



DEVELOPMENT REVIEW ADVISORY COMMITTEE (DRAC)

May 15, 2020 (2:00 p.m. – 4:00 p.m.)

**PZ&B – VISTA CENTER, 2300 NORTH JOG ROAD
WEST PALM BEACH, FL 33411
Zoom Conference Call**

MINUTES

CALL TO ORDER: At 2:03 p.m.

ATTENDANCE:

Members Present: Gladys DiGirolamo, Lauren McClellan, Bradley Miller, Kevin McGinley, Collene Walter, Josh Nichols, Pat Lentini

Interested Parties: Evelyn Pacheco from GL Homes

County Staff: Zoning Division: Jon MacGillis, Maryann Kwok, William Cross, Wendy Hernandez, Monica Cantor, Carrie Rechenmacher, Ryan Vandenburg, Adam Mendenhall, Carlos Torres, Donna Adelsperger, Nancy Frontany, Lindsey Walter, Vismary Dorta; Patricia Rice ERM: Keri Smith

AGENDA

1) Review Minutes – Gladys

Gladys DiGirolamo opened the meeting at 2:03 p.m. The agenda was approved with no modifications.

2) Member Items:

- a. A New on-line submittal process. We have some concerns that too many applications submitted at once cause a “traffic jam” – Lauren McClellan/Gladys DiGirolamo**

Monica Cantor indicated that this is the first time we experience such situation since Zoning started implementing Sharefile for on-line submittal of PH and DRO applications. She clarified that due to that situation; staff provided additional time for Agents to submit on the due date. Nancy Frontany confirmed that Zoning Techs have been working with the Agents and Applicant to facilitate submittal and the system has been working very well.

b. Fees – Credit Card Payments for the bigger application fees (the processing fee to submit via credit card for example \$25,000 fee at 2.5% is \$500.00) - Lauren McClellan/Gladys DiGirolamo

Jon MacGillis indicated that fees have to be paid using credit card as the cashier office in the building has been closed to the public, for which Collene Walter clarified that the payment can be done by check as she used that option recently. Applicants just have to let staff in that office know that you have a check to make a payment. Zoning staff will confirm what is the latest procedure to inform DRAC members and what procedure can be used to avoid agents trip to the Vista Center building.

c. Permit Review through Zoning - Lauren McClellan/Gladys DiGirolamo

Gladys DiGirolamo clarified that they already had a meeting with the Building Director but they are still getting familiar with the review process. She noted that they keep getting comments related to items outside of the affected area. Carlos Torres clarified that Building Permits reviewed by the Zoning Division are limited to the affected area and additional comments may be generated by other agencies reviewing the building permits. Jon MacGillis stated that since this is a Building review process, it might be better to have Doug Wise, Building Official address with Agencies going outside the affected area.

3) Staff Items:

a. DRAC 2020 Task List – Jon (Attachment 2)

Jon MacGillis noted that there were two tasks completed that corresponded to the update to the Sufficiency Checklist to add ERM requirements and Fees for Time Extensions beyond 30 days. Regarding the last one, he noted that there is a memo available online that includes the details. Regarding the two remaining items the following was discussed:

- Building Permit review process, he asked Gladys to send few examples of building permits commenting outside of the affected area for staff to identify what agencies are working outside of the affected area or scope of the permit; and,
- Keri Smith, Senior Environmental Analyst with ERM joined the meeting to address any questions from DRAC member. Collene Walter indicated that she has kept constant communication with ERM and Landscaping staff to ensure if a Tree Disposition Chart is needed for some of her applications. The outcome of that communication has been favorable as it is clarified show vegetation needs to be addressed in every case. Jon MacGillis requested to close this case as any issues are addressed.

b. Informal Zoning Confirmation-Now online application as of April 27, 2020-Barbara

Jon MacGillis indicated Barbara Pinkston was on vacation but the implementation of online submittal for Informal Zoning Confirmation letters is currently in effect.

c. Sufficiency Checklist Updates and Introduction of Keri Smith – ERM/Maryann

1) ERM Checklist – Keri Smith, Senior Environmental Analyst

Item discussed and clarified already.

2) Privately Initiated Amendment (PIA) Checklist – Wendy

Wendy Hernandez advised the committee that based on recent Code amendments a sufficiency checklist was created for Privately Initiate Amendments (PIA). This checklist has been included in the Technical Manual along with the other sufficiency checklists. She pointed out that we were receiving PIA applications concurrent with Text changes to the plan and the agents were not providing the Plan language and subsequent changes. This is a sufficiency items.

