



**DEVELOPMENT REVIEW ADVISORY COMMITTEE (DRAC)**  
**FRIDAY, AUGUST 16, 2019 2:00 PM-4:00 PM**  
**PZ&B – VISTA CENTER**  
**2300 NORTH JOG RD., WEST PALM BEACH, FL 33411**  
**HEARING ROOM CHAMBER (VC-1E-60)**

**MINUTES**

**CALL TO ORDER:** At 2:00 p.m.

**ATTENDANCE:**

**Members Present:** Gladys DiGirolamo, Lauren McClellan, Collene Walter, Pat Lentini, Bill Whiteford, Scott Mosolf, Kevin McGinley, Jon Schmidt.

**Interested Parties:** Evelyn Pacheco, Ailish Villalobos, Josh Nichols, Yoan Machado, Josh Long.

**County Staff:** Zoning Division: Jon MacGillis, Maryann Kwok, William Cross, Monica Cantor, Wendy Hernandez, Adam Mendenhall, Barbara Pinkston, Melissa Matos, Carrie Rechenmacher, Meredith Leigh, Ryan Vandenburg, Carolina Valera, Jan Rodriguez, Carlos Torres, Albert Jacob, Lorraine Fuster, Diego Penaloza, Donna Adelsperger, Brenya Martinez; Miriam De Santiago; Nancy Frontany, Lindsey Walter, Marissa Da Bres; Planning Division: Sussan Gash; Land Development: Scott Cantor; Facilities: Eric McClellan, Isami Ayala-Collazo.

**AGENDA**

**MEMBER ITEMS**

**1. REVIEW MINUTES**

Gladys DiGirolamo opened the meeting at 2:00 p.m. No issue or changes were made to the minutes from the previous meeting minutes.

Gladys DiGirolamo agree with the request from Jon MacGillis to reorder the agenda and take Items 5 and 3 first so Division Staff, who attended for these items, can leave if they wish.

**5. IMPLEMENTATION OF HB 7103**

Zoning Staff prepared a table (Attachment A “Public Hearing and DRO Applications Procedures Implementation of House Bill 7103”-handout at meeting) with questions raised by Agents at the July 26, 2019 Informational Meeting and responses prepared by staff.

Adam Mendenhall began the presentation by referring to Attachment A and reading each question and staff’s response. The following items were further discussed:

- Pertaining to the submittal of an updated survey as one of the sufficiency items, Gladys DiGirolamo noted that a survey was not needed if the site was recently platted and no changes were done to the site. Staff replied that Survey was not present at the meeting but based on recent discussion on the topic that was accepted by Survey.
- Question relating to whether a letter determining the distance to utilities is required by the Health Department, Collene Walter indicated that based on previous discussion on the topic with Kenny Wilson, DRO representative of the Health Department, it will be acceptable to provide a copy of the Utility Bill of the subject property to demonstrate the site has already water and sewer. Zoning Staff will contact Kenny Wilson to confirm that.
- Monica Cantor clarified for Committee Members, Collene Walter and Gladys DiGirolamo that once the 2020 Zoning Calendar is finalized, a list summarizing the submittal and resubmittal dates for both the Public Hearing and DRO applications will be emailed to the DRAC members.

