PLANNING AND ZONING COMMISSION
RECORD AND REPORT
TOWN HALL – COUNCIL CHAMBERS – SECOND FLOOR
360 S COUNTY ROAD, PALM BEACH
TUESDAY, NOVEMBER 18, 2014, 9:00 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 (tape or CD) of the meeting by contacting Debby Morakis, Secretary to the Planning & Zoning Commission at (561) 227-6411. As a point of reference, you will find the recording times listed on these minutes at the beginning of each item.

I. CALL TO ORDER AND ROLL CALL (09:30:27 AM)

Susan Markin, Chair
Michael Jay Scharf, Vice Chair
Jeffrey A. Cloninger, Member
Lewis Crampton, Member (left at 11:22 a.m.)
Carol Mack, Member
Danielle H. Moore, Member
Floyd Wideman, Jr., Member
Michael Vincent John Spaziani, Alternate Member
Susan Watts, Alternate Member

Staff Members present were:
John Page, Director of Planning, Zoning, Building
Paul Castro, Zoning Administrator
Debby Morakis, Secretary to the Planning & Zoning Commission

Chair Markin called the meeting to order at 9:30 a.m.

II. INVOCATION AND PLEDGE OF ALLEGIANCE (09:31:08 AM)

Ms. Morakis led the Commission with the invocation and Pledge of Allegiance.

III. APPROVAL OF THE AGENDA (09:31:56 AM)

MOTION BY MR. CRAMPTON FOR APPROVAL OF THE AGENDA.
MOTION SECONDED BY MR. WIDEMAN.
MOTION CARRIED UNANIMOUSLY.

IV. APPROVAL OF OCTOBER 21, 2014 PLANNING AND ZONING COMMISSION MINUTES (09:32:10 AM)

Chair Markin complimented Ms. Morakis for producing excellent, detailed minutes.
MOTION BY MR. WIDEMAN FOR APPROVAL OF THE AUGUST 19, 2014 PLANNING AND ZONING COMMISSION MINUTES.
MOTION SECONDED BY MR. CRAMPTON.
MOTION CARRIED UNANIMOUSLY.

V. MEMORANDUM FROM JOHN PAGE OUTLINING PROPOSED ZONING TEXT AMENDMENTS (SUPER MAJORITY VOTE AND NONCONFORMING USES WITHIN NONCONFORMING BUILDINGS AND STRUCTURES) (09:52:27 AM)

John Page addressed the Commission stating there were two changes to the zoning ordinance being proposed. Mr. Page asked Paul Castro, Zoning Administrator to explain the proposed changes. Related to Super Majority Vote changes, Mr. Castro explained how those proposed changes would relate to variances, special exceptions and site plan reviews as well as comprehensive plan amendments and zoning text amendments. Mr. Castro added that the basic changes were related to the hearing procedures and mailing notices but would not change any of the criteria. Mr. Castro answered questions from the Commission and explained the current 3/5 vote, how it related to comprehensive plan and future land use categories, noting that if adopted, even a de minimis change would require a 4/5 super majority vote.

Chair Markin noted that she felt it was much cleaner to do it this way and Mr. Crampton agreed. Mr. Castro explained that it was difficult to find a threshold to determine what would be easy or difficult to approve and therefore, staff was recommending the blanket change. Questions were heard from Mr. Scharf who asked if this would require a charter change. Mr. Castro stated that unfortunately Town Attorney Randolph was not present to answer that question. Ms. Markin stated that she felt as Council change over the years, views change. Mr. Cloninger agreed and added that he felt the Town could end up with people on the Council who had no respect for the Comprehensive Plan. Comments were heard from Ms. Moore who asked for clarification of who or what determines the power of the Mayor. Mr. Castro stated that he would have to look at the charter to answer that question. Mr. Page explained that depending on Commission recommendations, staff would check with the Town Attorney to avoid inadvertently representing something that would be found to be a mistake at a later time.

Chair Markin wondered if this should be "cast in stone" by way of a charter change so residents would have the opportunity to weigh in, noting that if the Council ever wanted to change it back to a 3/2 vote they could. Mr. Crampton stated that he supported creating the super majority vote but had concerns about requiring a charter change. Ms. Markin clarified that she understood that only if the Council wanted to change the super majority vote requirement back to a 3/2 vote in the future would it have to go to referendum.

