PLANNING AND ZONING COMMISSION
RECORD AND REPORT - Draft
TOWN HALL – COUNCIL CHAMBERS – SECOND FLOOR
360 S COUNTY ROAD, PALM BEACH
TUESDAY, MAY 19, 2015, 09:00 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 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

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

Susan Markin, Chair	PRESENT
Michael Jay Scharf, Vice Chair	PRESENT (arrived at 9:40 a.m.)
Jeffrey A. Cloninger, Member	PRESENT
Lewis Crampton, Member	PRESENT
Carol Mack, Member	PRESENT
Floyd Wideman, Jr., Member	PRESENT
Martin I. Klein, Member	PRESENT
Michael Vincent John Spaziani, Alternate Member	PRESENT
Susan Watts, Alternate Member	PRESENT
Rick Pollock, Alternate Member	PRESENT

Staff Members present were:
Veronica Close, Assistant Director of Planning, Zoning, Building
Paul Castro, Zoning Administrator
Debby Morakis, Secretary to the Planning and Zoning Commission

II. INVOCATION AND PLEDGE OF ALLEGIANCE(09:31:41 AM)

Ms. Morakis led the Commission with the Invocation and Pledge.

III. APPROVAL OF THE AGENDA (09:16:42 AM)
MOTION BY MR. WIDEMAN FOR APPROVAL OF THE AGENDA.
MOTION SECONDED.
MOTION CARRIED UNANIMOUSLY.

IV. APPROVAL OF APRIL 21, 2015 PLANNING AND ZONING COMMISSION MINUTES (09:16:52 AM)
MOTION BY MR. KLEIN TO APPROVE THE MINUTES OF THE APRIL 21, 2015 PLANNING AND ZONING COMMISSION MEETING.
MOTION SECONDED BY MR. CLONINGER.
MOTION CARRIED UNANIMOUSLY.

V. PROPOSED ZONING TEXT AMENDMENTS REGARDING SUPPLEMENTAL, OFF-SITE SHARED PARKING (09:17:01 AM)

Chair Markin addressed the Commission regarding her recent annual report presentation given to Council where she summarized the actions of the Commission over the past year. Ms. Markin explained that the Commission had provided Council with the opportunity to tighten the zoning code and comprehensive plan by recommending a supermajority vote be required to approve variances, zoning text changes and comprehensive plan changes. That recommendation was not approved by Council. The Commission also recommended that the supermajority vote be approved as a charter change; and, that was also not approved by Council. The Commission also provided the Council with 14 ideas for further study related to parking issues in Town. Council approved only one – shared parking. Ms. Markin added that staff brought several clean-up matters to the Commission for approval last year including changes to Chapter 134 regarding language relative to reconstruction of nonconforming buildings that were involuntarily demolished; changes to temporary political signage requirements; and, an amendment to the zoning code to allow public parks in the C-TS district as a correction; all were approved by this Commission and Council.

For the benefit of the Commission, Ms. Markin read her statement into the record of additional comments made to the Council. Mr. Crampton requested, and it was agreed, that the Commission would be provided a copy of Ms. Markin's report and Mr. Cloninger stated that he felt it was a very good presentation.

Paul Castro, Zoning Administrator, stated that staff provided the Commission with a 15 page report as part of its' backup for this meeting and explained that staff had done research and contacted American Planning Association Planning Advisory Service who provided an extensive amount of information. Mr. Castro explained the concept of shared parking was to be able to share parking in order to alleviate parking pressures with businesses that don't conflict in their hours of operation and the intensity of uses. (For the record, Mr. Scharf arrived at 9:40 a.m.). Mr. Castro explained that what is being proposed would provide more flexibility for off-site shared parking. An executive summary of what was trying to be accomplished within the existing regulations to allow shared parking within 1500 feet of a parking lot was provided. Mr. Castro explained in detail several other key aspects of the proposal which would include: conditions to allow for shared parking; a one-time user permit fee; a requirement that the property owner obtain a business tax receipt to operate the parking lot business and as a condition of approval the owner would also be required to enter into an agreement with the Town letting the Town know where the spaces were in the lot, the number of spaces; and, at renewal of the business tax receipt, the requirement to provide a list of who was using the lot. It was noted that since it is an administrative approval, if there were three written complaints the parking could be revoked by the Director of Planning, Zoning and Building. If the parking were revoked, the property owner would have the ability to apply for a special exception through Council, but, Council could place other conditions on the property owner to mitigate those complaints. By changing the definition of supplemental parking, it would allow property owners to seek off-site parking on other lots without having the required parking first. Mr. Castro explained that a five-year sunset provision was also being proposed.

Chair Markin asked that history be provided to the Commission explaining why the department did not want to allow shared parking in the past. Mr. Castro explained that shared parking was allowed but in a more narrow concept. Staff had received complaints that people were using lots not authorized by the Town, all off-street parking had to be on your property first before you could use off-site parking.

Mr. Crampton complimented staff on a great summary and asked who would be responsible to pay the fees associated with the spaces. Mr. Castro explained that it would be the responsibility of the property owner who was providing the supplemental spaces to pay any fees. Discussion continued and Mr. Castro further explained the provision for revocation after three complaint letters were received in 12 months.

Attorney Randolph addressed the Commission and explained that he felt there ought to be an appeal provision included before the special exception provision. Mr. Castro explained that Chapter 134 included an appeal provision for any staff approvals. Discussion continued and Mr. Castro stated there could be a cross-reference included in the language.

