PLANNING AND ZONING COMMISSION AND LOCAL PLANNING AGENCY
RECORD AND REPORT
TOWN HALL – COUNCIL CHAMBERS – SECOND FLOOR
360 S COUNTY ROAD, PALM BEACH
TUESDAY, FEBRUARY 19, 2013, 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 (tape or CD) 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 (9:30:34 a.m.)

Chair Rose called the meeting to order at 9:30 a.m. On roll call, Commission Members present were:

C. Tanner Rose, Chair
Floyd Wideman, Member
Martin Klein, Member
Lewis Crampton, Member
Bobbie Lindsay Buck, Member
Jeffrey Cloninger, Alternate Member
Bruce Langmaid, Alternate Member
Thomas Greenbaum, Alternate Member

Commission Members absent were:
Leslie Shaw, Vice Chair (unexcused)
Eugene Lawrence, Member (pending)

Staff Members present were:
John Page, Director of Planning, Zoning, Building
Paul Castro, Zoning Administrator
Debby Morakis, Secretary to the Planning & Zoning Commission

For the record, Alternate Members Cloninger and Langmaid voted due to the absence of Messrs. Shaw and Lawrence.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. APPROVAL OF THE AGENDA (9:38:35 a.m.)

MOTION BY MR. KLEIN FOR APPROVAL OF THE AGENDA.
MOTION SECONDED.
MOTION CARRIED UNANIMOUSLY WITHOUT BENEFIT OF A ROLL CALL.

IV. COMMENTS FROM THE PUBLIC ON ANY ITEM NOT ON THE AGENDA (9:38:36 a.m.)

No comments from the public were heard at this time.

V. APPROVAL OF JANUARY 15, 2013 PLANNING AND ZONING COMMISSION/LOCAL PLANNING AGENCY MINUTES (9:38:42 a.m.)

Chair Rose requested the minutes be amended on page 5 to reflect that Ms. Buck would be the liaison to the Southeast Florida Regional Climate Change Compact, and, that Mr. Crampton, in his capacity as Chair of the West Palm Beach Sustainability Program, would report to the Commission.

MOTION BY KLEIN FOR APPROVAL OF THE MINUTES AS AMENDED.
MOTION SECONDED BY MR. LANGMAID.
MOTION CARRIED UNANIMOUSLY WITHOUT BENEFIT OF A ROLL CALL.

VI. UPDATE BY TOM BRADFORD, DEPUTY TOWN MANAGER, ON THE PARKING STUDY FOR THE SOUTH COUNTY ROAD AREA (9:39:40 a.m.)

Tom Bradford, Deputy Town Manager, addressed the Commission explaining that in December 2012 he went to Council with the findings of Staff and representatives of the South County Road Association; having looked at the configuration of parking in the commercial area from Seaspray Avenue to Peruvian Avenue including intersecting side streets to the extent commercial properties would ran east and west along those side streets. In his report to Council, Mr. Bradford provided parking configurations that fell into three categories based on cost. The first category was at no cost, the second category was at a minor cost, and, the third category was at a higher cost because it would require traffic engineering to ascertain if it was doable under State DOT rules and regulations.

Mr. Bradford stated that Council was not interested at that time in spending a great deal of money so they focused on Categories 1 and 2. Mr. Bradford explained that Category 1 consisted of the funding for traffic engineering and parking that Council had allocated to the Centennial Commission for the Legacy Project, and, as staff liaison to the Centennial Commission, Mr. Bradford stated that he knew they were considering adding approximately 20 parking spaces along the corridor between Brazilian Avenue and Chilean Avenue through reconfiguration of the streets and alteration of existing parking.

Mr. Bradford explained that Category 2 items were low cost and included a modification to the Police Department parking lot to add up to 5 spaces in the rear of that building to get that many vehicles of Australian Avenue; addition of three spaces of hourly parking in the

100 block of Chilean Avenue because of a glitch discovered in how 151 Chilean Avenue was categorized by the Property Appraisers office; modification of one space on Peruvian Avenue; addition of signage in the 200 block of Peruvian Avenue for extra parking; and, possibly adding parking at Phipps Plaza. Mr. Bradford explained that excluding Phipps Plaza, those actions would add approximately 30 spaces in the area.