Discussion continued and Ms. Markin suggested the Commission recommend to Council the 4/1 super majority vote, as presented by staff, and also requested staff present to Council the option of making it a charter change as well. Mr. Castro stated that staff could take it to Council on a two-phase track in order to adopt zoning text amendments and investigate the charter change. Ms.

Markin asked if the charter change could be included on the ballot in February and Mr. Castro stated that he felt there may not be sufficient time to have the language prepared for Council approval in December and meet the advertising requirements in order to have it on the ballot in February. Mr. Castro stated he would look into it and it was agreed that both options would be presented to Council.

MOTION BY MR. SCHARF TO RECOMMEND TO COUNCIL TO REQUIRE A SUPER MAJORITY AFFIRMATIVE VOTE OF 4/1, AS PRESENTED BY STAFF, AND TO ALSO PRESENT TO COUNCIL THE OPTION OF MAKING IT A CHARTER CHANGE.
Chair Markin asked who would be in favor of the motion. Ms. Moore was not in favor of the 4/1 vote or the charter change. Chair Markin repeated the motion.
MOTION BY MR. SCHARF TO RECOMMEND TO COUNCIL TO REQUIRE A SUPER AFFIRMATIVE MAJORITY VOTE OF ALL MATTERS RELATED TO ZONING IN CHAPTER 134 AND INCLUSIVE TO THAT TO RECOMMEND TO COUNCIL TO CONSIDER A CHARTER CHANGE.
Mr. Castro added for clarity that zoning text amendments and comprehensive plan amendments would be included. Discussion continued.
MOTION DIED. It was suggested that the motion be bifurcated.

MOTION BY MR. WIDEMAN TO RECOMMEND TO COUNCIL TO REQUIRE A SUPER AFFIRMATIVE MAJORITY VOTE ON ALL MATTERS RELATED TO ZONING IN CHAPTER 134, AS RECOMMENDED BY STAFF.
MOTION SECONDED BY MR. SCHARF.
MOTION CARRIED 6-1 WITH MS. MOORE OPPOSED.

A brief discussion continued.
MOTION BY MR. SCHARF TO RECOMMEND TO THE COUNCIL TO CONSIDER MAKING THE SUPER MAJORITY VOTE A CHARTER CHANGE.
MOTION SECONDED BY MR. CRAMPTON.
MOTION CARRIED 4 TO 3 WITH MS. MACK, MS. MOORE AND MR. CRAMPTON OPPOSED.

Mr. Castro described the second proposed change to the zoning code was to make language consistent with other changes made two years ago related to any involuntary destruction that were to take place beyond the control of a property owner. Mr. Castro explained that even though more than 50% of the building might be destroyed it could be rebuilt. However, any non-conforming use would have to be terminated. Questions were heard from the Commission and Mr. Castro read the definition of "involuntary destruction" and Ms. Markin asked for clarification on how this would relate to landmarked structures. Mr. Castro explained this was merely a housekeeping measure as the language had been previously changed in all other places in the code.
MOTION BY MS. MOORE TO RECOMMEND TO COUNCIL THE ADOPTION OF STAFF'S RECOMMENDATIONS RELATED TO ZONING TEXT CHANGES FOR NONCONFORMING USES WITHIN NONCONFORMING BUILDINGS AND STRUCTURES.
MOTION SECONDED BY MR. CRAMPTON.
MOTION CARRIED WITHOUT BENEFIT OF A ROLL CALL.

VI. CONSIDERATION OF COMMERCIAL AREA EMPLOYMENT INFORMATION

VII. DISCUSSION OF PARKING ISSUES AFFECTING THE ISLAND/CONSIDERATION OF ZONING ORDINANCE PARKING REGULATIONS (10:27:39 AM)

Mr. Page provided the Commission with a quick update and thanked Laurel Baker, Chamber of Commerce for volunteering to gather information and provide the Commission with the report relative to the number of employees, available parking, etc. Mr. Page explained that Ms. Baker gathered the information through Chamber members, the South County Road Association and Royal Poinciana Way commercial area and contacted some employers asking the numbers of employees working in the businesses and whether or not parking was provided for those employees. Chair Markin thanked Ms. Baker for her time and effort and asked her to address the Commission.