Comments were heard from Mr. Cloninger who asked if this was all meant to be supplemental to and not as a replacement of required parking per code. Mr. Castro answered affirmatively and explained that up to 35% of a lot could be leased to other people with similar hours of operation. Discussion continued.

Ms. Mack stated that she felt the report was well written and asked how this would affect a business who established its business plan based on the availability now on a shared parking plan and what if it that plan were revoked after five years. Mr. Castro explained that any shared parking in existence once this provision sunsets would be grandfathered. Comments were heard from Attorney Randolph who acknowledged that the sunset provisions would deal only with anything going forward.

Mr. Klein stated that he felt the regulations should sunset in five years but any leases in place would remain valid for the term of the lease. Mr. Castro agreed. Ms. Mack asked what area staff felt this would most benefit and Mr. Castro answered that he felt Worth Avenue, Sunrise and Sunset Avenues would benefit most. Discussion continued. Mr. Castro explained the direction staff received from Council and the Commission was to try to provide some flexibility as it relates to the shared-parking concept.

Attorney Randolph stated that he had a real concern with someone being able to lease out required parking. Mr. Cloninger asked if this could be written so that it could only be on the surplus amount of parking. Mr. Castro stated that there was no surplus parking in Town. Mr. Castro explained that a use could not be intensified by using off-site parking. Mr. Cloninger stated that he would be in favor of shared parking if the hours didn't conflict. Ms. Markin commented about the restaurants on Worth Avenue being able to use the surplus spaces at night. Mr. Castro stated that he felt the concern had been to solve the on-street parking issues that were occurring mostly during the daytime. Mr. Castro explained that as the code is currently written, anyone could use someone else's parking lot if they don't have conflicting hours but that would require Council approval. Mr. Scharf asked if staff had considered basing the fees on the number of spaces leased or as a percentage of the rent collected. Mr. Castro stated that the fee would be an administrative user fee based on the amount of staff time involved. The business tax fee would be based on the fee schedule. Discussion regarding fees continued.

Mr. Klein commended staff on its proposal and added that he liked that the proposal was experimental and would sunset and asked if there was a way to limit this to prevent leasing out required parking. Mr. Castro addressed those concerns and added there could also be a problem with enforcement.

Attorney Randolph added that this language could be drafted in such a way as to not allow it to be long-term and with approvals granted on a year to year basis. Mr. Castro stated that staff could amend the language and bring back two versions for further consideration, one with a sunset provision and one with agreements for year to year approval. Discussion continued.

Raychel Houston, Code Enforcement Manager, addressed the Commission explaining that she felt this would alleviate some of the night time problems encountered with valet permits. Discussion continued and Ms. Houston answered questions regarding enforcement.

Ms. Watts asked if this proposal could be targeted to only certain areas and garages and Mr. Castro stated that he felt it could but would not need to be.

After comments were heard from Mr. Pollock, Mr. Castro stated that subleasing required parking would not be permitted. It was suggested that staff redefine conflicting hours of operation. Discussion continued. Mr. Castro summarized stating that he would bring back to the Commission for consideration the same language in the code today regarding shared parking and conflicting hours of operation; creating an administrative process instead of a council process, with the same appeal and three-strike rule to revoke; adding the ability to go to Council for approval of a special exception with conditions. Mr.

Castro stated that he would include language that would make certain there is no ability to intensify a use or build or construct and use someone else's off-site parking, even if no conflicting hours of operation. Mr. Castro stated that he would bring back two versions, one with a 2020 sunset provision and one without a sunset provision; and, add a statement that these would be approved on a year to year basis.

Discussion continued and Ms. Markin suggested staff look at Worth Avenue as a trial case for those with conflicting hours. Mr. Castro stated that would not be possible and Attorney Randolph stated that he felt that could create a chaos but it could be looked at. Mr. Crampton stated that he felt it was a good idea. Discussion continued. Mr. Castro stated that he felt the proposed language could be modified in such a way as to satisfy the Commission and Attorney Randolph. Comments were heard from Ms. Houston regarding the advantage for valet companies to purchase parking in one area. Chair Markin recommended staff proceed with the proposal summarized by Mr. Castro.

Ms. Watts commented that she felt staff did a brilliant job. Mr. Cloninger stated that he felt the issuance of a business tax receipt in certain districts ought to be tied to employee parking. Attorney Randolph noted that the issuance of business tax receipts is regulated by State Statute and that requiring that condition be placed on the business tax receipt might be problematic. Discussion continued and Attorney Randolph noted there would be no problem in conducting a survey. Mr. Castro stated that he would take it to Council and ask for direction.

Chair Markin stated that she hoped that the Commissioners could each give thought to being pro-active and each come up with one idea on how to make the quality of life for the Town's residents better, under the umbrella of zoning.

VI. COMMENTS FROM PLANNING AND ZONING COMMISSIONERS AND THE PLANNING, ZONING AND BUILDING ASSISTANT DIRECTOR (10:53:31 AM)

Mr. Cloninger asked about the upcoming schedule and Chair Markin noted there would be a Commission meeting on June 16. Mr. Castro noted there would be other business including swing-sets and basketball goals on the agenda, but, perhaps no need to meet in July or August.

VII. ADJOURNMENT

MOTION WAS MADE BY MS. MACK TO ADJOURN AT 11:11 A.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