- Jon MacGillis clarified that Zoning Staff will consider reducing the 30-day period for sufficiency determination (pursuant to the HB 7103), but he advised that staff/agents tried out the new procedures under a 3-month trial period. Staff further clarified that applications accepted in July, August and September are not subject to the revised Sufficiency Checklist.
- Monica Cantor explained that the new Sufficiency Checklist will be implemented for the November Intake. However, the Insufficiency Letters will include those additional items from other agencies that will be considered as insufficiency once the new Checklist is implemented in November.
- Carlos Torres noted that, the question from Agents related to “different dates” for comment/issues showing on the Agents ePZB screen are related to the date the Project Manager enters them. Adam Mendenhall indicated that every time an application is resubmitted, it is routed to all DRO Agencies to verify comments/issues and finalize them. Jon MacGillis also mentioned that all agencies need to see the updated documents every time they are submitted to ensure changes are in compliance as new modifications may trigger new issues. He pointed out that he was testing with the Building Division acknowledgement Form 130 to avoid scheduling that Division to review resubmitted applications. He clarified that if other agencies want to do that, they may look for a similar option once staff has time to consider and implement.
- Adam Mendenhall indicated that ePZB will be updated to ensure comment dates will reflect the date the comments are finalized in ePZB.
- Further clarification will be needed in the “Application Checklist and Naming Guide” to assist the Agents and Applicants determining the documents required for some of the Zoning applications. Gladys DiGirolamo noted that the Checklist includes a general statement noting “as applicable” but requested more predictability if possible to clarify what that means. Maryann Kwok indicated she will be checking into this request to ensure Checklist is updated as well as the Zoning Technical Manual.
- Regarding DROE applications, Collene Walter asked why applications are subject again to the Sufficiency Checklist if the application is just being processed by Zoning. Donna Adelsperger explained that Zoning Techs have been instructed to carry forward in ePZB the approved legal description, approved survey and warranty deeds from the Public Hearing Application into the DROE applications. It was requested to include also the Traffic and Drainage Studies. Collene Walter asked if the Health Department water and sewer Utility letter to hookup or the Utility Bill can also be carried forward, to which staff response yes. Lauren McClellan asked if the 10 days of sufficiency determination is used in the PAC concurrent and PAC with no questions, can also that timeframe be applied to the DROE. Jon MacGillis noted staff will check and confirm if this can be done with minor tweaks as part of the final revision of these procedures.
- Collene Walter asked if any anticipated changes are taking place to the Document Naming Convention. She would like to see the new Health Department Utility Letter or Utility Bill, to be added to this list. Staff agreed that they will add this item to the list.
- Lauren McClellan asked if a final determination on a new Sufficiency Fee or Refund Fee is still be considered to be added. Adam Mendenhall clarified that at this point staff is only looking to review the Refund PPM that will address a refund related to Sufficiency Review.
- Jon MacGillis reiterated that November Intake is the month in which the revised Sufficiency Checklist will be implemented.

Jon MacGillis noted that additional changes were made to the Sufficiency Checklist presented at the July 27 Public Information Meeting based on input from attendees. Jon MacGillis requested Monica Cantor to point out what items were revised or deleted from the Checklist. Monica Cantor identified the changes as follows: Zoning Division Items: no longer asking for the Status of Conditions from Monitoring (simply submit the Resolution(s) marked up as to status consistent with current practice); Land Development does not require the FDOT letter to determine sufficiency and the hash tag code in the drainage statement has been removed; Planning Division added 2 new items, one requiring the submittal of the Land Use Ordinance(s) (Planning On Call can assist Agent) and a second to include the Transfer of Development Rights (TDR) forms and pricing; and, Traffic removed requirement for all fees to be paid at time of sufficiency review related to trips.

Walter asked for clarification on what type of Plans is the Planning Division expected to receive under item #4. Sussan Gash from Planning responded by indicating that Multiple Land Use (MLU) or Indian Trail Grove (ITG) have Conceptual Plans. She said since Lisa Amara would be best person in Planning to get clarification of this requirement, it will be better to follow up on this question. Maryann Kwok clarified the Conceptual Plans are only for Land Use Amendments that do not have a corresponding Zoning application that requires Site Plans. Collene Walter suggested further clarification before adding it to the list.

It was clarified by Donna Adelsperger that the Health Department is only looking to have a Pre-Submittal Meeting with the applicant when there is a Day Care proposed. DRAC Members suggested that Sufficiency Checklist should be modified to read clear. Zoning Staff will be checking with the Health Department if that is the intent to reflect in the checklist.

Maryann Kwok also requested to double-check with Parks and Recreation Department if there is any need to make an application insufficient if the justification statement is not addressing recreation, or if that instead could be a certification or approval issue. Monica Cantor, stated she would follow up with Jean Mathews.

In concluding review of the Revised Sufficiency Checklist, Jon MacGillis request DRAC member to send any final revisions or comment to Monica Cantor within the next 2 weeks so the final Sufficiency Checklist can be finalized and published for the November Intake of new applications.

Having no more questions or further discussion, Gladys DiGirolamo proceeded to move to item #2 in the agenda.

## **2. PPM ZO-O-029 (MODIFICATIONS TO APPROVED PLANS) UPDATE**

Monica Cantor noted that DRAC member met with Zoning Staff recently to review and update the items in the Zoning PPM ZO-O-029 as part of the DRAC Task Team created to review the DRO and ZAR administrative amendment thresholds in Art. 2.C.

