

## EXHIBIT A

### PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

#### Minutes of May 25, 2011 Meeting

On Wednesday, May 25, 2011 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 1:05 p.m. Ann DeVeaux, Code Revision Zoning Technician, called the roll.

##### Members Present: 13 \*

Wesley Blackman (PBC Planning Congress)  
David Carpenter (District 2)  
Raymond Puzitiello (Gold Coast Build. Assoc.)  
Jose Jaramillo (AIA) \*  
Rosa Durando (Environmental Organization)  
Michael Cantwell (PBC Board of Realtors)  
Gary Rayman (Fl. Soc. of Prof. Land Surveyors)  
Maurice Jacobson (Condominium Association) \*\*  
Joanne Davis (District 1)  
Barbara Katz (District 3)  
Jim Knight (District 4)  
Lori Vinikoor (District 5)  
Martin Klein (District 7)

##### Members Absent: 1

Terrence Bailey (Florida Eng. Society)

##### Member At Large: 2 (Not Attending)

Robert Schulbaum (Member At Large, Alt.)  
Patrick Gleason (Member At Large, Alt.)

##### Vacancies: 3

Vacant (League of Cities)  
Vacant (Assoc. Gnrl. Cntrctrs. of America)  
Vacant (District 6)

##### County Staff Present:

Leonard Berger, Assistant County Attorney  
Jon MacGillis, Zoning Director  
William Cross, Principal Site Planner, Zoning  
Monica Cantor, Senior Site Planner, Zoning  
Ann DeVeaux, Zoning Technician, Zoning  
Bryan Davis, Principal Planner, Planning  
Allan Ennis, Assistant Director, Traffic Eng.  
Willie Swoope, Impact Fee Coordinator  
Courtney Shippey, Child Care Program Coordinator, PBC Health Department  
Kenny Wilson, PBC Health Department  
Robert Kraus, Senior Site Planner, ERM

##### 2. Additions, Substitutions, and Deletions

An Amendment to the Agenda sheet was presented for Exhibit C, Renewable Energy (Wind), Exhibit H, Lion Country Safari and Exhibit I, Urban Redevelopment Area Overlay (URAO).

##### 3. Motion to Adopt Agenda

Motion to adopt as amended by Martin Klein, seconded by David Carpenter. The motion passed unanimously (12-0\*).

##### 4. Adoption of April 27, 2011 Minutes (Exhibit A)

Motion to adopt by Martin Klein, seconded by Maurice Jacobson. The motion passed unanimously (12-0\*).

#### B. ULDC Amendments

##### 1. Exhibit B: Article 12 – Traffic Performance Standards

Reordered for presentation after Exhibit K.

Motion to reorder agenda item B.1, Exhibit B, Article 12, Traffic Performance Standards by Martin Klein, seconded by David Carpenter. The motion passed unanimously (12-0\*).

##### 2. Exhibit C: Renewable Energy (Wind)

Mr. Cross explained that the amendment was initiated by BCC direction to accommodate potential large scale commercial wind farms in the agricultural area or the Agriculture Tier of unincorporated Palm Beach County. He summarized the exhibit as amendments to the existing renewable wind energy ordinance adopted two years ago and the proposed amendment is the result of a subcommittee that was convened on the topic. He continued stating that the amendment provides for definitions; establishes an

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expedited approval process for temporary MET Towers; provides parking exemptions; addresses changes in industry standards; and, adds setback provisions of 1,000 feet separation from residential structures.

He informed that George Gentile of Gentile & Associates and Robin Saiz of Wind Capital Group, has a Zoning application for a large scale wind farm in the Agricultural Production (AP) Zoning District in the Glades Tier. Mr. Cross mentioned that Cliff Hertz, a representative of Florida Crystals, anticipated being present to make comments regarding the setbacks from the perimeter of the project.

\* Jose Jaramillo arrives at 1:10 p.m.

The amendment also provides for DRO authority to relocate or increase the number of turbines (up to ten percent), approved by the BCC.

