

EXHIBIT A

PALM BEACH COUNTY

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

Minutes of May 23, 2007 Meeting

On Wednesday, May 23, 2007 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, 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.)
Duane Bennett (PBC Board of Realtors)
Maurice Jacobson (Condominium Assoc.)
Steven Dewhurst (Assoc. Gen. Cont. of Amer.)
Barbara Katz (District 3)
Bill Gotthelf (District 6)
Martin Klein (District 7)

Members Present – 13

Members Absent

Larry Fish (FL Soc. of Pro. Land Surveyors)
Joanne Davis (District 1)
Vacant (District 4)
Jack Miles (District 5)

Members Absent – 3
Vacant – 1

County Staff Present:

Barbara Pinkston-Nau, Principal Planner, Zoning
William Cross, Senior Site Planner, Zoning
Lenny Berger, Assistant County Attorney
John Rupertus, Senior Planner, Planning
Melanie M. Borkowski, Manager, Facilities
Eric McClellan, Senior Site Planner, Facilities
Matthew Doumas, Code Enforcement Officer
Kenneth Rogers, Director, Land Development
Ann DeVeaux, Site Planner I, Zoning
Zona Case, Zoning Technician, Zoning
Paula Pritchard, Secretary, Zoning

2) Additions, Substitutions, and Deletions

Staff presented an add/delete sheet with changes to Exhibit G, Article 6, Parking, Exhibit P, Article 12, Traffic Performance Standards, and verbally indicated that changes to Type I Restaurant would be postponed as well.

3) Motion to Adopt Agenda

A motion was made by Maurice Jacobson, seconded by Martin Klein, to adopt the agenda, as amended. The motion passed unanimously (13 - 0).

4) Adoption of April 25, 2007 Minutes (Exhibit A)

A motion was made by Bill Gotthelf, seconded by Maurice Jacobson, to adopt the April 25, 2007 minutes. The motion passed unanimously (13 - 0).

B) ULDC Amendments

1) Article 1 - General Provisions (Exhibit B)

William Cross pointed out that this amendment was to ensure that the definition for single room occupancy is consistent with HUD language. The word eligible removal as previously requested. The new definition for vessel is to be consistent with the Florida State Statues.

A motion was made by Martin Klein, seconded by Bill Gotthelf. The motion passed unanimously (13 - 0)

2) Article 3 - Overlays & Zoning Districts (Exhibit C)

William Cross stated that staff pointed out an error in the language that needed to be revised. He further elaborated that staff reviewed the need for streamlining the process.

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He also suggested that the language pertaining to Restaurant Type I be pulled for further review.

Martin Klein made a motion to approve excluding Page 3, Part 3, Line 13, seconded by Raymond Puzzitiello. The motion passed unanimously (13 - 0)

3) Article 4 - Use Regulations (Exhibit D)

Mr. Cross expressed that staff was directed by the Board of County Commissioners (BCC) to look into allowing landscape service uses in the AR District. He further elaborated that the change, proposal to minor utilities was needed to ensure consistency with the State legislation.

Martin Klein made a motion to approve excluding Page 5, Part 2, and Page 6, Part 4, as amended, seconded by David Carpenter. The motion passed unanimously (13 - 0)

Note: Staff also agreed to set up a meeting with Bill Gotthelf to discuss his concerns with the minimum acreage requirement for a landscape service.

4) Article 6 - Parking (Exhibit E)

Mr. Cross explained that the need for changes was to make it easier for staff to enforce the provisions of the Code. He reiterated that the terminology was added for simplicity so that Code Enforcement could respond more expediently.

A motion was made by Martin Klein, seconded by Raymond Puzzitiello. The motion passed unanimously (13 - 0)

5) Article 7 - Landscaping (Exhibit F)

Mr. Cross mentioned that staff met with the Landscape Subcommittee to discuss David Carpenter's concerns. The Subcommittee was unable to come to any conclusions to resolve those concerns regarding the planting of landscape material on the outside of fences. However staff met and located some previous language that would allow Mr. Carpenter's request.

A motion was made by Steven Dewhurst, seconded by Martin Klein. The motion passed unanimously (13 - 0)

6) Article 14 - Environmental Standards (Exhibit G)

Robert Kraus, Environmental Program Supervisor clarified the language that the Board had some concerns about. The Board agreed with staff that this amendment needed further clarification and advised that it be pulled.

***) Article 12 - Traffic Performance (* Note: Exhibit P-Add/delete sheet)**

Lenny Berger explained to the Board that Allan Ennis, Assistant Director, Traffic Engineering had brought an amendment with changes and one of the changes dealt with the definition of Buildout. He further stated that under the Traffic Concurrency it has to be shown that a project works in the road network. He also related that Allan Ennis brought two types of explanations of the technicalities of Buildout, but for enforcement purposes a permit cannot be pulled after the Buildout date.

A motion was made by Martin Klein, seconded by Raymond Puzzitiello. The motion passed unanimously (13 - 0)

7) Facilities, Development & Operations (Exhibit H)

Barbara Pinkston-Nau introduced Melanie Borkowski, Manager, Eric McClellan, Senior Site Planner, of Facilities, and Kenneth Rogers, Director, Engineering to represent the amendments that they were proposing. Ms. Pinkston-Nau pointed out that staff has worked through everything however; engineering had some minor technical changes that would be difficult to be included on the add/delete sheet. Melanie Borkowski noted that some of the approaches in the County developments have been handled differently in the past and, we are hoping by making these amendments, it will make it clear to staff and to the FD&O staff what the approach should be. Eric McClellan clarified that the intent is to address the time frame for which the concurrency reservation remains valid. He further stated the current rules for concurrency is valid for one year of the life of a development order. Kenneth Rogers explained that if there is subdivision to a piece of land then it would be a plat and subdivision process and if it is a land under one ownership then it would go under the drainage review process. Staff pulled this amendment in order to make some minor revisions.

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

1) Proof of Publication

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

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2) Consistency Determination

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

Motion to approve by Maurice Jacobson, seconded by Bill Gotthelf. The motion passed (unanimously 13 - 0).

D) Reconvene as the Land Development Regulation Advisory Board (LDRAB)

The Board reconvened.

E) Public Comments

Kevin Ratterree, Vice President representing GL Homes stated that he was at the meeting last month and the commercial component pertaining to the project buildout was not specifically discussed. He further stated that at that point the market had not shown the down-turn. He elaborated that if the market down-turn continues on the residential side, we will see the residential developers back in trying to do more wholesale changes to the Code. He further reiterated that this was a stopgap that didn't require amendments to the Comp Plan or significant changes to the Code.

F) Staff Comments

- 1) Mr. Cross mentioned that staff would be getting with Bill Gotthelf to discuss the three acres minimum issue with the landscape service.
- 2) Mr. Cross also stated that the amendments to FDO, Restaurants, and the parking in Westgate would be brought back in June 2007.
- 3) He noted that the Form Base code application of Kilday & Associates on behalf of Callery Judge Groves for the amendment to the TDDs has been withdrawn. There will be no meetings regarding this topic until further notice.
- 4) Mr. Cross pointed out that Bryan Davis of the Planning Division, and Dana Little representing Treasure Coast will be doing a presentation of the Urban Redevelopment Area (URA) in June 2007. Staff also anticipates that our contract will be on the agenda to draft the zoning Code that will include some very detailed proofing. Staff will schedule a meeting with that Subcommittee to review the contract and to give feedback.

G) Adjourn

The Land Development Regulation Advisory Board meeting adjourned at 4:03 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.