



**PLANNING AND ZONING COMMISSION
RECORD AND REPORT - DRAFT
TOWN HALL – COUNCIL CHAMBERS – SECOND FLOOR
360 S COUNTY ROAD, PALM BEACH
TUESDAY, FEBRUARY 16, 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 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
Lewis Crampton, Member	PRESENT
Carol Mack, Member	PRESENT
Martin I. Klein, Member	PRESENT
Michael L. Ainsley, Member	PRESENT
Alan S. Golboro, Member	PRESENT
Michael Vincent John Spaziani, Alternate Member	PRESENT
Susan Watts, Alternate Member	PRESENT
Rick Pollock, Alternate Member	PRESENT

Staff Members present were:

John Page, Director of Planning, Zoning, Building

Paul Castro, Zoning Administrator

Debby Morakis, Secretary to the Planning and Zoning Commission

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. APPROVAL OF THE AGENDA

Chair Markin requested that item 14 be moved to old business.

MOTION BY MR. KLEIN FOR APPROVAL OF THE AGENDA WITH THE CHANGE.

MOTION SECONDED BY MR. CRAMPTON.

MOTION CARRIED UNANIMOUSLY.

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

**MOTION BY MR. KLEIN FOR APPROVAL OF THE MINUTES. MOTION SECONDED BY MS. MACK.
MOTION CARRIED UNANIMOUSLY.**

V. COMMUNICATION FROM CITIZENS - 3 MINUTE LIMIT PLEASE

No comments were heard from citizens at this time.

VI. OLD BUSINESS

Note: Study items under Old and New Business are numbered in accordance with the 15 ongoing Code review assignments directed by the Town Council. Study Items 14 and 15 are new directives by the Town Council.

John Page addressed the Commission to provide a status on the study items that were presented to the Town Council. The Town Council concurred with the Commission's recommendations on the solar panels, masonry walls around generators, vacant land that sits adjacent to a home with a non-conforming situation, 50% cubic footage demolition, sign, lighting, swimming pool setbacks, cooling towers and parapets. The Town Council will maintain responsibility to review projects for site plan review, special exceptions and variances however they would like ARCOM to rule on the architecture itself. The staff will present this in ordinance form to the Town Council at the March meeting.

7. Review varying side yard setback requirements on smaller lots (especially in mid-town and R-C District neighborhoods) for consistency and appropriateness. Staff will provide feedback from Town Council discussion during the February 10, 2016 meeting.

The Commissioners listened to the audio recording of Council discussion from the February 10, 2016 Council meeting on this issue.

Paul Castro, Zoning Administrator, discussed with the Commission the setback requirements and variances regarding construction specifically relating to the Sea Streets.

Anne Pepper of 333 Seaspray Avenue addressed the Commission regarding her experience doing a renovation rather than demolition and trying to recreate a similar home adding that she felt the preservation of the existing structure was preferred.

After a lengthy discussion, the following motion was made:

MOTION BY MR. KLEIN TO RECOMMEND STAFF DRAFT A PROPOSAL THAT WILL RETAIN CURRENT SIDE SETBACKS IN THE

EXISTING CODE, THAT WILL PERMIT RECONSTRUCTION ON THE SAME FOOTPRINT FOR RENOVATION OR RECONSTRUCTION AND IF ANY ADDITIONAL WORK IS TO BE DONE ON THE PROPERTY, IT WILL NEED TO MEET THE EXISTING CODES.

MOTION SECONDED BY MR. CRAMPTON.

MOTION CARRIED 7-0 AFTER A ROLL CALL VOTE.

Ken Walker of 130 Sunrise Avenue suggested creating a guideline and template to give to architects who are planning to build that can suggest a common style and theme for a neighborhood.

Chairman Markin called for a short break at 11:06 a.m. The meeting resumed at 11:14 a.m.

II. NEW BUSINESS

STUDY ITEMS (Staff intends to explain the significance and intent of each item, and to solicit feedback from the Commission).

9. [Review language governing maximum linear building dimensions and lot coverage to prevent same from applying to underground structures \(in sub-basements not visible above ground\).](#)

Paul Castro explained the current code regarding linear building dimensions and lot coverage as well as underground structures. He asked for guidance regarding sub-basements/basements outside of the confines of the building as well as landscaped open spaces as it relates to lot coverage. After a lengthy discussion of the Commission, the following motion was made:

MOTION BY MR. CRAMPTON FOR STAFF TO DEVELOP LANGUAGE FOR CONSIDERATION OF THIS COMMISSION PERMITTING SUB BASEMENTS OUTSIDE THE CONFINES OF THE BUILDING AS LONG AS NOT VISIBLE FROM THE STREET.

MOTION SECONDED BY MR. KLEIN.

