PLANNING AND ZONING COMMISSION
RECORD AND REPORT
TOWN HALL – COUNCIL CHAMBERS – SECOND FLOOR
360 S COUNTY ROAD, PALM BEACH
TUESDAY, OCTOBER 21, 2014, 08:30 a.m.

Please be advised that in keeping with a 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 an audio recording of the meeting may be obtained 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 (09:30:42 AM)

Susan Markin, Chair
Michael Jay Scharf, Vice Chair
Jeffrey A. Cloninger, Member
Lewis Crampton, Member
Carol Mack, Member
Danielle H. Moore, Member
Floyd Wideman, Jr., Member
Michael Vincent John Spaziani, Alternate Member
Susan Watts, Alternate Member (Unexcused Absence)
Randolph H. Guthrie, Alternate Member (Unexcused Absence)

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. Ms. Morakis called roll and found Ms. Watts and Mr. Guthrie were absent.

John Page, Director of Planning, Zoning & Building Department noted for the record that Town Code required Mr. Guthrie be automatically removed from the Commission for lack of attendance and the vacant alternate seat would be advertised immediately.

II. INVOCATION AND PLEDGE OF ALLEGIANCE (09:45:30 AM)

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

Chair Markin addressed the Commission noting that the Shiny Sheet improperly stated her position on the zoning code as being a staunch "opponent" of the zoning plan and added that should be corrected to indicate that she is a staunch "proponent" of the zoning plan.

III. APPROVAL OF THE AGENDA (09:47:04 AM)

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

IV. APPROVAL OF SEPTEMBER 23, 2014 PLANNING AND ZONING COMMISSION MINUTES (09:48:32 AM)

MOTION BY MR. WIDEMAN FOR APPROVAL OF THE AUGUST 19, 2014 PLANNING AND ZONING COMMISSION MINUTES.
MOTION SECONDED BY MS. MOORE.
MOTION CARRIED UNANIMOUSLY.

V. DISCUSSION ON STUDY ITEMS (TOWN COUNCIL REVIEW STATUS) (09:48:35 AM)

Review of Town Parking Issues/Regulations

Mr. Page addressed the Commission speaking briefly about Mr. Bradford's presentation the prior month, advised the Commission that Council voted affirmatively on the three items the Commission recommended it study. Mr. Page advised the Commission that Council suggested the Commission review the recommendations made at the time of the 2006 Parking Improvement Plan. The document would be made available in an electronic format on the Town's website. Discussion ensued with comments heard from Chair Markin and Paul Castro, Zoning Administrator, noted that there were many issues staff would bring to the Commission to look at including issues within the zoning code related to shared parking.

Chair Markin called for comments from the Commission and Mr. Spaziani stated that he felt the parking study was a great tool to begin with and asked if there was a summary available. Mr. Page noted that a very brief executive summary was available. After discussion, it was determined that staff would send the document out for duplication and have it delivered to the Commission. Ms. Mack asked if Mr. Bradford's report was a summary of this report. Mr. Page noted that Mr. Bradford may have used sections of it in his report adding that the Commission had been very careful in crafting their recommendation to Council to not limit itself only to the parking issues contained in the report, and, the Council accepted the recommendation. Chair Markin called for comments from the Commission. Mr. Wideman stated that he felt the Commission needed to compartmentalize the parking discussion with off-island, workmen, homeowners, etc. which all require very difference parking regulations. Ms. Markin agreed and suggested something be placed in the zoning code that might control the influxes in the population. Mr. Cloninger stated that he felt this was exciting and hoped the Commission could come up with more than one idea on how to solve the parking issue, noting that the Town still had the same number of buildings and parking spaces and felt it was important for the Commission to review the parking study. Mr. Cloninger suggested the Town implement a parking sticker program that would give preference to Town residents.

Mr. Crampton stated that he would like a copy of the parking study. A suggestion was made that the Chair and staff establish a process for review of the data in segments. Mr. Crampton added that he agreed with a suggestion previously made by Mr. Cooley to take a closer look at some kind of parking facility or ramp to take pressure off the on-street parking and employee parking issues.

Ms. Moore asked if residents on Worth Avenue needed to move their vehicles every two hours and if the Town had any way to regulate where Worth Avenue merchant's employees park their vehicles. Paul Castro stated that he once had a friend whose son worked on Worth Avenue and found the cost of parking so expensive he could not afford to work there.

