



DEVELOPMENT REVIEW ADVISORY COMMITTEE (DRAC)
FRIDAY, NOVEMBER 1, 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, Pat Lentini, Bill Whiteford, Scott Mosolf, Kevin McGinley.

Interested Parties: Evelyn Pacheco, Yoan Machado.

County Staff: Zoning Division: Jon MacGillis, William Cross, Monica Cantor, Wendy Hernandez, Adam Mendenhall, Ryan Vandenburg, Donna Adelsperger, Jerome Ottey.

AGENDA

MEMBER ITEMS

1. Review Minutes

August 16, 2019 Minutes (Attachment 1) - Motion to approve minutes without any modification was motioned by Lauren McClellan and seconded by Bill Whiteford.

2. DRO Issues

a. Must be based upon ULDC requirements and must provide specific ULDC citations in description.

Gladys DiGirolamo opened the discussion by stating that some staff are putting DRO Certification issues in ePZB without citing the ULDC article. Bill Cross agreed with Gladys' comment and advised DRAC Members that staff should be referencing the Code whenever a certification issue is made. He added that staff should also reference the title as this will help agents find the location in the Code. Monica Cantor acknowledged this ongoing issue to be addressed with all Planners for consistency. She also stated there is a monthly meeting with the Zoning Director to get clarification on any interpretation of Code provisions and applicability. Also, Administrative Review and Community Development staff meet each week with the Zoning Director and Deputy Director to address certification issues and comments on projects to ensure consistency.

Gladys DiGirolamo noted that even when there is already an interpretation of the Code, some planners keep asking for the same requirement to be shown on the site plan even when it is not applicable. For example, pedestrian circulation to be provided for a Recreation Pod even when it is determined this requirement is for the Commercial Pod of a PUD or commercial parcels.

Bill Whiteford recommended that staff be clearer when specifying if it is simply a Code requirement or a suggested change staff would like to see made. This way the applicant and staff can have a dialogue on those changes staff would like to be accommodated or addressed in the design.

b. If Staff has preferences regarding justification, site plan, etc. then those can be comments.

Bill Cross stated that Agents have to comply with certain standards in the Code based on the type of application. In certain cases, the justification can be very specific or broad depending on the Agent write up. Staff will, however, make recommendations on how a standard should be addressed in the Justification Statement. Staff stated that this topic of Justification Statement has been addressed with DRAC in the past. Staff came up with a DRAFT example for Agents to use. There is no single solution for all applications. Applicants need to use good judgment and work with the Project Manager (PM), if there are any issues with how it is submitted. Bill Cross said that if the justification is well written, the PM would also cite some of the text in their Staff Report write up.

Yoan Machado said that staff issues made on the previous round of comments are still showing up with the old issue date. He added that staff is not resolving and

closing out the original issue when Agents re-submit but are adding new text to the old issue. Adam Mendenhall advised that staff actually modify the original issue to add clarity to applications when the Agent's resubmittal does not adequately address the original issue. Pat Lentini recommended that staff make additional certification issues based on the Agent's response with a date, noting what has been resolved and what still needs to be addressed, to make the process simpler and avoid confusion. Bill Whiteford suggested that staff directly contact the Agent by phone to have a more in depth discussion about the issue. He recommends more one-on-one contact between staff and Agents. Kevin McGinley agree but went further to say that Agents should also take responsibility and contact staff if there is need for clarification of staff issues and comments.

Lauren McClellan brought up the issue of other Agencies not finalizing their comments before the final day for comments. Jon MacGillis directed that Agents should contact the Directors of those agencies and question the status of their applications. He also stated that reviewers from other Agencies may be out of office or overwhelmed with the number of applications they have to review.

3. Sufficiency Review

- a. 30 days? 15 days? 10 days?
- b. New checklists

Monica Cantor requested the Chair discuss this topic under Staff Items below so this item was re-ordered.

4. ZAR Process

- a. **A majority of applications are being deemed insufficient at time of initial submittal.**

Gladys asked DRAC Members if this was still an issue with anyone present at meeting and most members said no. Kevin said staff is good with contacting him by phone or email and explaining what needs to be addressed. Donna noted that the naming of plans is the biggest issue with insufficiency for Zoning Agency Review (ZAR) applications, as the naming for ZAR plans are different from the naming for Full DRO and Public Hearing plans. She also noted other requirements such as the submission of a clouded and non-clouded plan, as being the most challenging for Agents. Bill Whiteford proposed that if staff identify certification issues in the initial sufficiency review, they should make it known to the Agents as soon as possible. Some PMs are better than others to contact Agents, but that might have to do with workloads and missed calls.