#### Amendments to the Agenda:

- Item #1 – Page 23, line 39, Part 3 (increased required Setback and Separation from Existing Habitable Structures);
- Item #2 – Page 24, lines 8-16, Part 3 (clarified turbine removal agreement requirements); and,
- Item #3 – Page 24, lines 36-44, Part 3 (added additional requirements to address potential adverse impacts to low flying aircraft)

Discussion ensued regarding:

- Turbine color;
- 1,000 setback from habitable structures;
- environmental permitting and adverse impacts to migratory bird routes;
- identification and location of customers that will be serviced, which was pointed out may not necessarily be for the express use of Palm Beach County residents;
- sacrifice of land for tower placement; and,
- obligation of FP&L to buy electricity, to which it was again clarified that electricity generated would be sold as a commodity, not necessarily to utilities in Florida.

Motion to adopt as amended by Martin Klein, seconded by Raymond Puzzitiello. The motion passed (11-2). Ms. Durando and Mr. Carpenter voted nay.

#### **1. Exhibit B: Article 12 – Traffic Performance Standards**

Mr. Cross requested that Exhibit B, Traffic Performance Standards be presented at this time, as Mr. Ennis of Traffic Engineering was now present.

Motion to reorder item B.1, Exhibit B, Article 12, Traffic Performance Standards after Exhibit C, by Martin Klein, seconded by Raymond Puzzitiello. The motion passed unanimously (13-0).

Mr. Ennis summarized the amendment as an update of Traffic Performance Standards (TPS) methodology and references for consistency with the Comprehensive Plan Transportation Element Policy 1.2-d(4). The amendment involves several technical changes to the analysis method for signalized intersections with ramps. The amendment also corrects errors in the TPS Database which shows the amount of traffic approved for un-built projects. Mr. Ennis also mentioned that changes to the procedure for Constrained Roadway at Lower Level-of-Service (CRALLS) application are needed for clarification of who can apply for a CRALLS, how the CRALLS application is initiated for review, what the role of various agencies is in the review process, and which projects can utilize the CRALLS.

\*\* Maurice Jacobson leaves the room 1:12 p.m.

Motion to adopt by Raymond Puzzitiello, seconded by Martin Klein. The motion passed unanimously (12-0\*\*).

#### **3. Exhibit D: Pain Management and Pharmacies**

Mr. Cross summarized the amendments and noted that a subcommittee was convened to address ongoing multi-jurisdictional efforts to address prescription drug abuse. It was noted that the Pain Management Clinic Moratorium, which had been extended six

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months and was set to on October 3, 2011, spurred the need for the County to act should the 2011 Legislative Session fail to address this serious issue. The amendment requires that County Code Enforcement coordinate with the Palm Beach County Health Department relative to regulations, inspections and the method of storage of drugs by pharmacies, as well as the Palm Beach County Sheriff's Office (PBSO). He noted that the State Legislature and the Governor were considering allowing the previously approved prescription drug database to be implemented, in addition to other laws that would better manage Pain Management Clinics, pharmacies and dispensing physicians, among others. The amendment was summarized as follows:

- deletes prohibitions on Pain Management Clinics, which as noted above, was set to occur with the expiration of the Moratorium;
- adds provisions that allow the County to regulate pharmacies, by limiting the number of prescriptions that can be issued in a 30-day period for Schedule II, Controlled Substances;
- adds Pharmacy as a definition and clarifies it as a use under the category of General Retail Sales;
- deletes Pain Management Clinic as a use from the Supplementary Use Standards and matrices; and,
- clarifies that the sale or dispensing of controlled substances is not included within the limited accessory retail sale of products for uses such as Personal Services.

Motion to adopt by David Carpenter, seconded by Martin Klein. The motion passed unanimously (12-0\*\*).

#### 4. Exhibit E: Interpretations

Ms. Cantor summarized the proposed amendment as a consolidation of language related to interpretation of the ULDC. The amendment primarily adds or deletes authority for officials, directors or administrators to interpret various articles of the ULDC for consistency through the Code. Also clarifies sufficiency review process including time periods applicable to interpretations.

