

EXHIBIT A

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

(Updated 10/12/18)

Minutes of September 26, 2018 LDRAB Meeting

On Wednesday, September 26, 2018, the Palm Beach County Land Development Regulation Advisory Board (LDRAB), met in the Ken 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, Wes Blackman, called the meeting to order at 2:00 p.m. Zona Case, Code Revision Secretary, called the roll.

Members Present: 11

Wesley Blackman (PBC Planning Congress)
Joanne Davis (District 1)
Philip Barlage (District 3)
James Knight (District 4)
Lori Vinikoor (District 5)
Robert J. Harvey District 7)
Frank Gulisano, (Realtor's Assoc. of the Palm
Beaches)
Terrence Bailey, (Fl. Engineering Society)*
Daniel Walesky (Gold Coast Bld. Assoc.)
Anna Yeskey, (League of Cities)
*Charles Drawdy (Assoc. Gen. Contractors of
America
Abraham Wien, (Member at Large, Alt. 1)

Members Absent: 5

Drew Martin (District 2)
Myles Basore (District 6)
Derek Zeman (Fl. Surveying & Mapping)
Xavier Salas, (AIA)
Winifred Park Said (Member at Large, Alt. 2)

County Staff Present:

Jon MacGillis , Zoning Director
Maryann Kwok, Deputy Zoning Director
Wendy Hernandez, Zoning Manager
Jan Rodriguez, Senior Site Planner
Leonard Berger , County Attorney
Scott Rodriguez, Senior Planner, Planning
Zona Case, Zoning Technician, Zoning

Vacancies: 1

Environmental Organization

*Mr. Drawdy arrived immediately after roll-call.

2. Additions, Substitutions, and Deletions

Staff confirmed to the Chair that there were no Additions, Substitution or Deletions. Mr. Blackman said he wished to affirm a Policy on meeting procedures before adopting the agenda. He acknowledged being permissive in the procedures he allowed under Board Members comments and added that in the past that item appeared on agendas, but was not on today's agenda. He requested a motion to affirm the Board's position as follows: if a Board Member wishes to discuss a substantive matter that is not on the agenda, this would be the appropriate place to add it as an amendment to the agenda, and the Board could vote in its entirety as to whether that item is to be included in the agenda. Mr. Blackman pointed out that this is not a policy change, but adherence to standard policy, and members could bring up any matter to the Board.

Mr. Bailey also encouraged members to advise staff whether the matter they wish to raise will require research or a long discussion, in which case it can be placed on the next agenda. To put the onus on staff to react immediately is not fair, so if it is going to take more than five minutes staff should be made aware so it can be placed on the next meeting agenda.

Motion by Dr. Vinikoor, seconded by Mr. Knight. Motion passed. (12-0).

3. Motion to Adopt Agenda

Motion to approve by Mr. Gulisano, seconded by Dr. Vinikoor. Motion passed (12-0).

4. Adoption of August 22, 2018 Minutes (Exhibit A)

Mr. Walesky pointed out that under staff comments at the last meeting, the Board was advised that a workshop related to Workforce Housing was scheduled for September 25, 2018. This has been re-scheduled to October 23. It was decided that the change of date would be recorded in the minutes of September 26, 2018.

Motion to approve by Mr. Knight, seconded by Mr. Gulisano. Motion passed (12 - 0).

5. Public Comments

There were no public comments

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B. ULDC AMENDMENTS

1. Real Estate Sales Model and Management Office (LDRAB ONLY)

Ms. Hernandez said that this item was being presented for LDRAB consideration only. Ms. Kwok clarified that parts of the exhibits are related to Accessory Uses and Structures which is presented in Exhibit G, and Temporary Structures which are subject to Building review when it pertains to real estate sales offices. The exhibit consolidates current code requirements addressed in Articles 3 and 5 and places them in Art. 4.B.11, Temporary Uses, as they are temporary in nature. The exercise is mainly to consolidate and update code requirements connected to those uses.

Dr. Vinikoor referred to Part 2, line 26, and suggested the proposed change to the language might be better expressed by changing the text to read except as indicated otherwise, instead of except where it indicated otherwise.

Ms. Kwok further elaborated on the exhibit highlighting the following changes:

- Part 3, page 2, A Real Estate Sales and Management Office is allowed as a Temporary Use in a PDD or TDD under both Art. 4.B.11.C.5 Real Estate Sales and Management Office, PDD or TDD, and Art. 4.B.11.C.6, Real Estate Sales Model, PDD or TDD.
- Part 5, page 7, lines 16-17, Sales model or office shall be located on site, with exceptions made for Jupiter Farms, the Acreage and Palm Beach County Estates.
- A regulation plan shall be submitted showing the location of the sales office and required parking.
- Part 6, page 9, Language from Art. 3.E.I.G. has been relocated to Art. 4.B.11 C. to provide a Definition and Approval Process for Real Estate Model, PDD or TDD.
- Part 6, page 10, line 30, indicates that temporary access to the sales model(s) limited to one year, as well as time extensions, have to be approved by the DRO.

Motion to approve by Dr. Vinikoor, seconded by Mr. Knight. Motion passed (12-0).

2. Exhibit C – Article 5.B.20, Mechanical Equipment

Ms. Hernandez clarified the conditions under which screening is not required for roof-mounted mechanical equipment: An industrial use with an industrial FLU designation shall submit a Line of Sight Analysis along with the permit to show that the equipment is not visible from the adjacent R.O.W.

Motion to approve by Mr. Gulisano, seconded by Mr. Barlage. Motion passed (12-0).

