



DEVELOPMENT REVIEW ADVISORY COMMITTEE (DRAC)

May 14, 2021 (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, Collene Walter, Bradley Miller, Pat Lentini, Bill Whiteford, Kevin McGinley, and Yoan Machado.

Interested Parties: Evelyn Pacheco from GL Homes.

County Staff: PZB Administration: Lake Worth Drainage District: Anne Perry; **Planning Division:** Bryan Davis; **PZ&B Administration:** Whitney Carroll, PZB Deputy Director; **Zoning Division:** Jon MacGillis, Wendy Hernandez, Jeff Gagnon, Ryan Vandenburg, Monica E. Cantor, Albert Jacob, Joyce Lawrence, Timothy Haynes, Carlos Torres, Donna Adelsperger, Marie De Rose, Jerome Ottey, Zubida Persaud, James Borsos, Nancy Frontany, Lindsey Walter, Vismary Dorta, and, Alex Biray.

AGENDA

1) Review Minutes – Gladys

Gladys DiGirolamo opened the meeting at 2:03 p.m. and asked members if they had any changes to the January 22, 2021 minutes, which was attachment 1 in the agenda. The minutes were approved with no modifications by Collene Walter, seconded by Bradley Miller.

2) Member Items:

- a. Periodically, we have to research back to prior ULDC supplements. All that's available on EPZB web site are ordinances which make it very difficult to piece together and still know whether we have the effective supplement or not. We are asking if staff could post the prior supplements with the effective dates. - **Bradley Miller**

Jon MacGillis stated that Zoning Staff is working on posting the ULDC Supplements for Ordinances **1992-020 and 2003-067** to the Zoning Web Page for everyone to access. He also noted that the 1957 and 1973 Ordinances have no consolidated Supplements since they were previously done in Municode format. Monica Cantor provided a demo for members showing them what the Web Page will look like to the User. She noted that the pages would have a "reference sheet" that will help the user identify which Supplement applies to a specific ordinance by year. Wendy Hernandez pointed out that the Code Revision page under the Zoning Division currently includes a cross reference table that helps find out what ordinance is included in every Code supplement. Jon MacGillis added that we would notify industry once the Zoning Web page is updated by the end of May to reflect the Supplements.

- b. Please add timing of assignment of PH project number, PH control number and resolution number for DROE right off the board. The latter is a problem in particular because of it is not available at intake, and you automatically have a \$400+ resub fee. - **Kevin McGinley**

At the meeting, Kevin McGinley elaborated on the issue and noted that he recently submitted a DROE application for which he was not expecting any issues. The Project Manager asked the resolution number to be provided in the tabular data. However, it was not available to the Agent at the time the application was submitted. He noted that since there are no free resubmittals for DROE, this delay was going to represent \$400 dollar fee for something that staff will eventually place in the signature box on the approved plan. Wendy Hernandez stated that the Technical Manual needs to be updated in 2021-01 Round, to remove the resolution and the application number. Collene Walter noted that the application number and resolution were removed from the tabular data few years ago to prevent duplicated information and tentative inconsistencies and mistakes but for some reason they were added to the Technical Manual recently. Donna Adelsperger clarified that the Technical Manual updated in January of 2021 removed the resolution number but it is still asking for the application number.

Kevin McGinley also noted that Control Number is also an issue for public hearing applications that do not have any history, the number is not assigned until the application is accepted so he is asking for that to be added as an issue to be addressed through a resubmittal instead.

- c. Would like to open discussions regarding the review of Landscape Plans that are tied to various permits. - **Gladys DiGirolamo**

Gladys DiGirolamo wants to find out how landscape plans are tie to different site elements over the overall recreation pod. She indicate that she has projects with large recreation pods that are phased as they are required to open up the amenities to the residents when they have 40 percent of building permits. As a result, they have to make constant modifications and there is not separate Landscape Permit for every site element that is modified, so she has to submit an entire landscape plan to reflect the changes, which is redundant to update every permit. Albert Jacobs indicated that Landscape Plans have been approved and submitted with no issues. He noted that it is perhaps miscommunication with Building Department for delay. No other DRAC members indicated an issue with their landscape plans when she asked other DRAC members. Jon MacGillis suggested Gladys DiGirolamo to contact Building Division to get the overview of the system. She asked all DRAC members interested in participating in this meeting to let her know so she can send the list for a meeting.

