

EXHIBIT A

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

(Updated 01/27/21)

Minutes of December 16, 2020 LDRAB/LDRC Meeting

On Thursday, December 16, 2020, the Palm Beach County Land Development Regulation Advisory Board (LDRAB), met in the Kenneth S. Rogers Hearing Room (VC-1W-47), at 2300 North Jog Road, West Palm Beach, Florida and via Cisco Webex Events communications media technology (CMT).

A. CALL TO ORDER/CONVENE AS LDRAB

1. Roll Call

Chair Mr. Wesley Blackman, called the meeting to order at 2:00 p.m. Mr. Alexander Biray, Code Revision Site Planner I, called the roll.

Members Present: 16

Joanne Davis (District 1, Commissioner Marino)*
Drew Martin (District 2, Commissioner Weiss)

Jim Knight (District 4, Commissioner Weinroth)*
Dr. Lori Vinikoor (District 5, Commissioner Sachs)
Myles Basore (District 6, Commissioner McKinlay)
Daniel J. Walesky (Gold Coast Builders Association)
Anna Yeskey (League of Cities)*
Terrence Bailey (Florida Engineering Society)*
Jaime M. Plana (American Institute of Architects)* **
Susan A. Kennedy (Environmental Organization)
Frank Gulisano (Realtors Association of the Palm Beaches)

Jim Sullivan, Florida Surveying and Mapping Society
Charles D. Drawdy (Assoc. General Contractors of America)

Wesley Blackman (PBC Planning Congress)
Tommy B. Strowd (Alternate At-Large #1)
Abraham Wien (Alternate At-Large #2)*

Vacancies: 0

Members Absent: 2

Ari Tokar (District 3, Commissioner Kerner)
Robert J. Harvey (District 7, Commissioner Bernard)

County Staff Present: 21

Jon MacGillis, Zoning Director*
Wendy N. Hernández, Deputy Zoning Director
Jeff Gagnon, Principal Site Planner, Zoning
Adam Mendenhall, Senior Site Planner, Zoning
Albert Jacob, Senior Site Planner, Zoning
Jerome Ottey, Site Planner II, Zoning
Alexander Biray, Site Planner I, Zoning

Darlene Perez, Zoning Technician, Zoning
Scott A. Stone, Assistant County Attorney I

Bryan Davis, Principal Planner, Planning
Carolina Valera, Senior Planner, Planning*
Michael R. Stahl, Environmental Resources Management (ERM) Deputy Director
Bonnie Finneran, ERM (Environmental) Director
Mark R. Godwin, Regulatory Specialist, ERM*
Roberta Dusky, Environmental Program Supervisor, ERM

Robert Kraus, Deputy Director Senior Site Planner, ERM

Mark Meyer, Site Planner II, ERM
Jean W. Matthews, Senior Planner, Parks and Recreation

Eric McClellan, Facilities Development and Operations Strategic Planning Director, Facilities Development and Operations*

Willie M. Swoope, Impact Fee Manager, Financial Management and Budget

Derrek A. Moore, Impact Fee Manager, Financial Management and Budget

* Present via Webex Events.

** Mr. Plana arrived at 2:09 p.m.

2. Motion to Approve Remote Participation by CMT Due to Extraordinary Circumstances

Motion to approve remote attendance by CMT based on extraordinary circumstances of the coronavirus pandemic for Ms. Davis, Mr. Knight, Ms. Yeskey, Mr. Bailey, Mr. Plana, and Mr. Wien, by Mr. Gulisano, seconded by Ms. Kennedy. The Motion passed unanimously (10-0).

** Mr. Plana arrived at 2:09 p.m.

3. Introductions – Mr. Jim Knight as a New Board Member

Mr. Blackman noted Mr. Knight was previously an LDRAB/LDRC Board Member and has now returned to serve in this capacity again.

4. Additions, Substitutions, and Deletions

Mr. Blackman noted an Add/Delete sent to the Board in advance.