Raychel Houston, Parking and Code Enforcement Department, stated that the residents who live on Worth Avenue cannot park on the street without moving their vehicles every two hours; however, those with Via Mizner or Worth Avenue addresses can purchase residential parking permits for the 400 block of Worth Avenue or Peruvian Avenue. Ms. Houston added that when the town opened up the placard parking program for Peruvian Avenue, many residents bought placards. The cost is about $70 a month. Ms. Houston added that some stores on the Avenue have purchased them, noting that Ralph Lauren purchased 16 of them for their employees to share.

Mr. Cloninger stated that he felt shop owners were not motivated but all these businesses have to have a business tax receipt. Mr. Cloninger wondered if businesses could be required to provide information about where their employees park upon issuance of their business tax receipt. Mr. Castro noted that a business tax receipt is a tax only and conditions other than zoning conditions cannot be placed upon a business tax receipt. Mr. Castro noted that no business would be able to open if sufficient parking was made a requirement of approval of a business tax receipt. Discussion continued with comments heard by Mr. Crampton who asked if the Town could incent businesses to find parking. Mr. Castro noted the limited parking resources available. Mr. Cloninger suggested the Worth Avenue Association and Chamber of Commerce get involved. Chair Markin stated that she felt the Commission needed to stay firm to the objective and be aware of the unintended consequences. Comments were heard from Ms. Houston who spoke about zoned parking. Ms. Moore asked about the parking garage concept and wondered if there could be a way to incentivize the owners of the Apollo Lot to build such a structure. Mr. Page stated that there were some casual conversations with select persons at the Apollo Lot but the idea had not gone far.

Mr. Scharf asked if shared parking had been looked at legally. Mr. Castro stated that shared parking had been looked at in 1994, 1995 and 1996, explained the concept, and, added that this could only be used for off-site supplemental parking and not required parking.

Mr. Page added that Council last week said yes to the three issues for the Commission to look at: parking, super majority, and, non-conforming buildings. In addition, a private party proposed to Council that the zoning code be amended to allow for shared parking. The Town Council lumped that request together with the parking issues and asked the Commission to look at that proposal.

Chair Markin asked how and when that proposal would be presented to the Commission. Mr. Castro stated that he anticipated it would be incorporated as part of the parking conversation. Staff would provide the off-site requirements for the Commission to review and determine if those could be modified or tweaked to make easier to use and added that the Arlington and Gainesville plans should also be looked at. Mr. Page stated that staff would distribute the two-page proposal to the Commission soon. Mr. Castro noted that Council directed staff to work with the Commission to look at the entire concept. Discussion continued with comments heard from Chair Markin and Mr. Castro regarding the Palm House intensification and parking issues and Mr. Castro explained the parking variances granted in 2007. Mr. Scharf stated that he felt it was idiotic that the Commission was discussing this, noting that the Palm House violated every rule. They owe the Town $1,200,000.00, then came back with an absurd request. Mr. Scharf asked if staff knew the number of retail employees or the number of cars involved on Worth Avenue. Mr. Page stated that he did not know of any definitive source for that information. It was suggested that the Chamber of Commerce and Worth Avenue Association should have the information.

Mr. Scharf commented about the process he went through in order to obtain a business tax receipt for his office in the Paramount Building and wondered if staff could get some idea of what the parking requirements would be for a business, get the number of employees, hours of operation, available parking. Mr. Castro stated that he felt a big change to the off-street parking requirements would have to be made.

Ms. Mack stated that she found it astonishing that the Town commissioned the parking study, paid $200,000 for it, then disregarded it; adding that she did not want to see that happen again. Mr. Castro noted that Council spent a lot of time going through that plan and there was a lot of public input. As a result, the direction of traffic flow on Seaview Avenue was changed. The Town found that didn't work so it was changed back. The areas where they wanted to put the angled parking would put more cars on the street, a lot of the proposed changes never happened. Ms. Mack stated that she felt the problem was the lack of space with the only solution being multi-tiered parking. Ms. Mack added that she felt the Apollo lot would be a fantastic site because of its central location but wondered where else it might go adding that she had done a personal study and found that multi-level parking garages could be beautiful and not an eyesore.

Ms. Markin stated that she felt the point was to strike a balance and find a solution that would be good for both businesses and residents, and added, "good decisions always require some back bone".

