

## EXHIBIT A

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

(Updated 5/24/18)

#### Minutes of May 23, 2018 LDRAB Meeting

On Wednesday, May 23, 2018, 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, Wesley Blackman called the meeting to order at 2:03 p.m. Zona Case, Code Revision Zoning Technician, called the roll.

##### Members Present: 11

Wesley Blackman (PBC Planning Congress)  
Joanne Davis (District 1)  
Drew Martin (District 2)  
Philip Barlage (District 3)  
Lori Vinikoor (District 5)  
Robert J. Harvey District 7)  
Derek Zeman (Fl. Surveying & Mapping)  
Daniel Walesky (Gold Coast Bld. Assoc.)  
Charles Drawdy (Assoc. Gral Contractors of America)  
Xavier Salas, (AIA)\*  
Winifred Park Said(Member at Large, Alt. 2)

##### Members Absent: 5

James Knight (District 4)  
Terrence Bailey (Florida Eng. Society)  
Anna Yeskey (PBC League of Cities)  
Abraham Wien (Member at Large, Alt. 1)  
Frank Gulisano, Realtor's Assoc. of the Palm Beaches

##### Vacancies: 2

District 6  
Environmental Organization

##### County Staff Present:

Leonard Berger, Chief Assistant County Attorney  
Jon MacGillis, Zoning Director  
Maryann Kwok, Deputy Zoning Director  
Monica Cantor, Principal Planner, Zoning  
William Cross, Principal Planner, Zoning  
Quazi Bari, Engineer, Engineering and Public Works  
Kenny Wilson, Health Department  
Bryan Davis, Principal Planner, Planning. Div.  
Scott Rodriguez, Site Planner 2  
Zona Case, Zoning Technician, Zoning

##### 2. Additions, Substitutions, and Deletions

Mr. Blackman noted the distribution of an add/delete sheet, and requested a motion to incorporate it into the agenda. He also noted a request from staff to re-order the agenda.

Motion to approve by Dr. Vinikoor, seconded by Mr. Drawdy. Motion passed (10-0).

##### 3. Motion to Adopt Agenda

Motion to adopt the agenda, including the add/delete sheet, by Dr. Vinikoor, seconded by Mr. Drawdy. Motion passed (10-0).

##### 4. Adoption of April 25, 28, 2017 Minutes (Exhibit A)

Motion to adopt the Minutes by Dr. Vinikoor, seconded by Mr. Drawdy. Motion passed (10-0).

#### B. ULDC AMENDMENTS

##### 1. Exhibit B - Modifications by the DRO [Related to Housing Type]

This amendment allows the DRO to make minor modifications to BCC approved plans regarding relocation of housing type between pods.

Motion to approve by Mr. Martin, seconded by Dr. Vinikoor. Motion passed (10-0).

##### 2. Exhibit C - Art. 2, Application Processes and Procedures and Art. 3, Overlays and Zoning Districts Minor Amendments

Ms. Cantor explained the amendments make minor corrections when the administrative processes and procedures were revised in Articles 2, Applications Processes and Procedures and Art. 3, Overlays and Zoning Districts.

Motion to approve by Dr. Vinikoor, seconded by Mr. Barlage. Motion passed (10-0).

##### 3. Exhibit D - Art. 4.B.1.C.1, Congregate Living Facility (CLF) [Related to PUD Bonus Density]

Ms. Cantor explained this amendment relates to a provision under CLF that establishes the density in PDDs. The standard is being deleted as it is in conflict with the Plan.

Mr. Barlage posed the question where would the line be drawn between Residential and a facility that has the regular services of a CLF. Ms. Cantor explained that CLF is considered a residential use and it is allowed in residential which includes Planned Unit Development (PUD).

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Mr. MacGillis clarified that in the new Future Land Use designation Congregate Living Residential (CLR) the use will be allowed to use density and intensity and the amount of beds are based on total acreage. In response to Mr. Martin's question on allowing an increase in the number of persons for new and existing facilities, Mr. MacGillis explained that such applications have to be approved by either the BCC or through the DRO process, depending on how the prior approval was obtained. Parking and additional site requirements also have to be met.