- d. Update on the mandatory Off-the-Board DROE process where no changes are allowed except to address conditions of approval that must occur prior to making any changes through a subsequent DRO/ZAR process. - **Collene Walter**

Collene Walter indicted that this is her item but there is a duplicate subject under Staff Items also on the Agenda. She indicated that she was informed that all Off the Board applications are required to be submitted as DROE to memorialize the BCC approved plan prior to any further amendments to be made. She understood that the agent had an option to: either submit as DROE with no changes unless addressing conditions of approval; or, if the application was submitted with changes then it was submitted as a full DRO application. She noted that Monica Cantor clarified that applications needed to obtain first final approval by the DRO and then depending on the magnitude of the changes they could be addressed later as a full DRO if more than five agencies are affected or as a ZAR. She noted that she discussed it with other DRAC members and they were not aware of that and

based on her reading of the Code, it does not state that so she wanted to get additional feedback from Staff. Ryan Vandenburg clarified that off-the board applications are required to be DROE before an application can have further changes unless they are per condition of approval, or staff's minor technical error were missed at the public hearing. Staff clarified that even for application that are not submitted within the next two submittals after the public hearing approval, final DRO applications are not going to be allowed to include additional changes. In that case, they will be subject to the fees and staff is not going to carry over the documents from the public hearing to the final DRO application.

- e. Waiver of sufficiency for off-the Board DROE applications – do we still need to request or is it “automatic”? - **Collene Walter**

Collene Walter indicated that for DROE applications, there is an opportunity per the current Code language to request the waiving of Sufficiency Review, but has also been told that the waiving of sufficiency is automatic. She wants clarification if it is automatic or if that still needs to be requested. Ryan Vandenburg indicated that he has worked with Jon MacGillis and staff and has confirmed that the Code will allow for the exemption of almost all off-the-board applications (if a DROE is not submitted within 2 months and fees are required but not paid, it will be insufficient), so the request isn't required for it to be exempted. He noted that staff would make it clearer in the Code in the future, as Collene Walter noted that the Code language currently asks that the Applicant make a request for sufficiency exemption. Ryan Vandenburg indicated that he would update the Power Point that was presented by Monica Cantor to make it clear on what is required, and would be updating the steps online so it was clear what was required for Off-the-board submittals. Collene Walter requested to get a copy of the power point presentation when possible so she can share with her staff.

3) **Staff Items:**

a. **DRAC 2021 Task List (Attachment 2) – Jon**

- Dumpster Setbacks 2021-01 Round-Scheduled for 2021-01 Round-Staff send final Exhibit to DRAC Interested Members for final comments Feb 2021
Staff only received comments from Collene Walter and already included her recommendations. This amendment has already been review and approved by LDRAC and will be in the 2021-01 Round for adoption in August. Jon MacGillis stated if you would like to see a copy of the Exhibit of the amendment, you could find it on the Code Web Page under LDRAB Meetings.
- Landscape Buffers and Walls Scheduled for 2021-01 Round-LDRAB May Meeting.
Collene Walter requested to include in the Code language clarification for the measurement of landscape buffers when a wall or fence is provided. She noted that many existing developers may decide to include a fence or wall and requested clarification how the new provisions will be applicable. She also noted that the amendment draft seems to show a different way to measure the buffer width when a fence or wall is added. She suggested measuring from the centerline of the fence or wall, which will be more consistent with panel wall types that are no necessarily concrete walls with, continues footer as the main purpose is to make the Code user friendly. Bill Whiteford suggested in the commented draft to leave a specific dimension as the clear area for planting so that will be covering for those cases in which a wall or fence is proposed. Albert Jacob stated that the discussion initiated in December 2020 for which he provided sketches that were discussed with the subcommittee members. The dimensions reflected in the draft are based on those final recommendations and they should not continue to change, as it can cause an ongoing discussion. Additional discussion took place regarding deletion of opaque fence under type 1 incompatibility

buffer. A fence cannot longer be used as an option to address an opaque barrier without having a hedge. Wendy Hernandez believe that Landscape Barrier definition in Art. 1 of the Code already covered hedge, fence or wall. Jon indicated he was going to follow up with staff to ensure the draft language is consistent with the definition. Collene Walter also suggested the Code to address decorative fencing to be visible and to add buffer cross sections to backup Landscaping regulations in Article 7 tables.

Melissa/ Albert

- Existing Vegetation Preservation – Internal memo and news release to explain how a Site Plan needs to identify preserved trees.
Monica Cantor noted that staff disused and concluded in a Zoning Director Memo, than only the trees to be preserved need to be shown on “final” plan. The memo will be posted in late May to the Zoning Division Web Page News Releases and will detail clear direction on staff on how to enforce preserved vegetation until it is incorporated into the Zoning Technical Manual by mid-summer 2021. She informed members that preservation of existing trees should be identified on the final Site Plan with gray color along with the tag number that is cross-referenced in the Disposition Chart. She clarified that the dot that identifies trees still needed to be carried over the Site Plan or Subdivision Plan in those cases.
- Traffic Signs and Traffic Bars – To show them in the Site Plan. Pending Tech Manual update.
Monica Cantor confirmed that the plans could reflect traffic signs and bars as it was discussed in February at the DRO meeting with Traffic and they needed. She noted the change would be reflected in the Technical Manual as part of amendments in Round 2021-01.

b. ULDC Updates – Jeff

Jeff Gagnon provided an overview of the items listed below. DRAC Members requested no additional action items at that time.

