

EXHIBIT A

**PALM BEACH COUNTY
LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)**

(Updated 03/30/20)

Minutes of February 26, 2020 LDRAB Meeting

On Wednesday, February 26, 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.

A. CALL TO ORDER/CONVENE AS LDRAB

1. Roll Call

Chair Mr. Wesley Blackman, called the meeting to order at 2:03 p.m. Mr. Alexander Biray, Code Revision Zoning Technician, called the roll.

Members Present: 11

Drew Martin (District 2, Commissioner Weiss)
Dr. Lori Vinikoor (District 5, Commissioner Berger)
Myles Basore (District 6, Commissioner McKinlay)

Robert J. Harvey (District 7, Commissioner Bernard)
Terrence Bailey (Florida Engineering Society)*
Jaime M. Plana (American Institute of Architects)**

Members Absent: 7

Joanne Davis (District 1, Commissioner Valeche)
Ari Tokar (District 3, Commissioner Kerner)
Glenn E. Gromann (District 4, Commissioner Weinroth)
Daniel J. Walesky (Gold Coast Builders Association)
Anna Yeskey (League of Cities)
Charles D. Drawdy (Assoc. General Contractors of America)

Susan A. Kennedy (Environmental Organization)
Frank Gulisano (Realtors Association of the Palm Beaches)
Jim Sullivan, Florida Surveying and Mapping Society
Wesley Blackman (PBC Planning Congress)
Abraham Wien (Alternate At-Large #2)

Tommy B. Strowd (Alternate At-Large #1)

County Staff Present: 10

Maryann Kwok, Deputy Zoning Director
Wendy N. Hernández, Principal Site Planner
Jan Rodriguez, Senior Site Planner
Jerome Ottey, Site Planner I
Alexander Biray, Zoning Technician
Mercy Trujillo, Student Paraprofessional
Scott A. Stone, Assistant County Attorney I
Bryan Davis, Principal Planner
Melissa Michael, Senior Planner
Joanne Keller, Land Development Director

Vacancies: 0

* Mr. Bailey arrived at 2:08 p.m.
** Mr. Plana arrived at 2:19 p.m.

Mrs. Hernández made an announcement that closed captioning has been implemented for all hearings, and reminded the Board and Staff to talk directly into the microphones and not over each other.

2. Additions, Substitutions, and Deletions

There were no additions, substitutions, and deletions.

3. Motion to Adopt Agenda

Motion to adopt the Agenda, by Mr. Gulisano, seconded by Mr. Martin. Motion passed (9-0).

4. Adoption of November 13, 2019 Minutes (Exhibit A)

Motion to adopt the Minutes, by Mr. Gulisano, seconded by Dr. Vinikoor. Motion passed (9-0).

5. Public Comments

There were no public comments.

B. ULDC AMENDMENTS – NEW

1. Exhibit B – Art. 2, Residential Type 1 Variances

Mrs. Hernández explained the amendment cleans up and reorganizes existing language to clarify what is allowed as a Type 1 Variance for residential properties, and deletes duplicative language.

a. Discussion

Mrs. Kennedy asked if a Type 1 Variance goes to Type 2 Variance if more relief is requested. Mrs. Hernández responded it does based on provisions the other side of the page.

* Mr. Bailey arrived at 2:08 p.m.

Motion to approve, by Dr. Vinikoor, seconded by Mrs. Kennedy. Motion passed (9-0). Mr. Bailey stated he did not vote, because he was not present for most of the discussion.

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2. Exhibit C – Art. 2, 4, and 11 – Landscape Service in the AR/RSA and Access Requirements

Mrs. Hernández explained Landscape Service was adopted by the Board of County Commissioners (BCC) in November, and per their direction in December and January, Staff proposes additional modifications, including this amendment concerning BCC approval via a Type 2 Waiver for access requirements of AR/RSA-zoned properties and adjustments to maximum sizes based on acreage.

** Mr. Plana arrived at 2:19 p.m.

a. Discussion

Mr. Martin asked for clarification on Landscape Service as it relates to what was adopted, what is proposed, and how existing conditions are affected as they relate to Code violations. Mrs. Hernández responded by clarifying the scope of the proposed amendment, referred to Landscape Service adopted in November per Ordinance No. 2019-039, and that Code Enforcement cases vary. Ms. Keller added that traffic review is a case-by-case basis, and clarified that the BCC will address deviations from requirements as a Type 2 Waiver.

Mrs. Risa McCarahager, Heritage Farms resident, presented slides showing aerials to visualize the intensity of what is allowed for the parking of vehicles, and expressed support for the amendment as a step in the right direction.

Mr. Gulisano noted a correction on page 5, line 25 of “acres” to “acre” as it is singular.

Mrs. Kennedy asked if Staff has information on what the typical road easement is in Heritage Farms. Ms. Keller responded they are easements rather than right-of-ways, and range in size from 30 to 110 feet in width.

Mrs. Burns Heritage Farms resident, expressed support to approve what the BCC recommends, and expressed frustration with traffic’s wear on the roads.

Motion to approve, by Mr. Martin, seconded by Mr. Gulisano. Motion passed (11-0).

C. PRIVATELY INITIATED AMENDMENTS – No ITEMS

D. CONVENE AS LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

The Land Development Regulation Advisory Board convened as the Land Development Regulation Commission at 2:30 p.m.

1. Proof of Publication

Motion to accept Proof of Publication by Dr. Vinikoor, seconded by Mr. Martin. Motion passed (11-0).

