



DEVELOPMENT REVIEW ADVISORY COMMITTEE (DRAC)
November 6, 2020 (2:00 p.m. – 4:00 p.m.)

PZ&B – VISTA CENTER, 2300 NORTH JOG ROAD
WEST PALM BEACH, FL 33411
Zoom Conference Call

MINUTES

CALL TO ORDER: At 2:05 p.m.

ATTENDANCE:

Members Present: Gladys DiGirolamo, Lauren McClellan, Bradley Miller, Kevin McGinley, Collene Walter, Pat Lentini, Yoan Machado, Anne Perry

Interested Parties: Evelyn Pacheco from GL Homes, Michelle Duchene from Schmidt Nichols Landscape, Architecture and Urban Planning

County Staff: Zoning Division: Jon MacGillis, William Cross, Monica E. Cantor, Barbara Pinkston, Jeff Gagnon, Ryan Vandenburg, Meredith S. Leigh, Timothy Haynes, Carlos Torres, Albert Jacob, Lindsey Walter, Vismary Dorta, Juanita James, Matthew Boyd, Marie De Rose, Miriam De Santiago, Alex Biray, Zubida Persaud, Joyce Lawrence, **Land Development:** Scott Cantor, **Planning Division:** Patricia Behn, Kevin Fisher, **ERM:** Deborah Drum, John Reiser, Roberta Dusky, Robert Kraus, Mark Meyer, Michael Stahl, Bonnie Finneran.

AGENDA

1) Review Minutes – Gladys

Gladys DiGirolamo opened the meeting at 2:05 p.m. and asked members if they had any changes to the minutes which was attachment 1 in the agenda. The minutes were approved with no modifications by Pat Lentini and seconded by Collene Walter.

2) Member Items:

a. Off the Board applications – agents believe that sufficiency review for OTB applications should not be mandatory.

- **When submitting OTB application, typically Resolution has not been posted. Is it acceptable for agents use Staff Report to prepare status of conditions?**

Monica Cantor reminded participants about the recent Code amendment in Ordinance 2020-20 that allows applications to be exempted from Sufficiency review as noted in Art. 2.C. She noted that those applications looking to address conditions required to be addressed prior DRO approval, include a Type 2 Variance or Waiver table, or just simply to obtain the final DRO when there are no changes to the plans are to be exempted. She also indicated that it is hard to use the staff report to address status of conditions as they may change at the Public Hearing.

- **Also, on OTB applications with a variance, the need for a Resolution Number creates a need for a resubmittal because we don't have the variance resolution to put on the variance chart. Can the Variance application number suffice? The Resolution Number will be added in the stamp box. This will avoid a resubmittal if that is the only issue.**

Monica Cantor indicated that all applications are required to submit to the DRO for a final approval per Art. 2.C.3.A.1. The number assigned to a Variance resolution is done by Zoning so that number may be provided to the applicant to be added to the Variance table. Vismary Dorta noted that she can be contacted to provide this number.

- **Remove requirement for Resolution Number in the Site Data as the Resolution Number is included in the stamped approval box. This will eliminate a resubmittal fee when the Resolution Number is not available.**

Monica Cantor noted that the Resolution number is not required to be included in the Site Data as it is not noted in the Tech Manual (TM) Table 2.B.4.A. Jon MacGillis suggested the resolution number may not be necessary in the Variance table for which Bradley Miller and Gladys DiGirolamo indicated that they find that information useful as it facilitates future identification of the resolution number when needed.

b. DRO Review – certification issues should be based on ULDC requirement or Tech Manual.

- **Agents are experiencing certification issues that staff's preference instead of requirement.**

Jon MacGillis noted that Principals in the Administrative Review and Community Development Sections should be checking from time to time how staff are entering the issues and comments in applications. He stated he hopes this ongoing DRAC Member concern is going to be brought to DRO staff's attention to ensure issues and comments are pertaining to Code and Tech Manual related topics. Ryan Vandenburg clarified that sometimes it is hard to link an issue to a specific Code or Tech Manual requirement. He noted couple examples where issues note are related to documents provided with erroneous data or the justification is missing critical information. DRAC members suggested to preferably place that as a comment and keep communication with the agent open to address the missing information instead of making it a certification issue. William Cross requested to get a list of the applications that have been subject to this agenda item. He asked agents to bring that issue to his attention when this happens so staff can work to resolve this ongoing DRAC concern.

- **Is possible for PBC IT to change the staff entry system to require a code section be inserted before an "Issue" statement can be added into the system?**

Meredith Leigh noted including all references in ePZB that it is not possible, in terms of programming. Project Managers will try to do better to identify ULDC or TM requirement when appropriate, as stated, not all comments can be cited to specific Code or TM reference.

c. Tree Disposition Discussion – agents would like to discuss coordination with Zoning, Landscape and ERM

- **Agents would like an update on recent revisions.**

This topic was addressed under Staff Item f in the agenda. Albert addressed the process we are following in ERM/Zoning.

