PLANNING AND ZONING COMMISSION
RECORD AND REPORT
TOWN HALL – COUNCIL CHAMBERS – SECOND FLOOR
360 S COUNTY ROAD, PALM BEACH
TUESDAY, FEBRUARY 17, 2015, 09:30 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 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 (09:30:00 AM)

Susan Markin, Chair
Michael Jay Scharf, Vice Chair (arrived at 9:45 a.m.)
Jeffrey A. Cloninger, Member
Lewis Crampton, Member
Carol Mack, Member (left at 12:43 p.m.)
Floyd Wideman, Jr., Member
Michael Vincent John Spaziani, Alternate Member
Susan Watts, Alternate Member
Rick Pollock, Alternate Member

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

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE (09:31:19 AM)

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

III. APPROVAL OF THE AGENDA (09:31:38 AM)

Chair Markin called for a motion to approve the agenda.
MOTION BY MR. WIDEMAN TO APPROVE THE AGENDA. MOTION SECONDED BY MR. CRAMPTON. MOTION CARRIED.

IV. APPROVAL OF JANUARY 20, 2015 PLANNING AND ZONING COMMISSION MINUTES (09:31:50 AM)

Chair Markin requested two corrections be made to the minutes to clarify her comments relative to Mr. Handelsman's parking facility comments and to her comments related to political signs.

MOTION BY MR. WIDEMAN TO APPROVE THE MINUTES WITH THOSE CHANGES. MOTION SECONDED BY MR. CRAMPTON. MOTION CARRIED.

It was noted for the record that both Alternate Members Spaziani and Watts would vote due to the absences of Ms. Moore and Mr. Scharf.

Chair Markin called for public comment. Bob Moore of 318 Bunker Ranch Road, West Palm Beach, addressed the Commission stating that he believed a parking garage on the Peruvian Avenue lot would be a divisive issue for the Town. Mr. Moore noted that he currently worked as a consultant for both the new owners of 150 Worth Avenue and Neiman Marcus. Mr. Moore added that Neiman Marcus had agreed in their Declaration of Use Agreement to provide extra parking for evening uses for restaurants in the area; maintained a record of the number of spaces used daily and found only twice per year those garages were full; and, had also agreed to never charge more than what the Apollo Lot would charge for shared parking in their parking structure. Mr. Moore added that he felt it would be easier to change some verbiage in the zoning ordinance than to rezone a property or change the Comprehensive Plan to allow parking garages on the Peruvian Avenue lots. Mr. Moore suggested the Commission consider for the Worth Avenue area a further study or re-study of the permit parking that is allowed, the underutilization of it, and, the concept of whether or not the Commission could consider and find it acceptable to recommend to the Council that the real parking problem on Worth Avenue had been identified as the employees that park on the Avenue. Mr. Moore suggested that limited additional parking at the 150 Building or the Neiman Marcus Building could be made available for a reasonable fee to employees with a valid voluntary employee ID card.

Chair Markin called for comments from the Commission Members. Mr. Spaziani stated that he had asked Mr. Bradford to come up with some numbers for adding meters and kiosks on Worth Avenue. Mr. Moore noted that had been discussed with Council in the past when Worth Avenue was redone and Council elected not to add meters at that time. Rick Pollock stated that he disagreed with adding meters on Worth Avenue and felt it would discourage people from shopping on Worth Avenue since free parking was available at other malls in the area. Mr. Moore agreed. Chair Markin noted that the Commission recently came to the conclusion that there was not a shortage of spaces on Worth Avenue but there was an implementation issue.

Discussion continued regarding Council's decision to not install meters on Worth Avenue and it was noted that both merchants and residents had been opposed to meters. It was also noted that the Town planned to change out the meter system currently being used. Chair Markin spoke about other ideas that had been discussed including the implementation of parking zones; and, a proposal that had been made that would require businesses to provide evidence of available parking upon issuance or renewal of a business tax receipt. Mr. Moore noted that litigation had prevailed and the Town could not force employees to obtain an ID card.

Comments were heard from Mr. Cloninger who stated that he thought Mr. Goodman did not want to lease spaces to anyone other than his tenants. Mr. Moore noted that he thought the Ordinance would have to be modified to allow this type of shared parking. Mr. Cloninger stated that he felt a perfect solution would be a combination that would allow the owners to allow the parking to be used by others, a code change that would permit this shared parking, and paid parking as suggested by Mr. Spaziani.