\*\*\* Jim Knight leaves the room at 2:22 p.m.

\*\* Maurice Jacobson reenters the room at 2:23 p.m.

Motion to adopt by Martin Klein, seconded by Raymond Puzzitiello. The motion passed unanimously (12-0\*\*\*).

#### 5. Exhibit F: Administrative Inquiry

\*\*\* Jim Knight enters the room at 2:25 p.m.

Ms. Cantor explained that the amendment consolidates the Administrative Inquiry procedures in Article 2 and clarifies that only PBC officials can apply for Administrative Inquiry.

Motion to adopt by Martin Klein, seconded by David Carpenter. The motion passed unanimously (13-0).

#### 6. Exhibit G: Northlake Boulevard Overlay Zone (NBOZ)

Mr. Cross explained that the amendment extends the compliance date for replacement of existing signage and landscaping for development in the NBOZ to May 31, 2014 for several participating jurisdictions. It was noted that the NBOZ is comprised of the County and surrounding municipalities, that there were only 19 parcels within the County's jurisdiction, and that the Zoning Division had sent out correspondence advising affected property owners of the proposed time extension.

Motion to adopt by David Carpenter, seconded by Martin Klein. The motion passed unanimously (13-0).

#### 7. Exhibit H: Lion Country Safari (LCS)

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Mr. Cross summarized that the amendment adds purpose, applicability and requirements to the RR-PUD for consistency with the Lion Country Safari Overlay established by the Future Land Use Element (FLUE) Objective 1.11 of the Plan.

#### Amendments to the Agenda:

- Item #4 – Page 43, lines 41-47, Part 3 - added clarification regarding County oversight of required deed restriction or conservation easement; and,
- Item #5 – Page 45, lines 14-23, Part 3 - added 1) Lion Country Safari Exemption from Open Space Management Plan bonding requirements.

Discussion ensued regarding the preservation of existing native vegetation including a minimum of 37 acres of upland native vegetation, the calculation of the preservation area which may conflict with other sections of the ULDC, and, the percentage of the existing park that is related to open space.

Mr. Kerry Kilday from Urban Design Kilday Studios stated that the total property is a square mile and the existing park facility is approximately 50 percent of that property, and ten percent of the property is the preservation area. He also related that other areas in the upland area will need to be preserved and that the language pertaining to the 37 acres of upland is taken directly from the Comprehensive Plan. The 37 acres is preserved currently and is set up as part of the Lion Country Safari and because of concern for neighbors, it was essentially placed up against the edges of an abutting residential neighborhood.

Ms.. Davis interjected that the concept of the Comprehensive Plan was to ensure that there was no retreat or loss of 37 acres in the existing buffer that was effectively already provided.

Discussion continued on the upland habitat and 25 percent preservation, the use of the RV Park as open space, and water management and drainage on the site.

Mr. Kraus clarified that the requirement is for 25 percent of good quality upland habitat be preserved on the site. Mr. Cross added that in the Planned Unit Development (PUD) section, the Rural Residential PUD requires that any drainage related to the development has to be retained in the development area. The preserves could not be used to meet the drainage requirement for the development area. It does not preclude drainage being done on the preserve area, but not for the purpose of development for a PUD.

Staff agreed to incorporate Ms. Davis' request that future development address upland vegetation habitat preservation requirements.

Motion to adopt as amended by Martin Klein, seconded by Maurice Jacobson. The motion passed (11-2). Joanne Davis and Rosa Durando voted nay.

#### **8. Exhibit I: Urban Redevelopment Area Overlay (URAO)**

Mr. Cross explained that most of the amendments relate to changes that are being processed in the Comprehensive Plan which:

- Delete the Specialized Development (SD) District that allows Zoning District requirements to be simplified;
- Establish approval process for URAO Type I and II Waivers (noting that IRO, LCC and URAO Type I Waivers would be consolidated);
- Clarify applicability of PRA Use Matrix for existing development for parcels within UC and UI Zoning; and,
- Provide streamlined approvals of some uses and add new uses not previously permitted.