5. Motion to Adopt Agenda

Motion to adopt the Agenda as amended, by Mr. Gulisano, seconded by Dr. Vinikoor. The Motion passed unanimously (16-0).

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6. Adoption of Minutes – October 28, 2020 (Exhibit A)

Motion to adopt the Minutes, by Dr. Vinikoor, seconded by Mr. Gulisano. The Motion passed unanimously (16-0).

7. Public Comments

Mr. Blackman noted a public comment card received and will be acknowledged when the item is open for discussion, and reminded members of the public to fill out a comment card for any items they wish to speak about. There were no public comments for items not on the Agenda.

B. UNIFIED LAND DEVELOPMENT CODE (ULDC) AMENDMENTS – NEW

1. Exhibit B – Art. 1, 2, 7, and 14, Vegetation Preservation and Protection

Mr. Gagnon noted this amendment was a joint effort between the Zoning Division, Environmental Resources Management (ERM) Department, and other entities. Mr. Kraus explained the amendment's intent to strengthen preservation requirements, clarify some initial meeting requirements, and streamline the process. He further noted the general goal is to clarify the process for determining which trees are regulated by Zoning's Permitting/Landscape Section, and which by ERM, and the Pre-Application Appointment (PAA) meeting process. He also noted that specimen trees will not be treated differently than native trees, and Staff proposes to reintroduce a performance bond requirement because many instances of Site Plans being approved where trees required to be preserved were removed.

a. Discussion

Mr. Martin asked how ERM will know if there are trees existing on a lot. Mr. Kraus responded Staff have aerial photographs and inspectors to walk through sites. Mr. Martin expressed concern about tree preservation in developments, and how the amendment will deal with the issue. Mr. Kraus responded that they are going to front load all the tree discussions on a project, and before anything gets approved, they are maximizing the tree preservation. Mr. Martin asked for further details. Mr. Kraus responded they are going to require a bond and that they expect them to know which trees are going to be preserved. Mr. Martin asked how they will determine the bond amount. Mr. Kraus responded that it will be determined by the replacement value of vegetation.

Ms. Davis asked for further clarification on the definition of naturalized vegetation. Mr. Kraus responded that if trees were planted as part of the Landscape Plan, then they are Zoning trees. Ms. Davis also questioned the wording of "to the greatest extent" as she does not believe it is legally defensible. Ms. Kennedy agreed. Ms. Davis further noted there is no way to enforce it. Mr. Stone responded he would have liked more black and white language, but was convinced by Staff how it is written will allow for more flexibility in unusual circumstances. However, he noted that if is the Board's will, it can be removed and replaced with a more absolute requirement. Ms. Davis also expressed concern about certification of Landscape Architects because not all of them fully understand or are familiar with native vegetation. She suggested it needed to be expanded to say "native plant professionals." Mr. Kraus responded that when a professional submits the plans, their reputation would be put on the line. Ms. Davis said she was not convinced that anyone would challenge it. Mr. Kraus responded that ERM will challenge it. Mr. Blackman noted a reference to the Technical Manual. Ms. Kennedy suggested that the language should be kept in the Code so that people would not need to refer to an outside document.

Mr. Sullivan asked about clarification whether a surveyor or Landscape Architect signs a tree survey. Mr. Blackman referred to a different section that can be used to clarify. Mr. Kraus agreed to use the same language. Dr. Vinikoor asked for clarification about certified surveys. Mr. Kraus responded that they want an accurate Tree Disposition Chart that shows what trees, species, and where they are located, not a boundary survey. Mr. Plana mentioned that if someone is familiar with native trees and they do not have a certification, it is a loss of resources if they need the certification. He also noted that vegetation varies in Florida. Mr. Kraus clarified that referring to the Technical Manual would be easier to deal with. Ms. Davis asked about the Technical Manual. Mr. Kraus responded that it describes the certifications that a professional needs to submit a plan. Ms. Davis suggested they need an environmental professional who understands native plants and should not be limited to Landscape Architects. Mr. Plana suggested an arborist. Ms. Davis agreed. Mr. Blackman mentioned he knows Landscape Architects that are not exclusively familiar with native plants. He suggested further information is needed for what is required to certify the native species requirement. Ms. Yeskey agreed with the comment about not referring to another manual. She would also like for the associated costs to be added.

