

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

Minutes of July 24, 2013 Meeting

On Wednesday, June 19, 2013 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 2:05 p.m. Zona Case, Code Revision Zoning Technician, called the roll.

Members Present: 14

Wesley Blackman (PBC Planning Congress)
David Carpenter (District 2)
Lori Vinikoor (District 5)
Michael Zimmerman (District 6)
Jim Knight (District 4)
Gary Rayman (Fl. Surveying & Mapping Society)
Joni Brinkman (League of Cities)
Terrence Bailey (Florida Eng. Society)
Jerome Baumoehl (AIA)
Edward Tedtmann, Environmental Organization)
Richard Kozell (District 3)
Barbara Katz (District 3)
Frank Gulisano (PBC Board of Realtors)
Raymond Puzzitiello (Gold Coast Build. Assoc.)

Members Absent: 3

Henry Studstill (District 7)
Leo Plevy (Member At Large/Alternate)
James M. Brake (Member at Large/Alternate)

Vacancies: 2

(Assoc. General Contractors of America)
(Condominium Association)

County Staff Present:

Leonard Berger, Assistant County Attorney
Jon MacGillis, ASLA, Zoning Director
William Cross, Principal Site Planner, Zoning
John Rupertus, Senior Planner, Planning
Bryan Davis, Principal Planner, Planning
Zona Case, Zoning Technician, Zoning
David Nearing, Site Planner I, Zoning

2. Additions, Substitutions, and Deletions

The Chair noted that there were no additions, substitutions, or deletions to the agenda.

3. Motion to Adopt Agenda

Motion to adopt agenda by Ms. Vinikoor, seconded by Ms. Katz. Motion passed (14 - 0).

4. Adoption of May 22, 2013 Minutes (Exhibit A)

Motion to adopt minutes by Ms. Vinikoor, seconded by Ms. Katz. Motion passed (14 - 0).

B. PRIVATELY INITIATED ULDC AMENDMENTS

The Chairman briefly explained that the two applications are both Phase I of the process, and that the Board was to provide the BCC with a recommendation regarding whether the amendments deserve further consideration. If the BCC chooses to move the amendments forward, they will return at a later date for a detailed evaluation by the LDRAB.

1. Exhibit B - Phase I: Hospital or Medical Center Minimum Lot Size

Mr. Cross briefly explained that the applicant is requesting to remove the minimum five acre lot size from the Supplemental Use Regulations to permit smaller sites to be developed for hospitals and medical centers. He stated that staff was recommending moving the project forward as part of the on-going Use Regulations Project.

Mr. Carpenter indicated that one major concern for this use is access. He did not wish to see access to this project bring the noise associated with hospitals through residential areas.

Mr. Knight asked for clarification regarding the difference between a hospital and a medical center. Mr. Cross explained that they offered similar services, the major difference being that hospitals permitted overnight stays.

Mr. Tedtmann asked what the difference was between a medical center and doctors' offices. Mr. Cross explained that the medical center typically offered a more intensive service, and that it was better equipped to handle emergency situations, including ambulance transport. There was discussion of services such as helipads. Staff explained that the applicant acknowledged that the five acre minimum needed to be retained if there was to be a helipad.

Mr. Kozell questioned why there was no variance relief available to the size, rather than amend the Code to permit the use anywhere on smaller parcels. He noted that this should be available if the size issue is due to government action, such as eminent domain.

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Mr. Carpenter reminded the Board that care should be taken, as the use is permitted in the Institutional Future Land Use designation, which can be located anywhere, including in residential areas. Eliminating or reducing the minimum acreage could permit the use to further encroach into residential areas.

Ms. Vinikoor asked if staff would be recommending a minimum lot size. Mr. Cross noted that staff would likely be recommending reducing rather than eliminating the minimum.

Mr. Kevin McGinley of Land Research Management spoke on behalf of the applicants. He gave a brief history of the property which his clients own. At one point in time it was over five acres in size, however, after FDOT took property for adjacent right-of-way, the acreage fell to 4.96 acres.

Ms. Vinikoor asked what type of licensing was needed for the type of facility his client was seeking. It was determined that a Certificate of Need would not be needed for the use, but since the applicant wishes to have overnight stays and outpatient, it needs to be a hospital. It will require some type of State license.

Ms. Vinikoor expressed concern about the fact that many walk-in health clinics are now being opened which are affiliated with hospitals, and she did not wish to see this amendment used as a vehicle to allow such uses to be opened up all over the County. People are being billed as though they were in a hospital, not a clinic.

