



**PLANNING AND ZONING COMMISSION
RECORD AND REPORT - DRAFT
TOWN HALL – COUNCIL CHAMBERS – SECOND FLOOR
360 S COUNTY ROAD, PALM BEACH
TUESDAY, SEPTEMBER 20, 2016, 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 9:33 a.m.

Martin I. Klein, Chair	PRESENT
Lewis Crampton, Vice Chair	PRESENT
Michael Scharf, Member	PRESENT
Carol Mack, Member	PRESENT
Alan S. Golboro, Member	PRESENT
Michael Ainslie, Member	ABSENT (unexcused)
Michael Spaziani, Alternate Member	PRESENT
Susan Watts, Alternate Member	ABSENT (unexcused)
Rick Pollock, Alternate Member	ABSENT (unexcused)

Staff Members present were:

John Page, Director of Planning, Zoning & Building

Paul Castro, Zoning Administrator

Kelly Churney, Secretary to the Planning and Zoning Commission

Please note: Michael Spaziani voted in the absence of Michael Ainslie.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

Chair Klein expressed appreciation for Susan Markin's service on the Planning & Zoning Commission.

Chair Klein also stated that a review of the Town's Comprehensive Plan would be presented today as an overview. He said a more in-depth conversation on this topic would take place at the October 14, 2016 meeting and perhaps the November 15, 2016 as well.

III. APPROVAL OF THE AGENDA

Chair Klein asked for a motion to move the Town's Comprehensive Plan presentation to the first item on the agenda.

Motion made by Mr. Crampton and seconded by Mr. Scharf to approve the agenda as amended. Motion carried with all in favor.

IV. APPROVAL OF JULY 19, 2016 PLANNING AND ZONING COMMISSION MINUTES

Motion made by Mr. Crampton and seconded by Mr. Scharf to approve the minutes from the July 19, 2016 meeting. Motion carried with all in favor.

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

No comments were heard at this time.

VI. NEW BUSINESS

Mr. Page introduced new Town employee Logan Elliott, Zoning Technician.

D. Comprehensive Plan: Presentation from planning consultant Calvin Giordano & Associates

Mr. Page stated that it was time for the Town's Comprehensive Plan to be updated. He stated that the Town has an ongoing contractual agreement with Calvin Giordano. Mr. Page introduced Richard Cannone with Calvin Giordano who has been working on the plan and would be providing an introduction and an overview of the revisions that have been made to the plan. Mr. Page also stated that he would be handing out hard copies to all of the Commissioners after the presentation.

Mr. Cannone provided a brief history of Palm Beach. He then reviewed some of the changes that were made to the Comprehensive Plan and highlighted some of the major issues. He stated that he would return on October 14, 2016 for a more in-depth conversation about the changes. He also went over a possible timeline to eventually adopt the new plan.

Mr. Page stated that the draft copy was in an underline/strikethrough version so that the Commissioners could easily identify the changes. He also stated he would pass out a five-page executive summary from Mr. Cannone outlining the major changes to the plan. [Exhibit 1] Mr. Page then handed out the draft plans to the Commissioners.

There was some discussion about some of the changes that were made to the plan.

Mr. Crampton stated that a vision for the Town is needed to achieve consensus and to help with decision making. Mr. Page stated that there is a vision statement for the Town and will bring that to the Commissioners at the next meeting. Mr. Page also directed the Commission to a goal from the 1929 Plan at the beginning of the Comprehensive Plan. Mr. Klein asked to hold this conversation until the next meeting and after everyone has had a chance to read over the draft.

Mr. Golboro raised a question about the Town's utilities and the future planning of the utilities. Mr. Page directed Mr. Golboro to the section in the draft Comprehensive Plan that provided information about utilities.

Mr. Klein stated there will be a lengthy discussion regarding the Plan on October 14, 2016.

C. [Discussion to designating the Planning and Zoning Commission as the Local Planning Agency.](#)

Mr. Klein asked to discuss this item at this time.