- According to ULDC Code, all sites with trees are reviewed by both ERM and Zoning/Landscape. This can also account as a required PAA meeting on site since both ERM and Landscape representatives will be on site.
- Staff, on site, will determine which trees fall under ERM and which trees fall under Landscape jurisdiction.
- Before we leave the site staff will make a decision on trees, clear to the Applicant so that they know which direction to take, as far as the design of the site is concerned.

d. ZAR and other on-line applications – can the system be set up to provide for the ability for anyone in the firm to amend and resubmit applications and not just the individual who submitted the initial application?

Monica Cantor indicated that resubmittal of ZAR applications should be accessible to any person in the applicant's office. She noted that resent issues pertaining to a specific application were due to a glitch in the ePZB dbase, but they were corrected immediately.

Staff clarified that ZAR process is the applicable procedure to include Type 1 Variance tables in the approved Site Plan.

e. Discuss Code provisions or policies that prohibit a ZAR site plan approval for a project with an approved site plan while a PH application for the same project is proceeding through the DRO certification process for PH approval.

Jon MacGillis noted that the agent/applicant needs to talk to the application Section Head(s) on what they are proposing. If 2 more applications are in the process by the same or different Agent's firms Zoning concern is the plans, data is consentient on all drawings as they move through the various processes. If Staff and Agenda confirm all applications are consistent and then they can proceed concurrently. If a Section Head does have concerns with the various applications being processed concurrently they can seek guidance from the Zoning Director or Deputy Zoning Director to get direction. Monica pointed out that is it critical when the Agents for applications are different that you are coordinating amongst yourselves to ensure everything is consistent in all applications to avoid possible delays and errors.

3) Staff Items:

a. Introduction of new Zoning staff and internal promotions – Jon

Jon MacGillis introduced new staff in the Zoning Division as follows:

- Jeff Gagnon, Principal Site Planner, Code Revision
- Alex Biray, promoted to Site Planner I, Code Revision
- Vismary Dorta, promoted to Site Plan Technician, Community Development
- Marie DeRose, Site Planner II, Public Information
- Matthew Boyd, Site Planner I, Public Information
- Juanita James, promoted to Site Planner I, Public Information
- Mercy Trujillo, Zoning Technician, Administration

Jon introduced new staff and staff who have been recently promoted within the Zoning Division.

b. ULDC 2020-01 Round-Supplement 28 – Jeff

- Published to Web 10-11-20
- Training with Interested Parties
- Hard Copies of ULDC

Jeff Gagnon, Principal Site Planner, stated he is new to the Code Section having only been here for little over a month. He stated Supplement 28 is now on the Zoning Web Page for anyone wanting to view or print it. He also stated that the Zoning Division Code Web Page has been recently enhanced by consolidating information for ease of finding critical information by the user. Jeff welcomed constructive criticism on the new web page format and content from the DRAC.

c. ULDC 2020-02 Round-Highlights of Key Dates – **Jeff**

- Key topic in this Round
- Nov 17- LDRAB Meetings-finished in November
- Nov 23- Permission to Advertise
- Dec 22- 1st Reading
- Jan 28 Adoption

Jeff indicated that the November LDRAB Meeting was canceled and the next will be held on December 16th. Did not cover each heading specifically but Jeff stated all information is on the Zoning Web Code Page and to contact him with specific questions.

d. DRAC 2020 Task List (**Attachment 2**) – **Jon**

Jon referred to the DRAC 2020 Task List. He stated there are only two items open items: Landscape Buffers and Walls and Dumpster Setbacks

Dumpster Setbacks-Pertaining to dumpster's DRAC inquiry with recently adopted amendments to setback in Supplement 27, Jon MacGillis stated he directed Code staff to work on a 2021-01 amendment to address the issue. Staff proposed to maintain the 25' setback from Residential Zoning Districts, but allow flexibility when adjacent to non-residential, basically to be outside of the required landscape buffers. Collene Walter requested to consider in the amendment a provision to exempt dumpsters from planting around the enclosure when the dumpster enclosure was integral of the dumpster area as one side was part of the screen wall. She suggested that perhaps a Type 1 Waiver could be an option. Jon MacGillis stated that staff will consider this recommendation and indicated that once the Draft Amendment is available, it will be provided to DRAC members for review and comments.

e. COVID-19 Updates – General Procedures (**Attachment 3**) – **Jon**

- Appointments (Zoom, Webex, in person)

Jon MacGillis noted that in-person meetings are now allowed but encouraged the use of Video Conference through Webex or Zoom. He noted that in the event that you need an in-person meeting that is limited to 3 participants in person while other interested parties can attend via Zoom Conference call. Let staff know when scheduling appointment how many will be attending in person and via by Video Conferencing so we ensure the room that will be used has the capabilities for video conference.

f. Landscape Buffer Widths – Follow-up from last DRAC Meeting – **Melissa**

Previous requests to look at Article 7 incompatibility widths when wall/fences are included.

