

## EXHIBIT A

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

#### Minutes of January 25, 2012 Meeting

On Wednesday, January 25, 2012 the Palm Beach County Land Development Regulation Advisory Board (LDRAB), met in the First Floor Conference Room (VC-1W-60), 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 2:05 p.m. Zona Case, Code Revision Zoning Technician, called the roll.

##### Members Present: 10

Wesley Blackman (PBC Planning Congress)  
David Carpenter (District 2)  
Joanne Davis (District 1)\*  
Barbara Katz (District 3)  
Jim Knight (District 4)  
Lori Vinikoor (District 5)  
Michael Zimmerman (District 6)  
Martin Klein (District 7)  
Michael Cantwell (PBC Board of Realtors)  
Terrence Bailey (Florida Eng. Society)

##### Members Absent: 5

Rosa Durando (Environmental Organization)  
Jose Jaramillo (AIA)  
Maurice Jacobson (Condominium Association)  
Gary Rayman (Fl. Surveying & Mapping Society)  
Raymond Puzitiello (Gold Coast Build. Assoc.)

##### Vacancies: 4

Vacant (League of Cities)  
Vacant (Assoc. General Contractors of America)  
Vacant (Member At Large, Alt.)  
Vacant (Member At Large, Alt.)

##### County Staff Present:

Leonard Berger, Assistant County Attorney  
Jon MacGillis, Zoning Director  
William Cross, Principal Site Planner, Zoning  
Monica Cantor, Senior Site Planner, Zoning  
Bryan Davis, Principal Planner, Planning  
Timothy Sanford, Site Planner I, Zoning  
Zona Case, Zoning Technician, Zoning

##### 2. Additions, Substitutions, and Deletions

No amendments were presented.

##### 3. Motion to Adopt Agenda

Motion to adopt by Martin Klein, seconded by Jim Knight. The motion passed (9 - 0).

##### 4. Adoption of November 16, 2011 Minutes (Exhibit A)

Motion to adopt by Martin Klein, seconded by David Carpenter. The motion passed (9 - 0).

#### B. ANNUAL ORGANIZATION DISCUSSION

##### 1. Meeting Procedures

Ms. Cantor updated the Board on new appointees for the period of February 8, 2012 to February 3, 2015. Mr. Cross referred to the attachments on Meeting Procedures and briefly reviewed Roberts Rules of Order (Attachment B), Working in the Sunshine Guide (Attachment C-1), and the Palm Beach County Code of Ethics (Attachment C-2).

\* Joanne Davis arrives at 2:10 p.m.

Motion to adopt by Martin Klein, seconded by David Carpenter. The motion passed unanimously (10 - 0\*).

##### 2. 2011 Attendance

Mr. Cross summarized the 2011 Attendance Report (Attachment 6), and the attendance requirements.

##### 3. 2012 Board Members

Mr. Cross reviewed the Board Membership, (Attachment 7). He noted that the term of 8 members will expire on February 7, 2012 and new and reappointed members will participate in the selecting of chair and vice-chair in the next meeting on February 22.

##### 4. 2012 Meeting Schedule

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Mr. Cross referred to the 2012 LDRAB Meeting Schedule (Attachment 8), noting that meetings will not be held in June, July, and September unless unexpected circumstances arise.

#### 5. 2012 Work Plan

Mr. Blackman referred to the Work Plan on Page 54, which sets out the proposed plan for 2012 Rounds 01 and 02. Mr. Cross gave a brief summary of the proposed amendments for Round 2012-01 (Attachments. 9 and 10) and stressed that less amendments is the theme for 2012. He explained that Round 02 would mostly be made up of amendments resulting from subcommittee meetings to be held earlier in 2012. Mr. Cross went on to list the previously established and newly proposed subcommittees (Attachment 11), requested confirmation of the new subcommittee and invited members' participation. The subcommittees are:

- *Produce Stand*: Mr. Cross stated that at the BCC hearing on January 17, 2012 the Agricultural Tier workshop item presented by Planning did not find necessary to work on amendments to the Comprehensive Plan. Mr. Cross clarified that the Board directed staff to reconvene the Produce Stand and Related Uses subcommittee to work with industry and community in order to find opportunities that promote local agriculture in the County. He continued by stating there were 4 Produce Stand subcommittee meetings during 2011. The topic will be revisited in 2012 to accommodate agro-tourism or similar use. Ms. Vinikoor and Mr. Knight served on the subcommittee and indicated an interest in continuing. Ms. Davis, Ms. Katz, and Mr. Bailey also indicated an interest in joining the subcommittee.
- *Use Matrix*: staff anticipated convening this subcommittee in February or March and this will be a year-long task as it has to be slowly and carefully studied. LDRAB members that expressed interest in 2011 to participate in this subcommittee are Mr. Blackman, Ms. Durando, Mr. Puzzitiello and Mr. Knight.
- *Mobile Home Parks*: will look at Mobile Home allowing conversion to modular or permanent structures. Zoning staff will attempt to reach out to Mobile Home Associations for participation in the meetings. Ms. Davis said conversion to modular homes would be a welcome move and she expressed an interest in participating on the subcommittee.
- *Landscape*: this was identified as a low priority subcommittee that would reconvene to address any critically needed amendments for Article 7. Ms. Davis, Mr. Carpenter and Mr. Bailey stated their interest in serving. Mr. Zimmerman expressed disappointment that the efforts expended in the meetings held in 2010 did not result in a clear and positive outcome. Ms. Cantor responded that Zoning is in the process of listing the pending issues to be addressed and seeing how they should be prioritized.