Mr. Crampton stated the following reasons for requesting the Town Council to return the LPA to the Planning and Zoning Commission. Mr. Crampton stated that he spoke to staff and some members of the Town Council about the possible transfer of the LPA to the Planning and Zoning Commission and felt the suggestion would receive fair attention. Mr. Crampton then stated that the Commissioners needed to agree to ask for the transfer of the LPA and then at the October 10, 2016 Town Council meeting, a request could be made.

Mr. Klein stated that he feels that the Planning and Zoning Commission already performs some of the tasks that are charged to the LPA.

Motion made by Mr. Golboro and seconded by Mr. Crampton to make a request to the Town Council to return the Local Planning Agency designation to the Planning and Zoning Commission. Motion carried with all in favor.

A. [Proposed zoning regulations regarding medical marijuana.](#)

Mr. Castro stated he has put together some proposed language which would regulate medical marijuana should it be passed through the legislature and become adopted into law. The new proposed language would prohibit medical marijuana dispensaries and facilities within the Town of Palm Beach. If state law precludes the Town from prohibiting such use, this proposed language addresses the regulation of such facilities.

Mr. Castro stated the proposed language defines Medical Marijuana Treatment Centers, Medical Marijuana Dispensaries and Cannabis Cultivation. These definitions are proposed to be integrated into the proposed Ordinance changes. The language proposes to allow the treatment centers within only one commercial district in the Town if state law precludes the banning of such facility. Mr. Castro reviewed the criteria an applicant would have to meet to open a facility. Mr. Castro stated that the staff tried to make the language as restrictive and controlling as possible.

A discussion ensued regarding whether the Town could require these facilities to demonstrate that they would be town serving.

Mr. Scharf asked about the language that references "within one hundred (100) feet of residentially zoned property" under Distance Separation. Mr. Castro stated this item could be changed to "residential use" to make it more restrictive.

Mr. Scharf also asked about the possibility of requesting a uniformed “armed” security guard for safety reasons. He also asked about selling other items along with the medical marijuana. Mr. Castro stated that drug paraphernalia is not prohibited.

Ms. Mack asked about the site requirements for one of these facilities. Mr. Castro addressed her question.

Mr. Castro stated that Town Attorney, Skip Randolph and the Police Department look at the proposed language regarding medical marijuana. The Police Department recommended the language regarding a “uniformed” guard. Ms. Mack talked about the criminal problems in Colorado as a result of the sale of marijuana and that having an “armed uniformed” guard was a good suggestion. There was some discussion regarding recreational marijuana verses medical marijuana.

Mr. Klein asked to remove “of medical marijuana prescriptions” from number 8 on page 4 under No Drive-Thru Service/No Delivery. Mr. Castro disagreed with this suggestion. Mr. Klein also suggested to change the word “or” to the word “of” in number 12 on page 5 in “...transfer or delivery “or” marijuana, cannabis...” Mr. Castro agreed with the change.

Motion made by Mr. Crampton and seconded by Mr. Scharf for the acceptance of the draft as amended and to recommend the draft to the Town Council for approval and that they enact the language into Ordinance form. Motion carried with all in favor.

B. [Proposed zoning regulations regarding storage facilities for retail commercial uses.](#)

Mr. Castro stated that staff drafted language regarding storage facilities related to their permitted use. He stated these storage facilities would still need a special exception and Town Council approval in the current drafted language. He stated this would be a new section, Section 134-1760 and then reviewed the new language proposed with the Commissioners. Mr. Castro stated he did provide this language to John Eubanks, who represents Mr. Handelsman and did not receive any comments.

Ms. Mack stated she did not want this language to be punitive and asked for more clarification about uses of storage space. Ms. Mack asked if the “and” at the end of number 4 on page 2 could read “or”. Mr. Castro stated he could combine numbers 4 and 5 with the word “or” if the Commission wanted to make that change.

