PLANNING AND ZONING COMMISSION
RECORD AND REPORT - DRAFT
TOWN HALL – COUNCIL CHAMBERS – SECOND FLOOR
360 S COUNTY ROAD, PALM BEACH
TUESDAY, JULY 19, 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 9:30 a.m.

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

Staff Members present were:
John Page, Director of Planning, Zoning & Building
Paul Castro, Zoning Administrator
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.

Chair Klein sent condolences from the entire Commission to Rick Pollock, who was absent due to a death in the family.

Chair Klein noted that Ms. Markin and Mr. Spaziani were absent. He stated that Ms. Watts would be voting in the absence of Ms. Markin.

Chair Klein introduced Bill Bucklew, Town of Palm Beach's Building Official, to the Commissioners.

III. APPROVAL OF THE AGENDA

Chair Klein asked that Item C, Proposed zoning regulations regarding exterior lighting standards, be moved to the first item of the agenda to accommodate Mr. Bucklew. Motion made by Mr. Golboro and seconded by Mr. Crampton to approve the agenda as amended. Motion carried with all in favor.

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

Motion made by Mr. Golboro and seconded by Mr. Crampton to approve the minutes of the April 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

C. Proposed zoning regulations regarding exterior lighting standards.

Mr. Page informed the Commissioners on how exterior lighting standards became a topic to be presented before them. He indicated that there is nothing in the current Code to address the intensity of lighting in the Town and thought this could be addressed with some regulations. He stated that Bill Bucklew had put together some regulations, which had been reviewed and recommended by the ORS Committee.

Mr. Bucklew stated that the Town has been informally enforcing some exterior lighting standards that had been put together by John Lindgren, Planning Administrator. Mr. Bucklew put together some standards that could be enforced by Code Enforcement and reviewed the standards with the Commissioners.

Ms. Watts inquired about safety and security in relationship to lighting and whether law enforcement officials would have any input on this standard. Mr. Bucklew addressed this concern and stated that security in Palm Beach is handled with cameras and alarms.

Ms. Mack asked a question regarding turtle lighting. Mr. Bucklew stated that turtle lighting is covered under a different section of the Code.

Mr. Crampton stated he thought these standards were too much and questioned whether or not they were necessary. He also stated that items under Permanent Exterior Lighting should be removed. Mr. Bucklew addressed his comments. A discussion ensued regarding these items.

Mr. Klein asked about a grandfathering provision for existing lighting. He then suggested removing the light trespassing standard and enacting only that section. Mr. Bucklew stated that all of the items were up for discussion.

Mr. Golboro's opinion was that these standards were too much and he provided his reasons. He did not think the Code needed to be changed for a few issues that could be handled on an as needed basis.

Mr. Ainslie asked if some of these issues are covered under the permitting process. Mr. Bucklew addressed this item and some discussion continued.

Mr. Klein recommended that the Light Trespassing section be enacted separately to provide Code Enforcement an Ordinance that can be sited if necessary.

Motion made by Mr. Crampton and seconded by Mr. Ainslie to take out and enact the Light Trespass section only. Motion carried with all in favor.

A. Proposed zoning regulations regarding reasonable accommodations (disabled persons in residential treatment facilities).

Mr. Castro stated that this item came from the Town Council for discussion and there is nothing currently in the Code to regulate these treatment homes. He stated that the Town cannot preclude these homes from coming into the residential districts. The Town Council's thought was that the Town could provide regulations with oversite for these facilities. The proposed Ordinance was drafted by Town Attorney Randolph. Mr. Castro explained the application process for these homes and stated that there is a public hearing process for approval and appeal process if necessary. Mr. Castro also stated that this has not been an issue to date but the Town Council would like to get something written in the Code.

Mr. Castro went over the procedure that would follow to apply for approval. Some discussion took place regarding the application and hearing process.

A lengthy discussion ensued between Mr. Castro and the Commissioners regarding the Town's ability to establish some requirements for these homes.

A lengthy discussion followed between Mr. Castro and the Commissioners about the notice provision for these homes.

Motion made by Mr. Crampton and seconded by Mr. Golboro to recommend to the Town Council to approve the reasonable accommodation procedures provision with the proviso that the proposed Ordinance is modified to include a broad notice that ensures that people within 300 feet of the proposed property are notified of the action. Motion carried with all in favor.

Mr. Page noted that this language would be provided to Town Attorney Randolph to make sure the modified language is legally allowable.