Albert introduced the process of how we are approaching this issue and touched upon the following points.

- A task Team was formed with CD and Landscape Staff to address the Buffer width issue.
- The Team has created a chart that looks at Code requirements for all Buffer Types, and its history requirements from 1973, to the Article 7 rewrite comparison of Supplement 22 and 24. Providing an overall analysis of the different steps the Code has followed to address Buffers
- This Team has prepared sketches that look at the increasing Buffer widths when a wall or fence is added to the Buffer. In addition, the effects of setback distances of 7 ½' and 10' applied to the walls and fences.
- We will also recommend minor Code amendments affecting the Buffers that would be rolled into 2021-01 Round.
- Staff has met a number of times, and will have a Meeting with interested DRAC Members on December 9th, 2020.

g. 2021 Calendar Changes for Sufficiency – **Bill**

- No changes to Insufficiency, will continue to process within 21 days ensuring option to resubmit for following month.
- If not Insufficient, may presume to be Sufficient and letter will be sent on 30th day (in accordance with F.S.). This will serve to minimize confusion with 180 day limits occurring just short of a BCC Hearing date, thus reducing excessive need for Time Extensions (in some cases).
- Public Hearing applications will no longer have a 120 day limit (this is not required by F.S.), but will simply be subject to the last available resubmittal (and/or Certification date that gets an application to Public Hearing within 180-days. Staff will note differences for ABN and EAC versus other application types.

h. ULDC Table 2.B.5.C, Courtesy Notice Requirements: Applicant needs to anticipate “adjacent” property under common ownership at time of application submittal, and ensure that the resulting mail out boundaries are resolved prior to Certification. Have had several that have created delays in ability for Staff to finalize mailing fees, and risks postponement. – **Bill**

i. ULDC Art. 2.B.5.D, Signs: Requests for Alternative Sign Posting needs to be included with application submittal and resolved prior to certification, not requested after certification. – **Bill**

j. New Off the Board Sufficiency Review Exception. Review advance notice memo, and affidavit – **Bill**

k. ZAR Related – **Monica**

- Applications required to submit Form 130
Monica Cantor noted that Building Division is no longer a DRO agency reviewing Zoning applications. As a result, all applications including Zoning Agency Review (ZAR) are required to submit Form 130 to ensure that the proposed application or changes to an existing application are done in compliance with the Building Division minimum requirements.
- Reminder about ZAR applications schedule and Agents requests to sign off early.
Monica Cantor reminded agents that ZAR applications are also subject to the same review period of DRO applications. She indicated that due to the on-line submittal and Zoning staff to review ZAR applications within 10 days of submittal, there is an impression that these applications are required to be addressed faster. She requested agents to avoid asking for early responses from the PMs or rushing review of ZAR applications unless there is a real emergency. She brought to participant's attention the fact that the Administrative Review section does not have a Senior Planner yet and also has new staff going through the learning curve.

Monica Cantor also pointed out that DRO meetings are now through video conference which is to be implemented in November. She noted that interested applicants/agents can participate by asking the Zoning Project Manager to provide the meeting link.

She also noted that staff is working on a new e-mail address to be used by applicants to request the appointments to submit or resubmit applications, instead of sending an email to individual staff in the Zoning Division. The change will be announced via news release and posted in the Zoning web page. The change is expected to take place in December.

l. Zoning Application Forms Updated – Bill

The following application forms have been updated due to the recent ULDC Amendments, applicants are responsible for downloading the most current forms from the Zoning Web page, <https://discover.pbcgov.org/pzb/zoning/Pages/Applications-Forms.aspx>

Form #3 – Consent

Form #16 – TDR Supplemental

Form #94 – PAA Checklist

Form #96 – Reasonable Accommodation

4) **General:**

a. **DRAC Meeting Calendar 2021 Meetings – (Attachment 4)**

Jon MacGillis presented the proposed dates for the meeting in 2021 to continue on Fridays as it has been convenient and working for most participants. He indicated the meeting dates in 2021 are January 22, May 14, August 13 and November 5.

No one had any comments on the 2021 Schedule of Meetings.

b. **Topics for next meeting – Gladys**

Lauren McClellan suggested discussing if it is truly necessary to include preliminary wall signage in the Master Sign Plan. Jon MacGillis indicated that ULDC Code amendment is being scheduled in 2021 Round to address this issue to submit Sign Plans at DRO instead of Public Hearing.

Gladys DiGirolamo indicated that there are no other items at the moment for the next meeting.

c. **ADJOURN**

Meeting adjourned at 3:45 p.m.