3) General Application Form 1 – Maryann/Monica/Bill

Maryann Kwok provided a general overview of updates to the General Application, indicating that William Cross and Monica Cantor will be coordinating the revision with other Agencies. Maryann Kwok asked William Cross to discuss some of the changes, William Cross said no updates at this time, but explained that Monica had been working with monitoring staff on the changes related to Concurrency. In addition, he noted the Preliminary Application forms were updated as well.

d. Technical Manual Updates – Maryann

Maryann Kwok presented the changes to Title 1 pertaining to Sufficiency Checklist and Survey.

1.A.1.C Privately Initiated Amendments (PIA) (i.e. Amendments to the Unified Land development Code)

See Sufficiency Checklist for PIA (submit in person, application must be submitted in digital format, e.g. in a CD or USB Flash/Thumb drives). [3/2020]

PIA Sufficiency Checklist

1.A.2.D.5

Applications with proposed internal modifications to a previously approved Master Plan, and propose no changes to the last approved Master Plan acreage, boundary or legal description shall not be required to submit a new legal description or survey of the subject property. The Applicant shall clearly indicate in the required Application documents (e.g. Forms, Justification Statement), that the modifications are only internal to the subject property, and the approved acreage, boundary/legal description will remain the same. [3/2020]

She clarified that under Title 2, the QR Code used is an example only.

e. Building Permit Review Process Overview – Doug Wise/ Melissa

Jon MacGillis stated that this item has been discussed earlier during the meeting and staff will get the answer related to comments outside the affected area. Carlos Torres noted that Building permit review generally does not extend outside the affected area unless the propose work requires to go beyond the affected area. He asked Gladys DiGirolamo to send him examples of applications where this occurs for staff to discuss them with the reviewer.

f. DRO/PH Submittals through Sharefile - Monica

Monica Cantor restated that Sharefile has been working for submittal of DRO applications and it is convenient for Agents and Staff regardless of technical issues at the last intake. She noted that issues should be expected and clarified that staff keep working around those issues to continue using this tool and procedure during this time. Lauren McClellan

wondered if staff was going to keep that procedure permanently for which Monica Cantor indicated that the final decision has not been made but that option is still open. She indicated that staff has been discussing eventually implementing this option as a permanent practice by listing the advantages and disadvantages that it represents, for both Agents and staff such as eliminating personal appointments, reducing travel and waiting time, avoiding use of CDs, etc.

g. ULDC Supplement 27 and Round 2020-01 Status – Wendy

Wendy Hernandez provided an update regarding Supplement 27, advising the members that 2019-02 Round went into effect in January. The language adopted in 2019-02 Round has been incorporated into the PDF and web versions of the Code on-line. The supplement is available.

Wendy Hernandez also advised the members of the upcoming LDRAB and BCC hearings. She summarized the status of some of the exhibits, along with a PIA for Faith Farms that was moving forward. The 2020-01 Round will be presented to the BCC in June for RPA, then July for 1st Reading and Final Adoption in August.

h. ULDC Art. 2.C, Administrative Processes Amendment Schedule – Monica

Monica Cantor indicated that she had a meeting with some of the DRAC member in early March to discuss the initial draft. She also noted that she shared the latest version with them and received few comments via e-mail which were addressed in the final draft to be presented to LDRAB on May 27, 2020. Gladys DiGirolamo noted that the language related to early submittal for final DRO between Zoning Commission approval and BCC Hearing was removed. Monica Cantor indicated that due to changes to the Zoning Calendar which resulted from the implementation of House Bill 7103, there is no longer an option to submit a DRO application between the hearings, as a result the language was removed from the Code. She brought to DRAC members attention the following changes in the draft:

- Delete a reference to Art, 2.E Monitoring, pertaining to Liens and Fines as specific Lien and Fines provisions are already contained in Art. 2.A, General Standards;
- Create criteria to exempt Development Review Officer Expedited (DROE) applications from sufficiency when:
 - the ZC or BCC application includes in the justification and the plan(s) any needed requests for Type 1 Waivers to be reviewed by staff and make it part of the overall certification on the application;
 - the changes to the DROE are to address conditions of approval required to be resolved or included in the plans prior to final approval by the DRO. It could include direction by the Board at the hearing that require modifications to plans or documents; and,
 - the plans are required to be amended to reflect changes resulting from the BCC or ZC's approval of Type 2 Waivers or Type 2 Variances respectively.
- Allow submittal of DROE within the next two intakes after the approval the ZC or BCC instead of the submittal required to be done within the two-month window of approval. Sometimes it was not catching a second intake as contained in the Zoning Calendar;
- Exclude from sufficiency those applications approved by the BCC or ZC that do not need further changes other than labeling the plans from Preliminary to Final;

