PLANNING AND ZONING COMMISSION
MEETING MINUTES
TUESDAY, DECEMBER 15, 2020 9:30 A.M.

Please be advised that in keeping with a recent directive from the Town Council, the minutes of all Town Boards and Commissions will be "abbreviated" in style. Persons interested in listening to the meeting, after the fact, may access the audio of that item via the Town's website at www.townofpalmbeach.com or may obtain an audio recording of the meeting by contacting Kelly Churney, Secretary to the Planning & Zoning Commission at (561) 227-6408.

I. CALL TO ORDER AND ROLL CALL

Vice Chair Ainslie called the meeting to order at 9:31 a.m. All members participated via Zoom Webinar due to the COVID-19 Situation.

Michael Ainslie, Chair	PRESENT
Richard Kleid, Vice Chair	PRESENT
Rick Pollock, Member	PRESENT
Michael Spaziani, Member	PRESENT
Eric Christu, Member	PRESENT
Marilyn Beuttenmuller, Member	ABSENT (Excused)
Jorge Sanchez, Member	PRESENT
William Gilbane, Alternate Member	PRESENT

Please note: William Gilbane voted in the absence of Marilyn Beuttenmuller.

Staff Members present were:
Wayne Bergman, Director of Planning, Zoning and Building
Paul Castro, Zoning Manager
Brad Falco, Zoning Technician
Kelly Churney, Secretary to the Planning and Zoning Commission

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Ms. Churney led the Commission with the Invocation and the Pledge of Allegiance.

Mr. Ainslie welcomed all in attendance.

III. APPROVAL OF THE AGENDA

Motion made by Mr. Kleid and seconded by Mr. Pollock to approve the agenda. Motion carried unanimously.

IV. APPROVAL OF NOVEMBER 17, 2020 PLANNING & ZONING COMMISSION MINUTES

Mr. Kleid requested a minor change to the November 17, 2020 minutes. Ms. Churney agreed to make the change.

Motion made by Mr. Kleid and seconded by Mr. Pollock to approve the minutes of the November 17, 2020 Planning & Zoning Commission meeting as amended. Motion carried unanimously.

V. COMMUNICATIONS FROM CITIZENS REGARDING NON AGENDA ITEMS - (3 MINUTE LIMIT PLEASE)

There were no communications from citizens at this time.

VI. STATUS REPORT ON THE COMMISSION RECOMMENDATION TO RETAIN A RETAIL STRATEGY CONSULTANT

Mr. Ainslie reported the Town Council had unanimously voted in favor of the Commission's recommendation. Director of Planning Zoning and Building, Wayne Bergman, commented the RFP had been done quickly and the Town Council had been excellent in providing good input and feedback. He indicated he would send Commission members the final version that day. Chair Ainslie announced there would be a meeting on December 22, 2020, where the town would answer questions and provide additional information. Mr. Bergman added the RFP would be advertised for about 30 days and could be considered by the Town Council as early as February. Following execution of the document, work could start as early as March. He noted the RFP would contain a calendar with all proposed dates. Members of the selection committee were Michael Pucillo, Paul Leone, Mr. Bergman, Mr. Ainslie, Jay Boodheshwar, Carolyn Stone, and the new PZB Assistant Director, James Murphy. The committee would begin meeting on January 25, 2021 to review proposals. Mr. Ainslie commented this was on a very fast track, and 80% to 90% of the funding for this project would be donated from private sources. Mr. Ainslie stated the RFP would look at trends and using spaces for alternative uses. An example was a firm called Gym Source, which was a design studio that designs home gyms for people. This business was moving into a space that had been vacant for quite a while, and would fill the need created by COVID for people to have the opportunity to exercise at home instead of going to a public gym. He confirmed with Mr. Bergman that a new wine bar would be also opening in a previously vacant space.

Mr. Spaziani inquired about the investors who would be donating their money. He wanted to make sure the study did not have any outside pressure. Mr. Castro responded the client was the Town of Palm Beach.

Mr. Kleid inquired if the Palm Beach Chamber was a donor. Mr. Ainslie stated that the Palm Beach Civic Association and Palm Beach Chamber were both donors.

Mr. Spaziani requested that the Chamber and the Civic Association not contact the consultants. He wanted to make it clear that the consultant would work for The Town of Palm Beach and there would be no undue influence on the consultants.

Mr. Sanchez asked if the Town would seek the least expensive or the best consultant. Mr. Ainslie confirmed the answer was the best, and price was not the determinant.

