

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

Minutes of February 22, 2012 Meeting

On Wednesday, February 22, 2012 the Palm Beach County Land Development Regulation Advisory Board (LDRAB), met in the First Floor Conference 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: 16

Wesley Blackman (PBC Planning Congress)
David Carpenter (District 2)
Joanne Davis (District 1)
Barbara Katz (District 3)***
Jim Knight (District 4)
Lori Vinikoor (District 5)
Michael Zimmerman (District 6)
Martin Klein (District 7)
Frank Gulisano (PBC Board of Realtors)
Maurice Jacobson (Condominium Assoc)
Gary Rayman (Fl. Surveying & Mapping Society)
Raymond Puzitiello (Gold Coast Builders Assoc.)
Joni Brinkman (League of Cities)
Rosa Durando (Environmental Organization)*
Jerome Baumoehl (AIA)**
Terrence Bailey (Florida Eng. Society)**

Members Absent: 1

Leo Plevy (Member at Large, Alt.)

Vacancies: 2

Vacant (Assoc. General Contractors of America)
Vacant (Member At Large, Alt.)

County Staff Present:

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

2. Additions, Substitutions, and Deletions

No amendments were presented.

3. Introduction of New Members

Newly appointed members, Joni Brinkman, representing the League of Cities and Frank Gulisano, representing Palm Beach County Board of Realtors, introduced themselves. The Chairman welcomed them on behalf of the Board and noted that Ms. Brinkman had previously served on the Board and he was delighted to have her serve again.

4. Elections of Chair and Vice Chair

Mr. Klein moved that Chairman, Wes Blackman and Vice-Chairman, David Carpenter, be re-elected to their present respective positions and he read into the records commendation and nomination remarks, as follows:

"The purpose of the Chairman is to lead the group to a consensus from disparate points of view. No one does it better than Wes Blackman, our current Chairman and David Carpenter, our current Vice-Chairman. The Bible indicates that God urged Moses to delegate authority to capable leaders. While both Wes and David are a bit younger than Moses, Moses would have been proud and we are blessed to have them at the helm of our Board. It gives me great pleasure to nominate Wes Blackman and David Carpenter as our Chairman and Vice-chairman respectively for this coming year."

Mr. Jacobson endorsed and seconded the motion which passed unanimously (13 – 0).

5. Motion to Adopt Agenda

Motion to adopt by Mr. Klein, seconded by Mr. Jacobson. The motion passed (13 – 0).

* Rosa Durando arrives at 2:07 p.m.

6. Adoption of January 25, 2012 Minutes (Exhibit A)

Mr. Cross requested that the Minutes be adopted with the change on the staff comments to clarify that Leonard Berger's remarks for Board members to have AGR Tier site visit relate to Sunshine Law issues instead of the Ethics Regulations as was incorrectly stated in the minutes.

Mr. Klein moved for adoption, seconded by Ms. Vinikoor. The motion passed (14 – 0*).

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B. UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENTS

1. Exhibit B – Article 3, Overlays and Zoning Districts

Mr. Cross said that Exhibit B will amend development area frontage requirements in the AGR-PUD for consistency with the Future Land Use Element of the Comprehensive Plan.

Motion to adopt by Mr. Klein, seconded by Mr. Jacobson. The motion passed (14 – 0*).

2. Exhibit C – Traditional Development Districts (TDD)

Mr. Cross explained that the amendment implements the Comprehensive Plan and clarifies standards for residential and commercial units in a TND neighborhood center. The center is intended to accommodate neighborhood oriented non-residential uses and encourage multi-family or live/work residential uses when located above non-residential uses.

Motion to adopt by Mr. Jacobson, seconded by Mr. Klein. The motion passed (14 – 0*).

** Jerome Baumoehl, newly appointed Board Member representing Associated Institute of Architects, arrives at 2:10 p.m. and introduces himself to the Board. Terrence N. Bailey arrives at 2:11 p.m.

3. Exhibit D – Palm Beach International Airport Overlay (PBIAO)

Mr. Cross stated that the amendment implements PBIAO policies of the Future Land Use Element (FLUE) of the Plan, requiring developers of vacant land within the PBIAO to notify new residential property owners within the Overlay of the possibility of airport noise. The proposed amendment also deletes references to the PBIAO Committee which was removed from the Plan.

Motion to adopt by Mr. Klein, seconded by Mr. Jacobson. The motion passed (16 – 0* **).