Mr. Crampton asked Mr. Moore to prioritize his top three recommendations. Mr. Moore stated that he felt the first priority would be permit parking shared by employees in the immediate vicinity; second priority would be recommendations to Council for modifications to the ordinance to allow some other form of shared parking; and, third would be the parking meters. For the record, Chair Markin asked if Mr. Moore had any clients he was working with regarding shared parking. Mr. Moore answered that his clients were Renato's and The O'Connor Group, the owners of 150 Worth Avenue.

John Corey of 327 Barton Avenue addressed the Commission suggesting more standardized signs be used for parking on Worth Avenue; a cost be added to parking on Worth Avenue; and, added that he felt the Town should always protect the parking in front of residents' homes.

Tom Bradford, Town Manager, addressed the Commission and provided a brief history of paid parking in the Worth Avenue district, explaining that Council had considered a parking improvement district but merchants were not in favor.

Chair Markin invited questions from the Commission. Mr. Scharf asked if there was any data available about the number of employees parking on Worth Avenue.

Mr. Bradford summarize the work being done by the Parking Committee and explained the Town's parking kiosks were reaching the end of their useful life. The Town had been notified that AT&T was going to discontinue 2G cell service on March 31. Mr. Bradford stated that he believed the cell service at the kiosks could be switched to T-Mobile 2G service at no cost or for approximately $30,000.00 the Town could switch to AT&T 3G service. Mr. Bradford explained that staff had concluded kiosks would no longer be needed if the Town switched to a pay-by-phone system and explained the Town was currently testing a pilot program on South Ocean Boulevard which allows only credit card payments. Mr. Bradford said that once testing was concluded, staff would bring this to the Commission for its recommendation to Council.

Jeff Cloninger stated that the idea of a pay-by-phone system alarmed him and felt it would restrict parking to people with cell phones only. Mr. Cloninger added that he would be in favor of a pay-by-credit card program. Mr. Bradford stated that he would recommend a pilot program for testing. Discussion continued.

Mr. Scharf noted that the City of West Palm Beach was using a pay-by-phone system successfully. Ms. Markin added that she felt the difference in demographics between West Palm Beach and Palm Beach would make a pay-by-phone program difficult to implement. Ms. Watts added that she had suggested in the past a resident parking sticker program which would relieve some issues with cell phone use.

Paul Castro, Zoning Administrator, spoke to the Commission regarding the shared parking concept which has been in the code since 1996, noting the reason Council approval is required is due to its impact to the neighbors. Mr. Castro cautioned the Commission that allowing more parking in the Esplanade lot might generate more complaints from neighbors. Discussion continued regarding valet parking in the Neiman Marcus lot. Chair Markin noted that she felt both shared parking and adding parking meters on Worth Avenue each had inherent problems.

Raychel Houston, Parking Enforcement, addressed the Commission regarding the misuse of the residential parking program by some employees; adding that residents found in violation lose both their visitor placards, parking decals and permits. Ms. Houston added that a zoned parking concept had been presented to Council in 2007. Mr. Bradford explained that zoned parking had been adopted by Council but staff was told by Council not to implement it. Discussion continued and it was noted that the Town could not require as part of the business tax receipt program that employers provide parking for employees. Mr. Scharf suggested staff go into each establishment on Worth Avenue to determine where each employee parks. Mr. Wideman spoke in favor of a parking sticker program for residents.

V. CONSIDERATION OF ROYAL POINCIANA WAY AREA COMMERCIAL EMPLOYMENT AND ON-STREET AND OFF-STREET PARKING INFORMATION **(10:44:44 AM)**

Discussion shifted to the Royal Poinciana Way area. Mr. Castro explained the data collected for his report and noted some of the frustration he heard from businesses in the area was that there was no designated area for employees to park; and, a sticker program for employees to park on the south side of the median on Royal Poinciana Way was suggested. Mr. Castro noted that the larger employers in the area such as Publix and the restaurants generated most of the employee parking. Mr. Castro answered questions regarding the on-street and off-street parking study and maps provided to the Commission. A suggestion was made to add a pathway to take pedestrians from the south side to the north side of Royal Poinciana Way. It was noted that such a pathway would not be permitted in this historic State road corridor; open space requirements could not be met and Department of Transportation approval would be required.

