

EXHIBIT A

PRODUCE STAND AND RELATED USES A SUBCOMMITTEE OF THE LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

MINUTES OF THE NOVEMBER 15, 2011 MEETING

Prepared by Zona Case, Zoning Technician

On Tuesday, November 15, 2011, the Produce Stand and Related Uses Subcommittee met at the Vista Center, Room VC-2E-55, at 2300 North Jog Road, West Palm Beach, Florida.

Fourth meeting of the Produce Stand and Related Uses Subcommittee.

A. CALL TO ORDER

Ms. Lori Vinikoor called the meeting to order at 3:10 p.m.

1. Introductions

Those in attendance were asked to introduce themselves.

Subcommittee Members: Lori Vinikoor and Jim Knight.

Interested Parties: Steve Bedner, Joni Brinkman, Jeff Brophy, Mark Perry, Tim Whelan, Ken Lassiter, Dagmar Brahs, and Rick Warner.

County Staff: Barbara Alterman, Danna Ackerman-White, Jon MacGillis, Monica Cantor, William Cross, Bryan Davis, Patrick Rutter, Timothy Sanford, Jan Wiegand, and Zona Case.

2. Additions, Substitutions and Deletions to Agenda

No changes were made to the agenda.

3. Motion to adopt Agenda

Motion to adopt by Lori Vinikoor, seconded by Jim Knight. Motion passed (2-0).

4. Adoption of October 17, 2011 Minutes (Exhibit A)

Motion to adopt by Lori Vinikoor, seconded by Jim Knight. Motion passed (2-0).

B. AGRICULTURAL RESERVE PLAN POLICIES - STATUS

1. Planning to follow up with BCC to obtain direction

Mr. Rutter opened the meeting by informing attendees that the Planning Division hold a workshop with the Board of County Commissioners on January 17, 2012, to look at various Agricultural Reserve Tier issues. He went on to say that decisions about the Agricultural Reserve have to await the BCC's direction after they review all aspects, good and bad, limitations, etc. A discussion ensued as follows:

- Mr. Perry expressed concern and disappointment about the process. He said that changing definitions and developing appropriate language were discussed at prior Produce Stand meetings and this gave participants different expectations. The Agricultural Reserve, he said, has morphed into something new and there is now a need to redefine it. Mr. Perry complimented Ms. Cantor on the presentations and information which she brought to the process but he was of the view that the discussions had lost influence.
- Ms. Alterman assured Mr. Perry that the meetings and discussions will still play important roles in future decisions. She urged continuation of the process but advised that there are limitations applicable to the Agricultural Reserve Tier, so before going too far into the commercial use category, it is best to await the BCC's decision. She expects that the upcoming workshop in January will result in a decision by the Board and that consideration will be given to what Produce Stands need in that Tier.

