Minutes of May 27, 2015 Meeting

On Wednesday, May 27, 2015 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 2:03 p.m. Zona Case, Code Revision Zoning Technician, called the roll.
   
   Members Present:
   1. Wesley Blackman (PBC Planning Congress)
   2. Michael J. Peragine (District 1)
   3. David Carpenter (District 2)
   4. Barbara Katz (District 3)
   5. Jim Knight (District 4)
   6. Lori Vinikoor (District 5)
   7. Joni Brinkman (League of Cities)
   8. Frank Gulisano (PBC Board of Realtors)
   9. Terrence Bailey (Florida Eng. Society)
   10. Tommy B. Strowd (Environmental Org.)
   11. Gary Rayman (Fl. Surveying & Mapping Soc.)

2. Recognition of Former Board Member Mike Zimmerman
   Mr. Blackman recognized Mike Zimmerman who had retired from the LDRAB, for his longtime service. Mr. Zimmerman was not present.

3. Additions, Substitutions, and Deletions
   Mr. Blackman noted that staff distributed an addendum to the agenda. Mr. Cross asked to relocate item F.1 under staff comments to follow A.5 to accommodate Ms. Pinkston's participation.

4. Motion to Adopt Agenda
   Motion to adopt agenda with added relocation of F.1 to follow A.5, by Ms. Vinikoor, seconded by Mr. Carpenter. Motion passed (11-0).

5. Adoption of April 23, 2014 Minutes (Exhibit A)
   Motion to adopt by Mr. Carpenter, seconded by Ms. Vinikoor. Motion passed (11-0).

6. Landscape Subcommittee: 2015-02 Topics and Membership/ Attendance
   Ms. Pinkston described the purpose of the Landscape Subcommittee and said that with the loss of Mr. Zimmerman from the Board, members are needed for participation; otherwise staff would prepare amendments for the full LDRAB. Ms Pinkston explained attention is still desirable for very important unfinished work, including Alternative Landscape Plan (ALP) and fence, wall height and berm measurement. Ms. Pinkston provided dates of meetings remaining in 2015: July 15, September 16, and November 18. Meetings are held on the 2nd floor of the Zoning Division from 9:30 – 11 a.m.

   Ms. Vinikoor recommended a LDRAB workshop be considered in lieu of additional subcommittees. Mr. Cross highlighted the benefits of subcommittee participation as it may include interested parties from industry and offer more open discussion. This type of dialogue would be limited in the workshop setting.

   Mr. Bailey and Mr. Carpenter expressed continued interest in serving on the subcommittee.

B. ULDC AMENDMENTS
1. Exhibit B – Community Gardens
   Mr. Cross explained the intent of community gardens as it relates to neighborhood garden areas. The purpose of the amendment is to allow the use in the commercial Pod of a Planned Unit Development (PUD) and additional changes would be addressed as part of
the Use Regulations Project (URP). Mr. Cross also explained the item is part of the
Add/Delete sheet, to address minor glitches.

Ms. Brinkman submitted Form 8B, Memorandum of Voting Conflict.

Mr. Knight asked staff how community gardens will be maintained. Mr. Cross explained
during the Use Regulations Project, efforts would be made to ensure that maintenance
would be subject to the Home Owner’s Association (HOA).

Mr. Bailey asked for clarification as to why the use is subject to DRO approval and
Permitted in other districts. Mr. Cross explained this is procedural as the use will have to be
shown on the site plan which would require a DRO amendment, regardless.

Motion by Mr. Gulisano, seconded by Ms. Vinikoor. Motion passed unanimously (10 - 0).
Ms. Brinkman abstained from voting.

2. Exhibit C – PUD Electronic Message Signs
Mr. Cross stated the Add/Delete includes this exhibit as well and corrects the Florida
Statute reference.

The Board of County Commissioners directed staff to accommodate electronic message
signs in residential communities. The amendment proposes the allowance of electronic
signs internal to the residential development and limited to providing notification of
upcoming meetings, activities and events related to the development. Electronic signs
would still be regulated pursuant to the Code. Commercial advertisements would be
prohibited.

Ms. Katz asked staff to clarify POA/ HOA references in the amendment. Mr. Cross
explained that the HOA and POA references would be interpreted the same. Ms. Katz also
expressed concerns with the proposed 100 foot separation requirement from residential
structure or lot-line. She suggested to staff the separation distance be reduced to 80 feet
from 100 feet. Mr. Bailey added, related to the distance requirement, signs located at the
entrance may not meet the proposed distance requirement. Mr. Cross recommended a
Type I Waiver with accompanying language for staff consideration. The waiver would
provide an applicant a process to consider, and be subject to standards such as requiring
that the sign be oriented away from or screened from view of the affected residential uses.

