PLANNING AND ZONING COMMISSION
MEETING MINUTES
TUESDAY, JUNE 15, 2021 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 Ainslie called the meeting to order at 9:29 a.m. All members participated via Zoom Webinar due to the COVID-19 situation.

Michael Ainslie, Chair	PRESENT
Richard Kleid, Vice Chair	PRESENT
Rick Pollock, Member	PRESENT
Michael Spaziani, Member	PRESENT
Eric Christu, Member	PRESENT
Marilyn Beuttenmuller, Member	PRESENT
Jorge Sanchez, Member	PRESENT
William Gilbane, Alternate Member	PRESENT
Nicki McDonald, Alternate Member	PRESENT
John Tatooles, Alternate Member	PRESENT

Staff Members present were:
Wayne Bergman, Director of Planning, Zoning and Building
James Murphy, Assistant Director of Planning, Zoning and Building
Paul Castro, Zoning Manager
Laura Groves van Onna, Historic Preservation Planner
Brad Falco, Planner 1
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.

III. APPROVAL OF THE AGENDA

Motion made by Mr. Sanchez and seconded by Mr. Spaziani to approve the

agenda as presented. Motion carried unanimously.

IV. APPROVAL OF MAY 21, 2021 PLANNING AND ZONING COMMISSION MINUTES

Mr. Pollock indicated that he had sent a modification to the minutes to Ms. Churney. Mr. Kleid indicated he had also sent a change as well. Mr. Spaziani requested that the revised minutes be sent to the Commissioners.

Motion made by Mr. Kleid and seconded by Mr. Pollock to approve the minutes of the May 21, 2021 Planning & Zoning Commission meeting as amended. Motion carried unanimously.

V. COMMUNICATIONS FROM CITIZENS – 3 MINUTE LIMIT PLEASE

There were no comments heard at this time.

VI. UPDATE ON ZONING CODE REVIEW

Mr. Bergman commented about a document on historic Code reform actions by the Planning and Zoning Commission, which had been created by Zoning Manager Castro and would be sent to all Commissioners. Director Bergman provided the history of code reform, beginning with the past Director Josh Martin, whose concept included six modules of code review. Although Mr. Martin's proposal for code reform was not approved by Town Council at that time, some work had continued. He had made a presentation to Town Council with a recommendation to spread code reform over several years, beginning by focusing on the zoning concerns of present today that involved single family residential neighborhoods primarily on the North end of the island compromised by new larger homes. Some items that would be coming before the Commission for review included: CCR, yard setbacks for first and second floors, second floor mass, lot aggregation, storm water retention, building height definitions, landscape open space, review of ARCOM responsibilities, and simplifying the code. Town Council would need to commit to the process, to hiring a planning consultant, and to a budget for code review. This work would be completed with staff, a consultant and the Planning and Zoning Commission.

Mr. Ainslie inquired about the upcoming budget and whether it was approved by the Town Council. Mr. Bergman stated that this process would be a several year process. Mr. Bergman indicated he would add money each year into the budget, and community input would be necessary.

Mr. Kleid felt working on this incrementally would be a mistake and result in a hodge-podge effect.

Mr. Spaziani agreed with Mr. Bergman that CCR was extremely confusing and he felt FAR should be used. He had a problem with shrinking setbacks, and felt that would be a taking.

Ms. McDonald was in favor of the code review and reform as outlined by Mr. Bergman. She felt community input was critical in moving forward and suggested education on massing.

Mr. Sanchez agreed with Mr. Kleid that code reform should be looked at as a whole.

Mr. Pollock agreed with Messrs. Kleid and Sanchez to look at the big picture, and thought the Commission should have benchmarks to work with and should take a global approach.

Mr. Tatooles also agreed with Messrs. Kleid, Sanchez, and Pollock. Mr. Bergman stated he would love to look at the whole picture with community input.

Mr. Gilbane fully supported a comprehensive plan, with community input, and felt rising sea levels were another reason to look at the whole picture.

Mr. Sanchez congratulated Mr. Bergman on bringing this forward. He felt it might need to be broken into substantial segments.

Chair Ainslie suggested a phased but comprehensive approach, prioritizing connected issues. He thought the main issues last time were moving too fast and negative public input. He asked Mr. Bergman to bring a prioritized list to the Commission.

Mr. Christu wanted to move forward with reform, and felt inconsistent language led to problems. He was in complete agreement that community support was paramount.

Motion made by Mr. Kleid and seconded by Mr. Sanchez that the Planning and Zoning Commission recommend the zoning code be reviewed as a whole comprehensive, prioritized review, in a phased approach over the next several years and not completed as a piecemeal approach. Motion carried 6-1, with Mr. Spaziani opposed.

Ms. McDonald discussed the past public involvement and thought this element was crucial moving forward.

VII. UPDATE ON CODE CHANGES TO THE REGULATIONS RELATED TO OUTDOOR SEATING FOR FOOD AND DRINK SERVICE

Mr. Castro reported this matter was delayed until the July Town Council meeting due to insufficient time for proper notice to be heard in June. A draft ordinance for first reading based on this Commission's input and that of Town Council would be heard by the Local Planning Agency and Town Council. Council had removed separation requirements and hours, which would be heard on a case-by-case basis. Music was still a subject for discussion.

Mr. Tatooles asked about the process of review. Mr. Castro responded Council would approve a special exception; then permits would be issued administratively.

Ms. McDonald spoke about cleanliness of the outdoor eating areas and proposed including this in the criteria. Mr. Castro pointed out where it was included.

Mr. Sanchez thought music should only be included for special occasions. Mr. Castro responded.

Ms. Beuttenmuller thought music was in the hands of Town Council to decide.

