



OPEN SPACE
A SUBCOMMITTEE OF THE LAND DEVELOPMENT REGULATION ADVISORY BOARD
(LDRAB)

MINUTES OF THE MARCH 29, 2010 SUBCOMMITTEE MEETING

Prepared by Ann DeVeaux, Zoning Technician

On Monday **March 29, 2010**, the Zoning and Planning Staff met at the Vista Center, Room VC-2E-17-Conference Room, at 2300 North Jog Road, West Palm Beach, Florida. The meeting convened at 2:05 p.m.

Staff Follow up Meeting to Open Space Subcommittee meeting of 3-11-10

A. Attendance:

Lake Worth Drainage District: Anne Perry

County Staff: Jon MacGillis, Maryann Kwok, Barbara P. Nau, Ann DeVeaux and Bryce Van Horn, Planning Division

B. Minutes

Part A of Agenda

Jon MacGillis called the meeting to order at 2:05 p.m. and stated this is a follow up meeting to the Open Space Subcommittee meeting held on 3-11-10. He gave a summary of the last subcommittee meeting and stated that the purpose of the Staff follow up meeting is to determine if Lake Worth Drainage District (LWDD) easements should be included in the definition for open space.

Bryce Van Horn stated that the Comprehensive Plan (Plan) contains a definition for Usable Open Space but does not for Open Space and there is no language that prohibits the inclusion of canals in open space.

Jon MacGillis stated that he recalls an issue involving the **AG** PUDs that the Planning Division had a specific reason for not including the LWDD in open space. He expressed that he does not want to unilaterally reinsert LWDD in the definition as counting toward open space and then be questioned later as to why.

Maryann Kwok pointed out that the zoning issue is allowing LWDD to be calculated as open space. She mentioned the Dubois project by GL Homes, and the allowance of LWDD to be calculated as open space to meet the development area percentage.

Mr. Van Horn stated that an issue came up specifically for Planned Unit Developments (PUD) for AGR Reserve. The Plan requires development options of 60/40 percent and 80/20 percent for PUDs and the most exercised commercial development option is 60/40 percent. He further related that 60/40 PUD requirement is for 250 acre parcels with a minimum of 60 percent of development for the preserve area. He said policies in the Plan and the ULDC allow developers to exclude Right of Ways (R-O-W) they are dedicating for Thoroughfare Plan Roadways and exclude the dedication from the calculation. He related that an issue arose with LWDD R-O-Ws in 2004-05 and the Planning Director decided that the Plan did not specifically prohibit LWDD from being included in the 60/40 calculation, but only require easements on LWDD R-O-W or R-O-W reservations. In that case, the area, still under the ownership of the developer, would grant an easement to LWDD and would remain in the development boundary of the site plan. He pointed out that 40 percent maximum development area was exceeded in several cases and from a planning perspective it was permissible to deduct the R-O-W whether it was dedicated title or granted as an easement to LWDD. Problems were created in Zoning when calculating the development area pertaining to open space. He stated GL Homes was allowed to exclude the LWDD easements out of the 60/40 calculation to get credit for the open space requirement

Maryann Kwok stated that it is important to gain consistency in the application of open space because GL Homes major complaint is when the first application project came in, they were allow to count the LWDD as open space. Subsequently, when they returned for the development order amendment to reconfigure the PUD, staff applied the ULDC that did not all it to be calculated as open space.

Barbara P. Nau read a definition for open space that was previously in the 1973 ULDC. Mr. MacGillis stated that he would like to see that definition included in the ULDC due to the broader interpretation of its meaning. Mr. MacGillis stated that balance should be established between built form and open form (unbuilt/void of structures) and that Planning should have a general definition for open space.

Anne Perry stated that she would take the information to her directors and ensure that LWDD is represented at the 4/1/10 subcommittee meeting.

Mr. MacGillis concluded by stating that a draft amendment with proposed changes to the definition would be prepared for the subcommittee to review at the next meeting on 4/1/10 at 2:00.

The meeting adjourned at 3:00 p.m.

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