PLANNING AND ZONING COMMISSION
MEETING MINUTES
TUESDAY, AUGUST 18, 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

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

Martin I. Klein, Chair	PRESENT
Michael Ainslie, Vice Chair	PRESENT
Carol LeCates, Member	PRESENT
Rick Pollock, Member	PRESENT
Michael Spaziani, Member	PRESENT
Richard Kleid, Member	PRESENT (arrived 9:41 a.m.)
Eric Christu, Member	PRESENT
Ronald Berk, Alternate Member	PRESENT
Marilyn Beuttenmuller, Alternate Member	PRESENT
Jorge Sanchez, Alternate Member	PRESENT

Staff Members present were:
Wayne Bergman, Acting Director of Planning, Zoning and Building
Paul Castro, Zoning Manager
Brad Falco, Zoning Technician
Laura Groves van Onna, Historic Preservation Planner
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. Klein welcomed all in attendance at the meeting.

III. APPROVAL OF THE AGENDA

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

IV. APPROVAL OF JULY 21, 2020 PLANNING & ZONING COMMISSION MINUTES

It was noted that the minutes of the July 21, 2020 meeting would not be approved until the September 15, 2020 meeting.

V. **COMMUNICATION FROM CITIZENS – 3 MINUTE LIMIT PLEASE**

There were no communications from citizens at this time.

VI. **ZONING ITEMS**

A. Proposed Changes to Chapter 134, Zoning, Addressing Topographical Grade Changes Related to Projects Meeting FEMA Flood Plain Elevation Requirements.

Director Berman introduced the discussion regarding fill to residential lots. He stated that staff believed the requirement to add fill during construction could be problematic as this could adversely affect storm water drainage, especially to low properties and the aesthetics of newly constructed homes on an existing street creating a hodgepodge streetscape. Mr. Bergman stated that staff was bringing this issue to the Commission at the direction of the Town Council. Staff acknowledged that adding a reasonable amount of fill was beneficial but currently there was no limit. Mr. Bergman reviewed some of the suggestions made by the Commissioners at the last meeting and offered another solution. This solution dealt with the crown of the road and the finished floor elevation. Mr. Bergman stated that a waiver and a zoning variance could be used for greater amounts of fill. Mr. Bergman discussed the possibility of zoning incentives for property owners to reduce the amount of fill to be used.

Robert Collins and Sarah Sinatra with Calvin, Giordano & Associates, presented two different options for determining maximum fill. Option A contained set amounts of fill per the range of highest crown of road. Option B was a calculation method of the difference between the finished floor elevation and crown of road divided by two. Mr. Collins provided examples of Option A and B. Ms. Sinatra discussed the waiver process and the proposed criteria that could be included in the waiver. Mr. Collins ended the presentation by discussing possible incentives to reduce fill.

Mr. Bergman stated that staff believed that the amount of fill is a serious problem for the streetscapes in the Town. He discussed the presentation made by Messrs. Castro and Lindgren to the Town Council last year, who, as professional planners, felt this was the biggest issue affecting the residential character of the Town. Staff felt as though the issue could be corrected.

Mr. Ainslie questioned if the minimum floor elevation was the FEMA requirement or the proposed floor elevation. Mr. Bergman replied the FEMA required floor elevation. Mr. Castro stated that most build at the minimum FEMA elevation and those that want to go higher ask for a variance. Mr. Ainslie asked about the amount of homes that build higher than the minimum elevation to which Mr. Castro replied about 5 percent.

Ms. LeCates inquired about the amount of homes on streets with the crown of road less than three feet. Mr. Castro replied it was a very small amount. There was a discussion about the areas in Town where the street crown of road was low. Ms. LeCates stated she thought there was a misperception among the residents that less fill on a lot would equate to lower homes. She added that homes would still need to be elevated. She thought 4-5 feet of fill was too much. She was inclined to move towards the first formula presented by staff but added she would increase each scenario by 6 inches. She also thought that terracing in the setbacks should be encouraged.

Mr. Castro discussed staff's suggestions of incentives, which included the historically significant home ordinance as well as flexibility with stoops, landings, porches and stairs within the setbacks. He also thought the waiver process was a good compromise.

Mr. Klein confirmed that maximum building heights were not changing to which Mr. Castro provided confirmation.

Mr. Kleid was in favor of the formula proposed by staff. He inquired about the number of examples that were tested by the formula. Mr. Bergman replied. Mr. Kleid thought some of the items in the waiver requirements were subjective and cautioned staff.

Mr. Pollock was in favor of the formula but had questions on the waiver process as well. Mr. Castro stated that the Town Council would approve the waiver, not staff. A short discussion ensued about the waiver and variance process.

Ms. Beuttenmuller inquired of staff if anyone looked at other coastal areas in the country to determine how they are handling this issue. Mr. Bergman responded and explained that Calvin, Giordano & Associates had been chosen due to their familiarity with this type of issue in Florida. Ms. Sinatra discussed the communities in Florida where they have worked and dealt with similar issues.

Mr. Sanchez thought the fill proposal would be a good idea for new development. However, in the situation of the Town, he thought it could be harmful to the street. He thought that the Town's Code was forcing architects to raise the grade around the home, which he believed was a mistake. He presented several photos of homes in Key Biscayne, which were all raised. He also presented examples of homes in the Town that were successful in the design.

Mr. Spaziani inquired where 48 inches of fill would be needed. Mr. Castro responded.

Mr. Ainslie was in favor of the formula presented. He thought that Mr. Bergman should address the 8 inches of finished floor elevation raised by Mr. Sanchez. Mr. Bergman responded. Mr. Castro also explained that staff would like to change the section of the Code as it related to landings and stairs.