Mr. Walesky asked for clarification, about the application, if it is for anyone seeking a Development Order and if this would apply to property that has been developed but does not have a Landscape Plan associated with it. Mr. Kraus confirmed that it will. Mr. Walesky asked if there is a size limit and if there is anyone excluded from the process. Mr. Kraus responded a project that has had some development on it already. He also noted that there would be a lower threshold for bonds if there is not an anticipation of a significant amount of damage to the vegetation. Mr. Walesky asked

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several questions about bonds. Mr. Kraus responded the bond will be determined by the value of the tree, there is no limit on bonds, and that they currently require a bond for everything. Mr. Walesky suggested it should be amended and noted it seems targeted to urban sites. Mr. Kraus responded it is targeted more toward rural sites and that urban sites would not apply. Mr. Walesky further noted that this will limit developments in areas such as The Acreage. Mr. Kraus agreed. Mr. Gulisano clarified the difference between a survey and Site Plan, and suggested having the arborist's tree survey on the boundary survey. Mr. Kraus said they will consider it. Mr. Gulisano mentioned that County prices tend to be higher. Mr. Kraus asked if he believes the bond is too small. Mr. Gulisano confirmed that it is.

Ms. Collene Walter of Urban Design Studio noted she is a Florida-licensed Landscape Architect and certified by the American Institute of Certified Planners (AICP). On page 2, line 21 she suggested removing the word "and," because often times ERM does not need to be involved where there are no naturally occurring trees. She further noted there is conflicting code with page 4, line 36. On pages 4 and 5, there are issues with the way that the text is written. Licensed Landscape Architects can stamp and seal plans, however, arborists cannot. The reference to Vegetation Survey is confusing because a Landscape Architect cannot stamp it. A vegetation disposition plan was mentioned, which can represent which trees can be preserved, cannot be preserved, and relocated. Mr. Kraus responded they can reword it. Ms. Walter also noted she agrees with Ms. Davis' comments about how there are other professionals not certified but understand native environments, and noted that there is an opportunity to define an environmental professional and there can be some type of criteria.

Ms. Jean W. Matthews of Parks and Recreation noted she passed the amendment to the Department's two licensed landscape architects, and one of the concerns is that it will drive up costs to get Site Plan approval and they would not sign off on surveys unless they did them themselves.

Mr. Plana suggested providing a tree disposition plan made by a licensed arborist.

Motion to table, by Mr. Gulisano, seconded by Dr. Vinikoor. The Motion passed unanimously (16-0).

2. Exhibit C – Art. 3 and 5, Recreation Areas and Amenities

Mr. Gagnon explained the amendment's urgency because of particular infill projects where recreational facilities are being expanded, or to promote the possibility to add facilities to smaller developments. He further explained the Add/Delete clarifies Note 4 of Table 5.B.1.A, Setbacks to address concerns from the Parks and Recreation Department that it may prevent infill development in areas where it is needed most.

a. Discussion

Mr. Walesky expressed concern about smaller lots and how setbacks would affect them based upon where they are measured and housing type. Mr. Gagnon responded that Staff would revisit it as required. He further noted that the smaller lots can be used as a pocket park or another use that can still serve the neighborhood, but not generate the potential for too much noise.

Motion to approve as amended, by Dr. Vinikoor, seconded by Mr. Gulisano. The Motion passed unanimously (16-0).

