

EXHIBIT A

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

MINUTES OF THE APRIL 18, 2011 SUBCOMMITTEE MEETING

Prepared by Zona Case, Zoning Technician

On Monday **April 18, 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.

Second 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 the participants introduced themselves.

1. Introduction

Subcommittee Members: Jim Knight and Michael Cantwell.

Interested Parties: Bradley Miller, Chip Carlson, Daniel Lewis, Jeff Brophy, Michael Falk, Ray Flow, and Thuy Shutt.

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

2. Additions, Substitutions and Deletions to Agenda

None.

3. Motion to Adopt Agenda

Jim Knight made the motion to adopt the agenda. Mike Cantwell seconded.

4. Adoption of March 30, 2011 Minutes

Jim Knight made the motion to adopt the minutes. Mike Cantwell seconded.

B. Schedule

1. Final Subcommittee Meeting

Mr. Cross stated that the final subcommittee meeting is scheduled for Monday, May 2, 2011 and proposed a time of 10:00 a.m. (note: meeting was subsequently rescheduled to May 6, 2011 from 8:30 – 10:00 a.m.).

2. LDRAB/LDRC – Wednesday, May 25, 2011

Mr. Cross said that the timeframe and schedule for adoption was set out in the previous meeting and he restated that the goal is to have the amendments ready for presentation to the LDRAB on May 25.

C. Exhibit B – URAO Amendments

1. PRA Permitted Use Schedule

Mr. Cross said he would review the Exhibit page by page, but the focus for this meeting would be “Uses”.

- **Page 2, Part 4**

Mr. Carlson referred to Line 21 and questioned the language “specific uses” and “commonly identified alternative solutions” relating to the purpose of waivers. Mr.

EXHIBIT A

Cross referred him to the PRA Waivers Table on Page 35 which contains a more detailed description of the criteria and processes for Waiver application.

Mr. Falk questioned “detrimental effect on the overall design” on line 42, related to Standards for IRO, URAO or LCC PDD, and expressed the opinion that the overriding reference is always to “subjective” standards and he did not wish to see “standards” go back to the purpose definition. Mr. Cross said that the language and the standards are the same as applied to the URA, IRO, etc.

Mr. Brophy continued the discussion by saying that it is most important that projects can be certified for Public Hearing, but he did not think this will be possible with the proposed language. Mr. Cross clarified that an application for Waivers that were in compliance with the criteria for applicable standards would be certified regardless of staff’s recommendation to the ZC or BCC.

A discussion followed on the difficulties in getting certification if minimum standards are not met. Mr. Carlson suggested including the following language: “The review body shall consider applying the following standards in consideration of a waiver”. Mr. Cross indicated that this language is not included in other similar processes such as Requested or Conditional Uses, and this has not proven to be an issue.

- **Page 4, Part 5**

Mr. Cross explained that the amendment proposes allowing two Types of Waivers, Administrative Waivers which can be approved through the DRO process, and if unsuccessful, the request can be made for a Public Hearing Waiver. Ms. Shutt inquired about an appeal process, should the Waiver be denied at Public Hearing. Mr. Cross replied that the general processes and standards for Appeals are contained in Article 2, Development Review Procedures. Mr. Carlson stated that the DRO process will become overloaded, whereas applications made through the Public Hearing process would be (de novo) like a new appeal through a policy-making body that is accustomed to the process. Mr. Knight said he would like to see a simpler, shorter, more streamlined process.

Mr. Falk was of the opinion that the County is forcing developers to shoe-horn projects because everything has to go through Administrative Waivers. Trying to work within a structure that is under administrative consent will cause every project to fail and bog down the process. Ms. Shutt recommended that an effort be made to use the system and not invent another Board. Mr. Cross reminded members that this is relocated language that has been in the Code for years.

- **Page 5, Part 6**

Purpose and Intent under the URAO was discussed by the subcommittee. Mr. Falk proposed the addition of text, to be numbered 12, which would state: “To the extent that there is a project to stimulate action in the URAO, that project will be pushed forward”. Mr. Davis said that the overall purpose is to assist economic growth. Mr. Cross said that he will attempt to incorporate the suggested term “Economic Growth” into Line 42, Page 4.

Mr. Cross referred to line 16, “Interconnectivity”. Mr. Lewis questioned how it could be possible to have interconnectivity between a church or school and retail. He said that if interconnectivity is for like uses and new development that is possible. Mr.

EXHIBIT A

Cross concurred and indicated he would follow up on this concern. Mr. Lewis asked for further clarification as to how one property owner could be forced to connect to an existing development where interconnectivity was not feasible, unless the other site was redeveloped. He also voiced concerns with who would pay for the interconnectivity. Mr. Cross clarified that the requirement for interconnectivity would only be fulfilled if and when both property owners redeveloped under the provisions of the URAO. The first property owner would have the ability to establish the preferred location for interconnectivity.

As to cost, given the exemption from requirements for incompatibility buffers between like uses, there would be little to minimal additional cost to establishing interconnectivity between abutting properties. Mr. Cross used one of Mr. Faulk's projects as an example of a site that had a physical separation that would require substantial investment to ensure connectivity, where his project was separated from an adjacent parcel by a LWDD canal. He indicated that Mr. Faulk had agreed to provide the required interconnectivity, but that to date, staff was not recommending any conditions that would require construction of a bridge nor approvals from LWDD to allow such. The point, he said, is that there is no language that says that the owner has to ensure that there is connectivity in the future – the language states that the owner has to provide the connectivity.