4. Exhibit E – Article 6, Parking

Ms. Cantor explained the amendment is intended to reduce confusion related to minimum parking dimensions by correcting Figure 6.A.1.D. to correspond with Table 6.A.1.D and to correct scrivener's errors for 60 degree angled parking. Ms. Davis questioned the minimum width requirement for the drive isle implying that it was excessive, and asked if it was necessary and had staff researched or considered reducing. Ms. Cantor replied that the minimum 24 foot width was a standard dimension for a majority of jurisdictions nationwide. Mr. Cross confirmed that staff had looked at smaller drive isle dimensions and that until such time as a larger majority of automobiles on the road were compact, the 24 foot dimension was necessary to accommodate larger vehicles safely.

Motion to adopt by Mr. Klein, seconded by Mr. Jacobson. The motion passed (16 – 0* **).

C. PUBLIC INITIATION OF ULDC AMENDMENTS

1. February 6, 2012 Memo to BCC (Exhibit F – Initiating Amendments to the Unified Land Development Code (ULDC) from Industry)

Mr. Cross explained that the Interoffice Memorandum to the BCC in Exhibit F outlines Zoning efforts to establish procedures to accommodate public and private sector initiation of amendments to the ULDC. This new process enables an applicant to present a request to initiate an amendment to the LDRAB and BCC that staff typically does not support or where staff may support but in a later round of amendments that does not work for the applicant. The methodology consists of a brief verbal presentations from both staff and the applicant, with a summary of the request and discussion seeking for LDRAB recommendation to the BCC to whether or not the request should be initiated as an amendment. Mr. Cross clarified that as this was a new process, there would be a need to muddle through the first few applications and refine as needed. He added that this will include the development of an application fee to be based on an assessment of staff time and resources required to process applications.

Mr. MacGillis clarified that regardless of staff or LDRAB recommendations, the applicant would be able to present the request at the BCC Zoning Hearing under the Zoning Director's Comments portion of the agenda. He further clarified that it was not uncommon for persons to solicit Commissioners individually or attend a Regular BCC Public Hearing and speak under the public comments portion of the agenda. This process ensures that staff has the opportunity to confirm that there are no other solutions to otherwise accommodate the applicant's request, was generally consistent with prior requests

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discussed under Zoning Director comments, and allows for appropriate staff to be present to answer any questions from the BCC.

Mr. Klein opined that LDRAB is an advisory Board and while he understands staff's concerns, the request to review the amendments places LDRAB in an awkward position. Mr. Blackman clarified that LDRAB may recommend that the amendment request be presented to the BCC, however, if initiated and when the actual amendments are presented to the LDRAB for review, they may not recommend approval of the proposed amendments.

No motion was needed to implement the process.

2. February Applications

Mr. Cross introduced Mr. Bob Bentz and Mr. Joe Lelonek on behalf of Land Design South to request code changes included in Exhibit G, and Mr. Andrew Jacobson from McCraney Property Company to present amendments included in Exhibit H.

a. Exhibit G – Request of Land Design South to establish exemptions from location criteria for gas and fuel facilities within ½ mile of I-95 interchanges.

Mr. Blackman, Mr. Carpenter, Mr. Puzzitiello, Mr. Knight, Mr. Jacobson, and Mr. Zimmerman declared that they spoke on the phone with Mr. Bentz of Land Design South. Ms. Katz stated that she had received an e-mail from Mr. Bentz. Ms. Brinkman clarified she was not going to participate on the discussion of this item as the firm she works with is representing a client that is currently in the process that may be impacted by the changes.

Mr. Cross presented two requests from Land Design South and provided two maps to help illustrate the current requirements. The first request sought to amend text in Article 4.B.1.A.37, Convenience Store with Gas Sales, specifically sub-heading c 1, Location Criteria to exempt a Convenience Store with Gas Sales from intersection and separation criteria if located within ½ mile of an I-95 interchange. He indicated that there was some merit to accommodate further analysis of the request due to Florida Statutes requiring generators for some gas stations within certain distances of hurricane evacuation routes. However, he clarified that Zoning staff is neutral and recommended the topic be included in Round 2012-01.

The second request was to exempt stations located on parcels with a Commercial Low (CL) future land use (FLU) designation from Major Intersection Criteria if also located within ½ mile of I-95. Mr. Cross read text from the Comprehensive Plan stating: *"The CL category includes a limited range of neighborhood-oriented commercial activities designed primarily to provide services to adjacent residential areas. The land development regulations developed pursuant to the CL category shall contain additional site design requirements in order to ensure compatibility with adjacent uses."* Mr. Cross clarified that the current standard applicable to Commercial Low implemented said text of the Plan, and that staff cannot support this request.

