



DEVELOPMENT REVIEW ADVISORY COMMITTEE (DRAC)

August 7, 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 2:04 p.m.

ATTENDANCE:

Members Present: Gladys DiGirolamo, Lauren McClellan, Bradley Miller, Kevin McGinley, Collene Walter, Josh Nichols, Pat Lentini, Dr. Bill Whiteford, Josh Long.

Interested Parties: Evelyn Pacheco from GL Homes

County Staff: Zoning Division: Jon MacGillis, Wendy Hernandez, William Cross, Monica E. Cantor, Barbara Pinkston, Melissa Matos, Ryan Vandenburg, Meredith S. Leigh, Timothy Haynes, Adam Mendenhall, Carlos Torres, Albert Jacob, Donna Adelsperger; **Jordan Jafar, Zubida A. Persaud, Cody Sisk, Nancy Frontany, Emelia Fischer, Michael Birchland, Lindsey Walter, Vismary Dorta; Andree McDonald, Miriam De Santiago, Land Development:** Scott Cantor, **Planning Division:** Patricia Behn.

AGENDA

1) Review Minutes – Gladys

Gladys DiGirolamo opened the meeting at 2:04 p.m. and asked members if they had any changes to read the minutes. Carlos Torres reminded DRAC members to provide the specific building permit examples that have been subject to issues to better identify any issues, pertaining to an item discussed at the previous meeting.

The agenda was approved with no modifications by Lauren McClellan and seconded by Collene Walter.

2) Member Items:

- a. Code still allows for a DROE Off the Board to be submitted in between ZC and BCC but calendar doesn't allow and then the DROE's "Off the Board" having to go through sufficiency seems redundant and drags out the process.**

Monica Cantor showed the amendments addressing this issue noting that the DROE submittal between Zoning Commission (ZC) and the Board of County Commissioners (BCC) Public Hearings is proposed to be deleted from the Code. She stated that new criteria has been created for DROE applications to skip sufficiency review. She explained that is when an application is only proposing changes that relate to compliance with Conditions of approval required to be addressed at final DRO; include changes resulting from a Type 2 Variance or a Type 2 Waiver; or, when a Type 1 Waiver is noted in the justification of the BCC or ZC approval and analyzed by staff at that moment. Wendy Hernandez clarified the amendment is scheduled for adoption in August and expected to be effective in the first week of September.

- b. Recreation equipment 50' setback to any residential property line per article 5. This may be ok with oversized rec, or large PUD with a centrally located recreation parcel, but on smaller straight subdivisions or multifamily development it could be problematic.**

Gladys DiGirolamo indicated her concern about recent enforcement of recreation facilities setback that has not been applied consistently and how they may affect already approved projects. Monica

Cantor noted that Zoning Division has been discussing the topic with Jean Mathews from Parks and Recreation and noted that she acknowledged that changes in the minimum area of recreation parcels, designed mainly for small developments to allow them to be 50 feet in width by 50 feet in depth, did not consider the 50 foot setback required in Art. 5.B.1.A.10 for recreation amenities adjacent to residential. As a result of the discussion, Zoning staff has been reviewing active DRO applications with Parks and Recreation to ensure the changes are addressing Code setbacks while they comply with the requirements of the recreational areas by Parks and Recreation. In addition, she noted that staff is preparing a memo to clarify setbacks when recreation amenities are located adjacent to non-residential uses. She informed that setback provisions as contained in the recreation pod of a Planned Unit Development in Art. 3.E are going to apply.

Monica Cantor noted that Jean Mathews indicated her interest to address the identified issue by drafting Code amendments in Art. 5.D, while Zoning staff will be codifying the setbacks when the facilities are adjacent to non-residential uses. Wendy Hernandez clarified the amendment will be part of Round 2021-01.

- c. Recreation requirements: Recreation requirement for properties within the URA are the same as the balance of the County. There needs to be a discussion with P&R on how we can reduce this requirement in the code or at the very least take credit for the monetary expenditure for the interior recreational amenities. Same goes for other small development sites throughout the County.**

Josh Nichols noted Westgate regulations include provisions that address small developments and he would like Zoning to consider having similar regulations in the URAO.

Jon MacGillis noted that he e-mailed Jean Mathews from Parks and Recreation Department to inform her about this request. He suggested DRAC members reaching her to discuss the topic.

- d. The Code inconsistency in Article 7 for landscape buffers, where when introducing a fence in a Type 1 Compatibility Buffer, the requirement for 7.5' clear planting on the inside, one ends up with a 16 to 17 foot buffer which is more than a type 2 Incompatibility Buffer.**

Yoan Machado was not present to discuss this item he added, but Josh Nichols, Collen Walters and Josh Long discussed this item in conjunction with the next item below for a similar issue.