Laurel Baker, Palm Beach Chamber of Commerce, stated that this was only a sampling and added that she found the most extraordinary conclusion to be in the Royal Poinciana Way area where she felt there is the greatest problem for employees to park. Ms. Baker explained the area includes five restaurants that provide outdoor dining; each with a huge staff that rotates and added that one parking lot in the area had been recently sold and now had two townhomes being built. Ms. Baker added that she felt the figures for Worth Avenue did not bear out the projection that 40% of the cars parked on the street belonged to employees; she found most of the employers on Worth Avenue do provide parking for their employees. Ms. Baker added that she felt this was an opportunity to create a positive rather than a punishing parking policy. Chair Markin clarified that this process was not meant to be a punitive process but that the Commission was here to work with the businesses and business owners to find a solution to the problem.

Ms. Baker stated that she felt this was an opportunity to be creative, to free up parking spaces and eliminate inconveniences to employees. Ms. Baker again suggested off-site employee parking, and starting with hotels and restaurants.

Mr. Crampton asked for three main recommendations from the Chamber that would help the Commission make a recommendation to Council. Ms. Baker suggested first creating a system of off-site parking for employees who do not use their cars during the day, perhaps on land the Town owns across the bridge. Ms. Baker added that she felt the Town must work with the primary employers; i.e. the hotels and restaurants having the greatest need and added, "the Town has to serve by example. You can't impose requirements on others if you cannot take the lead and do them yourself." Ms. Baker added that she felt the garage idea would be great but wondered how many people would want to use a garage, what expenses would be associated with it, stating that she hates garages and that she felt residents would not want to use them. Ms. Baker suggested the Town do a survey to find out how residents and businesses feel about a garage and also suggested the Town secure land for off-site parking and utilize trollies and shuttle services for employees to use to get back and forth. Discussion continued. Mr. Scharf commented that he felt although Ms. Baker referenced only five restaurants with outside dining in her report, there are actually eight restaurants in the area that all contribute to the parking problem.

Ms. Baker also suggested creating motorcycle spaces and spaces for smart cars; eliminate loading zones and service trucks on Worth Avenue; create a proviso that contractors must pay for parking to put trucks in a lot. After questions were heard from Ms. Markin related to the percentage of businesses included in Ms. Bakers report it was determined that approximately 60% of businesses on South County Road and Worth Avenue were included while only 40% of businesses on Royal Poinciana Way were included.

Raychel Houston, Parking Enforcement, stated that she wanted to address the suggestion to eliminate the parking patrols. Ms. Houston explained her staff's work hours, the parking regulations, hours for loading zones, school zones, etc. Ms. Markin asked about the placards given to employees for Worth Avenue and Ms. Houston explained those could be used to park on Ocean Blvd. or on South Lake Drive, adding that a placard parking program was also available for use on Peruvian Avenue. Discussion continued with comments and questions heard by the Commission. Mr. Scharf commented about his dislike for the parking enforcement vehicles using flashing lights as they drive through town.

Mr. Cloninger asked what method was used to determine how many placards could be available. Tom Bradford, Deputy Town Manager, explained there is data available that tells the occupancy rate in the 300 and 200 blocks of Peruvian Avenue since it is tied to the parking kiosks. The maximum percentage used in the parking industry is 85%, meaning that 15% of available spaces would be vacant at any time. The other areas were done pre-2000 and he was uncertain what method was used then. Discussion continued. Ms. Markin spoke about the parking study report that Mr. Bradford provided to the Commission at a previous meeting. Mr. Bradford noted that the numbers included in that report had been previously gathered by a traffic engineer. Comments were heard from Ms. Markin about where employees at Meat Market were parking and Mr. Scharf noted that on a Saturday night, he felt they were parking as far north as Wells Road. Valet and double parking are both a problem. Mr. Crampton agreed and Ms. Moore wondered if there was any way a placard system could be designed with certain spaces on Peruvian Avenue designed for residents use only. Mr. Bradford stated that could be done but 100% of those placards were already owned by residents. Discussion continued. Ms. Watts commented that she felt there would never be enough parking on the island and restriping the street or building a garage would not be enough to solve the issues. Ms. Markin disagreed stating that she felt there was something the Town could do but it would come at a cost, and then the Town would have to do the enforcement.

