



## **DEVELOPMENT REVIEW OFFICER OVERSIGHT COMMITTEE (DROOC) MINUTES OF THE OCTOBER 16, 2009 SUBCOMMITTEE MEETING**

**PREPARED BY EILEEN PLATTS, ZONING SECRETARY**

On Friday, October 16, 2009 at 2:00 p.m. the DROOC Subcommittee met in the Second Floor Conference Room (VC-2E-12), at 2300 North Jog Road, West Palm Beach, Florida.

### **1. CALL TO ORDER**

Chairman Jeff Brophy called the meeting to order at 2:03 p.m.

#### **Members Present – 6**

Jeff Brophy – LDS – Chairman  
Scott Mosolf – UDKS – Vice Chair  
Belinda Harper for Bradley Miller – MLPC  
Chris Barry for Jon Schmidt – Jon Schmidt & Assoc.  
Wendy Tuma for Collene Walter – UDKS  
Pat Lentini – Gentile, Holloway, et al

#### **Members Absent – 6**

Jan Polson – Coteleur & Hearing  
Chris Roog – GCBA  
Bill Whiteford – Team Plan Inc.  
Kevin McGinley – Land Research Mgmt.  
Gladys DiGirolamo – GL Homes  
Ron Last – Last Devenport, Inc.

#### **Zoning Staff Present:**

Jon MacGillis – Zoning Director  
Wendy Hernandez – Zoning Manager  
Carol Glasser – CDR  
Donna Adelsperger – CDR  
Jan Wiegand – Arch Review  
DG McGuire – Arch Review

#### **Audience:**

Nicole Smith – LWDD  
Anne Perry – LWDD

### **A. REVIEW OF JULY 17, 2009 (DROOC), AUGUST 21, 2009 (BROWN BAG) AND OCTOBER 2, 2009 (URA) MINUTES – (ATTACHMENTS A-1 A-2 & A-3)**

Jeff Brophy then addressed the Minutes from the July 17, 2009, August 21, 2009 and October 2, 2009 meetings. There were no Amendments. The motion passed unanimously **(6-0)**.

### **B. FOLLOW-UP ON TWO ISSUES RAISED AT BROWN BAG**

#### **1. Timing of Agents getting Resolutions**

WH – This goes along with item I on this Agenda. For the Resolutions staff created a new Policy Memo for the Zoning Division (CDR mostly). Staff will be sending the draft resolutions out to you before they go to Public Hearing for you to comment on generally around the time they are sent to the supervisors so it is in DRAFT form. Then staff will provide you with a version of the Resolution that is being sent to the Commissioners and County Attorney when the packets go out. Then there will be another merge of Resolutions done right before the Public Hearing to take down to the Public Hearing (ZC/BCC) so staff can expedite the signature process. The only delay in the Resolutions would be those in which staff are debating at the Hearing on the wordage of Conditions of Approval or if Conditions are added at the Hearings then the Agent would have to come back to Zoning afterwards and they will have 5 days to clean those up and get them back to the County Attorneys office for signature. Staffs goal is that even anything on the add/delete will be remerging and then there will just be those that are under debate left.

2. Submittal of applications to CDR Section other than Submittal date  
This is something Bill Whiteford brought up earlier on allowing applications to be submitted a week before the normal submittal date as long as it is scheduled. This option is limited to really complicated projects and special circumstances. Wendy Hernandez will create a draft memo on this procedure.

**C. DROOC ONGOING TASKS – (ATTACHMENT B)**

Jon MacGillis reviewed each task on the 2009 chart.

**Landscape Permit** – This item is going to the ULDC 2009-01 Round of Amendments next Thursday October, 22, 2009 for adoption. There will be a press release coming out next week right after the adoption that will have the changes to the Architecture section, CDR section and AR/PI section.

**Final DRO/Building Permit process** – This has already been implemented; there's a press release out and a PPM (#20-0-041) is on the Zoning Division website. There is one application currently in the system that is now coming through using this process. There are three types of this process you can choose from:

**DRO Type I** – This is the process being used now;

**DRO Type II** – This is an Expedited review called a "Concurrent Review" which has the Building Permit, Zoning and Land Development being done concurrently; and

**DRO Type III** – This option is the same as Type II except it extends the review process by adding Platting.

A pre-application meeting is required when using the Type II or Type III process; it is also a requirement that the agent go to the Building Division and Land Development for permits prior to submitting to Zoning.