- e. Walls in buffers:**

- We have examples one of which was a 50% reduction in the Type III buffer width based on open space/canal adjacency, however, a wall was still required within said buffer. So a 20' Type III buffer may be reduced to 10' but still has a wall requirement and that wall must be setback 10' from the property line and 7.5' of planting area on the inside bringing your total buffer to 17.5' in width. Additionally, if you have an easement within said buffer for a 5' overlap you must increase the buffer width based on note 2 of Table 7.D.4.D. (No easement encroachment).
- There has been discussion that the width of the wall should be taken into account when designing a buffer. For instance 15' ROW buffer with a wall is required 7.5' clear on both sides of the wall but if the wall is 6" to 8" thick, 7.5' can't be provided in a 15' buffer.
- 10' incompatibility buffer with a wall: The wall then must be setback 10' from the property line which places it on the buffer line. If the wall is placed say 6" outside of the buffer then it has been requested to provide a hedge on the inside of said wall, however, there is no code requirement to support this request.

Josh Nichols discussed the above scenarios for incompatibility buffers that would first qualify for a buffer reduction, but when you add a wall, the buffer then needs to be increased, and asked whether the wall thickness would be a factor. Collen Walters explained she raised this issue with Maryann a while ago with examples. She also mentioned that she has a work-around by placing a non-required wall on the outside of the buffer to mitigate increasing a compatibility buffer width. Meredith Leigh stated she had previous discussions with Maryann about this and said the Code was intentional, and that increases were required if adding a wall. Melissa Matos indicated we would like to get her documentation, so we can look at it comprehensively. Josh Long also offered the example of the Seven-Eleven development for a Type 2 incompatibility buffer that now needs a variance. Jon MacGillis offered we would put together a team (staff and agents) to look at these scenarios so we can offer a solution.

- f. **Consent/Disclosure/Survey/Misc. Signature Docs: Forms should remain valid through the entirety of the applicable process. If a consent form was valid at time of sufficiency review I was under the impression that form was valid through the term of that specific entitlement process?**

Josh Nichols posted this question. Jon MacGillis indicated that consents are regulated by the County Attorney and the form itself indicates it is valid for one year from the date it is notarized. Any additional questions related to other documents regulated by other agencies need to be address with the applicable agency.

- g. **Provide an overview of what Staff are now in each division (public hearing, administrative review, etc.) and identify the appropriate people to contact to schedule pre-application and other meetings. (Staff has an introduction of new members on their list of agenda items however we are experiencing issues with scheduling pre-application meetings as we no longer know who the correct contact people are to initiate the requests.)**

Jon MacGillis presented the Zoning Division organizational chart and noted relocated, new and promoted staff by section. It was clarified that Andree MacDonald is the person to be contacted to schedule pre-application appointments and if the applicant or agent knows the application is subject to DRO or ZAR, they can contact Michael Birchland to schedule pre-application appointments. Barbara Pinkston clarified that Patricia Rice schedule appointments for Type 1 Variances and Zoning Confirmation letters. Staff will be posting a news release with the contact names to schedule meetings in the different sections.

- h. **On occasion some of the files in ePZB are DWFX files not DWF files. The DWFX files are XPS files that are only compatible in Microsoft XPS viewer. They don't act as true DWFs and are impossible to convert to anything else, such as PDFs. Therefore, they are difficult, if not impossible to use and view.**

This item was not discussed as it was related to an isolated project and addressed with the applicable agent.

- i. **Dumpster 25' setback: This comes up on smaller sites where it pushes the dumpster to a location which is unsightly to the business or creates a circulation issue. I can understand this requirement for adjacency to residential uses but perhaps should not apply to all property lines.**

Josh Nichols requested to review the setbacks to be reviewed specially when the location of the dumpsters are adjacent to non-residential uses as the 25 feet setback is applicable to any property line. Monica Cantor indicated that Code amendments were updated in early 2018. Jon MacGillis indicated that setbacks are established to buffer mainly noise and tentative Code amendments could be considered to address this request. Jon MacGillis clarify that the 50 feet dumpster setback contained in Art. 3 shall be only applicable when the dumpster is adjacent to residential not to commercial or recreation pod.

