

EXHIBIT A

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

Minutes of November 18, 2015 LDRAB/LDRC Meeting

On Wednesday, November 18, 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: 12

Wesley Blackman (PBC Planning Congress)
Michael J. Peragine (District 1)
Barbara Katz (District 3)
Lori Vinikoor (District 5)
Henry Studstill (District 7)
Joni Brinkman (League of Cities)
Frank Gulisano (PBC Board of Realtors)
Terrence Bailey (Florida Engineering Society)
Jerome Baumoehl (AIA)
Gary Rayman (Fl. Surveying & Mapping Soc.)
Leo Plevy (Member At Large, Alt.)
James Brake (Member At Large, Alt.)

Vacancies: 1

(Assoc. General Contractors of America)

Members Absent: 5

David Carpenter (District 2)
Jim Knight (District 4)
Stuart R. Fischer (District 6)
Daniel Walesky (Gold Coast Build.)
Tommy B. Strowd (Environmental Org.)

County Staff Present

Rebecca D. Caldwell, Executive Director, PZ&B
Leonard Berger, Chief Assistant County Attorney
Jon MacGillis, Zoning Director
Maryann Kwok, Deputy Zoning Director
William Cross, Principal Site Planner, Zoning
John Rupertus, Senior Planner, Planning
Monica Cantor, Senior Site Planner
Scott Rodriguez, Site Planner II, Zoning
Zona Case, Zoning Technician, Zoning

2. Additions, Substitutions, and Deletions

Mr. Blackman noted the distribution of an add-delete sheet and requested that the motion to adopt the agenda include the amendments.

3. Motion to Adopt Agenda

Motion to adopt the agenda with the amendments by Ms. Vinikoor, seconded by Ms. Katz. Motion passed (12 - 0).

4. Adoption of October 28, 2015 Minutes (Exhibit A)

Motion to adopt by Ms. Vinikoor, seconded by Ms. Katz. Motion passed (12 - 0).

B. ULDC AMENDMENTS

1. Exhibit B - Art 2.A.1.J, Notification

Ms. Cantor explained that the amendment clarifies two key notification requirements: applicants are responsible for identifying Homeowners Associations (HOA), Property Owners Associations (POA) and Condominium Associations when they have projects for Public Hearing, prior to certification; and, Zoning staff provides the necessary information for applicants to post on the notification boards.

Motion by Mr. Brake, seconded by Ms. Vinikoor. Motion passed (12 - 0).

2. Exhibit C – Art. 2.D.1.G.1, Modifications to Prior Development Orders

Mr. Cross explained that the amendment responds to feedback from the Development Review Advisory Committee (DRAC), which recommended increased administrative flexibility to modify projects involving single users, when approved by the Board of County Commissioners. After evaluation, staff is recommending an alternative solution which partially accommodates the DRAC request. Mr. Cross also noted that the amendment further clarifies the difference between two administrative amendment processes by dictating specific thresholds for each.

In response to Mr. Baumoehl's question on how the amendment will affect parking, Mr. Cross said that parking standards still have to be met but relocation of parking and sidewalks will be allowed through the DRO, as long as it is consistent with Board approval. If the requirements cannot be met, the project goes back to the Board. In essence the amendment allows for an increase over the prior limit for relocation of square footage, and is unrelated to other provisions regulating increases in overall square footage.

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Ms. Katz expressed reservations that the amendment can be used to avoid going back to the communities for a Hearing, as the owner will not have to go back to the BCC or ZC.

Mr. Cross and Mr. Blackman both referred to text in the amendment, which would mitigate concerns, as it provides checks and balances against possible excesses, such as prohibitions on relocating square footage closer to residential property lines, limits on increases in height, etc.

Mr. Gulisano said he favors the amendments, as going to the Boards for minor changes is very expensive and time consuming.

Motion to adopt by Ms. Vinikoor, seconded by Mr. Brake. Motion passed (11 - 1). Ms. Katz voted nay.

3. Exhibit D – Agricultural Excavation and Type II Excavation Approval Process

Ms. Cantor explained that the amendment simply reorganizes existing provisions related to approval processes, to ensure that the more restrictive standard is delineated in the Use Matrix, versus Supplementary Use Standards. The reorganization does not change any existing approval processes. A public meeting was held on October 19 to respond to any questions related to the amendments, but was poorly attended.

Motion to adopt by Ms. Vinikoor, seconded by Mr. Gulisano. Motion passed (12 - 0).

4. Exhibit E – Preservation of Trees

Ms. Cantor explained that Part 1 of the Exhibit establishes Zoning Director authority to preserve vegetation not covered by Art. 14, Environmental Standards. Part 2 clarifies that the Zoning Director is authorized to request a tree survey to evaluate on-site vegetation to be preserved.

Mr. Blackman questioned the term "significant vegetation", which seemed to him to be subjective and Ms. Kwok responded that Zoning Landscape staff carry out site visits to determine if a tree survey is required. Staff agreed to review this part of the amendment to clarify.