Mr. Spaziani asked if the $100,000 seemed high compared with studies done in the past. Mr. Kleid responded he believed it was fairly realistic.

Mr. Christu thought a town wide analysis was fabulous.

Mr. Bergman confirmed he was still on track to provide a review of Worth Avenue properties at the January meeting.

Mr. Bergman announced the new Assistant Director James Murphy would begin work January 4. He was coming to the Town from the City of Miami Beach, and was a professional architect. He had handled all the design reviews for the City of Miami Beach.

Mr. Sanchez inquired about the shared parking and questioned the level of involvement of the Commission. Mr. Ainslie responded.

Mr. Castro provided an update on parking, reporting the Town Council had approved the Planning and Zoning Commission's recommendation for supplemental parking to allow the underground garages to be shared, provided not more than 50% of the inventory of each garage would be used for supplemental offsite parking. He added that this would sunset after three years. Mr. Sanchez noted they raised the Commission's recommendation of 33% to 50%, and expressed his opinion the Commission should be notified and be able to attend or at least listen in to Town Council meetings when they were discussing matters related to the Commission. Mr. Ainslie responded he had been on the phone for that meeting and would have spoken if he considered it necessary. Mr. Castro indicated the Commission would be notified in the future. Mr. Ainslie reported the Town Council wanted all districts to be considered by the consultant.

Mr. Falco indicated that there was a citizen that wanted to speak on the issue.

Jane Holzer, partial owner of the Apollo Parking Lot, expressed her concern for her empty lot and the possibility of taking parking from private property. Mr. Castro clarified the proposed shared parking.

VII. **DISCUSSION ON EXISTING PERMITTED AND SPECIAL USES IN THE C-TS AND C-WA ZONING DISTRICTS**

Mr. Ainslie stated that the permitted uses and the special exception uses in the C-TS and C-WA zoning districts would be the focus for the consultant. Mr. Ainslie inquired about the 3,000 square foot space limit.

Mr. Castro indicated that this was a policy issue established in the early 1980's. An ordinance had been adopted, based upon a study and survey that showed the basic town serving size of business was 2,000 square feet. This existed until the town serving concept was reevaluated in 2014 or 2015, and it was determined that the thresholds could be raised in most districts to 3,000 square feet, eliminated in the CPI District, which was Royal Palm Way, and in what had traditionally been the Town's office district, the entry to the Town on Royal Palm Way. Worth Avenue was increased up to 4,000 square feet with conditions, which probably should be looked at by the retail strategy consultant, but it was a policy decision whether to keep that type of regulation in place. Mr. Castro commented it could be made more flexible or a change made in the way it was implemented, and it would be up to the consultant whether this provision still was relevant to what the Town wanted to accomplish.

Mr. Kleid pointed out wording that appeared to be a mistake, which was confirmed by Mr. Castro. Mr. Kleid's point was if a large space user decided to change the use in order to subdivide into smaller spaces but still above the 3,000 feet, they would have to go back to Town Council to get a special exception. Mr. Kleid commented the difference between a special exception and a variance request was that the burden of proof was on the Town with a special exception request, and the burden shifted to the applicant with a variance request. Mr. Castro agreed.

Mr. Ainslie commented another area for the consultant to consider was the question of ground floor usage by commercial and professional offices, possibly with the Worth Avenue District being different than other districts, which should have more flexibility. Mr. Kleid commented offices on the first floor broke up the retail shopping.

Mr. Bergman suggested having something for retail in between the extremes of uses permitted by right and special exceptions, possibly a conditional use. Mr. Kleid expressed his opinion that the Town Council would want to approve those rather than having them handled administratively. Mr. Pollock was concerned people would develop squatter's rights and felt a structure of rules was needed. He felt it was too early to come up with a side door that could bypass what the Commission wanted to achieve.

VIII. COMMENTS FROM PLANNING AND ZONING COMMISSIONERS AND THE PLANNING, ZONING AND BUILDING DIRECTOR

Mr. Bergman reported back to the Commission on the size of this Commission, Landmarks, and ARCOM, and stated that there would be no change to the size or composition. All three would stay at 7 members and 3 alternates. He reported the Shore Protection and the Recreation board would be reduced.

IX. ADJOURNMENT

Motion was made by Mr. Christu and seconded by Mr. Kleid to adjourn the meeting. The meeting was therefore adjourned at 10:29 a.m. by unanimous vote.

Respectfully Submitted,

Michael Ainslie, Chair
Town of Palm Beach
Planning & Zoning Commission