- j. **Justification Statement Content and Format: Receiving certification issues on the location of items within the justification statement. Other agencies outside of zoning requiring positioning of certain information within the justification statement. The sample below (not picking on Planning) but the info requested was on page 4 of the JS and they have created an Issue that it should be on page 1.**

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| PLAN | 06/26/20... | 2. Revise Justification statement to add in the beginning information regarding submitted FLUA application LGA-2021-001, include amendment request to amend land use designation from Industrial (IND) to the Commercial High with underlying Industrial (CH/IND), acreage and location (POD C). | Issue |
|------|-------------|--|-------|

Josh Nichols noted that this topic has been noted in the past by other DRAC member, indicating that he is of the opinion that where the information is placed in the justification should not be a

certification issue. He suggested to make it a comment instead. Collene Walter noted the justification statement is the Agent's work product and it is addressing the standards required by the Code, they have the ability to format it, similar to staff reports are formatted by staff only. Donna Adelsperger indicated it could relate to the location of the request to try to keep them together in the document if possible. Jon MacGillis noted that the justification statement is under the jurisdiction of the Zoning Division and no other agencies and if there are any issue, the call should be by the Zoning Director. He also clarify that staff rely on the information that is included in the justification, and it is important to have a well written justification statement. He agrees if the document is not organized, it should be noted as a comment not an issue.

3) **Staff Items:**

a. **DRAC 2020 Task List (No Tasks to follow up on). (Attachment 2) – Jon**

Jon MacGillis referred to the DRAC 2020 Task List and informed members there are current no open tasks on the list. However, after today's meeting any new items will be added. He did note that although Doug Wise, Building Official, did provide DRAC Members and overview of the Building Review Process, they had requested a follow up meeting. Jon requested DRAC Members coordinate that with Doug Wise directly.

b. **ULDC 2020-01 Round Supplement 28 and Round 2020-02 Initiation August 27, 2020 – Wendy**

Wendy summarized that Zoning Staff is proceeding to final adoption for the 2020-01 Round and initiation of the 2020-02 Round in August 27, 2020 BCC hearing. The amendments will be effective at the beginning of September. She noted that Supplement 28 is expected to be completed by the end of September.

c. **Formal Implementation of Electronic Application Submittal through Sharefile (Attachment 3a - News Release) and (Attachment 3b - Share File Instructions) – Bill**

William Cross noted that use of Sharefile intake provisions are now in transition from August to officially be a permanent practice in October, and indicated that the instructions are on-line.

d. **Review Insufficiency 2nd Notification (Attachment 4) – Bill Remind Agents that if no extension submitted within 5 days of this 2nd Notification of Insufficiency then the application is automatically withdrawn – no further notification necessary.**

William Cross noted the importance of this change to put the burden on the applicant as we expect the applicant to reach the Project Manager and discuss any issues and needs for potential additional time extensions. He clarified the five days apply from the date the e-mail was sent, if it was sent after the date noted in the letter and clarify that we are expecting to send the letter on-time.

e. **Updates of Application Forms and Naming Guide posted to Zoning Web pages – Monica Current updated forms can be found on Zoning Web pages and Zip files for download.**

Monica Cantor presented the latest news release that include forms that have been updated recently and noted the Application Checklist and Naming Guide was also updated. She reminded DRAC members to use these forms in the applications to avoid issues and delays in the application's sufficiency and review. She clarified that applications submitted prior to July 8, 2020, which is the date when staff announce the forms update, can continue using old forms and they are not required to be updated.

f. **Medical Use - Consultant Report and FAQ available on Zoning Web pages – Jon**

The medical use for Community Residential Housing (Sober Homes) has been completed and posted on the zoning web page. Staff will be going over the document with the Commissioners to advise of the next step for processing amendments. Staff hopes to have code adopted in January of 2021.

g. **Introduction of new Zoning staff and internal promotions – Jon**

Jon MacGillis mentioned new and promoted Zoning staff as follows:

- Wendy Hernandez, promoted to Deputy Zoning Director
- Briana Tagdharie, Receptionist III, Public Information
- Joyce Lawrence, promoted to Sr Site Planner, Public Information
- Shivanni Singh, Zoning Technician, Public Information
- Michael Birchland, Zoning Technician, Admin Review
- Nancy Frontany, promoted to Site Planner I, Admin Review

- Timothy Haynes, Sr Site Planner, Community Development
- Emelia Fisher, Site Planner I, Permitting/Landscape
- Jordan Jafar, Jerome Ottey, and Zubida Persaud, all promoted as Site Planner II

Jon had provided DRAC Members with the overview of the staffing in each Section. He note those staff who were recently promoted and or moved to another Section within the Division. He also stated there are several vacancies in the Zoning Division that staff are currently interviewing or requiring.

4) **General:**

- a. Topics for next meeting – **Gladys**
No new topics at this moment. They will be provided at a later time.
- b. ADJOURN – The meeting finished at 3:25 p.m.

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