Mr. Bentz did a related power point presentation highlighting the location of a proposed gas station on the corner of Hypoluxo and High Ridge Road and the location for an existing approval for a gas station at Hypoluxo and I-95. He presented the first request and explained that under current code the proposed station would not be allowed as there would be two gas stations within 1,000 ft. He is requesting changes to the criteria as he is of the view that locations in close proximity to I-95 are desirable because of the number of trips close to the Interstate. He expressed that his second proposal to allow convenience store with gas sales in CL FLU when located within ½ mile of I-95 is not critical. Mr. MacGillis clarified the change would not affect the Turnpike due to gasoline stations at Turnpike service plazas and would only apply to approximately six intersections only along I-95 as the others are located within municipal jurisdictions.

Mr. Alan Ciklin, spoke under comments from the public, representing an approved Gas Station located at the intersection of I-95 and Hypoluxo Road. He indicated that the building was destroyed by a past hurricane and has not been reconstructed but the owner is in the process of getting the necessary approval to reconstruct the site. He stated that he was not at the meeting to oppose and clarified that in the 1990's the

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location criteria was introduced in response to the BCC direction to protect surrounding residents.

Motion by Mr. Klein to move the process forward without recommendation of the merits of the request, seconded by Ms. Katz. The motion passed (14 – 2^{*,**}) Ms. Davis and Mr. Baumohl voted in opposition.

*** Barbara Katz leaves at 3:29 p.m.

b. Exhibit H – Request of McCraney Property Company, to allow additional non-industrial uses in Planned Industrial Park Developments (PIPDs) or similar.

Mr. Cross stated this is a request for changes to Fitness Center, Catering Service and Vocational School, to be permitted in industrial light use zone of Planned Industrial Park Development (PIPD). He further explained that PIPDs allow for industrial, commercial, recreational and residential uses, among others. As such, there was a not need to allow commercial uses to be permitted in the industrial areas of the development. He also clarified that industrial uses require less parking as opposed to the uses proposed.

Mr. Cross explained that staff cannot support the requests at this time and that they would be addressed during the upcoming 2012-13 Use Matrix Task. Mr. MacGillis stated that these are commercial uses and the rationale for not supporting is that too much industrial space is being used for commercial purposes leaving very little available industrial space in the county.

Mr. Andrew Jacobson said that the three requested uses are permitted by right in the Light Industrial (IL) standard Zoning district and that the proposed changes for PIPD are needed to improve business. He further indicated that there is an inconsistency in the Code where Vocational Schools are permitted in industrial pods of Multiple Use Planned Developments (MUPDs), and clarified that parking issues would be addressed through analysis of existing parking or through provisions for shareparking. He went on to say that the type of Fitness Center proposed is limited to small gyms and karate schools, and that these are permitted in Industrial properties in Martin County. Mr. Bailey said the market should determine the need for Industrial use and he would like to see more flexibility.

Mr. Klein restated his concern for the burden on staff, for placing the Board in a quandary and he asked for Mr. MacGillis' recommendation. Mr. MacGillis said the issue is timing as the applicant is asking for the request to be addressed in this round of amendments. Mr. MacGillis clarified if the amendments get processed at this time, the changes would not be effective until August of this year.

Mr. Andrew Jacobson said the company has had to turn away business. It was followed by Mr. Maurice Jacobson's inquiry about the amount of unrealized jobs because of the inability to rent for those uses. Mr. Andrew Jacobson said 40 tenants had been refused in the last 2 years.

Ms. Davis recommended that staff review the current Industrial zoning status before moving ahead and possibly adding other uses that may harm industrial space. Mr. Carpenter said that businesses are renting Industrial space because it is cheaper but cheaper is not always better. Ms. Brinkman added that it should be taken into account that some buildings were built at higher costs at commercial sites compared with industrial. Mr. Klein stated that he recommended that staff review the uses in a comprehensive basis as part of the larger pending project, and the piece-meal approach will unduly burden staff.

Motion by Mr. Klein to not being pass the request along to the BCC, seconded by Mr. Carpenter. Motion passes (14 – 1^{***}). Mr. Bailey voted in opposition.

D. PUBLIC COMMENTS

There were no public comments.

E. STAFF COMMENTS

Mr. Cross stated that a Zoning web page to allow input on specific uses for the Use Matrix will be active in a short while. He also confirmed cancellation of the March 28 LDRAB meeting.

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Mr. Blackman commented that this meeting was unique, new members were appointed and he was being given the pleasure to recognize the service of two dedicated members of the Board. He presented plaques to LDRAB members Mr. Carpenter and Mr. Jacobson for their dedicated service, recognizing 30 years and 35 years of service respectively.

F. ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 3: 56 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: Zona Case  03-7-2012
Name (signature) Date