Ms. Mack asked about number 3, movement of merchandise. Mr. Castro explained why the italicized language was added as an alternative to the language in number 3.

Mr. Scharf asked what precipitated this new language regarding storage facilities. Mr. Castro explained a situation that occurred with a store on Worth Avenue. Mr. Castro stated that the storage facilities could be a permitted use rather than a special exception use.

Mr. Spaziani asked about trucks delivering merchandise and impeding traffic during business hours. Mr. Castro addressed this issue.

It was agreed upon between Mr. Klein and Mr. Castro to remove the italicized language from number 3 and to combine numbers 4 and 5 with the word “or”. Mr. Klein and Mr. Castro also discussed the benefit to seeking a special exception for this type of use.

Mr. Klein expressed the concern that the Mayor had regarding this issue. Mr. Castro addressed this issue.

Ms. Mack asked about basement space and if it is allowed to be used as storage space. Mr. Castro addressed this issue.

Mr. Klein asked about the buildings behind Taboo and other buildings in a Via that could possibly have storage use on the first floor. Mr. Castro stated he could revise the language to address these buildings and bring the language back to the Commissioners. There was more discussion on this issue.

Mr. Randolph questioned why a special exception would be needed when the criteria that needs to be met is so specific. Mr. Castro stated he would be in favor for a special exception or a permitted use. Some discussion ensued regarding this topic. Mr. Castro stated that when this issue is presented to the Town Council, he will present both the positives and the negatives for a permitted use verses a special exception.

Motion made by Mr. Scharf and seconded by Ms. Mack for the acceptance of the draft as amended as a permitted use and to recommend the draft to the Town Council for approval and that they enact the language into Ordinance form. Motion carried with all in favor.

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

Mr. Page reminded the Commission that the next meeting would be on Friday, October 14 at 9:30 a.m.

Anita Seltzer, 44 Coconut Row, asked if the proposed changes to the Comprehensive Plan would be put online so that the public could review the changes. Mr. Page stated the plan would be put online.

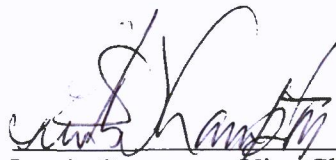
X. ADJOURNMENT

Motion made by Mr. Scharf and seconded by Ms. Mack to adjourn the meeting. Motion carried without benefit of a roll call. Meeting was adjourned at 11:14 a.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Martin Klein', written over a horizontal line.

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

A handwritten signature in black ink, appearing to read 'Lewis Crampton', written over a horizontal line.

Lewis Crampton, Vice Chair
Town of Palm Beach
Planning & Zoning Commission



Calvin, Giordano & Associates, Inc.
EXCEPTIONAL SOLUTIONS™

Memorandum

☒ **Fort Lauderdale Office** · 1800 Eller Drive · Suite 600 · Fort Lauderdale, FL 33316 · 954.921.7781(p) · 954.921.8807(f)
☐ **West Palm Beach Office** · 560 Village Boulevard · Suite 340 · West Palm Beach, FL 33409 · 561.684.6161(p) · 561.684.6360(f)

Date: September 19, 2016

To: John Page, Director
Town of Palm Beach Planning, Zoning & Building Department

From: Richard D. Cannone, AICP, Planning Administrator

Subject: Town of Palm Beach Comprehensive Plan - 2016 Draft

Project: Town of Palm Beach 2015/2016 Comprehensive Plan Update

BACKGROUND

As a result of the repealing of Florida Administrative Code Rule 9J-5 and changes to Florida Statutes in 2011, local governments have more discretion in determining whether they need to update their local comprehensive plan. As such, local governments no longer need to submit an Evaluation and Appraisal Report (EAR) to the Department of Economic Opportunity (DEO) for a sufficiency determination.

