



**LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
GENERAL SUBCOMMITTEE
WEDNESDAY, NOVEMBER 9, 2005 AGENDA
100 Australian Avenue
4th Floor Conference Room, 2:00-5:00 p.m.**

A. Call to Order

1. Roll Call
2. Additions, Substitutions and Deletions
3. Motion to Adopt Agenda

B. ULDC Amendments Discussion

1. Attachment A – Location Criteria and Restaurants
2. Attachment B – Place of Worship or Assembly
3. Attachment C – PDD/TDD Thresholds

D. Recommendations and Subcommittee Motions

E. Discuss Next Meeting Agenda

E. Adjourn

PALM BEACH COUNTY

**LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
GENERAL SUBCOMMITTEE MEETING**

Minutes of November 9, 2005 Meeting

On Wednesday, November 9, 2005 at 2:00 p.m. the Palm Beach County Land Development Regulation Advisory Board (LDRAB) General Subcommittee met in the Fourth Floor Conference Room, at 100 Australian Avenue, West Palm Beach, Florida, for their meeting:

A) Call to Order/Convene as LDRAB.

1) Roll Call

Chair Scott Worley called the meeting to order at 2:10 p.m. Bill Cross, Senior Planner, called the roll.

Members Present:

Barbara Katz,
Scott Worley

Members Present – 2

Interested Parties:

Collene Walter, Kilday & Assoc.
Bob Basehart, Basehart Const.
Geoff Sluggett, Sluggett & Assoc.
Chip Carlson, Jr., Esq.
Wes Blackman, CWB Assoc.

County Staff Present:

Jon MacGillis, Zoning Director
Maryann Kwok, Chief Planner, Zoning
Robert T. Buscemi, R.A, Principal Planner, Zoning
David Flinchum, Principal Planner, Zoning
William Cross, Senior Planner, Zoning
Maggie Cruz, Zoning Technician
Nadia DiTomasso, Intern, Zoning
Bruce Thomson, Senior Planner, Planning
Bryan Davis, Senior Planner, Planning
Lenny Berger, Assistant County Attorney

2) Additions, Substitutions, and Deletions

Attachment B, Place of Worship, was deleted from the agenda.

3) Motion to Adopt Agenda

A motion was made by Barbara Katz, seconded by Scott Worley, to adopt the agenda, as amended. The motion passed unanimously (2 – 0).

B) ULDC Amendments

1) Attachment A – Location Criteria and Restaurants

-Mr. Cross presented the White Paper, which summarizes the ordinance history, the request for the amendment and staff's recommendations concerning Fast Food location and separation criteria.

-Mr. Cross also stated that staff received the following BCC direction on September 22, 2005:

- a) to examine and re-define the definition of fast food restaurant
- b) to reduce the 1000-foot separation requirement for fast food restaurant to 500'
- c) to bring location criteria back for discussion with BCC after the definition has been revisited and clarified

-Mr. Cross explained the clarification of the definition of restaurants and the clarification of locational criteria for auto service stations, convenience store with gas sales, car washes and what was previously called fast food restaurants. In addition, the headings and the titles for restaurants were clarified. The four existing categories have been consolidated into three types; Type I, Type II and Type III. He explained the goal was to take the emphasis away from the title of the labeling and put the focus on a definition. Mrs. Walter commented on the similarities between Type I and Type II restaurants.

-Mr. Cross advised of the relocation of location criteria language from Art. 4 to Art. 5, Performance Standards, due to the prohibition of variance relief in Art. 4. Art. 5 does not relinquish the prohibition of variance relief and locational criteria for these uses.

-Several interested parties commented on the requirements for separation exemption. He indicated it would be very difficult for the applicant to comply with each of these requirements. He suggested creating a process in the Conditional Use A and the County review the plans and ensures the applicant demonstrates mitigation of adverse impacts that are presumed from fast food restaurant being in proximity of each other. The BCC would make the final decision whether it's a good location for a fast food restaurant or not.

The Subcommittee and Staff reviewed a letter submitted by Mr. Carlson. See attachment. Mr. MacGillis requested Mr. Carlson provide additional concerns in writing and submit to him by Nov. 22, 2005.

PALM BEACH COUNTY

**LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
GENERAL SUBCOMMITTEE MEETING**

Minutes of November 9, 2005 Meeting

A motion to approve was made by Scott Worley and seconded by Barbara Katz. Not including the increase of the number that are permitted over the two at an intersection and reducing from 1000 ft to 500 ft with the elimination of the separation criteria per staff's recommendation.

2) Attachment C – PDD/TDD Thresholds

-Mr. Cross explained the recommendation by the BCC during the amendment round to revert back to the pre 2003 Code. Mr. Cross went over each part of the amendments. He explained most of the amendments were for consistency with Comprehensive Plan.

-Mr. Basehart stated the BCC wanted an area in between the minimum threshold and the mandatory threshold where the applicant can make choice if they want to be a PUD or not.

-Mr. Cross indicated the chart could be amended to reflect that the projects that exceed this threshold shall be approved as a BCC Conditional Use Class A or PDD or TDD.

-Mr. MacGillis suggested removing the PUD Threshold table.

A motion to approve Barbara Katz and Scott Worley to amend. The motion passed unanimously (2-0).

C) Public Comments

None

D) Staff Comments

E) Adjourn

The LDRAB General Subcommittee meeting adjourned at 4:40 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 Secretary at (561) 233-5088.