

EXHIBIT A

URBAN REDEVELOPMENT AREA OVERLAY (URAO) A SUBCOMMITTEE OF THE LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)

MINUTES OF THE MARCH 30, 2011 SUBCOMMITTEE MEETING

Prepared by Zona Case, Zoning Technician

On Wednesday **March 30, 2011**, the Urban Redevelopment Area Overlay (URAO) Subcommittee met at the Vista Center, Room VC-1E-58 Conference Room, at 2300 North Jog Road, West Palm Beach, Florida.

First meeting of the Urban Redevelopment Area Overlay (URAO) Subcommittee for Amendment Round 2011-01.

A. CALL TO ORDER

Mr. Cross called the meeting to order at 2:10 p.m. and asked the participants to introduce themselves.

1. Introduction

Subcommittee Members: Michael Cantwell.

Interested Parties: Joni Brinkman, Jeff Brophy, Michael Falk, Dionne Banks-Hall, Bradley Miller, Jose Montas, Katharine Murray and Nancy Stroud.

County Staff: William Cross, Bryan Davis, Patrick Rutter and Zona Case.

2. Select Chair and Vice Chair

N/A. No quorum.

3. Additions, Substitutions and Deletions to Agenda

None.

4. Motion to Adopt Agenda

N/A. No quorum.

B. Purpose and Intent

1. Timeframe/Schedule

Mr. Cross stated that the proposed amendments in Exhibit B will be scheduled as follows:

- May 25, 2011: LDRAB (including Land Development Regulation Commission [LDRC]);
- June BCC Zoning Hearing: Request for Permission to Advertise;
- July BCC Zoning Hearing: 1st Reading; and,
- August BCC Zoning Hearing: Adoption.
- Effective Date: Conditioned to the effective date of corresponding Text Amendments to the Comprehensive Plan.

2. Goal of Subcommittee

Mr. Cross summarized that the goal of the Subcommittee meetings was to solicit feedback and suggestions from LDRAB members and interested parties. He urged attendees to look carefully at the proposed amendments and provide feedback that primarily corresponds to the amendments to the Plan. Mr. Cross said that two more sub-committee meetings would be held in April and May prior to presentation to the LDRAB at the May 25 meeting.

- **2011 Comprehensive Plan Amendments:** Mr. Cross indicated that the Text amendments to the Plan had received a recommendation for approval at the March 25, 2011 Planning Commission meeting, and that the BCC approved the Transmittal to the State on March 28, 2011.

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- **Exhibit A- Summary of ULDC Amendments:** Mr. Cross presented an overview of the “URAO Summary of ULDC Amendments Proposed in the 2011-01 Round” presented at the February 22, 2011 URAO Public Meeting.

C. Discussion

1. Exhibit B – Draft Amendments

Exhibit B contained the entire text for the URAO taken from the ULDC, and showed unchanged, relocated, added and deleted text. Mr. Cross said he would go through the Exhibit and highlight the most notable amendments and solicit feedback from the subcommittee.

- **Page 1, Part 1**

Mr. Cross explained that the change from Legislative to Public Hearing was a correction for legal purposes.

- **Page 2, Part 2**

Mr. Cross referred to Line 8, General Standards, and said that the changes are for consistency with the Comprehensive Plan, the Code and environmental standards.

Mr. Falk stated that because of the many requirements, for example, parking to the rear of buildings, standard suburban development in the URA will not be possible and he did not see how relief can be created to get projects approved.

Mr. Rutter stated that the Comprehensive Plan was written in such a way that an opportunity can be found to get approval. He suggested that developers plan at a higher level, do everything possible to get approval, and make every effort to identify the desired points. The proposed deletion of the Specialized Development District to be supplanted with Alternative Standards can be used to ask the Board for complete relief. He went on to say that some things are possible, and he gave examples, but there are some things that will not be allowed.

Ms. Brinkman noted that there are alternate standards and that in cases where projects are not recommended by zoning staff, they are certified and sent through to Public Hearing. Mr. Cross confirmed this to be correct.

Mr. Falk contended that if the BCC also seeks compliance between the Comprehensive Plan and the Code, then relief is not possible. Mr. Davis stated that basic requirements have to be met and there has to be a Comprehensive Plan or there would be no basis for a Code. Consistency is rewarded but there are other mitigating factors.

Mr. Miller suggested that property size be taken into consideration. Mr. Cross replied that there are provisions and some things apply only to parcels over 5 acres, but, he continued there has to be consistency with Code and Planning thresholds.

