenda by Mr. Brake, seconded by Ms. Vinikoor. Motion passed (9 - 0).

4. Adoption of December 14, 2016 Minutes (Exhibit A)

Ms. Vinikoor pointed out that the Minutes did not record the Motion that was made to approve Exhibit B, Western Communities Residential Overlay (WCRO). It was noted that the Motion had been made by Ms. Vinikoor and seconded by Ms. Katz.

Motion to adopt the Minute, as amended, by Mr. Brake, seconded by Ms. Vinikoor. Motion passed (9 - 0).

B. ULDC Amendments

1. FPL Commercial Communication Towers Privately Initiated Amendment (PIA)

Mr. Cross recognized the presence of representatives of FPL and Mr. Josh Long of Gunster Law.

Mr. Cross explained that Phase I of the PIA submitted by FPL was presented to the LDRAB on February 22, 2016 and the Board voted to accept staff's recommendation to initiate the amendments. Phase II is being presented, following the BCC approval on March 23, 2016, to initiate the amendments and process as a stand-alone Ordinance.

For the benefit of those persons who were not members of the Board at the time of the first presentation, Mr. Cross provided a general overview using the original 2016 Power Point presentation, delineating the types of towers, typical substations, cellular equipment to be collocated, and briefly summarized the background of Phase I as follows:

- FPL, through its subsidiary Fibernet, requested an update or expansion of existing regulations in the ULDC to allow for collocation of cellular equipment on existing utility transmission lines and substations, to respond to the projected increases in band width and cellular usage. The company has identified opportunities where collocation could

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be accommodated and utility poles and wires are already in these locations and consequently may not be as noticeable.

- FPL is also requesting to allow for increased heights for utility infrastructure. Staff advised FPL that, increased height for the purpose of enhancing collocated cellular equipment, would be categorized as Commercial Communication Towers.
- There are three general tower classifications: Camouflage (modifying existing structures to accommodate cellular equipment), Stealth (essentially a Commercial Communication Tower disguised as another type of structure such as a clock tower, flagpole, etc.), or Full Array (visually noticeable panels typically added to an existing structure. [Note, as discussed later, the applicant further amended the original request to just two utility related tower types, Stealth and Full Array.]

Mr. Cross explained that Exhibit B incorporates staff's position on what is acceptable. He cited the Del Mar sub-station, which is in a PUD, a 50 ft structure which was increased to 125 ft, and was subsequently cited by the Code Enforcement. He summarized staff's position as follows:

- Based on direction from PZB Administration, the initial recommendation was 15% increase in height, which was increased to 35%. Mr. Cross reiterated that in anticipation of likely continued requests by the applicant, that staff is not comfortable with the 50% FPL continues to ask for.
- The percentage increase would be granted through an administrative process, and where allowed, anything taller would most likely require BCC approval. He noted, that the approval processes by corresponding tower type and height were generally calibrated to be consistent with other similar tower types.
- Staff reiterated recommendation that the approval processes be based on the increased percentage in height instead of a maximum height threshold.
- Zoning disagrees with FPL that they should be exempt from setbacks if the increased height is approved, with exception to limited increases in height for the Stealth tower type. Staff appreciates that electrical infrastructure is exempt from Zoning and Florida Building Code review and also exempt from Florida Building Code, but once a structure is modified it is considered a Commercial Communication Tower.
- FPL acquiesced to a request from County Facilities Development & Operations Department (FD&O) to require that FPL provide information prior to tower construction to ensure there will not be any conflicts with emergency communications.
- Modifications are necessary to be commensurate with the re-structured Commercial Communication Towers section of the code.

Mr. Blackman indicated that the Board wished to have clarification on some areas from staff before Mr. Long's presentation. The following responses were given to questions posed by Mr. Carpenter:

- With regard to lighting requirements relative to the height of the towers, (e.g. flashing lights), Mr. Cross clarified that FAA regulations in Article 16 have to be met but each case has to be considered separately. He was of the view that lighting requirements are mainly for taller structures than the ones being proposed.
- In response to whether modifications would be allowed in corridors smaller than 250 ft. Mr. Cross affirmed that was the intent and further clarified that FPL has made it clear that modifications will be done in Transmission corridors and not the smaller distribution corridors. There is also a mechanism to allow for equipment shed on adjacent parcels, subject to site plan approval, landscaping and aesthetic requirements.
- Regarding the number of cellular towers that would be allowed in the corridors, Mr. MacGillis responded that this would be regulated by the requirements of the propagation studies in the Communications section of the code and would not be allowed on an ad hoc basis.
- To the question of removal of the structures that are no longer needed, Mr. MacGillis explained that those approved by Zoning require a bond to be posted and Zoning to be notified every year.