Mr. Bradford explained that at the last Planning & Zoning Commission Meeting he was asked to come back to describe the residential parking program with a map and also provide information regarding the ticket pricing and revenue raised. Mr. Bradford stated the net increase in revenue for the 9 months since the rate went into effect was $208,000.00, noting that the extra money was earmarked by Council for beach renourishment and coastal management.

Mr. Wideman asked if anyone with the Town had spoken with Wells Fargo about using the empty spaces behind their building and Mr. Bradford stated that during this study they did not but those spaces were counted through an aerial survey. Mr. Bradford added that he felt that had been discussed in years passed.

Mr. Crampton asked how many parking spaces were available in the Royal Poinciana area, the Worth Avenue area, and, in the entire Town. Mr. Bradford stated that he thought it was approximately 300 in Royal Poinciana area, he was unsure of how many in the Worth Avenue area, and, that there were approximately 2400 spaces in the Town. Questions were raised about the use of a "lock box" account to protect the earmarked funds and Mr. Bradford explained that the Florida uniform accounting code would allow a lock box account to be created, but, the legislative body would be able to amend it.

Bruce Langmaid asked if tandem or lift parking had been considered and Mr. Bradford stated that it had been touched upon during the town-wide parking and traffic study done in late 2006 but was determined to be very costly.

Mr. Cloninger commented that he felt the parking situation would not improve until a parking lot was purchased across the bridge for employees. Mr. Cloninger stated that it bothered him that parking tickets were being used as a revenue source and that he felt it was bad for business. Mr. Bradford stated that Council had earmarked the extra money raised to go towards beach renourishment and a brief discussion ensued. Mr. Cloninger added that he felt it was wrong for the Town to increase its revenue base via parking.

Comments were heard from Tom Greenbaum who asked where the 30 spaces found were coming from and Mr. Bradford explained they would come from the realignment of South County Road in front of Café L'Europe, from side streets, changing signs and the reconfiguration of existing parking.

Chair Rose stated that he felt it was nice if the Town was making a profit on tickets but the effort should be placed on helping businesses in the Town square area.

Ms. Buck asked what the total parking revenue was and Mr. Bradford answered that he felt it was approximately $800,000.00. Ms. Buck explained that she felt differently than Mr. Cloninger about employee parking and that she felt it was important to provide parking near work. Ms. Buck suggested a parking lot for public safety vehicles and that idle police cars be stored off the street or in another neighborhood. Ms. Buck also suggested the Town consider arranging to use the parking lot behind the Church Mouse for employee parking during the off-season.

Mr. Cloninger stated that his point was that employees should not be taking the spaces for customers and added that he felt it should be a Town requirement upon issuance of a Business Tax Receipt that employers demonstrate they can provide sufficient parking for their employees.

Mr. Klein stated that he supported the stationing of police vehicles around Town as a crime deterrent and that he felt this was not the correct forum for debating the use of parking ticket revenue.

Chair Rose stated that he felt a number of people were hear to listen to an update of the proposed PUD-5 and suggested the agenda be modified to allow that discussion to take place first. No motion was made.