Mr. Brake expressed concern about going overboard with regulations, and Mr. MacGillis clarified that the process supplements ERM's (Environmental Resources Management) requirements.

Ms. Brinkman suggested that upfront coordination is the key to successful implementation, so there should be early meetings with ERM and Landscape staff. Ms. Kwok added that it is important to get early information on parking, landscaping, and have an agreement on the preservation of the trees. She added that Zoning landscape staff and ERM typically visit sites to determine if a tree survey is required.

Ms. Caldwell confirmed that the amendment gives discretionary authority by going through the Board process, which provides the necessary checks and balances.

Motion to approve by Ms. Vinikoor, seconded by Mr. Gulisano. Motion passed (12 – 0).

5. Exhibit F - Art. 7.F.9, Incompatibility Buffers

Mr. Cross explained the amendment clarifies and consolidates standards for incompatibility buffers.

Ms. Brinkman's questioned whether a Congregate Living Facility in Commercial Zoning is considered incompatible when adjacent to Single Family zoning, to which Mr. Cross affirmed it would require incompatibility buffers, but based on adjacent use or in the case of vacant parcels, based on the future land use designation.

Motion to approve by Ms. Vinikoor, seconded by Mr. Gulisano. Motion passed (12 – 0).

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6. Exhibit G- Height Measurement for Fences, Walls and Hedges

Mr. Cross noted additional revisions on the add-delete sheet and explained that the amendment addresses grade changes. He noted the concept of "spite fences" and presented examples of where trees, hedges, fences, walls and retaining walls were used to impose oppressive barriers on adjacent property owners. He noted that the Code regulates the height of all of the aforementioned barriers, but that additional clarification is necessary to respond to recent trends in the increased use of fill to elevate property for development, emphasis on those that use retaining walls along property lines. Mr. Cross clarified that minor corrections are needed in the berm elevation graphic. The amendment specifies the methods of measuring as it relates to grade changes, for hedges, berms fences, walls and perimeter buffers.

Motion to approve with the amendments by Mr. Gulisano, seconded by Mr. Brake. Motion passed (12 – 0).

7. Exhibit H - Alternative Landscape Plan - General Landscaping

The Chairman noted that Exhibit H was withdrawn as specified on the add-delete sheet and would be presented at a later date.

C. ADJOURN AS LDRAB AND CONVENE AS LDRC

1. Proof of Publication

Motion to approve by Mr. Brake, seconded by Ms. Vinikoor. Motion passed (12 - 0).

2. Consistency Determination

Mr. John Rupertus stated that the proposed amendments, Agenda items B.1 through B.6, and the previously presented amendments Exhibits I through L, are consistent with the Comprehensive Plan.

Mr. Larry Smith, Attorney for the Napleton Group said he was at the meeting to support Exhibit L, Northlake Boulevard Overlay Zone (NBOZ) which was presented on October 28 to the LDRAB. He thanked Mr. Cross and Mr. Berger for meeting with him.

Motion to approve consistency determination by Ms. Vinikoor, seconded by Mr. Gulisano. The motion passed (12 - 0).

D. ADJOURN AS LDRC AND RECONVENE AS LDRAB

E. USE REGULATIONS PROJECT

1. Exhibit M – Public and Civic Uses

Ms. Cantor explained that research of Public and Civic Uses was done as part of the Use Regulations Project and some of the uses were relocated to a new category, Transportation, and some to Temporary Uses. She advised the Board that the Exhibit would be presented in its entirety and asked members to note any issues that they wished to question or comment on, and those would be addressed after the presentation.

Mr. Scott Rodriguez and Ms. Cantor briefly explained all parts of the Exhibit and responded to questions as follows:

- Discussion took place on College or University dormitories standard that requires density if the dormitories are offsite or privately operated. Changes were recommended to clarify that dormitories are accessory and shall be used by students enrolled in the college or university.
- Mr. Baumoehl said he was not in favor of custodial care for up to 12 children in a Large Family Child Care Home (LFCCH) for many reasons, including traffic and noise. Mr. Cross advised that unlike Family Day Care Home, the County could regulate this use as needed; however, it needs to be accommodated somewhere, hence while allowed in certain residential districts, site development standards such as parking, drop off spaces, incompatibility buffers, etc. would apply and generally serve to ensure the use is appropriately located.

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- Mr. Blackman raised the question as to what would limit proliferation of crematoriums in any area. Ms. Cantor responded, regulation by the Health Department and by ERM.
- Ms. Brinkman sought clarification on why the Hospital use was revised to remove collocated Medical Office and Ms. Cantor explained that the change is made for consistency with the construction of the Code. She indicated that a Medical Office collocated to a Hospital will be clarified under Medical Office use standards as indicated in the Comprehensive Plan.

Motion to approve with the amendments by Mr. Gulisano, seconded by Ms. Vinikoor. Motion passed (11 - 1). Mr. Baumoehl voted nay.

F. PUBLIC COMMENTS

1. There were no public comments.

G. STAFF COMMENTS

1. There were no staff comments.

H ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 3: 35 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:  1/27/16
Zona Case, Zoning Technician Date