In response to requests from LDRAB members, Mr. Cross reviewed maps he brought to help illustrate the spatial relationship between the URA and the Priority Redevelopment Areas (PRA).

#### Amendments to the Agenda

- Item #6 – Page 61, line 2, Part 11 - to further amend Table 3.B.16.F- PRA Permitted Use Schedule, to require Conditional Use Approval for Funeral Homes (noting that

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those without crematoriums would be permitted by the DRO), and allowing Self Service Storage Facilities to be approved by the DRO;

- Item #7 – Page 70, lines 20, Part 11 - to further amend Table 3.B.16.F – PRA, Mixed Use, Block, Civic and Apartment Building PDRs, by removing deleted building types from the title (Mixed Use, Civic and Apartment);
- Item #8 – Page 83, lines 1, Part 11 - to further amend new Table 3.B.16.G –Type I and II URAO Waivers, to address minor scrivener's errors; and,
- Item #9 – Page 87, line 13, Part 17 - Added note to allow for Funeral Homes without Crematoriums to be permitted by the DRO, as noted in Item #6 above;

Motion to adopt as amended by Martin Klein, seconded by Maurice Jacobson. The motion passed unanimously (13-0).

Mr. Cantwell recognized the efforts made by PZ&B staff to address comments from industry and property owners in prior forums, but reiterated his concerns with the viability of the overall concept of the URA, with emphasis on the current recession, increased vacancy rates and other limitations making it difficult to further encourage investors to do what is being required.

#### 9. Exhibit J: Appeals

Ms. Cantor summarized that the amendment consolidates processes and standards for Appeals in Article 2, Development Review Procedures and updates references.

Motion to adopt as amended by Martin Klein, seconded by Maurice Jacobson. The motion passed unanimously (13-0).

#### 10. Exhibit K: Public Notice

Mr. Cantor explained that the amendment consolidates public notice requirements and codifies existing practice of using certified mail to properties within 300 feet of projects subject to Public Hearing approval.

\*\*Maurice Jacobson leaves the room 3:26 p.m.

Motion to adopt by Martin Klein, seconded by Joanne Davis. The motion passed unanimously (12-0\*\*).

Adjourned as LDRAB at 3:28 p.m.

#### C. Convene as LDRC

##### 1. Proof of Publication

Motion to approve, by Martin Klein, seconded by Joanne Davis. The motion passed unanimously (12-0\*\*).

##### 2. Consistency Determination

- a. Mr. Davis stated that the proposed amendments B.1 through B.10 were consistent with the Comprehensive Plan.
- b. Mr. Davis stated that the previously presented amendments Exhibit L. through Exhibit X. were consistent with the Comprehensive Plan.

Motion to approve consistency determination by Martin Klein, seconded by Raymond Puzzitiello. The motion passed unanimously (12-0\*\*).

Adjourned as LDRC.

#### D. Reconvene as LDRAB

#### E. Public Comments

There were no public comments.

#### F. Staff Comments

Mr. Cross mentioned that a consensus on how to address mining was not reached in the Fourth EAA Mining Consensus Building Workshop. Staff and Administration continue to work toward resolving the issues, and anticipated developing an Agenda Item to present to

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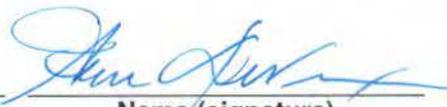
the BCC to obtain feedback on how to proceed. He informed the LDRAB meeting for June will be canceled and Staff will advise if July's meeting will take place.

Mr. Martin Klein commented that during LDRAB meetings, more time should be spent hearing policy issues and less time moving approval of items that routinely must be done, such as relocating ULDC language. Consideration should be given to routine items being placed on a consent agenda at the beginning of a meeting similar to the BCC process. Staff indicated that the issue is going to be addressed by the next LDRAB meeting.

**G. Adjourn**

The Land Development Regulation Advisory Board meeting adjourned at 3:36 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: Ann DeVeaux, Zoning Tech.  6-24-11  
Name (signature) Date