Mr. Cross read into the record to add Type I Waiver to page 11, line 36 per prior discussion.
Additionally, Mr. Cross read into the record to add new part 5 to reference Table 2.d.6.b,
summary of Type I waivers to add PUD Electronic Message signs. Mr. Bailey asked staff to
clarify the reason for prohibiting the advertisement of external activity. Mr. Bailey
expressed that if sign is internal to the residents, why the need for the prohibition. Mr.
Cross expressed that the intent is to protect all residents within a PUD. Mr. Bailey asked
staff if signs will have to meet architectural compatibility. Mr. Cross said no.

Motion to approve with changes from Add/Delete sheet and to include Type I Waiver
changes that were discussed, by Ms. Vinikoor, seconded by Ms. Katz. Motion passed
unanimously (11-0).

2. Exhibit D – Westgate Community Development Overlay (WCRAO)
Mr. Cross explained the minor amendments were introduced by the WCRAO and briefly
identified the proposed changes. Mr. Cross also acknowledged Mr. Elise Michaels,
Executive Director of the Westgate Community Redevelopment Agency (CRA), was
present to answer any questions.

Mr. Cross clarified that non-residential uses in certain Sub-areas are only allowed within a
mixed use development by the new footnote; delete redundant language and scrivener’s
errors; increase the height from 25’ to 35’ as it relates to the requirements of zero setbacks;
clarify differences between build to lines and setbacks for ease of use; clarify that minimum
frontage means minimum lot frontage and not building frontage; reduction in glazing
transparency percentage will accommodate typical South Florida industry standard for
energy efficient windows, and recognize local industry trend for standalone indoor vehicle
sales and rental facilities.
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Motion to approve by Mr. Gulisano, seconded by Mr. Carpenter. Motion passed (11-0)

C. CONVENE AS LDRC
   1. Proof of Publication
      Motion to approve by Ms. Vinikoor, seconded by Ms. Katz. Motion passed (11 - 0).

   2. Consistency Determination
      Mr. John Rupertus stated that the proposed amendments, Agenda items B.1 through B.3
      and the previously presented amendments, and prior Exhibits E through J are consistent
      with the Comprehensive Plan.

      Motion to approve consistency determination and addition of the Add/Delete
      to Exhibit E (correct reference to HOA, to read POA as previously read into the record at the March
      LDRAB meeting) as presented by Mr. Cross, by Ms. Vinikoor, seconded by Mr. Gulisano.
      The motion passed (11 - 0).

D. ADJOURN AS LDRC AND RECONVENE AS LDRAB

E. PUBLIC COMMENTS
   There were no public comments.

F. STAFF COMMENTS
   1. Landscape Subcommittee: 2015-02 Topics and Membership/ Attendance
      Relocated to A.6 on the Agenda.

   2. June 24, 2015, LDRAB/ LDRC Special Meeting
      Mr. Cross reiterated that the next LDRAB meeting in June will include amendments
      applicable to Ag Reserve Contiguity requirements for AGR-PUD Preserve areas. The
      Planning Division will be presenting amendments before the Planning Commission on June
      12, 2015 and both will be presented concurrently at the July 30th Board of County
      Commission public hearing.

      It was clarified that the LDRAB meeting would be on June 24, 2015, and the June 22, 2015
      date noted on the agenda is incorrect.

   3. Use Regulations Project Status
      Ms. Cantor noted that staff will be presenting the Utilities and Excavation drafts to the URP
      Subcommittee on June 11, 2015 beginning at 2pm. Ms. Cantor also noted that
      presentation before full LDRAB will depend on the number of comments received by the
      subcommittee, and Excavation draft has minor changes. Public and Civic uses will be
      presented either in July or August 2105. Staff will also begin working on Commercial Uses.

G. ADJOURN
   The Land Development Regulation Advisory Board meeting adjourned at 3:08 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: Scott Rodriguez

LDRAB/LDRC June 24, 2015
FORM 8B   MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME  NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Brinkman Joni  Land Use Development Regulation Advisory Board

MAILING ADDRESS  THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
201 Rex C;  CITY  COUNTY  OTHER LOCAL AGENCY

CITY  COUNTY  NAME OF POLITICAL SUBDIVISION:
Palm Springs  Palm Beach  Palm Beach County

DATE ON WHICH VOTE OCCURRED  MY POSITION IS:
5-27-15  ELECTIVE  APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a “relative” includes only the officer’s father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A “business associate” means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)
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 July 18, 2014:

(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, ________________;
- \(\times\) 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:

Item B.1. - Exhibit B Community Gardens

While a County Initiated Amendment, our firm is representing a development who wishes to utilize this code provision and our firm has been coordinating with staff on the amendment.

May 27, 2015
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.