- ULDC Publication of Supplement 29. All Training completed.
- 2021-01 Status of Round and Key Amendments:
3/24 LDRAB: ERM Vegetation Preservation; Admin. D.O. Appeal to Hearing Officers; Dumpster Setbacks
4/28 LDRAB (anticipated): WCRAO Amendments, Use Regulations, PDRs and Supplementary Standards; Release of Unity of Title Reference; PIA Dog Friendly Dining
5/26 LDRAB (anticipated): Reach Estates, Planning Ord. 2020-022; Non-Residential Amendments, Planning Ordinance 2020-011; EVCS; Landscape Buffer Amendments; SFWMD Irrigation Amendments.
- 2021-01 Subcommittee Updates and Anticipated Timeline:
Community Residential Housing (CRH):
2/26 Final Subcommittee Mtg.
3/24 LDRAB/LDRC Unanimous Recommendation of Approval
4/22 Request for Permission to Advertise
5/27 BCC 1st Reading
7/22 BCC 2nd Reading/Adoption
- Electric Vehicle Charging Stations (EVCS): [Tracking HB839 & SB856]
4/12 Final Subcommittee Mtg.
5/26 LDRAB/LDRC Anticipated
6/24 Request for Permission to Advertise
7/22 BCC 1st Reading
8/26 BCC 2nd Reading/Adoption

- 2021-02 Round-August to Feb 2022: Items Currently Being Considered for Inclusion

c. Final Site Plan Approval Process Ord. 2020-020 Amendments - Monica/Ryan

Monica Cantor provided an update based on a Power Point presentation to illustrate the changes consolidated in the Code amendment, Supplement 28, which clarified that all public hearing applications are required to have a final plan approved and any modifications are limited to compliance with conditions of approval. She noted that the Final DRO applications are either: labeled as DROE which are those submitted within the next two opportunities of submittal after the Public Hearing approval and are not subject to fees; or, full DRO, which are those off the board applications submitted after the second intake of the public hearing approval, subject to fees but still not allowed to have modifications to the plans unless required by conditions. She clarified that applications submitted as DROE are required to make minor modifications to the General application form to indicate the application type and if there are Type 1 Waivers to be approved that were included in the public hearing justification and staff made them part of the staff report. The survey and consent also are required to be updated and within one year, status of conditions of approval, plans labeled as “final” and the justification statement. She also indicated that new uses or new Type 1 Waivers would be subject to Full DRO or ZAR depending on the number of agencies involved and using the finalized plans for that purpose. She informed that all other documents would be carried over by county staff from the public hearing application to the DROE application.

Regarding the updated justification statement, Ryan Vandenburg noted that there is no need to update the justification statement even when the Code requires that, as additional changes are not expected to take place in the plans with the exemption of the conditions, which will be reflected in the status of conditions to be submitted by the agent. The only Justification required being provided (which can be provided through the public hearing review) is for the Type 1 Waiver.

d. Introduction of new Zoning staff – Wendy

Wendy Hernandez did a brief introduction of new Zoning Staff along with their professional background and experience: John Catalo, Landscape Inspector in the Landscaping section; James Borsos, Site Planner II and Imene Haddad, Senior Site Planner in the Community Development section.

e. Reminder of ZAR process and deadlines – Monica

Both Jon MacGillis and Monica Cantor reminder members that ZAR application is part of the DRO process, which is subject to the review schedule of the DRO. She also noted that the ZAR process is already an expedited process that allows for submittals every week and staff complete sufficiency determination and comments within 10 working days of submittal. She asked DRAC members to keep in mind this as Administrative Review staff have been receiving a large number of request from different agents to complete ZAR review of applications ahead of schedule. She also mentioned that changing applications review order would affect those that submitted earlier.

f. Tree Barricade Permit Enforcement – Melissa/Albert

Albert Jacobs indicated the permit process requires that all Zoning and ERM trees that are required to be preserved need to be barricaded. He noted that Zoning was asked to clarify why those trees that are going to be relocated have to be barricaded but since there is not clear when the relocation is going to take place; Zoning and ERM rather see them protected with the barricades until they are located to the final location. He asked DRAC members to remind their clients that it is their responsibility to keep the barricade up through the construction process. He clarified that this is not

a temporary process that once they get the final approval on the barricade, they move the fence and they are done. He suggested also if a fence installation is taking place to do it in pieces.

4) General:

a. Topics for next meeting (8/13/2021) – Gladys

Gladys Digirolamo indicated that there are no topics at this time to be added to the next agenda.

b. ADJOURN

Meeting adjourned at 3: 58 p.m. Motioned by Collene Walter and seconded by Bradley Miller.