B. Proposed zoning regulations regarding medical marijuana.

Mr. Castro stated that it has not been determined if the State Law will change to allow medical marijuana or to know what possible legislation could pass in the future. However, the Town feels that it is important to address this issue now so that the Town's Ordinances could possibly be grandfathered in the event that legislation is passed. Mr. Castro stated that there are two possible facilities, a dispensary and a treatment center, that could be established. Mr. Castro also provided the Commissioners two Ordinances from Juno Beach and Palm Springs as examples and discussed these with the Commissioners.

Mr. Castro's recommendation would be that the Town prohibit both facilities unless State law precludes them from doing so and stated the Town of Palm Beach had not drafted an Ordinance to address this yet. Mr. Castro listed some of the items that he would propose to be included in the Ordinance. He stated he wanted to draft a proposed Ordinance for the Commissioners to review at their next meeting.

Mr. Castro answered some of the Commissioners questions.

Motion made by Mr. Crampton and seconded by Mr. Scharf to approve the proposed zoning regulations regarding medical marijuana and requests staff to prepare a draft Ordinance for further review by the Commissioners and Town Attorney Randolph. Motion carried with all in favor.

D. Discussion of possible Code changes governing storage facilities for retail commercial uses.

Mr. Page informed the Commission of a situation that occurred with retailer MacKenzie-Childs, who was using a storage space not adjacent to their retail space. The storage space was in a separate tenant space, which was a Code violation. Mr. Page provided the details of the situation to the Commission and stated the possibility of a modification to the Code to address these situations. This was also discussed with the Town Council.
Mr. Castro told the Commissioners that the Code does not allow for storage use and storage is not a commercial use. Mr. Castro stated that with the Commissioners and Town Council's approval, he would like permission to draft some language with conditions to modify the Code to allow this use. He provided the Commissioners some of the conditions that would be put into the draft.

Mr. Crampton suggested that some research be done to see how many businesses are violating the current Code. Mr. Castro indicated that he would be doing the research. He also indicated the intent of the language that he is proposing to draft.

Mr. Castro answered the questions from the Commissioners.

Chairman Klein indicated to Mr. Castro that no motion was needed but to begin drafting the language for storage spaces. He also added to be mindful of the Mayor's comments regarding the residential spaces on Worth Ave.

Mr. Castro added that town serving will also be added in this proposed language with help from Town Attorney Randolph.

E. **Update on revisions to the Town's Comprehensive Plan (now in progress).**

Mr. Page stated that the Town's Comprehensive Plan is currently being updated and the Commissioners will be able to review it and make comments relatively soon before it goes to the Town Council for final approval. Mr. Page provided an overview of the Comprehensive Plan strategies and the new tenants that will be added. Mr. Page indicated that he hopes that the Comprehensive plan will be available to the Commissioners in August so they will be able to discuss at the September and/or October meeting.

Chairman Klein suggested reviewing this document in October so that it is discussed during the season when most residents are in town. He also stated that the next meeting was scheduled for September 20th while the scheduled meeting in October falls on a Jewish holiday. He suggested that the date for the October meeting be moved if necessary.

Some of the Commissioners asked if the changes in the Comprehensive Plan can be underlined or marked so as to clearly see them. Mr. Page stated he would check into the possibility.

Mr. Crampton presented the possibility to his fellow Commissioners, to recommend to the Town Council that the LPA (Local Planning Agency) designation be returned to the Planning and Zoning Commission. Mr. Page addressed Mr. Crampton's proposal.

Motion made by Mr. Crampton and seconded by Mr. Ainslie to explore the process of requesting the return of the LPA designation to the Planning and Zoning Commission and for the matter to be placed on the next agenda. Motion carried without the benefit of a roll call.

Some discussion ensued regarding the history of the Comprehensive Plan and the current modification.

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

Mr. Page asked to finalize the meeting schedule and asked if September 20, 2016 was still a firm date. Chairman Klein agreed to a September 20th meeting date but stated there will be no meeting in August.

Mr. Castro stated there will be two possible zoning text amendments that will be presented in September or October at the request of the Royal Poinciana owners. He also stated these would be presented to the Town Council in August to seek their direction as well.

There was some discussion about moving the October meeting date and Mr. Page indicated he would follow up with the Commissioners by email.

X. ADJOURNMENT

The meeting adjourned at 11:22 a.m. without the benefit of a motion.

Respectfully Submitted,

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

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