Discussion continued. Ms. Houston spoke about a parking placard program available in the area; noting that seventeen spaces lost to the bridge reconstruction had been moved to the south side of Royal Poinciana Way; and, that she felt the cost of those placards might be prohibitive at $900 each.

Mr. Scharf spoke about the parking problems he knew about at Meat Market on Bradley Place, stating that he felt the area was "a major accident waiting to happen". Ms. Houston noted that complaints received regarding that business and parking issues were being registered and would be considered when their valet permit was renewed in October. Mr. Castro added that Meat Market could also ask for a special exception to allow parking at Chase Bank at night. Discussion continued.

Mr. Crampton and Ms. Markin both agreed that a sticker program that would allow employees to park on the south side of Royal Poinciana Way should be considered. Mr. Crampton suggested the Town perhaps reduce the parking rate or pay for employee parking. Ms. Markin disagreed and discussion continued. Mr. Pollock stated that he felt the problem was two sided - employee parking and valet parking. Ms. Watts agreed that residents should not take the tax burden by subsidizing employee parking and asked if there was a legal reason the Town could not demand employers provide parking for their employees. Mr. Page explained that most of the commercial businesses have existed for many decades with many prior to the off-street parking regulations being put in place, and, therefore were not able to satisfy the off-street parking requirements. Mr. Castro explained the principal of equivalency provision which grandfathers all businesses based upon the parking generation rate in the code and added that to require these businesses to provide parking spaces for employees where none are available would only push parking into other residential areas.

Chair Markin called for a break at 11:30 a.m. The meeting reconvened at 11:40 a.m.

Ms. Markin requested that Raychel Houston address the Commission regarding the technology available for enforcement of parking issues. Ms. Houston spoke about the license plate recognition system available in the parking enforcement vehicles and how it is utilized. Ms. Markin recommended that staff present a zone approach for parking on Worth Avenue and Royal Poinciana Way at the next Planning and Zoning Commission meeting. Mr. Castro asked if that request could be sent to the parking committee so they could present that to the Commission since they are familiar with the zone approach. Ms. Markin suggested the parking committee be invited to attend the next Planning and Zoning Commission Meeting.

Discussion continued. Mr. Crampton suggested a more comprehensive analysis of the employee and parking data be done by staff and presented to the Commission along with staff recommendations and suggestions. Ms. Houston provided a brief synopsis of the Arlington and Gainesville Parking Plans, adding that they are in place to protect the integrity of residential neighborhoods. Discussion continued regarding parking time limits, citations, lack of a walkway across Royal Poinciana Way, and, grandfathered businesses with no parking. It was noted by Chair Markin that last month Mr. Handelsman offered to provide free parking to UPS and FEDEX vehicles in the Apollo Lot. Mr. Castro noted that it was now a matter of Mr. Handelsman following up and granting those spaces and for the Police Department and Code Enforcement to enforce their use.

Mr. Wideman reiterated his interest in a parking sticker program that would residents to park for two hour anywhere on the island, and would limit parking to one-hour for others. Ms. Houston noted the difficulty in determining if a vehicle was registered to a Palm Beach address since many vehicles are registered to a corporation or out of state address. Mr. Scharf suggested one space be created for use by multiple scooters or motorcycles.

Mr. Cloninger asked if it would be inappropriate for this Commission to send a recommendation to Council that until the Commission completed its study of parking in the Royal Poinciana area and came up with recommendations for Council, that Council not grant variances to anyone on Royal Poinciana Way. Mr. Page explained the application for the Testa's project had been in front of ARCOM several times and was scheduled to be heard by Council in the month of March. Mr. Castro explained that zoning in progress could not apply with the Testa's application in process. Discussion continued.

Chair Markin suggested staff provide the Council with the parking and employee number report. After comments were heard from Mr. Scharf, Mr. Castro agreed to provide the information to each Council member while meeting one-on-one with them; a copy would also be provided to the applicant. After comments were heard from the Commission, Mr. Page offered his observation that he felt the Commission wanted to have guidance from Council and agreed to put together a memo for the next Council meeting. Mr. Page listed the suggestions heard from the Commission to include the following: employee parking; zoned parking; resident parking stickers; shared parking and code requirements; grandfathered businesses; parking technology; Neiman Marcus and Esplanade garages; meters, kiosks and phones; charging for parking on Worth Avenue; parking signs; UPS and FEDEX parking on Worth Avenue; motorcycles and scooters parking. Chair Markin stated that she felt it necessary to get legal input specifically on a parking stickers program for residents. It was noted that Jupiter Island has a similar sticker program.