VIII. UPDATE ON THE PROPOSED PUD-5 ZONING TEXT AMENDMENTS AND COMPREHENSIVE PLAN AMENDMENTS (9:55:57 a.m.)

John Page, Director of the Planning, Zoning and Building Department, provided the Commission with an update and results of the Royal Poinciana Way Committee actions explaining that the Committee recommendations would be presented to Council in March. Mr. Page stated the Committee's emphasis was on the preservation of the character of the area. Design Guidelines were prepared for use by Staff, the Commission, and, Council to make certain that any new development would comply and resemble the existing character of the block. The existing C-TS zoning would remain intact and owners would have the option of using either the C-TS zoning regulations or PUD-5 regulations for development or redevelopment. Mr. Page explained that off-street parking regulations and building set-backs would be relaxed in the PUD-5 regulations; permissible density would be 10 residential units per Palm Beach acre with a maximum of 13 if all required parking was in a sub-basement or existing density was decreased by at least 50%; building height regulations would be limited to two stories by right, three stories by special exception; maximum lot coverage would be 70% for the first and second stories and 35% for a third story; vias and public open space would be strongly encouraged; permissible land uses would remain in character with the existing C-TS area. Mr. Page stated that several changes to the Comprehensive Plan would be required and would have to be made and approved by the State before any zoning ordinance amendments could be approved. Mr. Page stated that should Council decide to move forward, the Comprehensive Plan changes and zoning text amendments would appear on a future agenda of the Planning and Zoning Commission. Mr. Page noted that the Landmarks Preservation and Planning & Zoning Commissions would both review PUD-5 applications before being approved by Town Council.

Mr. Page noted that the Royal Poinciana Way Committee took separate votes and unanimously approved both the Contributing Buildings Report and Design Guidelines. Mr. Page added that the PUD-5 draft ordinance was recommended by the Committee by a 6-1 vote, and, the Committee's recommendation would be presented to Council in March. If approved by Council, the draft ordinance would be referred to the Planning & Zoning Commission and eventually the Comprehensive Plan Changes would go to the State.

Michael Pucillo, 224 Dunbar Road, Chair of the Royal Poinciana Way Committee, briefly addressed the Commission and stated that Mr. Page had provided a good summary. Mr. Pucillo added that in the PUD-5, a 30% mandatory public open space would also be required and would encourage vias and courtyards. Mr. Pucillo spoke briefly about 3 properties on the street that if developed under the PUD-5 would result in a net decrease in density. Mr. Pucillo offered to come back to the Planning & Zoning Commission with a detailed report should Council approve the PUD-5.

Chair Rose added that the PUD-5 would also require vias to go through to Sunset Avenue; no curb cuts would be allowed on Royal Poinciana Way; and, included a lot of language that would preserve the present look of the north side of Royal Poinciana Way.

VII. DISCUSSION BY THE COMMISSION ON POSSIBLE FUTURE AGENDA ITEMS (10:15:23 a.m.)

Chair Rose asked the Commission to provide suggestions for possible future agenda items.

Tom Greenbaum provided the Commission with suggestions that included the creation of a definition for, and, the statistical analysis of the value of parking; consider the purchase of a lot for parking; and, consider the creation of an entertainment district for piano and karaoke bars. Mr. Greenbaum commented about vacancies in the area and comments were heard from Mr. Cloninger who stated that he felt there was not a lack of potential tenants for the area but it was an economic issue and the property owners sometimes chose to wait for higher rents.

Chair Rose commented that much time had been spent by the Commission looking at parking, making suggestions to Council, but, ultimately Council chose not to spend money. Mr. Klein suggested that Staff provide the new Commission Members with the parking study and survey that was previously done. Mr. Rose suggested that new Members also listen to the recordings of the previous meetings.

Mr. Langmaid noted the heavy construction traffic and noise in the north end of the island and suggested the Town consider review of construction hours for contractors and notify Town residents of the regulations regarding construction parking. Mr. Castro explained that demolition permits were now limited and Mr. Page explained the three strikes rule that applies to construction parking permits, and, explained other recent changes to Code that regulate construction hours, time limits and noise.

Comments were heard from Mr. Cloninger regarding the PUD-5 and Comprehensive Plan and Chair Rose noted that no discussion on the PUD should take place. Mr. Cloninger noted that he sees both green signs and black signs of varying sizes all over Town and suggested the Commission consider looking at a uniform sign regulation. A brief discussion ensued and Mr. Page briefly explained the involvement with signs of both the Public Works Department and Department of Transportation, and, Mr. Castro noted that it would be the responsibility of Tom Bradford and the Ordinances, Rules and Standards Committee to regulate signs as part of the Town's Right-of-Way Manual.