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Mr. Cross confirmed to Mr. Bailey that the amendments apply only to Unincorporated Palm Beach County.

Ms. Vinikoor opined that the camouflage towers were not effective in hiding what they are. Mr. Cross responded that FPL had modified the original request in response to similar staff concerns.

Mr. Cross reiterated that it would be beneficial to have Mr. Josh Long make his presentation.

Mr. Long, representing Gunster Law, noted the attendance of representatives from FPL and Fibernet.

Mr. Long made a Power Point presentation and noted that in relation to the types of structures, FPL is no longer using the Camouflage, and are mainly using Full Array and Stealth towers, which the company is doing their best to incentivize.

Mr. Long also expressed that Zoning staff agrees with the company's key planning principles, the County knows the industry's needs for more band width and data to satisfy newer, smarter phones. There are communities where there is a data gap and insufficient coverage, and there are corridors that could fill that niche. The proposal to use existing structures is a good one as people are very used to the tall polls.

Mr. Long thanked Zoning staff for working with the company and said there was agreement on approximately 98% of staff's proposals, with only two minor differences. He referred to Exhibits A and B which were circulated to the Board and Zoning staff, that indicated the additional changes being requested by FPL.

Mr. Bruce Barber of Fibernet explained that Exhibit A indicates the changes that FPL is requesting in the Approval Process, namely increasing the percentage in height, allowing for Administrative approval from 35 percent to 50 percent. He outlined the view that the increase was not much in terms of visual perception.

Mr. Barber also explained the changes requested in Exhibit B, where the request is for a reduction in setbacks and separation requirements to 150% and to 120 ft in height for Full Array towers. He requested that the LDRAB approve the PIA with the changes in Exhibits A and B.

Mr. Cross noted that there were technical inconsistencies in the handouts provided by Mr. Barber that didn't work within the framework of the proposed amendments, staff could only support exceptions to setbacks from Stealth towers under the recommended percentage, and that consistent with options for other tower providers, FPL would have to utilize the BCC Waiver provisions.

Mr. MacGillis further reiterated staff position, concerns that other cellular providers should be consulted, that the current recommendation was reasonable, and suggested that FPL could participate in future discussions if the BCC recommends such.

Motion by Miss Vinikoor to accept staff's recommendation, including separation and setbacks, as presented by staff. Motion passed (9 – 0).

D. ADJOURN AS LDRAB AND CONVENE AS LDRC

1. Proof of Publication

Motion to approve Proof of Publication by Mr. Brake, seconded by Mr. Gulisano. Motion passed (9 – 0).

2. Consistency Determination

a. Mr. Bryan Davis indicated consistency with the Plan and advised that he would be handing this duty over to Mr. Scott Rodriguez who was recently appointed as Senior Planner in the Planning Division.

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Motion to accept Planning's recommendation by Mr. Brake, seconded by Mr. Gulisano.
Motion passed (9 – 0).

E. ADJOURN AS LDRC AND RECONVENE AS LDRAB

F. PUBLIC COMMENTS

There were no Public Comments.

G. STAFF COMMENTS

Mr. Cross formally advised the Board that Mr. Scott Rodriguez was promoted to Senior Planner in the Planning division and will be the new Zoning liaison.

Mr. Cross also indicated that Round 2016-02 Amendments would be presented to the BCC the following day.

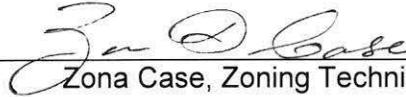
In response to Mr. Knight's inquiry on Workforce Housing, Mr. Bryan Davis responded that due to staff turnover and heavy workload there was nothing new to report, however a housing summit is being planned but the details have not been fully worked out.

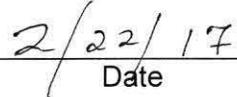
I. ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 3:25 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