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- Mr. Knight said that Florida is the largest agricultural area east of the Mississippi and every effort should be made to see what reasonable changes can be made, and which uses can be opened up to provide more opportunities and increase competition. He further said that so far the discussions were fruitful and were leading somewhere, and the least that can be done is to present those ideas at the January 17 BCC workshop to try to achieve something more supportive of the Agricultural Reserve Tier to make it successful.
- Ms. Alterman added that the Board's direction was broadened and a general discussion on the Agricultural Reserve Tier is good, but until the BCC gives direction on how the Plan needs to address commercial uses in that Tier, code amendments cannot be proposed.
- Mr. MacGillis said that any definition for Produce Stand has to be for that use only. In January the Zoning Division will be looking at all uses in the code to review their relevance and see how they can be clarified to lessen gray areas.
- Mr. Knight recommended allowing the sale of grocery items in the Urban/Suburban Tier and urged more flexibility. He held the view that the Agricultural Reserve should be opened up.
- Mr. MacGillis gave a brief history of Produce Stand which he said formerly had a limitation of 300 sq ft in size, and worked well until 1992. Staff reviewed it then and developed code amendments to address issues with permanent produce stands. Mr. MacGillis further said that accommodating quasi-commercial uses would be difficult.
- Ms. Alterman stated what has been done is a good start to build on. The intent is to preserve agriculture but the approaches have to be carefully considered.
- Ms. Vinikoor agreed with the need to preserve the Agricultural Reserve and said that she is sure that before the process ends the BCC will be made aware of the subcommittee's views. She said that when urban/suburban meets agricultural, it is beneficial to create a transition and pointed out agritourism could be a solution that at present does not have a definition in the code.
- Mr. Perry repeated the expectations he had at the beginning and Ms. Alterman stated that there will be Public Hearings and input will come from interested parties.
- Mr. Cross agreed that the process was more open-minded at the beginning as ideas and recommendations were sought. However, he went on to clarify that early on in the process, both he and Mr. Davis of the Planning Division reiterated that the BCC direction was to address the Urban/Suburban Tier, and that staff discussion related to any changes in the AGR Tier would be limited due to the restrictions for commercial spelled out in the Comprehensive Plan. He further stated that staff had attempted to accommodate all participants and moved forward in good faith, but that work on the AGR Tier issues would be pending further BCC direction.
- Mr. Perry said that he presented a draft definition at the second meeting and at the end of that meeting he questioned why the use is restricted when it could be tied to acreage, lot size and percentage requirement. Mr. Cross clarified that he had asked Mr. Perry to provide more specifics to the definition along with examples of similar agricultural ordinances. Mr. Perry acknowledged this request and noted that he had not located any examples to date.
- Ms. Brahs expressed concern about opening doors in the Agricultural Reserve and cited a case of someone wanting to sell local produce and other items such as cheese and jams, and COBWRA turned the request down, so effectively the door was shut. It would have been different if the affected party had been farming for generations. Ms. Brahs further said that COBWRA would like to assist but the issue

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has to be fully examined and careful consideration given to the doors that are being opened so time is not wasted, as this information will be relayed to the BCC.

C. PRODUCE STANDS IN THE URBAN/SUBURBAN TIER

Ms. Cantor explained that the Produce Stand Exhibit outlined proposed amendments to the Definition and Supplementary Use Standards for Permanent Produce Stands in the Urban/Suburban (U/S) Tier and will be presented at the LDRAB/LDRC meeting on November 16, 2011. She pointed out that it defines and clarifies the additional products that will be allowed for sale at Permanent Produce Stands located in the U/S Tier on sites with a Commercial Future Land Use designation and also outlines the related standards.

- Mr. Warner commented that the changes were cosmetic and he expected more. He did not see the proposed changes doing much to change the rules of the game.
- Mr. Knight and Mr. Brophy suggested that the amendments be delayed until after the BCC January workshop. Ms. Vinikoor interjected that everything starts with LDRAB and that it was alright to pass it to LDRAB as written. Mr. Knight proposed that all changes be done together. Taking into consideration the upcoming holidays, he did not see the need to hurry now.
- A discussion ensued and Mr. MacGillis explained the circumstances that led to the Commissioners' direction to explore possibilities to improve and promote Produce Stands in the U/S Tier and said that Zoning is obligated to follow through. In response, Mr. Knight said that he was not against the changes, but a lot of time and effort had been expended in the last months and he did not think that waiting 60 more days would cause much difficulty for businesses. Mr. MacGillis said that if it does not go to the November 16, LDRAB meeting, it will be August 2012, before it can be changed.
- Ms. Alterman was of the view that the U/S Tier should not be tied to AGR Tier and she said that even if the Board approves, it will be six months to the next round of amendments and approximately a year for Plan and Code amendments.
- The discussion ended with Mr. Cross expressing the view that the language is very liberal as it allows a large variety of products to be sold.

Ms. Vinikoor made a motion to set aside until after the January 17, 2012 BCC Planning Hearing Workshop. This was seconded by Mr. Knight.

D. OTHER UPDATES FOR GREEN MARKETS AND FARMERS MARKETS IN 2012-01/2012-02

Ms. Cantor advised attendees that the Zoning Division will soon be doing a review Use Matrices and consequently all other related uses standards will be reviewed.

E. ADJOURN

The Subcommittee meeting was adjourned at 4:20 p.m.