Mr. Miller and Mr. Falk expressed the need to lessen thresholds, and Mr. Miller went on to state that in the past Zoning would meet with engineers, planners, architects, real estate representatives and the general public to find out what works well. Mr. Cross responded by stating that many of the critical provisions previously worked out with the diverse groups cited are not being targeted for revision.

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Ms. Brinkman asked if the Comprehensive Plan amendments would be looked at between the time of transmittal and adoption. Mr. Rutter said if there is a project with unusual circumstances, such as an unusual lot, etc, then recommendation is logical. Mr. Brophy expressed the opinion that mostly everyone will opt for the Alternate Standards and go to the BCC.

Ms. Murray said she thought that the idea behind the URAO was thinking outside the box, encouraging New Urbanism, more pedestrian friendly development and improved building forms. She further said there is a lack of industry.

Ms. Hall expressed the view that the demographics of the URAO cannot support that type of development. The foundation was built on false premise because of economic factors. Mr. Falk stated that a way should be found to fast-track suburban development with these rules in place.

Mr. Cross reiterated that the purpose of the subcommittee was to focus on ULDC amendments that can be accomplished within the framework of the proposed amendments to the Plan. He stated that while he appreciated feedback on the Plan, it was critical that the subcommittee focus on the task at hand and provide feedback on proposed amendments to implement the "Alternative Standards." The goal of Zoning staff will be to develop both an "Administrative Waiver" and a "BCC Waiver" with clear and concise standards that would be easier to implement by staff, and more predictable for applicants, property owners or developers. He suggested that in the interest of time, the other parts of the Exhibit be reviewed and then the participants could resume discussion on this topic.

- **Page 3, Part 3**

Mr. Cross referred to line 12, Requests for Administrative Waivers, and said that the amendment being proposed to the Director is to allow Administrative Waivers to be approved at any time by the DRO. In response to a question from Ms. Brinkman, Mr. Cross said that application can be made for a waiver without an approved plan and without going to the BCC. He also asked for additional suggestions to improve the process.

Mr. Cross referred briefly to the following changes:

- **Pages 5, Part 5**

Line 27, Special Districts deleted.

- **Page 6, line 41**

Line 41, Other Plans - This does not have approval yet.
Line 49, Standards – relocated to Article 2.

- **Page 7, Part 5**

Line 7, PRA General Design Standards – delete and make standard code applicable.

- **Page 11, Part 5**

Mr. Cross referred to Line 41, Permitted Use Schedule, which has been moved to the beginning. Additional clarification has been added to accommodate prior approvals. In responding to a question from Mr. Falk regarding non-conformities, Mr. Cross explained that the Code allows for legally established uses to continue, except in the case of abandonment of the property. He confirmed Ms. Brinkman's statement that the

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abandonment period of a non-conforming property would have to exceed 180 days. Mr. Cross also confirmed that a hurricane-damaged building can be replaced for any information clearly shown on a Development Order.

Mr. Cross responded to questions from Ms. Stroud by saying that in the case of a non-conforming building the number of parking spaces is vested for existing legally established uses; however, variance relief may be required where insufficient parking exists to accommodate any new uses permitted. Ms. Stroud also inquired whether by complying with the new Form Based Code a Waiver can be applied for, to which Mr. Cross responded that the Waivers mentioned are intended to accommodate such new development.

- **Page 13, Part 5**

The PRA Permitted Use Schedule was looked at, and in reply to Ms. Brinkman's question as to why some Uses were being removed from the Schedule, and some made more restrictive, e.g. "Dispatching Office" to be located in existing buildings. Mr. Cross clarified that Dispatching Office previously required a Class B Conditional Use approval (e.g. Zoning Commission), and emphasized that there were several residential properties that had been included in the PRA's that previously would not have been permitted to apply for these uses at all. As such, the approval process for existing buildings best mimics what existing prior to the adoption of the URAO.

Responding to questions from Mr. Brophy, Mr. Cross explained that the Use "Auto Service Station" is being addressed under concurrent amendments to be included in another exhibit (e.g. Retail Gas and Fuel) and repairs of any nature are under the umbrella of "Repairs and Maintenance."

Mr. Cross also answered questions from Ms. Stroud regarding Auctions, indicating that the use would be permitted in existing buildings. Regarding small places of worship, he said that the provision allowing for DRO approval for facilities 3,000 square feet or less was being expanded to include the UC and UI Districts. Mr. Cross requested that participants read the Uses in Article 4 carefully to see if there were any changes they would like to have done.