VI. STATUS UPDATE ON PROPOSED ORDINANCES REGARDING POLITICAL SIGNAGE AND SUPER MAJORITY VOTING REQUIREMENTS FOR COMPREHENSIVE PLAN AMENDMENTS, ZONING TEXT AMENDMENTS AND VARIANCES (12:15:26 PM)

Paul Castro provided an update to the Commission regarding the proposed ordinances regarding political signage which was part of a proposal that came out of litigation and a settlement proposal. The Planning and Zoning Commission had previously made a recommendation to Council to reduce to 30 days the time allowed for political signs to be displayed because of holidays. Mr. Castro explained the plaintiff was not agreeable and thus the Ordinance was moving forward with a 60 day time frame as well as the other proposals related to where the signs can be placed, and, the Ordinance was tentatively scheduled for second reading in March.

Mr. Page provided the Commission with a condensed report regarding the 4-1 Super Majority Vote issue that was being considered for variances and for any changes to zoning text. Mr. Page explained that Council approved the ordinance upon both first and second readings, but, the ordinance was vetoed by Mayor Coniglio.

Chair Markin asked for suggestions for upcoming Commission agenda items. Mr. Page stated that staff would bring to the Commission a proposed zoning text amendment to allow for public parks in the C-TS Zoning District. Mr. Crampton spoke about potential actions taking place in West Palm Beach which could impact Palm Beach and suggested the Town be proactive to identify any potential impacts and develop solutions. Mr. Page advised the Commission that he recently presented a report to Council regarding the variety of planned improvements currently underway in West Palm Beach. Mr. Page stated that he and Attorney Randolph would be presenting additional information to Council in March to address the legal rights Palm Beach may have. A brief discussion continued and it was noted that Palm Beach would have an opportunity to object to any changes West Palm Beach might propose to their comprehensive plan.

VII. COMMENTS FROM PLANNING AND ZONING COMMISSIONERS AND THE PLANNING, ZONING AND BUILDING DIRECTOR (12:32:26 PM)

It was noted that the next meeting of the Planning and Zoning Commission would be held on March 17. Mr. Page reminded the Commission of the vacant regular member seat available as a result of the election of Danielle Moore to Council. It was noted that appointment would take place in April.

VIII. ADJOURNMENT (12:32:28 PM)

Without benefit of a motion, Chair Markin declared the meeting adjourned at 12:53 p.m.

Respectfully Submitted,

Susan Markin, Chair Town of Palm Beach Planning & Zoning Commission	Michael Jay Scharf, Vice Chair Town of Palm Beach Planning & Zoning Commission

zoning text. Mr. Page explained that Council approved the ordinance upon both first and second readings, but, the ordinance was vetoed by Mayor Coniglio.

Chair Markin asked for suggestions for upcoming Commission agenda items. Mr. Page stated that staff would bring to the Commission a proposed zoning text amendment to allow for public parks in the C-TS Zoning District. Mr. Crampton spoke about potential actions taking place in West Palm Beach which could impact Palm Beach and suggested the Town be proactive to identify any potential impacts and develop solutions. Mr. Page advised the Commission that he recently presented a report to Council regarding the variety of planned improvements currently underway in West Palm Beach. Mr. Page stated that he and Attorney Randolph would be presenting additional information to Council in March to address the legal rights Palm Beach may have. A brief discussion continued and it was noted that Palm Beach would have an opportunity to object to any changes West Palm Beach might propose to their comprehensive plan.

VII. COMMENTS FROM PLANNING AND ZONING COMMISSIONERS AND THE PLANNING, ZONING AND BUILDING DIRECTOR (12:32:26 PM)

It was noted that the next meeting of the Planning and Zoning Commission would be held on March 17. Mr. Page reminded the Commission of the vacant regular member seat available as a result of the election of Danielle Moore to Council. It was noted that appointment would take place in April.

VIII. ADJOURNMENT (12:32:28 PM)

Without benefit of a motion, Chair Markin declared the meeting adjourned at 12:53 p.m.

Respectfully Submitted,

Susan Markin, Chair
Town of Palm Beach
Planning & Zoning Commission

Michael Jay Scharf, Vice Chair
Town of Palm Beach
Planning & Zoning Commission