Adam Mendenhall clarified the PPM identifies what structures and equipment are not required to be updated administratively in the approved Zoning Plans, and Monica Cantor noted that once the revised PPM is finalized with Task Team Members and Zoning and Building Division Staff, it will be made available to DRAC member as well as posted to the Zoning Webpage. She further pointed out that training with Building Division Staff will be necessary to ensure smooth implementation of the amendments to the PPM to avoid referrals to the Zoning Division or delay building permit process.

## **3. ZONING PROCEDURE CHANGES**

All questions in this item were address under Attachment A in agenda item # 5.

## **STAFF ITEMS**

### **4. REVIEW DRAC TASK LIST-OPEN TASKS**

Jon MacGillis indicated that there are two items pending in the list, the first one relates to Type 2 Variance, and the second one to update PCN in Site Plans.

Related to Type 2 Variance, Collene Walter noted that she wanted to make sure no additional time was going to be added for the Type 2 Variance process. Staff indicated that in early 2019 changes were made to the Zoning Calendar to address the issue, however, with the revised changes to the calendar to implement the House Bill (HB) 7103, the timeline for Variances is back to be approved within the same month it is submitted provided no delays and all issues are addressed. William Cross confirmed that the time should be shorten now based on revised calendar to address the HB.

Pertaining to showing PCN on Site Plans, Monica Cantor indicated that staff concluded the PCN must remain on the Plan(s) as PCNs are used by County Staff, Interested Parties, and Customers when looking up the project. Also, she noted that PPM-ZO-O-029 will be including Property Control Number (PCN) update in the list of

items subject to ZAR administrative modifications of approved Site Plans.

## **5. ULDC AMENDMENTS UPDATE-WENDY HERNANDEZ**

### **a. 2019-01 Round Adoption August 23, 2019**

Wendy Hernandez stated that the 2019-01 Round and Workforce Housing Amendments are scheduled for adoption at the BCC Zoning Hearing on August 22, 2019 and ULDC Supplement 26 should be available in October, 2019. Wendy Hernandez also clarified that the First Reading for the amendments to Landscape Service may be Postponed at the August 22, BCC Zoning Hearing to October 24, 2019 due to Commission attendance conflicts with the August and September Hearing's.

### **b. 2019-02 Round Adoption January 30, 2020**

Wendy Hernandez presented the list of tentative amendments in ULDC Round 2019-02 found in Attachment 3. She indicated the following items are being started, but will continue to the 2020 amendment round:

- Article 1 Nonconformities;
- Article 2.C Amendments to Article 2.C, Administrative Modifications to addressing DRO and ZAR thresholds and the "single entities";
- Article 3 Modifications to the URA process and pdr's;
- Modifications to PDRs for parcels with the RR-2.5 FLU and AR Zoning District;
- Codification of Planning ORD 2018-031;
- Article 4 supplementary standards for uses with location and access requirements on Collector or Arterial roads; and,
- Article 4 modifications related to future land use and zoning consistency in the Glades Tier.

Collene Walter requested information on the amendment for plans submitted for Small Scale Amendments. She indicated that plans were not previously required for a water utilities project. Wendy Hernandez clarified that the code currently requires the plans and staff was proposing to amend it to delete it from Zoning and leave it under 2.H. Collene Walter asked for a follow up from Sussan Gash.

Jon MacGillis requested DRAC members to check with Monitoring for the proposed language so they get familiar with what they are proposing. Wendy Hernandez noted that the times are being modified to be more consistent and they are working to codify current practice and implementation.

Kevin McGinley asked a question about the reason for the 5 road mile location of a Fire Station in CLF and Wendy Hernandez clarified that in review of some applications the preference by the Fire Department is by road miles, rather than as the crow flies (radius).

Josh Long asked if the amendments in Art 6 Parking/Loading are still being considering that were raised by industry in 2018 for small loading spaces. Wendy Hernandez noted that is still in the amendments to provided different sizes which would possible eliminate a need for the Type I Waiver.

Wendy Hernandez noted that Attachment 3 BCC Hearing dates are different now due to recently modifications to the BCC Zoning Hearing dates recently coordinate by Zoning Staff and Commissioner's Offices. Donna Adelsperger clarified that the BCC Zoning Hearings in November are on Monday, November 25th and Thursday, December 19, 2019.

## **GENERAL ITEMS**

### **7. TOPICS FOR NEXT MEETING 11-1-19**

Gladys DiGirolamo indicated that items will be added at a later time.

### **8. ADJOURN**

The DRAC meeting adjourn at 3:28 p.m.