Instead, local governments must follow these new provisions:

1. At least every seven years, pursuant to Rule Chapter 73C-49, Florida Administrative Code, determine whether the need exists to amend the comprehensive plan to reflect changes in state requirements since the last time the comprehensive plan was updated.
2. Notify the state land planning agency (DEO) by letter of this determination.
3. If the local government determines amendments to the comprehensive plan are necessary, the local government shall prepare and transmit the proposed amendments to the State Land Planning Agency within one year of such determination.
4. Any local government failing to timely submit a notification letter or proposed amendments within one year of notification may not amend its comprehensive plan until it complies with the requirements.
5. The evaluation and appraisal should address changes in state requirements since the last update of the comprehensive plan and update the plan based on changes to local conditions.

The Town of Palm Beach EAR notification letter was due on April 1, 2016 and the Town notified DEO on March 15, 2016 (letters attached) that changes were needed to its Comprehensive Plan to:

1. Incorporate recent changes in Chapter 163, F.S. as a result of the "Peril of Flood" (i.e. sea level rise) comprehensive plan requirement that went into effect July 1, 2015; and
2. Strengthen policies preserving the Town's character as well as create new policies that will address development impacts from neighboring municipalities, energy planning, water conservation and allowing for Safe Neighborhood Improvements Districts.



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The Town has one year from the date of the determination letter (March 25, 2017) to prepare and transmit the proposed amendments to DEO.

SUMMARY OF UPDATES

In keeping with the original goal of the 1929 plan of the Town:

"One attractive and well managed public bath and beach, the concentration of general traffic upon a limited of number of streets, beautification without especial reference to main arteries of travel, and a system of leisurely and convenient byways free from automobiles, punctuated with gardens: this is a plan which will localize recreation seeking crowds, discourage trespassing, and provide safety and quiet for residents of Palm Beach,"

the update ensures the intent, goals and tenet's of the original and existing plan were not changed or modified in any way that would increase density, regionalize commercial areas, or degrade the high levels of community standards in place.

The majority of the updates are essentially "clean-up" items that included references that were out of date or no longer relevant. Other changes to the Goals, Objectives and Policies (GOP's) are to address the statutory changes requiring "Peril of Flood" (i.e. sea level rise) within comprehensive plan and making sure existing policies are strengthened or added to preserve the Town's character.

Outlined below is a summary of the updates made for each element along with any substantive updates:

Future Land Use Element

- Updated population and data based on latest available information.
- Deleted data and policies no longer relevant.
- Identified the intensive development occurring in downtown West Palm Beach as a concern as it relates to impacts on the Town public services.
- Clarified language and updated text to reflect the built-out nature of the Town.
- Added language reflecting the new archaeological ordinance
- Policy 5.1, added new language requiring a concurrency analysis shall be conducted prior to the approval of any application for a development order
- Policy 5.2, updated Level of Service (LOS) numbers.
- Added a new Goal 2, *"THE TOWN SHALL PROMOTE PUBLIC/PRIVATE PROGRAMS AND RELATED ACTIVITIES THAT STRENGTHEN, STABILIZE, IMPROVE AND ENHANCE NEIGHBORHOODS GIVEN THE CONFINEMENT OF THE ISLAND'S TOPOGRAPHY AS WELL AS INTRUSION OF AUTOMOBILE TRAFFIC WITHIN RESIDENTIAL NEIGHBORHOODS."*
- Added new objective and policy under Goal 2, referencing the establishment of Neighborhood Improvement and/or Safe Neighborhood District(s), where appropriate.



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Transportation

- Deleted data and policies no longer relevant.
- Updated transportation data and population information based on latest available information.
- Eliminated completed Policies and reflected the built-out nature of the Town.

Housing

- Deleted data and policies no longer relevant.
- Updated Housing data and population information based on latest available data from the U.S. Census Bureau, the State of Florida, and Palm Beach County.
- Updated text and Objectives and Policies to reflect the built-out nature of the Town.