Motion to approve by Dr. Vinikoor, seconded by Mr. Waleski. Motion passed (11 – 0)\*.

(\*) Mr. Salas arrived at 2:15 p.m.

#### 4. Exhibit E - Art. 4.B.2.C.23, Medical or Dental Office [Related to Ambulatory Surgical Center]

Ms. Cantor informed the Board that the amendment proposes deletion of standards applicable exclusively to Ambulatory Surgical Center. The use has similar characteristics to a Medical or Dental office, and is not allowed by the regulations of the Agency for Health Care Administration, the licensing entity, to be a part of a hospital or an emergency treatment facility. Ms. Cantor confirmed Dr. Vinikoor's observation that the amendment will remove the limitation of 10,000 sq. ft.

Motion to approve by Mr. Martin, seconded by Mr. Drawdy. Motion passed (11 – 0)\*.

#### 5. Exhibit F - Landscape Service and Contractor Storage Yard\*

Ms. Cantor explained that the amendment is to clarify the requirements for some of the uses that operate as accessory use to a Single Family use in the Agricultural Residential (AR) Zoning District in the Rural Service Area (RSA). The application process is still administrative by the Development Review Officer (DRO) but this is an added layer to enforce regulations. She also clarified that the number of parking spaces is linked to the number of employees and is in addition to the spaces required for a Single Family use.

Mr. Walesky requested clarification if the previous requirement of three acres lot size limitation was previously requested, and if a Landscape Service on a one-acre lot is allowed to park a landscape trailer in that parcel. Mr. MacGillis indicated this amendment is to address the approval process, specifically associated to Home Occupation permits issued for this use getting business tax receipts and the Zoning Division never had any way to keep track of these uses operating in the AR/RSA. He also answered Mr. Martin's question regarding enforcement of the number of employees by indicating that it will be through complaints to Code Enforcement that we will find out if the site is in compliance with the number of employees established by these provisions.

Mr. MacGillis suggested that the discussion continue later when Mr. Bill Cross who was more involved in the preparation of the exhibit would be available to answer questions coming from Mr. Walesky related to changes on the acreage.

Motion by Mr. Martin to continue the discussion after the last exhibit on the agenda, seconded by Dr. Vinikoor. The Chair agreed and suggested that a member of the public who wished to speak, be allowed to do so at that point, instead of later, as ordered in the agenda.

A resident of Heritage Farms, asked for clarity on why changes are being made to allow Contractor Storage Yard and Landscape Service in residential neighborhoods when they are Industrial uses. Large trucks, trailers, etc., are coming in at different times of the day and she understands that they are allowed to operate from 6:00 a.m. to 8:00 p.m. The residents are opposed to having these uses in their neighborhood, as it is supposed to be residential.

The Chair said that there would be further discussion later on the agenda, and suggested that the representative wait for the discussion.

#### 6. Exhibit G – Art. 12, Traffic Performance Standards [Related to Proportionate Share Program]

Mr. Quazi Bari of the Traffic Division explained that the amendments are not creating new regulations, but are being done as is required to maintain consistency with amendments to the Florida Statutes, and to show how proportionate share is calculated. In response to Ms. Davis' question, Mr. Berger explained that if the money allotted for the Proportionate Share Program does not go to that project, it is constrained by law to be allocated in a way that improves mobility or benefits that project in some way, within the radius of influence. Mr. Bari confirmed that this is so.

Motion to approve by Ms. Davis, seconded by Dr. Vinikoor. Motion passed (11-0)\*.

#### 7. Exhibit H – Art. 15, Health Regulations [Related to Application Data for an OSTDS]:

Mr. Wilson of the Health Department, explained that this amendment was already presented to the

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LDRAB and a subcommittee was convened for further review. The result is amendments to allow soil profiles to be performed by a contractor licensed under the applicable Florida Status for repairs or additions, as the system would have been already designed, and require that such tests be performed by a Surveyor or Engineer in the case of new construction.