**EAC applications** – Staff is still working with the other Agencies on this issue.

**EAC Fees** – *Discussed in item K under Proposed Revised Fees*

**URA** – Zoning just received the third draft of the URA code. The IR/URA Subcommittee Members requested to receive a hard copy of the Draft URA code to review. Their next meeting is on November 4, 2009 from 2:00-4:00 pm.

**Infill Redevelopment** – The IR Subcommittee made a recommendation to LDRAB for the IRO Code to go forward at the October 14, 2009. Maryann Kwok stated that Article 1.E and 1.F is still being reviewed by Staff and will be brought before IR Subcommittee once more for review at the URA Subcommittee meeting on November 4, 2009. Staff has reserved an hour before this meeting exclusively for this purpose; the time is broken up into two parts: 1:00-2:00 pm will focus entirely on the review of Article 1.E & F; 2:00-4:00 pm will focus solely on reviewing the Draft URA code.

**D. CONCURRENT DRO PROCESS – PPM 20-0-041 – (EXHIBIT C)**

*Discussed in item C under DRO/Building Permit process.* Jeff Brophy questioned whether the pre-application meeting was just with Zoning or with all the Divisions involved in the process. Jon MacGillis stated that the request for the concurrent process will be on the regular DRO meeting as workshop items.

**E. REVISED DRO PROCEDURES – (EXHIBIT D)**

Wendy Hernandez advised the Members that items E and G go together. She mentioned that one of the topics of discussion at the last DROOC meeting was the Expedited DRO process in which the Off-The-Board is eliminated because it requires a lot of duplicated documents. The Expedited process is just an extension of a Public Hearing application. For example, after a Class B application goes to the Zoning Commission and there are no Conditions placed on it you can go straight to DRO to turn in your Mylar. The review process for Final DRO applications is the same except you are not resubmitting the same surveys and documents that were submitted at Public Hearing because they are already in that part of that application; you only submit the documents that were needed to make the project comply with the Conditions of Approval. Wendy Tuma stated that Collene Walter had a question regarding a sentence in the Zoning Commission Approval memo dated September 21, 2009. The memo states that if on consent the applicant will be placed on the next DRO Agenda by staff. Collene stated that by the way that sentence reads it is assumed that you are automatically placed on the next DRO Agenda but it was her understanding that the sentence should read "...at the Agents request", unless she misunderstood the whole process. Wendy Hernandez replied that the reason

the applicant will be placed on the DRO Agenda by Staff is that it will keep the project moving in the process and not have the Public Hearing just linger on until you come in. Jon MacGillis explained that the Agent has two months after the Zoning Commission to decide to use this process, if you do not come in within the two months you must use the regular process. Staff is pushing that once you go to the Board that you follow-up with Zoning within two months in order to get that Mylar hanging. Wendy Tuma stated that it was her understanding that the Expedited process was only for projects that do not require any changes to the Site Plan after going to Public Hearing. Jon MacGillis stated that minor changes to the site plan are allowed if the project is coming Off-the-Board and the changes are needed to comply with Conditions or are a directive from the Zoning Commission/BCC but changes to the site plan like adding square footage is not allowed and you would have to use the regular process. For example a project going to BCC would go to ZC first and if any Conditions are added you comply with them and only turn in the documents dealing with the Conditions at DRO, then you go to BCC and if they have no Conditions you go straight to Final DRO and if everything is met all you do is turn in a Mylar.

**F. RESUBMITTED DOCUMENTS FOR DRO**

Wendy Hernandez advised the Members that they only have to resubmit documents that address the issues at hand. Those extra documents are already in the system and if resubmitted might cause problems. For example, a survey has to have a date stamp on it to show that it was completed no more than one year prior to the projects submittal, when resubmitted those documents take on the date of the resubmittal and even though nothing was changed on the survey the new date may make it void because the date stamp might be more than a year ago and in turn makes you insufficient. If you hadn't resubmitted the survey it would still be good because the date didn't change and would still be dated less than a year from the original submittal date.