Infrastructure

- Deleted data and policies no longer relevant.
- Updated text and data related to current infrastructure situations.
- Updated the LOS for Potable Water and Sanitary Sewer (Waste Water) based on changes from the City of West Palm, the Town's supplier of both services.
- Update text and GOPs related to the underground utilities project currently underway in the Town based on the citizen approved referendum from March 2016.

Coastal Management / Conservation

- Deleted data and policies no longer relevant.
- Updated language regarding the objectives of the Comprehensive Coastal Management Plan (CCMP).
- Strengthened language regarding submerged land.
- Established the bulkhead line in Lake Worth as the Mean High Water Line (MHWL)
- Added new policy to explore the possibility of designating the Town as an Area of Critical Concern (F.S. 380.05(3)) as it relates to the shoreline, natural and historic resources and sea level rise.
- Added new policy to ensure that the Hurricane Evacuation Model includes impacts of projects within transportation concurrency exemption zones.
- Updated language to address the "Peril of Flood" requirement by creating Objective 15 and associated policies to increase community resiliency and protect property, infrastructure, and cultural and natural resources from the impacts of climate change, including sea level rise, changes in rainfall patterns, and extreme weather events
- Added a new objective, Objective 16 to promote ways to reduce Greenhouse Gas Emissions and become more Energy Efficient. Reference the Town's Energy Efficiency and Conservation Strategy (EECS) in related policy.



Memorandum

Recreation and Open Space

- Deleted data and policies no longer relevant.
- Updated park and recreation facilities information and acreage based on the recently completed Needs Assessment and Master Plan for Seaview Park and Recreation Center.
- Added a LOS table based on current projected population data.
- Policies related to redevelopment of Seaview Park and Recreation Center and other park improvements based on the recent Community-wide survey and needs assessment for park and recreation facilities.

Intergovernmental Coordination

- Deleted data and policies no longer relevant.
- The Town's Public School Facilities Element (PSFE) has been eliminated as a result of changes in the Florida Statutes that eliminated requirements for school level of service and school concurrency and the inclusion of a Public School Facilities Element within local Comprehensive Plans. Instead the Town has added goals, objectives and policies to the Intergovernmental Coordination Element with regard to public school siting and development coordination (former Goal 2 and associated objectives and policies of the Town's previous PSFE).
- Clarified language and updated text.
- Updated Objectives and created new policies (Policy 1.2.2 – Policy 1.2.8) relative to public safety and LOS as a result of impacts spawn from development in adjacent municipalities; particularly the City of West Palm Beach and its Central Business District.
- Added a new goal, Goal 3 "*COASTAL PROTECTION AND BEACH EROSION.*"
- Added new objective and policies under Goal 3 to ensure coordinate with appropriate agencies to address sand starvation caused by the inlet, sea level rise and storm events, resulting in a dramatic and continuing eroding of the beach.

Capital Improvement

- Deleted data and policies no longer relevant.
- Updated information about current Capital Improvement Projects and the 5-year CIP tables.
- Eliminated information regarding Public School Facilities and concurrency.
- Updated the LOS for Potable Water and Sanitary Sewer (Waste Water) based on changes from the City of West Palm, the Town's supplier of both services.

Historic Preservation

- Deleted data and policies no longer relevant.
- Updated information about current number of historic surveyed properties within the Town.



Memorandum

- Update information regarding archaeological sites based on the approved Town Archaeological Ordinance.
- Eliminated information related to educational programs no longer relevant.

Public School Facilities

- The Public Schools Facilities Element is being deleted and most of its policies are being relocated to a new goal and new objectives within the Intergovernmental Coordination Element.
- These changes are the result of changes in the Florida Statutes which eliminated requirements for school level of service and school concurrency and for the inclusion of a Public School Facilities Element within the Comprehensive Plan.
- These proposed changes are also being done for consistency with the Interlocal Agreement for Coordinating School Planning between the Town of Palm Beach and the School District of Palm Beach County which is currently under review by the Town.

Monitoring, Updating, and Evaluation Procedures

- This section has been deleted in response to the elimination of Florida Administrative Code Rule 9J-5.
- Relevant monitoring, updating and evaluation procedures have been incorporated within each of the elements.

Public Safety Element (New Element)

- Created a new optional Public Safety Element with the goal of promoting the health, safety, and security of the City's residents and visitors, including in times of disasters and other emergencies.
- Included three new objectives and associated policies to:
 - Maintain and enhance a high level of safety and security for residents and visitors of the Town;
 - Implement innovative and state of the art law enforcement techniques and technologies to ensure the health, safety and welfare of residents, businesses and visitors; and
 - Reduce the exposure of life and property to hurricanes and other disasters through the planning and implementation of emergency preparedness, response and recovery plans.



TOWN OF PALM BEACH

Planning, Zoning & Building Department

March 15, 2016

Ray Eubanks, Plan Processing Administrator
State Land Planning Agency
Caldwell Building
107 East Madison- MSC 160
Tallahassee, FL 32399

RECEIVED
Bureau of Community Planning

MAR 22 2016

Div. of Community Development
Dept. of Economic Opportunity

RE: Town of Palm Beach Comprehensive Plan Amendment Determination

Dear Mr. Eubanks,

Pursuant to Chapter 163.3191(1), Florida Statutes (F.S.), this letter is provided to notify you that the Town of Palm Beach has determined that amendments to the Comprehensive Plan are necessary to reflect recent changes in Chapter 163, F.S. as a result of the "Peril of Flood" comprehensive plan requirement which went into effect July 1, 2015.

In addition, the Town of Palm Beach will seek to strengthen policies preserving the Town's character as well as create new policies that will address development impacts from neighboring municipalities, energy planning, water conservation and allowing for Safe Neighborhood Improvements Districts.

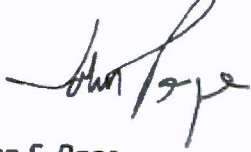
The Town intends to transmit the appropriate amendments upon completion of all updates in accordance with the requirements of Chapter 163.3191(2), F.S.

If you have any questions or comments at this time please contact:

John Lindgren, AICP
Planning Administrator
360 S. County Rd.
Palm Beach, FL 33480
Tel: 561-227-6414
jlindgren@townofpalmbeach.com

Sincerely,

TOWN OF PALM BEACH

A handwritten signature in dark ink, appearing to read "John S. Page". The signature is fluid and cursive, with the first name "John" and last name "Page" clearly distinguishable.

John S. Page

Director of Planning, Zoning & Building

cc: *Thomas G. Bradford, Town Manager*
John Lindgren, AICP, Planning Administrator

Rick Scott
GOVERNOR



FLORIDA DEPARTMENT of
ECONOMIC OPPORTUNITY

March 23, 2016

RECEIVED
Gissy P. P. P.
EXECUTIVE DIRECTOR
Town of Palm Beach
PZB Dept

Mr. John Lindgren, AICP
Planning Administrator
Town of Palm Beach
360 S. County Road
Palm Beach, Florida 33480

RE: Palm Beach Evaluation and Appraisal Notification Letter

Dear Mr. Lindgren,

This is to acknowledge receipt of your Evaluation and Appraisal Notification Letter which was due on April 1, 2016, pursuant to Rule 73C-49, Florida Administrative Code, and received by the Department on March 22, 2016.

Based on your Evaluation and Appraisal the City has determined that no amendments are needed to reflect changes in state requirements since your last update.

Please be aware that the 2015 Legislation session made changes to Section 163.3178, Florida Statutes, which requires each local government that is required to have a coastal management element to update the element to contain specific requirements related to sea level rise.

If you have any questions concerning this letter please contact me, at (850) 717-8483.

Sincerely,

D. Ray Eubanks
Plan Processing Administrator

DRE/me

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
866.FLA.2345 | 850.245.7105 | 850.921.3223 Fax
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