Motion to approve by Mr. Zeman, seconded by Ms. Davis. (Motion passed (10-1). Mr. Martin voted nay.

Ms. Cantor referred to the Amendments to the Agenda and noted the new Exhibit, "Z", correspond to ULDC Amendments, Art. 1.I.2.A.19, Definition for the word "Addition". Exhibit Z reinstates text inadvertently deleted by Ordinance 2017-023, and is essential in the building permit review process to ensure that interpretation is not left open for staff or the public.

Motion to approve Exh. Z by Dr. Vinikoor, seconded by Ms. Joanne Davis, Motion passed (11-0)\*.

#### **Exhibit F –Landscape Service and Contractor Storage Yard** (Continuation of Review)

The Chair reopened the discussion on the proposed amendments related to Landscape Service in Single Family in the AR/RSA area. Mr. Walesky said he was unclear whether the change is meant to add a new requirement limiting the size for a Home Occupancy use for landscape services to three acres or more.

Mr. Cross explained the DRO requirement is a refinement of the process, intended to create a Code enforcement mechanism, the provision is optional and does not change the original intent, and no rights are being taken away. The requirement is still three or more acres to be eligible for additional employees and additional trailer, if screening requirements are met. An applicant with less acreage is still allowed to obtain a Business Tax Receipt (BTR) for just Landscape Services, but additional employees and an additional trailer would not be allowed. The Chair commented that this new layer should help to address public concern and Ms. Cantor confirmed that this will be a more restrictive process.

Mr. MacGillis suggested the language on page 16, line 53, be stricken and lines 4 to 6, page 17 be reinstated for clarity, as the use is allowed for Landscape Services only and the stricken text implies the three acre requirement is for anyone applying for a BTR. Additional uses require at least three acres, a more rigorous DRO process and a site plan showing how operations will be carried out.

Mr. Martin expressed a desire to see that the concerns expressed earlier by the Heritage Farm resident are being met. He was also concerned about the lack of vegetation to block the facilities from neighbors' view and suggested that more native plant hedging is needed. Mr. Blackman opined that it is always difficult to get a unanimous opinion on anything and suggested that the additional layer of regulation should help to address the problem and give the County more control.

Mr. MacGillis said he understands that the concern is the addition of a commercial use to a residential zoning district and he explained that approximately four years ago, neighbors in the Acreage and Heritage Farms complained about contractors and there were no site plans available to take further action. Most contractors had BTRs and the BCC directed staff to come up with a process. In order to allow Mom and Pop operations, trying to survive, to stay on their property a little longer, they were given recognition as a Contractor Storage Yard under very limited conditions, or Landscape Services, until they reached a point where they had to re-locate to a commercial or industrial zoning district. This provided the avenue for Code Enforcement to enforce the number of vehicles and staff, outdoor storage, screens, etc. Mr. MacGillis noted that these problems are still being addressed and a task force meeting is planned in the fall, which will likely result in more regulations to deal with this use. The amendment is just to clarify the current process.

Motion to approve by Mr. Waleski, seconded by Ms. Davis. The motion passed (10 – 1)\*. Mr. Martin voted nay.

#### **C. ADJOURN AS LDRAB AND CONVENE AS LDRC**

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

The Chair acknowledged the Proof of Publication and requested a motion.

Motion to accept Proof of Publication by Ms. Vinikoor, seconded by Ms. Joanne Davis. Motion passed (11 – 0)\*.

The Chair also acknowledged receipt of Consistency Determination from the Planning Division that confirms that the amendments to the Exhibits approved at previous meetings are consistent with the Comprehensive Plan.

Ms. Cantor asked the Chair to allow a brief explanation of the changes shown in the Amendments to the Agenda made to some of the exhibits presented at previous LDRAB meetings, as follows:

