

EXHIBIT A

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

(Updated 05/23/19)

Minutes of April 24, 2019 LDRAB/LDRC Meeting

On Wednesday, April 24 2019, 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.

A. CALL TO ORDER/CONVENE AS LDRAB

1. Roll Call

Chair Mr. Wesley Blackman, called the meeting to order at 2:04 p.m. Mrs. Wendy N. Hernández, Code Revision Principal Site Planner, called the roll.

Members Present: 14

Joanne Davis (District 1, Commissioner Valeche)

Drew Martin (District 2, Commissioner Weiss)

Philip L. Barlage (District 3, Commissioner Kerner)

Jim Knight (District 4, Commissioner Weinroth)

Lori Vinikoor (District 5, Commissioner Berger)

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)

Frank Gulisano (Realtors Association of the Palm Beaches)

Jaime M. Plana (American Institute of Architects)

Derek G. Zeman (Florida Surveying and Mapping Society)

Wesley Blackman (PBC Planning Congress)

Abraham Wien (Alternate At-Large #2)

Vacancies: 2

Environmental Organization

Alternate At-Large #1

Members Absent: 2

Terrence Bailey (Florida Engineering Society)

Charles D. Drawdy (Assoc. General Contractors of America)

County Staff Present: 17

Ramsay J. Bulkeley, Planning, Zoning and Building Executive Director

Jon MacGillis, Zoning Director

Maryann Kwok, Deputy Zoning Director

Wendy N. Hernández, Principal Site Planner

Jan Rodriguez, Senior Site Planner

Lorraine Fuster, Senior Site Planner

Alexander Biray, Zoning Technician

Leonard Berger, Chief Assistant County Attorney

Bob Banks, Chief Land Use County Attorney

Patricia Behn, Interim Planning Director

Bryan Davis, Principal Planner

Maria Bello, Principal Planner

Michael R. Howe, Senior Planner

Joanne Keller, Land Development Director

Robert Santos-Alborna, Code Enforcement Director

Lesley George, Housing and Economic

Sustainability Housing Liaison*

Kelley A Burke, Senior County Commission

Administrative Assistant (Commissioner McKinlay)*

* County Staff in audience.

2. Additions, Substitutions, and Deletions

Mr. Blackman noted the addition of an Add/Delete sheet to the Agenda.

3. Motion to Adopt Agenda

Motion to adopt the Agenda with the Add/Delete sheet by Dr. Vinikoor, seconded by Mr. Gulisano. Motion passed (14-0).

4. Adoption of February 27, 2019 Minutes (Exhibit A)

Motion to adopt the Minutes by Mr. Gulisano, seconded by Dr. Vinikoor with a change on Page iii, Section G.7, Voting of the Chair, correcting discussion from Mr. Bailey to Mr. Martin. Motion passed (14-0).

5. Public Comments

Mr. Blackman noted the larger than normal crowd, and reminded members of the public who wish to speak to fill out a comment card.

B. ULDC AMENDMENTS – NEW

1. Exhibit B and B2 – Workforce Housing

Mrs. Hernández explained Exhibit B is the Code language and Exhibit B2 describes how the Code is proposed to be changed, both prepared by Planning staff.

Mr. Howe provided a PowerPoint presentation briefly introducing the history and functions of the Workforce Housing Program, and its proposed rewrite has been ongoing since 2015, with collaboration between multiple stakeholders.

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Mrs. Bello further explained the changes are backed by tests from the County's economic consultant and stakeholders, and offered to explain any aspects in further detail.

Mr. Blackman explained the Board's process of reviewing lengthy proposed changes on a page by page basis, engaging in additional questions with staff, and then opening it up for public comment at two minutes per person.

Mrs. Hernández explained the proposed changes by page as they relate to the Code, and addressed questions and comments by the Board.

Mr. Martin asked whether this will provide an incentive to get rid of open space. Mrs. Bello explained increased density on sites would decrease pressure elsewhere. Mr. Martin further had concerns about using median income as a base, and maintenance issues in relation to South Florida's climate. Mrs. Bello indicated other programs exist for Affordable Housing. Mr. Walesky had concerns about deed restrictions.

a. Public Comments

Mrs. Suzanne Cabrera, Housing Leadership Council of Palm Beach County President and CEO, expressed the need for more units as opposed to ineffective in-lieu payments and creating a "race to the bottom" pricing scenario. She also clarified the eighty-five percent check is at CO rather than Building Permit, but would rather see it decoupled completely.

Mrs. Cindee LaCourse-Blum, Community Land Trust of Palm Beach County Executive Director, clarified "encumbered units" eligibility prohibiting "double-dipping," and concern over exchanges with nonprofits and other housing entities being penalized trying to provide a benefit to the community. She expressed concern that Building Permits did not reflect completion, and would also prefer a complete decoupling. She also noted depreciated value of home improvements are accounted for and that AMIs increase over time.

Mrs. Laurel Robinson, Housing Center of the Palm Beaches President and CEO, explained nonprofit developers use different financing options for encumbrances, and suggested language to allow County Staff to review for possible conflict. She was also grateful of two bedroom units being included in rental units. She found rent calculations confusing, but thinks language should be added to never allow negative rent in any kind of calculation. She also proposed disposition of workforce housing as it relates to exchange buildings, and a new category for a partner who might own the land or is participating in development of land not owned or directly controlled by the developer.

Mr. Kevin Ratterree, GL Homes Vice President, commended stakeholder collaboration, but expressed concerns about the eighty-five percent certificate of occupancy tieback, which will make banks reluctant to loan for zero interest in a project. Instead, he suggested a flat three-year period of time with extensions granted if good faith is being shown that the units are being close to CO'd.

Ms. Dodi Glass, WCRA Consultant, expressed the importance of all stakeholders to collaborate as a broader education process, concerns about the layering of programs whereas workforce housing obligations can't have other obligations, how it relates to other programs and discouragement of concentrations of income.

Mr. David Kemp, Town of Jupiter Principal Planner, expressed his support, specifically the revisions to the release of obligation, defining of rental brackets, and increase of in-lieu fees. He compared it to Jupiter's in-lieu fees being high to provide units.

b. Discussion

Mr. Martin proposed a motion to accept either eliminating the in-lieu fees or substantially increasing them. Mr. Blackman asked about the fund. Mr. Howe said approximately six million has been collected, which has been used for down payment assistance.

Mr. Guilsano said higher in-lieu fees will be passed on to other housing prices, which raises all housing prices and makes the situation worse. As professionals and data indicate, he believes it should be accepted as it is written.

Mr. Blackman asked how nonprofits have been incorporated historically, and how it could play a greater role. Mr. Howe explained the program is supplemental for units with tax credits, which nonprofits have to take that into account, and units aren't tied into any encumbrances.

Dr. Vinikoor questioned the issues concerning the eighty-five percent, which Mrs. Bello said will be worked on before being presenting to the Board of County Commissioners.

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Mr. Knight suggested putting the Middle income bracket in for sale. Mr. Blackman concurred it was a worthy concept and that it might be a mistake not to.

Mr. Walesky motioned to accept with modifications on page 13, line 45, adding Middle back in as a tier for sale and page 21, delete 30-33 eighty-five percent permit tieback. Seconded by Mr. Gulisano. The Motion passed (13-1). Mr. Martin voted nay, believing in-lieu fees defeats the purpose of getting workforce housing built.

C. PRIVATELY INITIATED AMENDMENTS

1. Exhibit C – PIA-2018-2043 Renewable Energy Solar Facilities

Mr. Zeman recused himself from the vote as Florida Power & Light is a potential client. Mr. Berger instructed him to fill out a Form 8B.

Mr. Matthew Silver, FP&L Project Manager, gave a PowerPoint presentation introducing solar power and farms.

Mrs. Joni Brinkman, Urban Design Kilday Studios Principal Planner, further presented aspects of the proposed text amendment and stated County Staff in agreement, sans a minimum hedge height of six feet.

Mrs. Hernández briefed on Phase I, whereas LDRAB and the BCC found merit to modify the Code. She further explained inherent differences in Urban Design Kilday and County Staff's Exhibits as reflected by Board concerns in November, definition, introduction of exemption language in Article 4 with cross referencing as opposed to waivers, and compatibility buffers. She noted a correction from PC FLU to Conservation. The Board's concerns from the November meeting for native vegetation and fencing for compatibility buffers were taken into consideration. However, the language controls residential uses as opposed to residential districts, and requiring seven feet as opposed to four.

Mrs. Brinkman clarified the agreement in language as amended in the Add/Delete sheet, with the exception of minimum/maximum.

Mrs. Davis hoped it would not be a "hedge," rather a mixed run of a variety of native plants in a natural flow. Mrs. Brinkman said it would be one native plan. Mr. Silver will look into it further. Mr. Martin concurred. She further questioned why it was called a hedge if it is supposed to look natural. A discussion between the Board ensued. Mrs. Kwok said Staff will look further into an alternative term.

Motion to approve by Mr. Gulisano, seconded by Mr. Martin.

Discussion: Dr. Vinikoor wanted clarification on whether it would be called Renewable Energy rather than solar farm. Mrs. Hernández explained Renewable Energy are two separate uses, specifically solar and wind.

Motion passed (13-0-1). Mr. Zeman abstained due to conflict.

D. ADJOURN AS LAND DEVELOPMENT REVIEW ADVISORY BOARD (LDRAB) AND CONVENE AS LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

1. Proof of Publication

The Chair acknowledged Proof of Publication and Mr. MacGillis and Mrs. Hernández also confirmed the publication.

Motion to accept Proof of Publication by Mr. Gulisano, seconded by Mr. Martin. Motion passed (14-0).

2. Consistency Determination for Exhibits B through J

Mr. Davis informed the Board Mr. Scott Rodriguez has left employment with the County, and Ms. Melissa Michael, who was in a meeting at the time, is his successor.

Motion to determine Exhibits B, and D-J consistent with the Comprehensive Plan by Mr. Knight, seconded by Mr. Gulisano. Motion passed (14-0). Motion to determine Exhibit C consistent with the Comprehensive Plan by Mr. Knight, seconded by Mr. Gulisano. Motion passed (13-0-1). Mr. Zeman abstained due to conflict.

E. ADJOURN AS LDRC AND RECONVENE AS LDRAB

1. Workshop Exhibit K – Landscape Services

Mr. MacGillis noted the purpose of the Workshop per the Subcommittee, industry, and interested parties, is to determine the consensus of the Board and bring it back in May for full review.

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Mrs. Hernández gave a PowerPoint presentation introducing Landscape Services and its history in relation to the Code, amendments, and conflict regarding violations and nuisances. From collaboration with stakeholders, County Staff is proposing to change Landscape Services as an accessory use of Nurseries to collocated use, eliminating the arbitrary requirement being held to business receipts. She presented percentage ratios of land utilization, which staff is still determining in residential districts, and approval processes they entail.

Mr. Gulisano questioned how traffic problems would be solved. Mrs. Hernández answered required traffic studies and site plan percentages for vehicle storage would minimize future traffic impacts.

Mr. Barlage asked about multiple ownership. Mr. MacGillis, Mrs. Kwok, and Mrs. Hernández answered it is a code requirement to mandate same ownership. Mr. Gulisano expressed doubt it would be enforceable. Mr. Knight said it is public record from Business Taxes.

Mr. Santos-Alborna interjected that determining ownership is relatively easier, while a formalized site plan would be enforcing it easier. Mr. Bulkeley added have agreed on being in violation in the Heritage Farms truck video. As a residential area, he was commercial taxes and impact fees.

Mr. Martin was still skeptical about eliminating receipts make Code Enforcement. Mr. Santos-Alborna disagreed, saying he never audited with receipts, and believes visuals are more effective.

a. Public Comments

Mrs. Michele Burns, Heritage Farms Resident, stated that road damage, loss of property values, and safety are major concerns as the neighborhood has become akin to an industrial parking lot. She suggested there be a requirement for large developments to build their own storage facilities for lawn services to eliminate the aforementioned issues, decrease traffic, and save time and money.

Mrs. Risa McCarraher, Heritage Farms Resident, expressed skepticism about Code verbiage being difficult to understand, and there might be a loophole in collocated uses. She also contended arguments from Landscape Services that there are no other places for them to go is false, because they do not want to pay for land for sale more appropriately zoned. Furthermore, commercial businesses operating in a residential neighborhood are conducting unfair businesses practices with no taxation and impact fees.

Mr. Bradley Miller, on behalf of the Landscape Services industry, gave a PowerPoint presentation showing ideas for site plan dimensions for Landscape Services in the Agricultural Reserve.

Richard "Chip" Carlson, on behalf of Carly Landco, presented satellite imagery of his client's property compared to others, and suggested tweaking the percentages.

b. Discussion

The Board came to a consensus that the major issues to focus on are traffic as it relates to access and egress, and the look of facilities as they relate to the residential neighborhoods which they operate in. Mr. Bulkeley stressed looking at the impacts, including to the areas and traffic, while protecting all stakeholders.

F. STAFF COMMENTS

1. Office of Resilience follow up to inquiry from February 27, 2019 meeting

Mrs. Kwok explained she went to a meeting in Delray Beach about sea level rise. The County is keeping up with any updates, which would first be reflected in the Comprehensive Plan. She concluded sea level rise is not as relevant an issue in the unincorporated area because of little coastal coverage.

2. LDRAB date correction: August 28, 2019

Mrs. Hernández noted the future meeting date of August 25, 2019 in the Agenda packet from the February meeting was incorrect. Mr. Blackman questioned if a meeting was needed, but Mrs. Hernández explained August is usually the beginning of the second Round of Amendments.

G. ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 5:22 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) 233-5243.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME ZEMAN DEREK GENE	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE LAND DEVELOPMENT REGULATION ADVISORY
MAILING ADDRESS 17020 113TH TERR. N	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input type="checkbox"/> CITY <input checked="" type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY COUNTY JUPITER PALM BEACH	NAME OF POLITICAL SUBDIVISION: PALM BEACH COUNTY
DATE ON WHICH VOTE OCCURRED 4/24/19	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> 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, DEREK ZEMAN, hereby disclose that on APRIL 24th, 20 19:

(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, _____;
- inured to the special gain or loss of the client of the company I ~~work~~ work for, 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:

FPL IS A CLIENT OF DRMP WHICH PERFORMS LAND SURVEY AND SUBSURFACE UTILITY ENGINEERING. I AM AN EMPLOYEE OF DRMP AND PROJECT MANAGER OF SEVERAL FPL PROJECTS.

4/24/19

Date Filed



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.