The Board discussed the need for moving the proposed amendment forward ahead of the Use Regulations project, versus combining the proposal into the project. If it were to move forward, there would need to be a minimum lot size, and some reevaluation of the current definition.

Motion by Mr. Bailey to recommend that the proposed amendment not move forward ahead of the Use Regulation Project, seconded by Mr. Gulisano. A discussion on the motion followed:

Ms. Katz indicated that the definition is at issue, as well as the minimum lot size.

Mr. Rayman did not believe the minimum lot size should be looked at, but the issue of properties rendered non-conforming by government action should be addressed.

Ms. Brinkman noted that we do need to look at industry trends with respect to lot size. The issue will come up again.

Mr. Gulisano indicated that he wanted the proposal to go through the Use Regulations Project because he wanted some serious consideration given to what is an appropriate lot size rather than picking some arbitrary size.

Mr. Kozell agreed with the comments, however, he felt that it was the Board's obligation to facilitate the applicant and staff to start working together sooner than later.

Ms. Brinkman asked if there was a time constraint. Mr. McGinley indicated that there was.

Ms. Brinkman asked if Mr. Bailey would amend the motion to allow the amendment to move forward with the next round of amendments. Mr. Bailey indicated that he would not, due to the impacts evaluating a use for one parcel will have on staff resources. The intent of the motion was discussed. The Chairman called for a roll call vote.

Yes	No
Mr. Bailey	Chairman Blackman
Mr. Baumohl	Vice Chair Carpenter
Mr. Tedtmann	Mr. Puzzitiello
Mr. Gulisano	Ms. Brinkman
Ms. Katz	Mr. Rayman
Ms. Vinikoor	Mr. Kozell
	Mr. Knight
	Mr. Zimmerman

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The motion failed 6 to 8.

The Chairman asked for an alternate motion. Ms. Brinkman motioned to support moving the amendment forward in the next round of amendments, seconded by Mr. Puzzitiello.

The Chairman asked for roll call vote:

Yes	No
Chairman Blackman	Mr. Bailey
Vice Chair Carpenter	Mr. Baumoehl
Mr. Puzzitiello	
Ms. Brinkman	
Mr. Tedtmann	
Mr. Gulisano	
Mr. Rayman	
Mr. Kozell	
Ms. Katz	
Mr. Knight	
Ms. Vinikoor	
Mr. Zimmerman	

The motion passed (12 - 2).

2. Exhibit C - Phase I: Allow Commercial Communication Towers in PUD Recreation Pods.

Mr. Cross explained the purpose for the amendment was to permit the siting of cellular communication towers in the Recreation Pod of a Planned Unit Development (PUD). He explained the various types of towers regulated by the ULDC and where they are permitted. He explained that there would be need for additional justification provided by the applicant for the Phase II review of this application, should it move forward. Additional discussion regarding where the towers could go would also be required.

Ms. Lauralee Westine, Law Office of Lauralee G. Westine, P.A., addressed the Board on behalf of her client. Her client is a cell tower developer, not a service provider, who has negotiated locating a tower in the Rec. Pod of the Boca West Country Club PUD.

The Board asked whether the size of Rec. Pods is determined by the area of the project? Staff explained that the minimum size required is based on the number of units in the overall project. It was noted that current Code permits cell towers on Civic Pods of PUDs.

Ms. Westine noted that the application does not propose any changes to types of towers, setbacks, heights, etc. Her client is actually looking for shorter towers.

Ms. Westine noted that due to contractual obligations, her client needs to move forward with this amendment, and therefore she is asking for the Board's support to move the amendment forward with the next round of the amendments. She is willing to cooperate to craft the amendment to address the County's concerns.

Mr. Baumoehl indicated that he would like to see aesthetics addressed.

Ms. Brinkman motioned to recommend the BCC move this amendment forward with the next round of amendments, seconded by Vice Chair Carpenter. The motion passed unanimously (14-0).

C. PUBLIC COMMENTS

There were no public comments.

D. LDRAB SUBCOMMITTEE UPDATES

1. Use Regulations Project

Mr. Cross noted that Sub-Committee meetings have been scheduled for August 13th and 20th for Industrial uses. Mr. MacGillis noted that the Code updates are also moving forward.

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Staff will be briefing the BCC on the next round of the ULDC amendments (2013-02) in September.

E. STAFF COMMENTS

Staff had no additional comments.

F. ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 3:30 p.m.

Recordings 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:

David Nearing

David C Nearing 10/23/13