Mr. Spaziani commented that he felt the Commission needed to look at this as a macro; a presentable parking garage was needed.

Ms. Markin stated she felt before recommendations could be made to Council concrete information was needed. The Commission would need to know the number of employees and the number of parking spaces in town, broken down by area. Ms. Markin added that due to increased land value, parking lots are being sold. Recently a lot with 30 spaces was sold and now two townhomes are going up; where are the people who used those 30 spaces now parking? Ms. Markin also commented about parking issues experienced at Publix where vehicles belonging to employees of neighboring businesses were parking in the lot. Par 3 also had an issue but has now established a shuttle service for certain employees.

Ms. Houston stated that Tom Bradford indicated that a mid-town inventory had been done. Ms. Markin asked for that information to be available to the Commission at the next meeting. Mr. Page stated that he would reach out to the Worth Avenue Association and the Chamber and any other source he could think of regarding employee parking. Mr. Castro noted he would also provide the parking inventory done for the Royal Poinciana Area.

John Cory of 327 Barton Avenue addressed the Commission and stated that he had many ideas on parking and that he felt when free parking was given away other problems were created. Other suggestions heard were right turn on red; planting of canopy trees on sidewalks; a smoking policy for parks and beaches; and, traffic calming.

Comments were heard from Laurel Baker, Palm Beach Chamber of Commerce that more streets would not be created in order to create more parking spots; urban planners have long said the most desirable spots should cost the most; employees should park off-site and be shuttled over; seven free spots are being taken by Town vehicles; a shuttle service should exist to take customers to Publix to name a few. Ms. Baker added that she felt this was a wonderful opportunity to study parking and suggested the commercial property owners be included. Ms. Markin asked if Ms. Baker had information regarding the number of employees at businesses in Town and Ms. Baker volunteered to help gather that information. Chair Markin stated she cherished the small businesses in Town. Mr. Spaziani asked if placing parking meters on Worth Avenue would relieve some of the employees parking on Worth Avenue and Ms. Baker agreed. Ms. Markin commented that she felt installing meters to fix an employee parking problem would penalize residents. Ms. Baker added that she felt residents did not move here for low taxes. Mr. Scharf stated that he was confused by the Chamber of Commerce advocating meters on Worth Avenue and felt that it would change the character of Worth Avenue. Additional comments were heard from Ms. Baker.

Ms. Houston noted that she was unable to provide details about parking tickets issued to Town residents since many residents' vehicles were registered out of state or to their companies.

Bill Cooley of 171 El Pueblo explained his experience in the City of Minneapolis and felt that two ramps could be built within a couple years using tax increment bonds or revenue bonds. Comments were heard from Chair Markin who stated that she felt there was a limit to what the Town's infrastructure could handle.

Mr. Cloninger asked what the tipping point was for the Palm House; the intensification of use, addition of the ballroom, etc. and Mr. Page stated that in the pre-2007 hotel there were more hotel rooms. The other uses within the hotel have been intensified such as dining facilities, spa facilities and a function room for major events. Discussion continued. Ms. Moore added that she felt the many changes in ownership were a major issue. Mr. Crampton stated that he felt this was a great conversation and asked the Chair to work with staff to develop a process to mine this data. Chair Markin agreed and asked the Commission to offer suggestions on how to proceed. Discussion continued and it was determined that the data would be tackled section by section. Mr. Crampton listed seven areas for discussion: employee parking, Apollo parking lot/parking structure; shared parking; diagonal parking; Town vehicle/Town employee parking; shuttle service; and parking meters. Mr. Crampton wondered if public hearings would be needed.

Ms. Houston stated that she had experienced problems with valet parking and mentioned that other communities use a valet license agreement. Mr. Castro noted this topic could be part of the shared parking discussion at the next meeting.

Mr. Scharf suggested adding the existing parking restrictions as part of the discussion and added that he felt dividing the town geographically would be the best way to look at parking. Ms. Markin suggested the areas be divided as follows: Worth Avenue, County Road, Royal Poinciana Way, mid-town residential streets, and, north residential streets. Chair Markin suggested any other ideas could be brought up at the next meeting. Chair Markin called for a five minute break at 11:30 a.m.

Chair Markin called the meeting back to order at 11:43 a.m. and added that it was suggested that loading zones be added to the list of topics for discuss. Mr. Castro answered questions related to loading zones and discussion continued with Ms. Houston explaining situations encountered with commercial loading zones on Worth Avenue and Royal Poinciana Way.

