

EXHIBIT A

PALM BEACH COUNTY

LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB) LAND DEVELOPMENT REGULATION COMMISSION (LDRC)

Minutes of May 28, 2008 Meeting

On Wednesday, May 28, 2008 at 2:00 p.m. the Palm Beach County Land Development Regulation Advisory Board (LDRAB), also serving as the Land Development Regulation Commission (LDRC), met in the First Floor Conference Room (VC-1E-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. Paula Pritchard, Code Revision Secretary, called the roll.

Members Present

Wesley Blackman (PBC Planning Congress)
David Carpenter (District 2)
Raymond Puzzitiello (Gold Coast Build. Assoc.)
Joni Brinkman (League of Cities)
Ron Last (FL Eng. Society)
Edward Wronsky (A. I. A.)
Rosa Durando (Environmental Org.)
Maurice Jacobson (Condominium Assoc.)
Steven Dewhurst (Assoc. Gen. Cont. of Amer.)
Joanne Davis (District 1)
Barbara Katz (District 3)
Jim Knight (District 4)
Martin Klein (District 7)

Members Present - 13

Members Absent

Duane Bennett (PBC Board of Realtors)
Larry Fish (FL Soc. of Pro. Land Surveyors)
Vacant (District 5)
Bill Gotthelf (District 6)

Members Absent - 3
Vacant - 1

County Staff Present:

Barbara Alterman, Esq., Executive Director, PZB
Jon MacGillis, ALSA, Director, Zoning
Maryann Kwok, Chief Planner, Zoning
Barbara Pinkston-Nau, Principal Site Planner, Zoning
William Cross, Senior Site Planner, Zoning
Bob Banks, Assistant County Attorney
John Rupertus, Senior Planner, Planning
Eric McClellan, Site Planner, Facilities
Robert Robbins, ERM
Matthew Doumas, Code Enforcement Officer
Zona Case, Zoning Technician, Zoning
Paula Pritchard, Secretary, Zoning

2) Additions, Substitutions, and Deletions

Staff presented an add/delete sheet with changes to Exhibit B, Article 1, General Provisions; Exhibit D, Article 3, Overlays & Zoning Districts; Exhibit E, Article 4, Use Regulations, Exhibit G, Article 6, Parking, Exhibit H, Article 7, Landscaping, Exhibit K, Article 4, Use Regulations, and Exhibit L, Article 1, General Provisions. Staff also asked that Exhibit L, Bio Fuels be done before Exhibit B.

Motion to approve, as amended, by Maury Jacobson, seconded by Martin Klein. The motion passed unanimously (13 - 0).

3) Motion to Adopt Agenda

Motion to approve, as amended, by Martin Klein, seconded by Steven Dewhurst. The motion passed unanimously (13 - 0).

4) Adoption of February 27, 2008 (Exhibit A)

Motion to approve, as amended, by Martin Klein, seconded by Maury Jacobson. The motion passed unanimously (13 - 0).

B) ULDC Amendments

1) Article 1 – General Provisions (Exhibit B)

Barbara Pinkston-Nau stated that the reason for this amendment is related to the appraisals of government properties. She further added that Facilities staff had concerns that when doing different types of renovations certain percentages are applied and they are based on the value of the property, which limits the amount of renovations.

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Jon MacGillis, Zoning Director added that the Code was set up through regulations to eliminate the uses. He also stated that it is more about how staff can enhance the uses or structures through performance standards and that is the goal of the Task Team and staff.

Eric McClellan, Senior Site Planner explained that through staff's finding, the property appraisal assessments are not equivalent for a private or government facility. He also mentioned that the County is tax exempt which gives no incentive to do assessments, and the purpose of this amendment is to adjust for the evaluation discrepancies.

Martin Klein made a motion to approve including the add/delete sheet, to add the "t" to "streets" line 4, page 6 of 66, as amended, seconded by Joni Brinkman. The motion passed unanimously (13 - 0).

2) **Article 2 – Development and Review Process (Exhibit C)**

Barbara Pinkston-Nau stated that Linda Monroe, Monitoring recommended that the language be deleted in the Code because had not been utilized in years.

Motion to approve, by Martin Klein, seconded by Joanne Davis. The motion passed unanimously (13 - 0).

3) **Article 3 – Overlays & Zoning Districts (Exhibit D)**

Barbara Pinkston-Nau explained that the reason for this amendment is to ensure applicability and clarity. Jon MacGillis added that hours of operation for night clubs adjacent to residential has been an issue for Code Enforcement, and staff modified the language to be more restrictive. Barbara Pinkston-Nau further discussed in details the remaining items on the Exhibit.

Kevin Ratterree, representing GL Homes pointed out that this amendment needed to be worked on related to what is or is not a cul-de-sac to ensure clarity. He also stated that changing the order of the "Required Performance Standards" is not clear and explained in detail the issues of that change.