MOTION CARRIED 4-3 WITH MESSRS. SCHARF, GOLBORO AND MS. MARKIN DISSENTING.

Discussion continued.

MOTION BY MR. KLEIN TO SEPARATE RESIDENTIAL AND COMMERICAL PROPERTIES AS IT RELATES TO SUB BASEMENTS OUTSIDE THE CONFINES OF THE BUILDING.

MOTION SECONDED BY MR. GOLBORO.

MOTION CARRIED 4-3 WITH MS. MACK, MR. CRAMPTON AND MR. AINSLEY DISSENTING.

Mr. Castro discussed the provision of building length in the commercial districts.

MOTION BY MS. MACK FOR STAFF TO DEVELOP LANGUAGE FOR ALL DISTRICTS WITH THE EXCEPTION OF THE C-PC DISTRICT, FOR AN EXCEPTION FOR DIMENSIONS AS IT RELATES TO SUB BASEMENTS.

MOTION SECONDED BY MR. KLEIN.

For the record, it was noted that Mr. Scharf left the meeting so Alternate Member Spaziani was voting.

MOTION CARRIED UNANIMOUSLY AFTER ROLL CALL.

10. [Review minimum landscaped open space requirements, clarifying how same is to be calculated when "greenspace" exists above underground structures.](#)

Paul Castro discussed with the Commissioners greenspace and landscape over underground structures.

MOTION BY MR. AINSLEY FOR STAFF TO DRAFT LANGUAGE REGARDING THE ALLOWABLE GREENSPACE OVER UNDERGROUND STRUCTURES.

MOTION SECONDED BY MR. CRAMPTON.

MOTION CARRIED UNANIMOUSLY AFTER ROLL CALL.

13. Review the existing schedule of off-street parking spaces for various land use types to determine if adjustments should be made to the minimum number of required spaces.

This item was deferred to the March meeting.

14. [Study potential revisions to the Zoning Code to require transformers for underground electric utilities to be screened.](#)

Paul Castro showed Commissioners several photographs of different transformers with and without screening.

William Bucklew, Building Official, addressed the Commission explaining the code regarding utilities as related to flood plains.

Thomas Bradford, Town Manager, spoke on the different sized transformers, 3-phase and single phase; and, the landscaping options around the transformers. Mr. Bradford explained the landscaping that will be offered by the Town if the referendum passes.

MOTION BY MR. CRAMPTON THAT STAFF DRAFT LANGUAGE TO GOVERN THE MAINTENANCE OF LANDSCAPING AND/OR

**SCREENING OF TRANSFORMERS FROM THE STREET AND TO ALSO
INCLUDE OTHER UTILITIES.
MOTION SECONDED BY MR. KLEIN.**

Mr. Golboro suggested this language also cover the telephone switch gear.

**MOTION AMENDED BY MR. CRAMPTON THAT STAFF INCLUDE
TELEPHONE SWITCH GEAR BUT NOT PEDESTALS.
AMENDED MOTION ACCEPTED BY MR. KLEIN.
MOTION CARRIED 6-1 AFTER ROLL CALL VOTE WITH MR.
GOLBORO OPPOSED.**

Anita Seltzer of 44 Cocanut Row addressed the Commission to ask for clarification on current base flood elevations for building and FEMA.

15. [Change Chapter 134 related to on-street parking fee to cross reference the schedule of fees for on-street parking rather than have the specific fee in the Zoning Regulations.](#)

Paul Castro discussed the on-street parking fees.

**MOTION BY MR. KLEIN FOR STAFF TO DRAFT LANGUAGE
REGARDING ON-STREET PARKING FEES.
MOTION SECONDED BY MR. AINSLEY.
MOTION CARRIED UNANIMOUSLY AFTER ROLL CALL.**

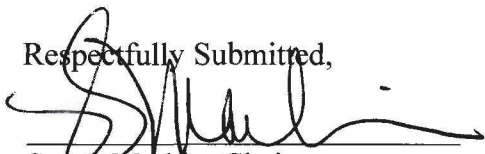
VIII. COMMENTS FROM PLANNING AND ZONING COMMISSIONERS AND THE PLANNING, ZONING AND BUILDING DIRECTOR

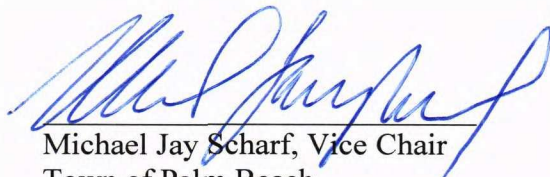
For the record it was noted that the next meeting of the Commission is rescheduled for March 22.

IX. ADJOURNMENT

The meeting was adjourned at 1:10 p.m. without benefit of a motion.

Respectfully Submitted,


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


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