2. Consistency Determination for Exhibit C – Art. 2, 4, and 11, Landscape Service in the AR/RSA and Access Requirements

Mr. Davis noted Planning Staff found the Exhibit to be consistent with the Comprehensive Plan.

Motion to approve, by Mr. Gulisano, seconded by Mr. Martin. Motion passed (11-0).

E. ADJOURN AS LDRC AND RECONVENE AS LDRAB

The Land Development Regulation Commission adjourned and reconvened as the Land Development Regulation Advisory Board at 2:32 p.m.

F. ANNUAL ORGANIZATION DISCUSSION

1. Election of Chair and Vice Chair

Motion on discussion of the procedure of how to election the Chair and Vice Chair by Mr. Bailey, seconded by Mr. Gulisano. Motion passed (10-1). Mr. Plana dissented.

a. Discussion

Mr. Martin proposed the idea of elevating the Vice Chair to Chair, and rotate the Vice Chair role among members, but acknowledged that everything is going well with the incumbency. Mr. Martin further asked if Dr. Vinikoor was the Chair of another Board. Dr. Vinikoor responded she is not. Mr. Gulisano questioned Mr. Martin’s proposal on how it will affect current Code. Mr. Blackman expressed he is willing to be flexible if the Board wanted. Dr. Vinikoor agreed he works well as Chair, and expressed contentment as Vice Chair.

Motion on the nomination of Mr. Blackman for Chair by Dr. Vinikoor, seconded by Mr. Gulisano. Motion passed (11-0).

Motion on the nomination of Dr. Vinikoor for Vice Chair by Mr. Gulisano, seconded by Mr. Bailey. Motion passed (11-0).

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2. Attachment 1 – Useful Internet Links for LDRAB/LDRC Members

Mrs. Hernández noted the internet links work online in the Agenda packet.

3. Attachment 2 – 2019 LDRAB Attendance

Mr. Blackman noted a lot of turnover in 2019. Mrs. Hernández noted some terms ending in 2021.

4. 2019 Amendment Rounds

a. Attachment 3 – 2019-01

Mrs. Hernández noted the unanimous BCC vote on all three hearings.

b. Attachment 4 – 2019-02

Mrs. Hernández noted an Exhibit approved by the Board, concerning CLF Distance to Fire-Rescue, was not brought to the BCC, and will be addressed by a hired consultant analyzing Congregate Living Facilities (CLFs) and sober homes as they relate to the Code, State, and Federal law. Dr. Vinkoor asked about the consultant. Mrs. Hernández responded the consultant is Dan Lauber of Chicago, an attorney consultant with over forty years of experience who has worked on regulations for Delray Beach, Fort Lauderdale, Pompano Beach, and several cities in Arizona. Mrs. Kennedy further asked about a timeframe. Mrs. Hernández responded she believes the study to be finalized in August, but will follow up on when he will present findings.

5. Attachment 5 – 2020 LDRAB Members

Mr. Blackman and Mrs. Hernández noted there are currently no Board vacancies.

6. Attachment 6 – 2020 Meeting Schedule

Mr. Blackman asked about scheduled meetings in the coming months. Mrs. Hernández responded that there will be meetings in March and May, with April, subject to waiting on an Agency's submittal.

a. Attachment 7 – 2019-01

Mrs. Hernández noted the Agency deadlines for 2020-01 and 2020-02 Rounds, and Landscape Service amendments will go on their own course.

b. Attachment 8 – Initiation of 2020-01 Round of Code Amendments

Mr. Bailey contemplated if Accessory Uses and Structures should warrant a Subcommittee. Mrs. Hernández responded it is unlikely to be completed for the 2020-01 Round, citing concerns which have arisen from Landscape Service and the proposed House Bill (HB) 1339, and will follow up next month on the feasibility. Mrs. Hernández informed the Board of numerous proposed Privately Initiated Amendments (PIAs) which may be subject to hearing.

c. Attachment 9 – 2020 Subcommittee

Mrs. Hernández noted there are no standing Subcommittees, and that Landscape Service was the last one. Mrs. Hernández also informed the Board a Subcommittee may be required in coordination with the Office of Resilience (OOR) on the requirement for commercial developments to have an Electric Charging Station (EVCS), per Commissioner Weinroth. A discussion ensued on application processes, uses, sizes, and types of EVCS.

Motion to establish an Electric Charging Station (EVCS) Subcommittee by Mr. Bailey, seconded by Mr. Martin. Motion passed (11-0). Mr. Martin, Mr. Gulisano, Dr. Vinikoor, Mr. Bailey, Mr. Plana, and Mr. Wien volunteered.

7. Attachment 10 – Sunshine Law Primer

Mr. Stone informed the Board he is available for any questions in regards to the Sunshine Law, and Mrs. Hernández confirmed to Mr. Blackman that Board Members are up to date on their ethics training.

G. STAFF COMMENTS

1. Office of Resilience Update – Electric Charging Station (EVCS) Requirement

See Section G.6.c, Attachment 9 – 2020 Subcommittee.

H. BOARD MEMBER COMMENTS

1. Mr. Blackman noted he has few projects in unincorporated Palm Beach County, and as Chair, can look objectively at the Code rarely having to recuse himself. Mr. Martin reiterated his comments on election of Chair and Vice Chair. Discussions on the extent of what can be presented by external parties to the Board for educational purposes and topic of green infrastructure ensued.

I. ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 2:59 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.