3. Exhibit D – Article 7, Landscaping

Ms. Kwok explained that the amendment is to codify certain parts of PPM ZO-O-061, Violation for Illegal Tree, related to legal and illegal tree removal. The PPM, establishes the Tree Removal Approval Process and also relates to violations and application of fines for illegal tree removal. The new Section 5) addresses in detail Approval Process, submittal requirements, removal and replacement standards, including the timeline, and inspection. The amendment also clarifies the word "Tree" includes trees, palms or pines and that these are required to be planted on the subject property per Article 7, Landscaping, or per Condition(s) of Approval through a Development Order (DO). Therefore, illegal removal of these trees, palms or pines are a violation to either the Code or the DO. Section 3 covers maintenance

Motion to approve by Ms. Davis, seconded by Mr. Knight. Motion passed (12 – 0)

4. Exhibit E – Article 4, Use Regulations, Article 7, Landscaping

Ms. Hernandez advised that the applicant requested postponement to the LDRAB/LDRC meeting in October as additional information is needed.

Motion to approve postponement by Dr. Vinikoor, seconded by Ms. Davis. Motion passed (12 – 0)

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5. Exhibit F – Article 3, Overlays & Zoning Districts PO Deviations

Ms. Hernandez explained that the amendment clarifies that, where a public-civic pod is co-located with property outside the boundary of a PUD, the required landscape buffer along the common abutting boundary may be reduced or eliminated.

Motion to approve by Ms. Davis, seconded by Mr. Knight. Motion passed (12-0).

C. ULDC AMENDMENTS –REVISIONS AFTER 8/22 LDRAB

Ms. Hernandez used a Power Point presentation which showed the reasons and revisions made to exhibits after the August 22 meeting:

1. Exhibit G – Art, 5,B, Accessory Uses and Structures

Page 30, lines 15/16 – (LDRAB concerns on timing of permit).

Page 30, Lines 41 – 43 (Clarification on timing of removal).

Page 31, Lines 5, 7, 11 (Formatting)

2. Exhibit H – Art, 2 and 3, Modifications by the DRO [Related to Housing Type]

Page 32, Line 14, Table 2.C.5.B (Clarification on TDD Neighborhoods, since they are not a Pod).

Page 33, Line 14, Table 3.E.1.E (Housing Classification (2) (3) Define more clearly housing classification in the footnotes).

3. Exhibit I – Airport Regulations

Page 36, Lines 43 and 45 (Formatting)

Page 38, Lines 2 and 31 (Formatting)

Page 40, Lines 8-15 (Correction to Approach Zone Height Limitation)

Page 42, lines 24 – 38 (Formatting)

Page 43, Line 49 - Formatting

4. Exhibit J, PO Deviations

Ms. Hernandez reminded the Board that at the meeting on August 22, 2018, it was decided that the exhibit required further discussion. All changes were made and agreed to by Mr. Eric McClellan, Director, FDO Strategic Planning, who asked that his concurrence be conveyed to the Board.

Page 50, Line 15 (Reason for Amendment)

Page 52, Line 7-15– 15 (Formatting and clarification on Notices)

Page 53, Line 47(Clarification on the exception and scheduling of PO Deviation applications)

Page 56, Lines 19-20 (Add Cross Reference to Article 2.B.7.G. and the items the PO Deviations the BCC approves).

Page 57, Line 22, (Reason for Amendment)

Page 61, Line 1, Reason for Amendment

Motion to approve by Mr. Gulisano, seconded by Mr. Knight.

Dr. Vinikoor questioned the grammatical correctness of text in Exhibit I, page 38, line 31. In the discussion that followed, several suggestions were made on the correct format. Ms. Colleen Walter, representing Department of Airports, agreed with the change “Director of Airports or a designee” instead of “Airports Director, or their designee”. Motion passed (12-0).

D. CONVENE AS LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

1. Proof of Publication

The Chair acknowledged the Proof of Publication and requested a motion.

Motion to accept Proof of Publication by Ms. Vinikoor, seconded by Ms. Joanne Davis. Motion passed (12 – 0).

2. Consistency

The Chair acknowledged receipt of Consistency Determination from the Planning Division confirming that the amendments to Exhibits B through J approved today, and K through O approved at previous meetings are consistent with the Comprehensive Plan. This was confirmed by Mr. Rodriguez of the Planning Division who also confirmed that the changes to Exhibits G through J were also found to be consistent.

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Motion to accept Planning Depart Consistency Determination by Ms. Vinikoor, seconded by Mr. Barlage. Motion passed (12 – 0).

E. RECONVENE AS LAND DEVELOPMENT REVIEW ADVISORY BOARD

F. STAFF COMMENTS

1. Article 2.G- Decision Making Bodies- General Provisions and Appointed Bodies- Land Development Regulation Advisory Board

Mr. Blackman reminded members that the request to provide the authority of LDRAB was made at the last meeting and observed that it might be instructional to new members of the Board. In response to Mr. Blackman's inquiry as to whether he wished to comment, Mr. Berger expressed the opinion that he would prefer to wait until more members are present.

Motion to defer to October 24, 2018 LDRAB/LDRC Meeting.by Ms. Vinikoor, seconded by Mr. Gulisano. Motion passed (12 – 0).

2. 2019 Reappointment

Mr. MacGillis advised that those members whose membership expires in February 2019, would receive letters the following week inquiring as to their interest in further service to the LDRAB. Those who are appointed by District Commissioners will receive communication regarding reappointment.

E. ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 3:00 p.m.

Recorded tapes of all LDRAB meeting 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) 233-5566.

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