**G. EXPEDITED REVIEW PROCESS FOR FINAL DRO APPLICATIONS**

*Discussed in Item E under Revised DRO Procedures*

**H. ORDERING OF CONTROL FILES FOR APPLICATION REQUESTS IN CDR SECTION**

Wendy Hernandez stressed to the Members that it is critical for them to request the control files from Larissa in the file room early so they will be ready for them to bring to Sufficiency Review for Staff to look through. Also, Zona will be requesting the control file at the drop and run intake so make sure you have it with you.

**I. RESOLUTIONS**

*Discussed in Item B.1 under Timing of Agents getting Resolutions*

**J. PLACES OF WORSHIP**

Jon MacGillis explained that the FAQ's on Places of Worship are being modified and is going to the ULDC 2009-01 Round of Amendments next Thursday October, 22, 2009 for adoption. Places of Worship do not have any Conditions but they still have to meet all of the code requirements, meet concurrency, dedicate R-O-W, etc. Jon MacGillis stated that Places of Worship can not get a Variance under the new code provisions no matter what.

**K. PROPOSED REVISED FEES**

Maryann Kwok reviewed the proposed Zoning Fee Amendment 2010, and explained that she would like to give the Members a copy of the revised fee chart but there are minor changes that need to be made per a meeting with Barbara Alterman, as soon as the chart is updated she will send it to the Members for review.

**L. ULDC UPDATE – BPN**

Barbara Pinkston-Nau stated that the adoption of the 2009-01 Amendments will be on Thursday, October 22, 2009. She then summarized the upcoming rounds as follows:

1. Round 2009-02 – There are some carryovers from round 09-01 going in this round, Renewable Energy, Flex Space, Workforce Housing, parking credits for Queuing, Article 1E &

F Amendments, LCC, EDO, the big item is the IRO. Those are the main items going in this round.

2. Round 2010-01 – Maybe the URA will go in this round but we are not quite sure where it is falling as of yet. Staff will start looking at items around December/January then the calendar will be set up for dates we will be looking for items to come in. She reminded the Members that we do not take requests from the Public but if you notice a glitch or inconsistency then we will address that other than that the item needs to be Board directed

**M. ELECTRONIC SITE PLAN AMENDMENTS**

Alan Seaman stated that staff is still working on how to protect your .dwg file as it comes in. Jeff Brophy, County Attorney Bob Banks and Angela Boyett, an ISS representative will be meeting to discuss proprietary rights of Agent. There is another meeting on this a week from Tuesday. The biggest issue is keeping your drawings secure.

**N. OPEN DISCUSSION**

Jeff Brophy asked if anyone had anything to discuss that was not on the Agenda. Wendy Tuma asked if there is a new requirement that prior to DRO certification in the Public Hearing section you have to get a letter from adjacent land owners saying that you have met with them? Wendy Hernandez answered yes, we have talked about adding it in as a comment because there has been a lot of occurrences of the Land owners of adjacent properties to projects are coming to the Public Hearing to complain that they were never advised of this project and that the Agent never offered them a meeting to advise/update them so the project ends up getting postponed. Commissioner Marcus brought this issue up too, she wanted Zoning to send out the notifications earlier than what we do to notify the adjacent property owners of the project. Staffs idea was to put a comment in the staff report stating that you sent us a notice letter of when you met with the adjacent property owners or when you planned on meeting with them. Wendy Tuma also asked that if you submit a Development Order Amendment to modify a site plan do you also have to submit an application to change every condition that the modification affects? Wendy Hernandez answered yes, the conditions need to be modified to show that they have been met or have been taken out or else they carry forward on the Resolution. Discussion ensued amongst staff and the members on how costly that process is and that there has to be something that can be done to make it more affordable. Jon MacGillis and Maryann Kwok stated that they are going to meet to discuss the fees on modifying conditions when going through a DO Amendment.

**O. NEXT MEETING TOPICS**

Jeff Brophy stated that the next meeting will be a recap of the issues discussed today. Maryann Kwok wants to present the IRO code to the DROOC Subcommittee Members sometime in December. Jeff Brophy agreed that a meeting in December is a good idea.

**P. ADJOURNMENT**

The DROOC Subcommittee will receive the calendar with the dates for the 2010 meetings as soon as it is completed, the calendar will also be on the DROOC webpage for your convenience.

The meeting adjourned at 3:40 pm.