- b. **Minor site plan amendments required due to building permit comments.**

Gladys DiGirolamo stated that recently the ZAR applications have been taking a longer time to be approved. She provided an example of one of her projects where Building staff was requiring her to amend the Site Plan to reflect an inconsistency on the street name, which was spelled incorrectly. She recommended a simpler process be established in which the review time would be completed in a much shorter time and with a reduced fee as the fee for the ZAR process is too much for such a minor amendment. Monica Cantor stated that PPM ZO-O-29 has been recently amended with input from the DRO Task Team Members to add new items to the list of amendments that do not or do have to be shown on the approved Plans. The revised PPM was sent by email to all DRAC Members in late October before it was signed by the Zoning Director. The revised PPM is in effect and can be found on the Zoning Web Page with other Zoning PPMs.

- c. **Only reviewing affected area**

Gladys DiGirolamo pointed out that some Agencies continue making certification issues outside the "affected area" that is marked with red clouds on ZAR applications. Donna advised DRAC Members that DRO staff has to review the Site Plan as a whole as in certain occasions, Agents have made changes beyond the affected area, thereby altering the affected area they designated on the plan. Jon MacGillis stated that this has been discussed at many prior DRAC meetings, with explanations given of the affected area versus the impacted area. The Applicant establishes the affected area and staff confirms it to be accurate based on application requests, if it is not, the PM should be in contact with the Applicant to notify them if the affected area must be expanded to include other impacted areas of the plan. Monica Cantor stated that all applications are different and each application is reviewed on a case-by-case basis. She gave an example of an application requesting to amend parking which triggered further changes to foundation planting.

d. Distribution list for review – how are ZAR applications assigned to DRO agencies

Monica Cantor explained that applications are distributed to other agencies based specifically on the amendment request identified in the applications. She gave examples of what staff check in order to make the judgment call on which agencies see what amendments, for example:

Traffic - increase in square footage, changes to parking, changes to vehicular circulation etc.

Health - applications involving Daycares

Land Development - changes to drainage easements or access points

Parks and Rec - changes to the Rec Pod

As it relates to applications sent to Land Development, Adam and Donna stated that they usually consult with Land Development staff prior to adding them to the review list to confirm if they would need to review the modification(s) or not. Adam further stated that he takes this step since some agencies have fees that would have to be added to the application prior to deeming it sufficient.

5. Landscape Comments

a. Requiring ZAR applications, including Tree Disposition Plans.

Lauren McClellan stated that she had a specific application where the Landscape Inspector observed there were more trees on site than shown on the approved Tree Disposition Plan. She said the process now requires her to amend the Tree Disposition Plan, through ZAR, to match what is currently on site. She asked if there was any alternative method that could be implemented (i.e. simple correction by staff on plan) to avoid the ZAR process. Bill Whiteford proposed that staff themselves put a note on the approved plan with the Tree Disposition Chart. This would direct staff to the changes included on the Landscape Plan and the status of trees in the field. Staff did not provide any alternative to the ZAR process at this time, but can look into the process.

b. Comments being raised late in review process.

Lauren McClellan wants staff to address a specific application where landscape certification issues are added very late in the review process. Jon MacGillis said ERM and Zoning have been diligently working on coordinating vegetation comments as early in the process as possible. The review process is constantly being refined to ensure no surprises for the Applicant or staff with regards to impacts of preservation on the site design. DRAC Members said they are not really experiencing this issue and perhaps Lauren's identified issue is application specific.

c. Zoning vs. ERM trees and impacts on tree disposition plans.

As stated above under b, Jon MacGillis followed up that there ongoing meetings related to vegetation analysis. Preservation recommendations and conditions are ongoing between ERM and Zoning. Jon also informed that the goal is to eliminate any confusion related to whose trees they are in terms of ERM or Zoning and to get comments to the PM to add to ePZB before certification.