Martin Klein made a motion to approve Part 1, Part 3, thru Part 6, including the recommendation that staff leave the language in the original order Part 3, Line 10, including the add/delete sheet, seconded by David Carpenter. The motion passed unanimously (13 - 0).

Martin Klein made a motion to approve Part 2, seconded by Raymond Puzzitiello. The motion passed (12 - 1).

a) Joni Brinkman recused herself from voting on Exhibit D, Part 2, Line 32, Cul-de-sacs because she worked with staff on behalf of a client on the proposed language.

4) **Article 4 – Use Regulations (Exhibit E)**

Barbara Pinkston-Nau stated that the reason for this amendment is related to mobile home dwelling and the language is modified to clarify the minimum lot size requirements. She also mentioned that the other amendments related to this Exhibit were modified for clarity and consistency.

Barbara Alterman, Executive Director explained that there was a lot of concern from the Board about giving approval on a mine that was 4 to 5,000 acres over a 20 to 30 year periods of time without knowing what the impact would be. She also noted that the impact of the Serape Projects where a lot of the mining summits concerns were raised as to how the mines would affect projects coming in for review. She further added that the purpose of this amendment is related to the preliminary review with DEP for projects coming through.

Robert Robbins, Director explained that this process will make mandatory an optional process for applications that DEP requires. He further added that this would allow the County staff and other agencies to be able to sit in the process and participate at the front end of the technical analysis.

Kevin Ratterree, representing GL Homes noted that this language references back to a table and if an applicant is 4.9 acres because of a R-O-W, that applicant would then have to do a Special Permit for the security caretakers quarters as it would not meet the minimum 5 acres.

Robert Kraus, Senior Site Planner added that this amendment is to clarify the exemption process for other agencies.

Martin Klein made a motion to approve including the add/delete sheet, seconded by Raymond Puzzitiello. The motion passed unanimously (11 - 2).

5) **Article 5 – Supplementary Standards (Exhibit F)**

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Barbara Pinkston-Nau pointed out that the reason for this amendment would be to fix a minor glitch found in the Code. She further discussed in details the remaining items on the Exhibit.

Jon MacGillis added that part of this language was moved in 2003 when staff consolidated the Code that was located under Supplementary Standards in Article 6. He further noted that when this was located under Architectural Review it only applied to 16 units in nonresidential. He added that staff's intent was to take the mechanical equipment standards and put them back into the supplementary standards where they would generally apply to any building.

Motion to approve, by Joni Brinkman, seconded by Martin Klein. The motion passed unanimously (13 - 0).

6) Article 6 – Parking (Exhibit G)

Barbara Pinkston-Nau explained that there were some problems with self served car wash facilities and the parking issues prompted staff to modify the language. She further discussed the remaining items on the Exhibit.

Jon MacGillis explained that the BCC districts faced many violations and staff was instructed to revise the language to ensure flexibility.

Geoff Sluggett, representing Sluggett Associates stated in Jupiter Farms there are concerns with the number of vehicles parked on the residential lots and there are some code enforcement actions that are currently taking place. He also mentioned changing the number to ten would increase those problems.

Martin Klein made a motion to approve including the add/delete sheet, to add the recommended modifications to Part 2, Line 17, as amended, seconded by Raymond Puzzitiello. The motion passed unanimously (13 - 0).

7) Article 7 – Landscaping (Exhibit H)

Barbara Pinkston-Nau mentioned that the language needed to be relocated to help Code Enforcement with the reinforcement process. She pointed out that Part 2, Line 37 would be pulled for further review by staff.

David Carpenter made a motion to approve, as amended, seconded by Edward Wronsky. The motion passed unanimously (13 - 0).

8) Article 8 – Signage (Exhibit I)

Barbara Pinkston-Nau pointed out that this amendment is a result of a meeting with Gold Coast and various agencies. She further added that Gold Coast needed to be able to have the temporary development signs and to increase the number of signs that can be used depending on the frontage.

Chris Roog, representing Gold Coast Builders Associations agreed with the revised language.

Raymond Puzzitiello made a motion to approve, as amended, seconded by Martin Klein. The motion passed unanimously (13 - 0).

9) Article 17 – Decision Making Bodies (Exhibit J)

Barbara Pinkston-Nau stated that for the Type III Excavation purposes staff amended the language to include DEP as a part of the DRO process.

Motion to approve, by Martin Klein, seconded by Raymond Puzzitiello. The motion passed unanimously (13 - 0).

10) Animal Shelter (Exhibit K)

William Cross stated that the reasons for this amendment is to develop new use regulations and supplementary standards made for animal shelters. He further summarized and clarified the reasons for this amendment.