Motion to adopt by Martin Klein, seconded by David Carpenter. The motion passed unanimously (10 – 0\*).

#### C. ULDC AMENDMENTS

##### 1. Exhibit B – Internet Café Moratorium

Mr. Cross explained that at the BCC Hearing on January 5, 2012, Bob Banks, Assistant County Attorney, presented a request to approve a Zoning in Progress (ZIP) and recommended a one year moratorium to temporarily halt all applications for Internet Cafés. He further said that he is hoping the State will separate issues with gambling in an effort to resolve this. If there is no resolution Zoning will coordinate with the Intergovernmental Plan Amendment Review Committee (IPARC) for consistent regulations on this matter. The Moratorium prohibits the acceptance of new applications or approvals for all new Internet Cafés but does not regulate existing Internet Cafés. Mr. MacGillis added that typically the use is approved as indoor entertainment and that there are concerns about older people spending their Social Security income in those places. Mr. Bailey questioned how this use was different from any other place where parents pay for their kids to play in machines.

Mr. Carpenter said that there have been negative connotations of the cafés in the newspapers but after exposure to them he does not have a negative view of them as they offer some social life for older people. He went on to explain his view of their operations. A discussion ensued in which Mr. Knight questioned why gambling is associated with Internet Cafés. Ms. Katz said that in her opinion it seems to be a profitable venture as this use is filling the empty stores in West Boynton Beach. She added the name of the

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moratorium should be refined to use "gambling" not Internet Cafés. Ms. Vinikoor added that the issue is being seriously studied in Tallahassee and that there is pari-mutuel gambling in many cafés. Mr. Berger said the matter should be dealt with immediately and Mr. Klein opined that the one-year moratorium will allow some time for study.

Motion to adopt by Martin Klein, seconded by Lori Vinikoor. The motion passed (9 - 1\*). Terrence Bailey voted nay.

#### 2. Exhibit C – Waivers

Mr. Cross briefly explained the difference between a Waiver and a Variance, the classifications of Type I and Type II Waivers and said this classification was introduced when the URA was processed in the previous round. Type I Waiver is subject to administrative approval and Type II Waiver is presented to the BCC. He pointed out that the amendment lists the Waivers by type. He said the Exhibit addresses processes; limitations and standards; and clarifies the appeals process.

Mr. Bailey questioned the criteria used to determine Type I or Type II classification of waivers. Mr. Cross explained by providing an example that within 25 feet setback a five percent waiver can be approved administratively and the BCC is comfortable with staff making that decision. Type II Waiver, he went on to say, is similar to a Conditional Use. The Board has the right to approve or deny.

Motion to adopt by Martin Klein, seconded by Barbara Katz. The motion passed unanimously (10 - 0\*).

Adjourned as LDRAB at 2:45 p.m.

#### D. CONVENE AS LDRAB

##### 1. Proof of Publication

Motion to approve, by Martin, seconded by Barbara Katz. The motion passed unanimously (10 - 0\*).

##### 2. Consistency Determinations – See Exhibit B listed above

Mr. Davis stated that the proposed amendments for Exhibit B – Internet Café Moratorium were consistent with the Comprehensive Plan.

Motion to approve consistency determination by Martin Klein, seconded by Raymond Puzzitiello. The motion passed unanimously (10-0\*).

#### E. RECONVENE AS LDRAB

#### F. PUBLIC COMMENTS

There were no public comments

#### G. STAFF COMMENTS

Mr. Cross told the Board that Zoning is developing an application process for the public to formally request amendments to the Code. More details will be presented at the next LDRAB meeting.

Mr. MacGillis said that often agents present requests for code amendments during the public comments portion of BCC Public Hearings and the BCC is asking that Zoning be more proactive in working with industry and agents by making the process easier. Mr. MacGillis clarified that any group, organization or member of the public can use the process to propose amendments. The avenues have always been there so this process is to assist the BCC.

Mr. Knight asked about the suggested tour of the AGR by the Commissioners and wanted to remind staff to include marketing promotion of agriculture. Mr. Berger responded that it had been determined that the proposed tour would be considered an ethical violation if the Commissioners have site visits as a group. Mr. Knight, Ms. Katz and Ms. Davis would like to be included in the tour if that takes place.

#### H. ADJOURN

The Land Development Regulation Advisory Board meeting adjourned at 2: 56 p.m.

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Minutes of January 25, 2012 Meeting

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) 233-5213.

Minutes drafted by: Zona Case  02-6-2012  
Name (signature) Date