Discussion continued and Mr. Spaziani stated that where the deficits are is known, the parking study was already done and he felt the only solution would be to build a parking garage. Ms. Mack stated that she was a big believer in making this a business friendly town. Ms. Mack stated that she felt the next step would be to recommend a cost evaluation study be done to determine the most effective solution. Mr. Scharf stated that he felt the parking areas in Town needed to be trifurcated; midtown, Worth Avenue and surrounding streets, and the Royal Poinciana Way area. Ms. Moore wondered if a parking garage would be on the island or off-island and added that she felt an off-island garage would be the best idea. Mr. Crampton agreed this was important for quality of life for residents and visitors, and suggested dealing with parking on Worth Avenue first; all day parkers, mainly employees with two options; suggesting a public/private arrangement for the Apollo lot; perhaps taking by eminent domain.

Mr. Crampton suggested the Royal Poinciana Way businesses work with banks and Publix for shared parking for after hours. Mr. Cloninger stated that he felt Palm Beach was not designed with parking in mind and it was his opinion that this Commission's charge was to solve a problem that has been 100 years in the making. Mr. Wideman stated that he agreed with everything but that he felt putting parking off-island was not a feasible solution and that he felt employees having to be dependent upon a shuttle would not work. Mr. Wideman added that he felt there was a problem with residential parking due to commercial construction vehicles in the north end and he felt there was a need for three parking centers.

After comments were heard from Ms. Mack and Ms. Markin, discussion continued. The question was asked whether the Town could require businesses to use a parking garage if one was built. Mr. Castro stated that would be a legal question he would ask Attorney Randolph. Discussion continued and suggestions were made including a zoning change on parking lots, purchasing vacant land for parking lots, a garage on the Apollo lot, using the Neiman Marcus garage for employee parking and valet parking. Mr. Castro explained that shared parking would not be permitted without special exception approval, explaining how unintended consequences would impact the neighbors.

Ms. Markin stated that she felt the spaces in front of stores needed to be freed-up adding that she felt it was a quality of life issue for residents and an issue of survival and viability for businesses. Ms. Markin added that she felt the goal of the Commission was to make a recommendation to Council to provide extra parking and perhaps a parking garage either on the island or over the bridge for employees to park in. Comments were heard relative to creating a shuttle service for use between a garage and businesses and how the Breakers provided this service in the past for their employees.

Tom Bradford spoke about hiring an expert to look at the existing parking inventory and produce a feasibility study. Mr. Bradford stated that he felt due diligence needed to be done at either the Commission or Council level before hiring someone. Mr. Bradford also suggested someone speak to Mr. Handelsman regarding the use of the Apollo lot. The Commission continued with discussion and Mr. Bradford explained how a professional would look at available inventory, assess the area parking need, and determine the size of the lot required to build a garage with sufficient parking to meet the need. Mr. Crampton added that he felt the Commission needed a strategy to move forward and Mr. Bradford suggested a conversation with Mr. Handelsman happen first. Ms. Markin stated that at the same time she would like to investigate the use of a professional. Mr. Scharf spoke briefly about the 2006 study done.

Dick Kleid, 2660 South Ocean Blvd., explained that over $100,000 was spent on the 2006 study, all recommendations were looked at but the community pushed back on all of them. Mr. Kleid stated that people were not interested in a parking garage adding that he felt it was worth looking at again since there were many new people now in Town. Discussion continued with comments heard from Ms. Mack who stated she was frustrated that the Town would spend money on a study and not make recommendations. Mr. Kleid added that he had met with Mr. Handelsman last week and that he felt Mr. Handelsman had some ideas. Discussion continued with comments heard from Ms. Watts and Mr. Scharf. Ms. Markin noted that the Town was spending money on other things and felt there should be money available to fix this parking problem, noting that the Town also issued a bond to cosmetically upgrade areas on Worth Avenue. Ms. Markin suggested and Mr. Bradford agreed to speak to Mr. Handelsman to come to a Planning and Zoning Commission meeting for discussion.

Mr. Wideman suggested the need to investigate other locations for a parking facility on the island. Mr. Cloninger agreed and added that the use of the Esplanade parking garage should also be investigated. Ms. Moore asked what would be required in order to allow shared parking in the 150 Worth Avenue building. Mr. Castro stated that the owners would have to initiate a special exception request, a parking study would be required, and, notification would have to be sent to all properties within 300 feet. Ms. Markin stated that she had spoken to Mr. Goodman in the past requesting he discount a certain number of spaces for some employees to park and Mr. Goodman would be willing to discount only two spaces. Discussion continued.