VIII. UPDATE ON CODE MODIFICATIONS FOR DOCKS AND PIERS

Mr. Castro reported the Town Council was receptive to the 30% width change recommended by Planning and Zoning Commission. Town Council had discussed sod, and asked for outreach to professionals to make sure there was proper drainage and no leaching into the waters of Lake Worth. This would be an ordinance for first reading in July.

IX. UPDATE ON PROPOSED INCENTIVES FOR LANDMARK BUILDINGS AND STRUCTURES

Mr. Bergman introduced the topic of finding additional incentives for landmarked buildings, and had found dimensional waivers already existed in the code.

Ms. Van Onna provided an update indicating staff was working on language and investigating how the waivers could be modified and improved to provide relief to projects shown as examples at the meeting in May.

Mr. Pollock suggested using non-conforming streets for the greatest impact, and used the Sea Streets as an example. He asked that future presentations include abutting properties so that impacts to neighbors could be considered.

Mr. Spaziani expressed concern with the dimensional waivers that would help increase the bulk of homes on the north end. Also, he agreed with Mr. Pollock that neighbors must be fully involved.

Ms. Van Onna reminded everyone the particular waivers were proposed only for landmarked properties.

Chair Ainslie commented the move to increase the pace of landmark analysis to 25 buildings in the upcoming year was a step in the right direction and felt it should continue to be accelerated.

X. VERBAL UPDATE ON FEMA FILL CODE CHANGES

Mr. Bergman reported staff was working on a final code update on fill to be presented to Town Council. A mathematical formula would be used to calculate the amount of fill, not to exceed 3 feet, and beyond that it would be for Town Council to decide whether it would be a waiver or zoning variance. Decisions must not conflict with the study being done by the Woods Hole Group or the drainage study being done by Kimley-Horn. Mr. Bergman anticipated a draft ordinance would be ready for Town Council in August. He expressed thanks to Mr. Sanchez for his input on fill, and for the tour he had provided. Mr. Bergman reported there were ways to be FEMA compliant by creating an enclosure in certain flood zones below base flood elevation.

Chair Ainslie had also toured the building, and inquired if the building could be built today under existing code. Mr. Bergman responded not today, but after the fill code updates and completion of the Woods Hole study, it could be built in the future.

Mr. Sanchez invited anyone on the Commission to tour the building.

Mr. Spaziani congratulated Mr. Bergman and Mr. Castro on the job they were doing. He reported he had been interviewed by world-wide Bloomberg News on how the Town of Palm Beach was addressing this issue. Chair Ainslie echoed congratulations.

XI. <u>DISCUSSION ITEM ON WOODS HOLD GROUP PROPOSAL RELATED TO THRESHOLD REQUIREMENTS FOR MEETING MINIMUM FLOOD ELEVATIONS</u>

Mr. Bergman summarized ideas from the Woods Hole Group presented at Town Council. Their plan for coastal resiliency involved a lot of seawall construction, flood proofing infrastructure, pumps, and storm water management systems. He shared their comments on new construction and major renovation projects, higher seawall designs, amount of fill for seawalls, protection from floods, substantial improvement to buildings now at 50%, and CRS rating. Mr. Bergman spoke about the possibility of reducing the 50% for substantial improvement to 25%.

Chair Ainslie indicated this was a very important subject, which involved the future of the Town. He expressed hope that reducing the substantial improvement to 25% would be considered. He asked about raising the level of roads by as much as 3 feet.

Mr. Bergman responded the investment to raise the roads would be substantial, and today the storm water management system of the Town was working if water was not standing in the roads. He explained how that system worked, which would have to be dramatically altered if roads were raised. He mentioned places where the roads had been raised and consequently, yards become flooded. Raising the roads would have a lot of problematic, short-term issues for the Town.

Ms. McDonald asked Mr. Murphy to comment on the roads that were raised in Miami.

Mr. Murphy pointed out much of Miami Beach was just above sea level; many streets were totally flooded on rainy days. He added it was also was built primarily on porous limestone so that water also percolated up from the ground.

These were not the case with Palm Beach. He reported many unhappy residents, since with streets raised, private property became flooded. The City was looking into ways to fix this and planned to raise all streets by some point in the future to 5.2 NGVD.

Mr. Kleid asked the impact of state-owned roads, which was unknown.

Chair Ainslie asked about going from the 2-inch retention rule to a 10-year storm level. Mr. Bergman responded CRS recognized a minimum 10-year design storm of one day, equal to 9 inches of storm water, so to go from 2 inches to 9 inches storage on a property was dramatic. However, it was all done underground through exfiltration. It could be done but would have an economic impact to development.

Mr. Sanchez commented Miami Beach was very dissimilar to Palm Beach; also, Public Works had done an incredible job for the Town in making flood improvements.

Chair Ainslie commented on the new ordinance allowing 50-year-old houses to be renovated without being elevated. He suggested review at an upcoming meeting of the scope and scale of this issue. Mr. Bergman advised these were contributing buildings, and explained many other communities already had this benefit. He explained being 50 years old was only one requirement and there were homes that age that would not qualify for this designation. He added it was the owner's choice whether to elevate when renovating.

Chair Ainslie asked for more complete review at a future meeting.

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

Mr. Pollock asked when meetings would be in person again, to which staff responded the month of September.

Mr. Spaziani suggested members listen to the Town Council meetings, and commented it really helped him prepare for the Commission meetings. Chair Ainslie agreed.

XIII. ADJOURNMENT

Motion made by Mr. Pollock and seconded by Mr. Kleid to adjourn the meeting at 11:06 a.m. Motion carried unanimously, 7-0.

Respectfully Submitted,

Michael Ainslie, Chair
Town of Palm Beach
Planning & Zoning Commission