Thuy Shutt, representing WCRAO noted that in Westgate the reduction to the animal runs in the outdoor is less than what is typically required. She also added that in the urban area high density does not mix. She requested that staff go back and address the 50 foot setback for Westgate in order to be in compliance.

Raymond Puzzitiello made a motion to approve including the add/delete sheet, as amended, seconded by Martin Klein. The motion passed unanimously (13 - 0).

11) Bio Fuel (Exhibit L)

George Phillippidis, representing ARC thanked the County for taking a step forward with this federally mandated Bio fuels sites. He further explained the technicalities and elaborated on the reasons for the amendment.

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Cliff Hertz, representing Florida Crystal added that everyone would have an opportunity to produce ethanol as long as they met the location criteria of the Ordinance.

Martin Klein made a motion to approve including the add/delete sheet, including adding a definition for word “clean”, as amended, seconded by Ron Last. The motion passed unanimously (13 - 0).

12) **Parks and Recreation (Exhibit M)**

Barbara Pinkston-Nau stated that this amendment was submitted by Parks and Recreation and staff proposed the R-O-W buffer width to be consistent with Article 7 to allow flexibility in placement of buffer trees, to eliminate incompatibility buffer between adjacent open space, civics, pods, and to modify incompatibility buffer dimensions for County parks.

Joanne Davis made a motion to approve, including the adding “.1” to correct Part 1, Line 26, seconded by Martin Klein. The motion passed unanimously (13 - 0).

13) **Rezoning and Nonconformities (Exhibit N)**

William Cross pointed out that this amendment is to address nonconformities and to redefine that nonconforming lots has to be a legal lot of record in order to qualify for the setback provisions. He further summarized the remaining reasons for the amendment.

Motion to approve, by Martin Klein, seconded by Edward Wronsky. The motion passed unanimously (13 - 0).

14) **Transfer of Development Right (TDR) Program (Exhibit O)**

William Cross stated that the reason for this amendment is to delete redundancy in the language. He discussed in detail the reasons for remaining items.

Raymond Puzzitiello made a motion to approve, including the added language to correct Part 5, Line 57, seconded by Martin Klein. The motion passed unanimously (13 - 0).

15) **Westgate Community Redevelopment Area Overlay (WCRAO) (Exhibit P)**

Barbara Pinkston-Nau stated that this amendment is to implement the recent modifications of the Comp Plan Policy and to encourage mixed income developments to stabilize the CRA area by providing an incentive for shorter maintenance of affordability period.

Motion to approve, by Martin Klein, seconded by Joanne Davis. The motion passed unanimously (11 - 0).

16) **AGR PUD Screen Enclosure Setbacks (Exhibit U)**

William Cross pointed out that this amendment related to a response to a request for a zoning confirmation letter submitted by Kilday and Associates. He further added that this is to clarify amendments that were made in the adopted Ordinance 2003-067. He further summarized the remaining proposed amendments in detail.

Motion to approve, by David Carpenter, seconded by Martin Klein. The motion passed unanimously (11 - 0).

C) **Convene as the Land Development Regulation Commission (LDRC)**

1) **Proof of Publication**

Motion to approve, by Raymond Puzzitiello, seconded by Martin Klein. The motion passed unanimously (13 - 0).

2) **Consistency Determination**

Jon MacGillis mentioned that the lighting changes are not consistent with national standards and staff would need direction from the Board to be able look at the proposed language before permission to advertise.

Martin Klein made a motion to approve, including allowing staff to confirm consistency before permission to advertise, seconded by Raymond Puzzitiello. The motion passed unanimously (13 - 0).

John Rupertus, Senior Planner stated that the proposed amendments were consistent with the Comprehensive Plan.

Motion to approve, by Martin Klein, seconded by Raymond Puzzitiello. The motion passed unanimously (13 - 0).

C) **Reconvene as the Land Development Regulation Advisory Board (LDRAB)**

The Board reconvened.

E) **Public Comments**

N/A

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F) **Staff Comments**

Jon MacGillis thanked the Board for their persistence in getting through the agenda. He also added that the BCC gave staff direction to suspend the 2008-02 Round. He asked the Board to convene in June to discuss upcoming projects and staff would provide a timeline schedule of the upcoming meeting dates. He further added that the URA and Infill Redevelopment items would be moving forward under a separate Ordinance and the Board would be kept up to date with that information.

William Cross added that LDRAB meetings would be scheduled in September and October to handle the URA and Infill Redevelopment proposed amendments.

The Board requested that Jose Jaramillo and Melanie Borkowski be appointed to the Infill Redevelopment Committee.

Motion to approve, by Martin Klein, seconded by Raymond Puzzitiello. The motion passed.

E) **Adjourn**

The Land Development Regulation Advisory Board meeting adjourned at 5:15 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.