Alexander Ives, President of the Preservation Foundation at 311 Peruvian Avenue and 237 Jamaica Lane addressed the Commission and spoke about the beautification factor he felt would be necessary to ensure a positive response from the Town. Mr. Ives mentioned the parking structure at 1111 Lincoln Road in Miami that he felt revolutionized the way people look at parking garages. Ms. Mack agreed and Ms. Markin noted the challenge faced in getting a parking garage built in Town, suggested the Commission consider opportunities in West Palm Beach, and, requested that Mr. Castro investigate zoning and costs there. It was also suggested that staff investigate use of the parking garage at the Court House in West Palm Beach as well as a cooperative effort with the Breakers. Mr. Scharf suggested the use of the Public Works property in West Palm Beach and Mr. Castro explained that property was used extensively. Ms. Markin recapped that Mr. Bradford agreed to check with Mr. Handelsman regarding attending a meeting and Mr. Castro would research zoning in West Palm Beach.

Ms. Markin commented about vehicles parking at Flagler Museum while attending Royal Poinciana Chapel. Mr. Castro explained that would not be permitted as there was no provision in the code to allow shared parking, the code would need to be changed. Discussion continued about having to change the code and shared parking and Mr. Castro noted that the Town had investigated sharing its parking lots but due to liability issues it was determined that was not feasible. Chair Markin called for other comments from Commission, staff and the audience. There were no further comments.

Tom Bradford addressed the Commission stating that at the last Ordinances, Rules and Standards (ORS) meeting, ORS asked that Council approve sending to the Commission the consideration of an ordinance for residential permit parking. Mr. Bradford briefly explained the Arlington Plan currently allows for an exemption for service vehicles to be able to park in a residential permit parking area without the need to display a permit. The Gainesville Plan currently does not have that exemption for service vehicles. The ordinance change would make both plans include that same exemption. Raychel Houston addressed the Commission explaining the requirement for signage on service vehicles and that this exemption would not apply to construction vehicles. After brief comments and questions from Commissioners, Mr. Bradford stated that he would bring a draft ordinance to the Commission for consideration next month.

MOTION BY MR. CLONINGER TO ACCEPT STAFF'S RECOMMENDATION ON THIS HOUSEKEEPING ISSUE.
MOTION SECONDED BY MR. SCHARF.
MOTION CARRIED 7-0 WITHOUT BENEFIT OF A ROLL CALL.

Mr. Bradford explained that recently he was information that the Town's kiosk vendor would no longer be in the vendor business and would stop supporting the equipment. Mr. Bradford said the vendor notified him that the modems in the kiosks were now obsolete technology and would soon no longer be able to communicate with servers. Mr. Bradford added that he was currently working with AT&T to determine when those antennas would be disconnected and added that new technology exists, he was in touch with a vendor that offers pay-by-license plate technology that might allow the Town to offer free or reduced parking to residents that would be pay-by-phone or used in conjunction with kiosks. Mr. Bradford then answered questions for the Commission regarding service plans and contracts noting a decision would be made very quickly.

VIII. COMMENTS FROM PLANNING AND ZONING COMMISSIONERS AND THE PLANNING, ZONING AND BUILDING DIRECTOR (12:26:27 AM)

After a brief discussion it was determined that the Commission would not meet in December. The next meeting of the Commission would be held on Tuesday, January 20, 2015. It was agreed that Mr. Bradford would arrange to meet with Mr. Handelsman or invite him to the Commission meeting. Mr. Castro explained the timeline involved in preparing and taking to Council the Commission recommendation for a charter change. In December, staff would have to do some advertising, take the signed Record and Report to Council at their December meeting. If Council directs staff to draft an ordinance, that would go to the Local Planning Agency in January. The LPA would make a recommendation to Council that same month, with first reading of the ordinance in January, second reading in February, and if adopted, it would become effective 31 days later. Brief discussion.

IX. ADJOURNMENT (12:26:40 PM)

Chair Markin declared the meeting adjourned at 12:25 p.m.

Respectfully Submitted,

Susan Markin, Chair	Michael Jay Scharf, Vice Chair
Town of Palm Beach	Town of Palm Beach
Planning & Zoning Commission	Planning & Zoning Commission