6. Staff Training – seeing an inconsistency in reviews and issues

Gladys DiGirolamo was not sure which DRAC Member added this topic. DRAC members asked if new staff get comprehensive and consistent training before being assigned applications. Bill Cross stated that the Zoning Division have a very comprehensive training program for all staff. Training for all new staff must be successfully completed prior to the end of their one year probation period. DRAC Members said they were glad to hear staff are trained since they did not know this was being done. They said it is important all Planners receive training so there is consistency between Sections when reviewing plans and drafting comments. Sometimes one Planner may require modifications that another may not. Jon MacGillis said Bill Cross and Monica Cantor will continue to monitor the Planners' comments and conditions in ePZB for accuracy, and to ensure there is consistency with Division policies and procedures.

7. PAC

a. Timing of submittal of applications; based on date of intake or sufficiency

Gladys DiGirolamo said this was added late to the Agenda. She wanted clarification from a prior document released by Zoning staff, after the Industry Meeting this summer, that stated the timing of submittal of Concurrent Type 2 and Type 3 applications was changing. The submittal of the Building and Land Development applications was noted on the document to be only after Zoning staff

has found the application sufficient and no longer based on the intake date. The current process requires the submittal of Building and Land Development applications within 10 days of submitting the Zoning Applications. Jon MacGillis said he had an internal meeting with Zoning and Land Development staff to discuss the process. A suggestion was made by Zoning staff to change the intake of Building and LD application after Zoning finds their applications sufficient. This would reduce the number of changes currently required to address plat modifications. After much discussion, it was agreed there will be **no need to change** the current practice, since it is working well.

STAFF ITEMS

1. DRAC 2019 Task List – Jon (Attachment 2)

Jon MacGillis referred to the 2019 DRAC Task List and stated all open tasks have been addressed. DRAC Members agreed and thanked staff for their follow up on the prior open tasks.

2. Follow up on items discussed on 8/16 related to HB 7103 – Jon/Monica/Bill (Handout)

Monica Cantor clarified that starting on January 1, 2020, staff will determine sufficiency within 21 calendar days after submittal, which corresponds to 15 working days. She noted that the Zoning calendar is already reflecting such dates. This modification allows applications to be submitted at least 3 or 4 times for PH and DRO applications, respectively.

Gladys DiGirolamo mentioned the need to address the request from Survey to submit an updated boundary survey when the Master Plan has been submitted. She noted that this is not needed when the Master Plan does not include changes to the boundary or the development acreage. Monica Cantor noted that Zoning staff is having internal discussions about that issue to coordinate with Survey staff. Gladys requested to include in that discussion for Public Hearing applications with limited request such as the modification of a Condition of Approval.

Monica Cantor indicated that warning letters for applications approaching the 120 calendar days are now delivered for agents to start keeping better track of their review time.

3. Final Version of Sufficiency Checklist - Monica (Attachments 3A and 3B)

Monica Cantor clarified that the Sufficiency Checklists are available on the Zoning Web Page. She reminded members the effective date of the Checklists is November 1, 2019, therefore, other agencies involved in the sufficiency determination will be making their decision which will be added to the sufficiency determination letter. It was noted that starting next year, staff will be making the sufficiency determination part of the DRO meeting's agenda. Jon MacGillis reminded members that the DRO meetings are webcasted live and the link can be found on the Zoning Division Main webpage. Monica also noted that the DRO meetings will be changed in 2020 to be the 2nd Tuesday of each month instead of the 1st for better timing between the different applications.

4. ULDC Amendment Update – Wendy

- a. Status of ULDC Supplement 26
- b. 2019-02 Round Adoption January 30, 2020

Wendy Hernandez provided an update on Supplement 26, 2019-01 Round adopted in August. She said staff is currently proofing the final Articles for publishing and printing in late November.

She also provided an update on 2019-02 by stating the final LDRAB Meeting for this Round is November 13, 2019 at 2 p.m. The LDRAB packet is online for anyone to view. She said the Phase 2 of Parking amendments will be on this LDRAB agenda and staff did convene an Industry Meeting to discuss the final DRAFT but only 2 persons attended.

Landscape Service will be scheduled for adoption on November 24, 2019. The BCC gave staff direction at the 1st Reading to make some minor amendments to the ordinance. Also, they directed staff to prepare a Memo of options on how to deal with Landscape Service use in AGR Preserves and Code Enforcement Fines that are accruing on these properties. This topic will be discussed at the BCC Zoning Hearing on December 19, 2019.

GENERAL

1. TOPICS FOR NEXT MEETING

Monica Cantor presented the 2020 meetings calendar and 4 meetings were established on January 24, May 15, August 7 and November 6. No new items were added to discuss at the next meeting.

2. ADJOURN

The DRAC meeting adjourned at 3:47 p.m.