Mr. Crampton suggested the Commission, as the planning body, consider two broad issues: planning for economic development incentives and planning for sea level rise through global change. Mr. Crampton spoke about the success seen on Worth Avenue and suggested the same methods be applied to the Royal Poinciana Way area. Mr. Crampton commented that he felt the Town needed to develop a storm resiliency plan; assess a sea wall program and codes regarding sea walls; look at beach management programs; and, participate with organizations like the Climate Compact.

Mr. Wideman suggested the Commission look at potable and non-potable water; waste disposal; and, traffic issues. Mr. Wideman stated that he felt the Town needed to stay within the Comprehensive Plan and be conscious of changes that impact density, traffic and parking. Comments were heard from Chair Rose, and, Mr. Page explained that Council and the Water Committee had been working with the City of West Palm Beach to arrange a stable, long-term agreement to address quality and conservation issues. Mr. Page briefly spoke of advanced irrigation regulations and desalinization.

Mr. Klein suggested staff provide the new Commission Members with a brief summary explaining previous efforts by the Commission, Staff and Council to study items being suggested. Mr. Klein suggested the Commission look at the Worth Avenue Design Guidelines to determine if they need to be updated; look at classification and applicability of existing zoning districts; the religious freedom act, cell phone tower siting; review Gainesville and Arlington parking plans regarding guest parking; review with Mr. Bradford the limit imposed by Citizen's Insurance for windstorm insurance coverage.

Ms. Buck distributed to the Commission a copy of an article regarding coastal damage from sea level rise as well as a list of suggestions for future agenda items including creating an action plan for the island and determining the Town's role such as education and code review to encourage a reduction in energy, water use, carbon footprint of new homes, and, improvement to the permitting and inspection process. Ms. Buck shared details of her experience during a recent construction project and offered suggestions for improvement.

Chair Rose thanked the Commission for their suggestions and Mr. Page asked that Staff be provided a copy of all handouts. Chair Rose stated that he was pleased with the list of topics but was unsure they were all within the purview of the Commission.

Chair Rose offered an opportunity for public comment but none were heard.

Paul Castro, Zoning Administrator, provided the Commission with a list of suggestions including: study the provisions in the zoning code and possibly the comprehensive plan related to the prohibition of three story residential units; add a definition for attic; modify the definitions of "habitable space", "story", and, "basement"; study allowing signs in certain situations were a commercial tenant space does not front a street and the parking for the tenant space is not fronting a street; study the definition of "lot" to address those lots where a bulkhead or seawall exists; look at the definition of "Business Identification Sign" as it relates to what constitutes such sign, including advertising; look at the language in 134-2438 as it relates to business identification signs and the wording to add "only the name and/or nature of business"; study veterinarian services, including grooming and boarding.

Mr. Page stated that he would organize the entire list and provide an update for the Commission at the next meeting.

IX. COMMENTS OF THE PLANNING AND ZONING COMMISSION AND PLANNING, ZONING AND BUILDING DIRECTOR (11:10:52 a.m.)

Mr. Page noted that the PUD-5 would be presented to Council in March and could come back to the Commission in April or May. Mr. Page also reminded the Commission that at the March meeting, election of Chair and Vice Chair would take place.

X. ADJOURNMENT (11:10:53 a.m.)

MOTION BY MR. WIDEMAN TO ADJOURN AT 11:15 A.M.
MOTION SECONDED BY MR. CRAMPTON.
MOTION CARRIED UNANIMOUSLY WITHOUT BENEFIT OF A ROLL CALL.

Respectfully Submitted,

C. Tanner Rose, Chair
Town of Palm Beach
Planning & Zoning Commission

Leslie A. Shaw, Vice Chair
Town of Palm Beach
Planning & Zoning Commission