Mr. Lewis also asked about “slip street frontage” being a requirement. Mr. Cross pointed out that Zoning staff had previously negotiated with Planning staff, which resulted in the slip streets shown on the Planning Map Series as being optional. Staff also established a minimum property frontage of 400 feet (per Traffic Division suggestions) where a slip street would be permitted, if not shown on the Planning map.

- **Pages 6 through 10, Part 6**

Mr. Cross pointed out that Pages 6 through 10 contains relocated or deleted text.

- **Pages 11 and 12**

Mr. Cross summarized the amendments in the Permitted Use Schedule. Mr. Falk referred to lines 35 to 41 of page 12, and questioned requirements for setbacks of Outdoor Uses from abutting non-PRA residential uses or neighborhoods, with emphasis on the number of PRA parcels that are slightly deeper than 200 feet. Mr. Cross replied that projects that met the minimum setbacks and all other PRA standards could be approved by the DRO, and projects that could not meet these standards would require BCC approval. Mr. Falk was of the opinion that this will also contribute to bogging down the system and inquired if banks with drive thru, restaurants, and gas stations fall into that category.

Mr. Falk continued by saying that these amendments are not workable and there should be a clear path to the BCC. Mr. Cross pointed out that the uses cited typically required BCC approval, and that the DRO approval option when in compliance with the Code provided an additional incentive to developers. He summarized that there was essentially no change to existing processes, but rather the creation of opportunities to expedite development. Mr. Miller asked whether an ATM is considered an outdoor use and Ms. Shutt inquired about areas where goods are displayed during the day and put away in the evenings. Mr. Cross said that these

EXHIBIT A

were good questions and that he would look into clarifying the language to accommodate the uses mentioned.

Mr. Brophy referred to Line 47, related to Screening, and said that he did not see the need for a wall and a hedge. The screen, he said, is against residential and is unnecessary. He was of the opinion that a 4-foot wall should not be required and suggested that this requirement be removed. Mr. Cross indicated that he had previously simplified similar screening requirements for parking lots, and saw no reason why those provisions could not be made to the text Mr. Brophy referenced.

In answer to a question from Mr. Falk, Mr. Cross confirmed that every building does not have to have 2 stories and there can be exceptions, as specified. He clarified that Zoning had requested additional flexibility, and that Planning had acquiesced by proposing amendments to the Plan to allow for additional flexibility in the Urban Infill areas. Parcels in the Urban Infill that did not qualify for these exemptions, or projects in the Urban Center, can apply for Waivers from the BCC from the two-story requirements.

2. PRA Use Matrix

- **Pages 14 and 15**

Mr. Cross pointed out the changes in the Permitted Use Schedule. Mr. Falk noted that most uses are "D", requiring DRO approval and very few "P", Permitted by Right. He expressed the view that unless the standard is achieved, the project has to go through the Administrative Waiver process.

Mr. Cross clarified that many of the uses listed as requiring DRO approval, would typically require ZC or BCC approval when located in other commercial districts – which in effect creates incentives as required by the Plan. He concurred that several uses that used to be permitted by right, now require DRO approval – however, an applicant would have the ability to list any potential uses they might wish to use the site for, which would be essentially similar to allowing the uses to be permitted by right after a one-time DRO review. He further clarified that the process was intended to allow for a tie-in to Building Permit review to ensure that the appropriate construction standards were applied for the list of uses permitted. As an example, one would not be permitted to list restaurants and residential if the proposed construction would not provide for the requisite fire safety standards required between these types of uses. Ultimately, this would better protect future tenants and expedite the Business Tax Receipt approval process.

Mr. Falk and Mr. Miller reiterated their concerns that DRO plans created additional cost to developers. Mr. Cross clarified that the site plan and submittal requirements for permitted uses and DRO approvals were very similar. Alternatively, he also clarified that the DRO approval requirements might be simplified in the near future if it was proven that planning professionals or other applicants were able to comply with the Code with minimal supervision. At this time, there is a limited number of staff available to help. It was also noted that increasing the number of uses permitted by right, would require additional Zoning staff positions to perform a review of Site Plans submitted to the Building Division for uses permitted by right. Mr. Cross reiterated his request from the first subcommittee meeting, that he be notified by participants if there are any uses omitted from the Schedule; however, he indicated that almost all of the commercial uses were included.

EXHIBIT A

3. Landscape Alternatives

- **Page 33**

Mr. Cross elaborated on the exemptions from some perimeter buffers and the alternatives for incompatibility buffers. He asked Mr. Brophy if he had developed suggested alternatives as discussed at the first subcommittee meeting. Referring to the alternatives, Mr. Brophy said that an 8-foot wall is very expensive and most people would prefer to do a 20 foot wide incompatibility buffer. He suggested reduction in incompatibility requirements and 6-foot hedge material. Mr. Cross indicated he understood, but that allowing for reductions in required buffer widths, required some form of alternative mitigation such as the 8 foot high wall. He had hoped that alternative criteria might be proposed to allow for reductions when there were more benign non-residential uses abutting existing residences or neighborhoods. Mr. Falk stated that residents do not like the wall, they prefer hedges, and he was of the view that the code should not restrict the wishes of neighbors. Mr. Cross responded that most residents abutting non-residential uses have typically requested fences, walls, or greatly increased incompatibility buffer widths to include berms and increased landscaping materials.

In conclusion, staff agreed to consider a request to allow for the wall to be reduced to 6 feet in height. Mr. Carlson suggested that members take up this issue directly with the LDRAB as it will not be resolved through the subcommittee meetings. Mr. Knight further suggested that the Zoning Director be asked to look at the language again.

D. PUBLIC COMMENT

N/A

E. TOPICS FOR NEXT MEETING

No additional public comments were heard.

F. Adjourn

The meeting adjourned at 12:00 p.m.