- **Page 14, Part 5**

Mr. Cross referred to Line 3, Uses Permitted by Floor, which is being simplified with Zoning's request that the Plan Policies requiring specific building types and related limitations by floor be deleted. He clarified that while the uses by floor implies the potential for mixed use, in some cases it may be optional, where in others – if the developer cannot comply with traffic concurrency, that use of URAO provisions to allow increased traffic may require mixed use development.

- **Pages 16, 17, 18, 20, Part 5**

Mr. Cross pointed out relocation of text.

- **Page 21**

Mr. Cross referred to line 9 "Existing Small Parcel Exemptions" and clarified a misconception Mr. Falk had on the standards for alleys, by clarifying that in some instances an alley can be located in the drive isle of a parking lot.

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Referring to the PDR's Table, Mr. Cross explained the changes and Mr. Brophy expressed the opinion that if developers are forced to construct fee simple townhouses there will be issues with meeting engineering access and frontage requirements. Mr. Cross clarified that the very same changes that he worked with Mr. Brophy on years ago, which allowed for multi-family buildings to be developed to townhouse standards was already permitted in the URAO. This addressed access and frontage issues by allowing for the units to be sold as condominiums with access-ways developed as common areas under the control of a master association. Mr. Cross also noted that prior efforts to encourage Engineering to reduce the minimum R-O-W required to provide for fee simple lots was not encouraging, as it was difficult to provide for required improvements.

- **Page 27**

Mr. Cross referred to the deletion of "Special Civic Building Standards" which was a requirement of the Plan, currently proposed to be deleted. Ms. Brinkman inquired into the minimum two-story requirement. Mr. Cross explained that the Planning Division had responded to requests to allow for relief from this requirement, which resulted in a compromise to allow for exceptions for UI District parcels less than one acre in size, provided they don't front a Primary or Slip Street Frontage. Mr. Davis clarified that additional relief would be permitted through the "Alternative Standards" that Mr. Cross was seeking feedback and suggestions on.

- **Page 28 - 37**

There was a short discussion on Outdoor Uses, setbacks, screening and landscape requirements. Mr. Brophy voiced concerns with the requirement for an eight foot high wall which is required when using the alternative incompatibility buffer standards. Mr. Cross indicated that the wall was necessary to justify allowing for a ten foot width reduction in the buffer, which allowed for a developer to increase the amount of land area available for other uses, while ensuring that new development wouldn't adversely impact existing residences. Mr. Cross indicated that Planning staff had originally wanted to allow only a chain link fence, combined with a bio-swale and landscaping to the extent feasible; however, Zoning was unable to acquiesce due to concerns that residents would not be adequately protected. Mr. Cross suggested that a compromise may be attainable for some forms of development where the uses (e.g. parking lots, drainage) would not require as much buffering, and requested that Mr. Brophy bring some suggestions to the next meeting.

Mr. Brophy referred to the canopy trees requirement of 20 feet on center and also the alternative incompatibility provision which requires an eight-foot wall all along the property line in exchange for a reduction of 50% of the typical buffer width. Both Mr. Brophy and Mr. Cross acknowledged the cost of an eight-foot wall. Mr. Cross suggested that Mr. Brophy is costly and suggested that taller trees or a 10ft chain link fence and 6ft screen could be a solution for screening. Mr. Cross agreed that a reduction in buffer width would be helpful and said he was willing to listen to suggestions.

Mr. Brophy asked whether the reason for these meetings is for the group to make recommendations to LDRAB. He further asked if concerns should be voiced to the subcommittee or should be done as a personal appeal to the LDRAB, and whether LDRAB looks to the subcommittee to get reliable information. Mr. Cross stated that the Subcommittee was created so that LDRAB members could understand the issues being

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presented to them for approval, and those members who attend are in a position to advocate for the subcommittee.

Mr. Cross went on to say that the meetings are of benefit to the Zoning Department to collect all concerns at once and it was a good resource for writing code language.

Mr. Cross asked attendees to send any comments or recommendations by Monday, April 4, so they can be addressed in time for the April 18th meeting.

D. PUBLIC COMMENT

N/A

E. TOPICS FOR NEXT MEETING

No additional public comments were heard.

G. Adjourn

The meeting adjourned at 4:00 p.m.