Motion made by Mr. Ainslie and seconded by Mr. Spaziani that the Planning and Zoning Commission recommends staff's proposed changes as it relates to fill, to eliminate the 8 inch requirement that the grade has to be within 8 inches of the finished floor and also to provide for flexibility within the required setbacks for necessary landings, stoops and stairs to go from the finished floor to grade.

Ms. LeCates asked for clarification on the motion. Mr. Castro provided his thoughts on the motion.

Mr. Klein called for public comments. There were no comments heard at this time.

Ms. LeCates made a comment regarding fill versus foundation and stated some fill would be preferable. She also stated that this solution would not fix the jagged rooflines.

Motion carried unanimously.

Please note: A short break was taken at 10:39 a.m. The meeting resumed at 10:43 a.m.

B. Proposed Modifications to the Zoning Regulations in Chapter 134, Zoning, to Allow Off-Site Supplemental Parking as a Permitted Use in the C-TS, C-WA, C-OPI and C-PC Commercial Zoning Districts.

Mr. Castro reintroduced the item to the Commission and presented aerial maps in the Town that identified the different types of parking and where they were located within the Town. He pointed out that some of the best opportunities for shared parking occurred along Royal Palm Way, Worth Avenue and Peruvian Avenue. Mr. Castro stated that the important part of staff's proposal was to capture some of the under-utilized, off-street parking inventory. He added that while the Commission may have concerns, staff would like to leave the shared parking to the discretion of the property owners. Mr. Castro concluded that the Town Council's intent was to relieve some of the on street parking pressure though shared parking, without the bureaucratic process.

Mr. Klein called for public comments. There were no comments heard at this time.

Ms. LeCates questioned the Town Council's intent and asked for more information on where she could hear the discussion regarding shared parking. Ms. LeCates understood how this could be beneficial but was cautious about allowing shared parking after a certain time in the evening. She was also concerned about shared parking bringing more people in from out of town, leading to more congestion. Ms. LeCates requested more information on where the need is for shared parking.

Mr. Castro responded that the Town Council has had an interest in providing more off street parking and shared parking for the last several years. He discussed the history of the topic and how the Town Council has responded over the last several years. He discussed that staff felt that there should be more flexibility for shared parking but was looking for a recommendation from the Commission.

Mr. Spaziani had expressed a concern with the operation of the Apollo parking lot. He was in favor of shared parking for the Palm Beach Day School. He agreed with Ms. LeCates that the shared parking should be limited to certain hours within the day. He also requested input on the issue from the Parking Committee.

Mr. Castro provided an explanation on the arrangement for the Apollo parking lot. He added that Mr. Bergman was on the Parking Committee and could report on what they have been discussing.

Mr. Bergman reported the items discussed by the Parking Committee, which includes a comprehensive parking management improvement plan to take to the Town Council for approval. He discussed the new appointment of the Business and Administrative

Committee, which was also discussing the deficiencies in the Town's current parking program.

Mr. Pollock suggested allowing owners to offer a percentage of their parking lots for shared parking. He thought this would help in the policing of spaces as the owners could assign specific spaces to specific users. Mr. Castro stated that from his standpoint, this option would be hard to enforce. He discussed his reasoning. A discussion ensued on this option. Mr. Castro suggested to limit the hours on shared parking.

Mr. Klein inquired when the shared parking was most in demand. Mr. Castro responded.

Mr. Christu stated he was inclined to try the shared parking recommendation. While he understood the concerns, he was open to making the change and believed that the Town could remove the permitted use if problems arose.

Mr. Castro stated that the proposal of supplemental off-site parking would not be allowed if it would intensify use or allow someone to go into a space where parking was not provided.

Ms. LeCates indicated she did not think this would benefit new businesses. She provided her thoughts on this matter. She recommended providing language to staff to enable the Town to enter into leases for supplemental parking. She also thought it was important to see surveys of lot owners along with the requested users before moving forward.

Mr. Klein inquired if there was a way to limit the proposal to the larger underground parking lots. Mr. Castro stated he recommended limiting hours, or size of the lots or adding a sunset clause. He thought it was up to the Commission to determine the conditions placed on the recommendation.

There was a discussion that ensued about the possible conditions.

Mr. Ainslie suggested starting with underground parking, while allowing some time to receive direction from the Parking Committee.

Mr. Castro provided a recommended direction to the Commission.

Ms. LeCates stated she could endorse the underground parking recommendation but would like to add a restriction on hours.

There was a discussion on whether a restriction on the hours would be beneficial.

Motion made by Mr. Ainslie and seconded by Mr. Klein to approve the use of underground parking for supplemental off-site parking, not to exceed 33% of the maximum capacity of each of those lots, with unrestricted hours, for a three year time period.

Mr. Klein called for public comments. There were no comments heard at this time.

Motion carried 5-2, with Ms. LeCates and Mr. Spaziani opposed.

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

Mr. Ainslie suggested to staff and to the Town Council that they allow the Commission to study the retail zoning regulations in the Town, due to the loss of retail business in Palm Beach. He would like to further investigate how to re-utilize these spaces.

Mr. Klein reviewed the process to take this item to the Town Council.

Mr. Castro stated that this was one of the 11 items that staff took to the Town Council for consideration.

Motion made by Mr. Spaziani and seconded by Mr. Ainslie to request staff to take the issue of zoning regulations for commercial and retail businesses to the Town Council for further review.

Mr. Klein called for public comments. There were no comments heard at this time.

Motion carried unanimously.

Julie Araskog, 1490 Via Manana, inquired about the last discussion and vote since it was not advertised on the agenda. Messrs. Bergman and Castro responded.

VIII. ADJOURNMENT

The meeting adjourned at 11:50 a.m. without the benefit of a motion.

Respectfully submitted,

Martin Klein, Chair VICE-CHAIR
Town of Palm Beach
Planning & Zoning Commission