3. Exhibit D – Art. 4, Commercial Communication Towers Collocation Procedures

Mr. Gagnon explained the amendment clarifies an application mentioned in the Code is to be provided by the Applicant and not the County, as well as other recommendations that asked for other information which would be useful and would identify specific elements.

a. Discussion

Mr. Martin asked if it would reduce the need to put up more towers and reduce the environmental impact. Mr. Gagnon responded it would, and is seeking for individuals to collocate wherever possible and helps the communication gap. He further noted the amendment does not impact any other Section that refers to environmental references. Dr. Vinikoor and Ms. Hernández noted typographical errors on page 15, line 16 and page 14, line 34 respectively to be corrected.

Motion to approve as amended, by Mr. Martin, seconded by Dr. Vinikoor. The Motion passed unanimously (16-0).

4. Exhibit E – Art. 1 and 4 Minimum Frontage, Access, and Roads

Ms. Hernández noted the amendment is phase 1 of review with the Planning and Land Development Divisions. She explained it removes references for street definitions in Art. 1, General Provisions to Art. 11, Subdivision, Platting, and Required Improvements, so to apply to more than just Article 11, removes duplicative requirements, and clarifies certain uses as they relate to access and frontage on

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Major Streets or Commercial Streets, and prohibition from Local Residential or Residential Access Streets.

a. Discussion

Dr. Vinikoor asked for clarification on Type 2 Kennels. Ms. Hernández responded that it is a non-residential use and if it cannot meet the standards, then it would need to seek Variances. Mr. Martin asked if the amendment would improve the flow of traffic. Ms. Hernández responded that it is to help protect the location of some uses and the access to certain residential roadways, as well as prohibition onto residential type roadways. Mr. Gulisano noted page 18, line 36 as an issue on keeping cars within a building. Ms. Hernández responded that it is not part of this amendment and is existing language.

Motion to approve, by Mr. Martin, seconded by Mr. Gulisano. The Motion passed unanimously (16-0).

C. CONVENE AS LDRC

The Land Development Regulation Advisory Board convened as the Land Development Regulation Commission at 3:30 p.m.

1. Proof of Publication

Motion to accept Proof of Publication by Mr. Martin, seconded by Dr. Vinikoor. The Motion passed unanimously (16-0).

2. Consistency Determination for Exhibits B-E

Mr. Blackman noted the Comprehensive Plan Consistency Determination for Proposed ULDC Amendments memo, and clarified that it is for Exhibit C-E. Mr. Davis also clarified the Add/Delete does not change the consistency determination for Exhibit C.

Motion to approve, by Mr. Martin, seconded by Mr. Gulisano. The Motion passed unanimously (16-0).

D. ADJOURN AS LDRC AND RECONVENE AS LDRAB

The Land Development Regulation Commission adjourned and reconvened as the Land Development Regulation Advisory Board at 3:31 p.m.

E. STAFF COMMENTS

Ms. Hernández noted there will be an LDRAB meeting on January 27th for a Privately Initiated Amendment (PIA) initiation.

1. Update on LDRAB Subcommittees

a. Community Residential Housing (CRH)

Ms. Hernández noted Staff is meeting diligently every week with Consultant, still working through definitions and uses and the impact of the changes on the ULDC, and wants to have a complete draft ready before moving forward.

b. Electric Vehicle Charging Stations (EVCSs)

Mr. Gagnon noted a successful kick-off meeting and first meeting earlier in December, with the next meeting scheduled for January 6th. He also noted the meeting time has been extended by 30 minutes.

F. BOARD MEMBER COMMENTS

Mr. Walesky asked to join the EVCSs Subcommittee. Motion to appoint Mr. Walesky to the EVCSs Subcommittee by Mr. Martin, seconded by Mr. Gulisano. The Motion passed unanimously (16-0).

G. ADJOURNMENT

The Land Development Regulation Advisory Board meeting adjourned at 3:35 p.m.

Recordings of all LDRAB meetings are kept on file in the Palm Beach County Zoning/Code Revision office and can be requested by contacting the Code Revision Section at (561) 233-5243.