Super Majority Vote Requirements

Ms. Markin stated that the Commission had recommended to Council that the Council grant approval for the Commission to study Super Majority Vote Requirements. Chair Markin explained the situation encountered with the PUD when several members of Council had to recuse themselves. Mr. Castro stated there was a provision that would require a super majority vote for any zoning change, but, a comprehensive plan amendment would not require a super majority vote. Ms. Markin stated that she felt a legal interpretation was required. Mr. Castro agreed stating he would get a written interpretation from Attorney Randolph.

Mr. Scharf stated that he had been troubled by the divisiveness and rancor that characterized the PUD issue. Mr. Scharf added that a super majority vote would require 4 votes out of 5; if one person recused themselves then 4 votes would still be required. Discussion continued and Mr. Page asked if the Commission would like staff to prepare draft language. Chair Markin answered affirmatively and added that she wanted this change to be permanent and hoped another Council in the future could not change it back. It was noted that this might require a charter change. Mr. Castro added that he would include language in the code to require a super majority vote to change the requirement of a super majority, would include the definition of super majority, and, would look at the Town charter. It was the consensus of the Commission to move forward. Ms. Markin asked if it was possible to incorporate other things into the code that could require a super majority vote for large variances, for example. Discussion took place with comments heard from Mr. Crampton that he felt it was the system that needed to be fixed. Mr. Page noted that in 2008 a number of options were considered by Council including the creation of a Board of Adjustments or a Special Master. The Council always maintained they wanted to keep control themselves.

Ms. Moore added that she felt the Town character was being hurt by the number of variances granted by Council and that Council needed to take ownership of all the variances they approve. Ms. Markin stated that she felt some approvals could be perceived as political favors but she did not feel Council did that. Mr. Scharf described for the Commission his experience in 2008 when he contacted Attorney Maura Ziska regarding a possible addition to his home that would require a variance. At that time, she would not take the case due to the unfavorable approval rate at that time. Mr. Scharf stated that he recently spoke to her again and she explained that variances were now being approved on a regular basis.

Mr. Castro stated that he would bring the Commission data on the numbers of variances applied for and approved from 1993 to current, indicating that he felt they had not changed much over the years. Ms. Markin asked staff to also provide the number of variances granted for parking. Discussion continued and Ms. Markin suggested that variance types and thresholds be looked at to require super majority vote. Mr. Castro explained that each case would stand on its own and advised that he would bring numbers back to the Commission.

Reconstruction of Nonconforming Buildings (Code Consistency Corrections)

No discussion took place on this topic.

Off-site Shared Parking Code Amendment Request

VI. COMPREHENSIVE PLAN: UPCOMING 2016 STATE REVIEW REQUIREMENTS (12:25:50 AM)

Staff Update

Mr. Page addressed the Commission providing an update on the upcoming Comprehensive Plan review requirements, requiring the Town to respond to the State about how the Town feels about the status of the Town's Comprehensive Plan. Mr. Page noted that he would invite Town Planner John Lindgren to come to an upcoming Commission meeting to talk about the Comprehensive Plan. Ms. Markin suggested that the Commission begin reviewing the Comprehensive Plan a piece at a time at the end of each Commission meeting and Mr. Page stated that he would work with Chair Markin to devise a framework and strategy for moving forward. Discussion continued and Ms. Markin stated that she felt the Commission was result-oriented, offering help to staff from the Commissioners, as necessary. It was noted that both Tom Bradford and Raychel Houston would be copied on all correspondence and invited to future meetings.

Mr. Page also reported to the Commission that FEMA was currently updating flood plain maps and flood plain standards might need to be made more stringent. If that happens, staff would bring code revisions to the Commission. Discussion continued.

VII. COMMENTS FROM THE PLANNING AND ZONING COMMISSIONERS AND PLANNING, ZONING AND BUILDING DIRECTOR (12:30:03 AM)

Mr. Page reminded the Commission that if it chose to meet during the month of November the next meeting of the Commission would be held on Tuesday, November 18, 2014. It was the consensus of the Commission to meet on that date.

VIII. <u>ADJOURNMENT</u> (12:30:27 AM)

A motion to adjourn was made at 12:30 p.m.

Respectfully Submitted,

Susan Markin, Chair
Town of Palm Beach
Planning & Zoning Commission

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