- Allow Type 1 Waivers related to deviations from Property Development Regulations (PDRs) for a development in the Native Ecosystem Overlay (NEO), and five percent or less setback reduction of detached housing types to be processed through the ZAR instead of Full DRO.
- Clarify how staff makes determination on the number of agencies involved in ZAR applications review, which is based on the application request. Also indicates that the Technical Manual will now include a list of typical requests and agencies that are involved in the review. The amendment also clarifies that when there are more than five agencies involved, the application is full DRO and if there is disagreement between staff and the applicant or agent, the Zoning Director will make the final determination.
- Create an option for DROE or Final DRO applications to be exempted from the submittal requirements when an application is just changing the labels in the plans from preliminary to final; or, the plans need to include a table from stand-alone Type 2 Variance or Type 2 Waiver which are not resulting in additional changes to the plans.
- Clarify that the original Final DRO plan that follows the BCC or ZC approval is the one that staff will be using as reference for administrative modification and to determine if the thresholds that allow those changes through the ZAR or DRO are not triggered. Staff proposed a definition in Art. 1 to clarify "Original Final DRO" is the plans approved by the DRO that followed the BCC or ZC approval.
- Consolidate the Administrative Modification tables, as the number of agencies involved in the review is what determines if the application is ZAR or DRO.
- The changes proposed to the Administrative Modification table include:
 - Relocation of Workforce Housing Program (WHP) units between pods within a development or to relocate them to another residential development to allow tracking of such units; and,
 - Add Note #5 to allow sites with one single use and multiple buildings owned by a single entity to combined relocation and increase of square footage, and exempt them from the 25% relocation.
- Codify DRO abandonment regulations that were contained in a PPM related to status of DRO conditions.
- Relocate all Applications not issuing a Development Order such as Administrative Inquiries, Reasonable Accommodation, and Zoning Confirmation letters.

Monica Cantor noted that it is very likely that an add/delete is to be presented at LDRAB pertaining to proposed Abandonment language as it is currently under discussion with the County Attorney. She also indicated that staff would continue discussion on regulations related to relocation, increase and building height as contained in the Administrative Modifications table. The goal is to find language that minimizes tracking of square footage relocations or increase and at the same time ensures the purpose of the plans approved by the BCC or ZC is preserved.

In addition, William Cross noted that Yoan had a recent complication with the of the board process, whereas additional TDR and/or WHP paperwork required was not part of the original request, and due to complicated nature of project, resulted in an Insufficiency. While staff granted a Time Extension to allow late resubmittal to be included with the first available intake date, additional follow up is encouraged to ensure that more complicated Applications will go smoothly with the new off the board process that allows for skipping the Sufficiency review process.

i. Fees and Justification required for Time Extensions Beyond 30/60 Days – Bill

William Cross advised that with the new 120/180 calendar day time limits to approve, approve with conditions or deny applications required per the 2019 HB7103, that staff were seeing more requests for 60 day Time Extensions (i.e. 60 is the new 30). Similarly, several applications with concurrent FLUA, Text or ULDC amendments were requesting Time Extensions of up to 180 days. However, in most cases, little if any background is being provided to justify the additional time being requested, and that when staff receives inquiries from the Public, Commissioners or other Interested Parties, we are unable to fully articulate what the delay is. As such, Jon has requested that all requests for 60-days or greater include sufficient detail and justification to merit granting the Time Extension.

j. Insufficiency Resubmittals – timeframes allow for next two scheduled intake dates without need for any time extension – Bill

William Cross noted that this information had been mentioned at the prior DRAC meeting, but was being reiterated to ensure that everyone was aware the Division was allowing additional flexibility with Insufficiency resubmittals. Specifically, as a result of prior DRAC requests to finalize Sufficiency review in advance of the next intake date so as to minimize delays for minor Insufficiencies, the County is still obligated under the 2019 adoption of HB 7103 to provide up to 30 calendar days to allow an Applicant to make an application Sufficient. This allows Applicants with minor issues to very quickly resubmit and keep the application moving along, or in the case of more complex insufficiencies affords more time for the Applicant to pull together the necessary information and resubmit the month after without need to request a Time Extension.

k. Feedback on video conferencing for meetings/PAA's, and need for Agents/Applicants to anticipate need for computers to have camera/sound capability – Bill

William Cross just noted that CD staff have observed that several Applicants have had technical issues with Zoom or Webex teleconferences, and to advise in advance if the Applicant had adequate resources to participate, to include that other attendees such as clients and/or others on the development team.

4) General:

a. Topics for next meeting – Gladys

Gladys DiGirolamo indicated that there are no items identified at the moment for the next meeting while clarified that by the next meeting they may have some.

b. ADJOURN – The meeting finished at 3:27 p.m.