PLANNING AND ZONING COMMISSION
RECORD AND REPORT
TOWN HALL – COUNCIL CHAMBERS – SECOND FLOOR
360 S COUNTY ROAD, PALM BEACH
TUESDAY, JANUARY 20, 2015, 09:30 a.m.

Please be advised that in keeping with a 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

Susan Markin, Chair
Michael Jay Scharf, Vice Chair
Jeffrey A. Cloninger, Member
Lewis Crampton, Member (left meeting at 11:40 a.m.)
Carol Mack, Member
Danielle H. Moore, Member
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 & Zoning Commission

Chair Markin called the meeting to order at 9:32 a.m.

II. INVOCATION AND PLEDGE OF ALLEGIANCE (09:39:53 AM)

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

III. OATH OF OFFICE FOR NEW MEMBER (09:41:55 AM)

Ms. Markin welcomed newly appointed Alternate Member, Rick Pollock.
Ms. Morakis administered the Oath of Office.

IV. APPROVAL OF THE AGENDA (09:40:01 AM)

Chair Markin called for a motion to approve the agenda.

MOTION BY MR. CRAMPTON TO APPROVE THE AGENDA.
MOTION SECONDED BY MS. MOORE
MOTION CARRIED.

V. APPROVAL OF NOVEMBER 18, 2014 PLANNING AND ZONING COMMISSION MINUTES (09:42:08 AM)

Mr. Cloninger requested the minutes be modified so that the second sentence in the first paragraph on page 6 be corrected changing the word "traffic" to "parking".

MOTION BY MR. CRAMPTON TO APPROVE THE MINUTES AS CORRECTED.
MOTION SECONDED BY MS. MOORE.
MOTION CARRIED.

VI. STAFF/CHAIR REPORT ON TOWN COUNCIL'S ACTION REGARDING PLANNING AND ZONING COMMISSION'S SUPER MAJORITY RECOMMENDATIONS (09:42:47 AM)

John Page, Director of Planning, Zoning, Building explained that when this newly constituted Planning and Zoning Commission had its first meeting in August 2014, the issue of super majority voting came up. Following the September meeting of the Commission, staff informed Council of the Commissions' desire to study the issue and received a nod of approval from Council. In November this Commission finalized its recommendations – that a super majority, 4 of 5 votes, be required for any changes to the Zoning Ordinance, Comprehensive Plan and any Variance approvals. Council considered the recommendation of the Commission and in January, Council said yes to the super majority vote related to the Zoning Ordinance, Comprehensive Plan and any Variance approvals. Council had also considered but was not in favor of changing the Town Charter. Mr. Page added the next step would be to present ordinances to Council in February for Council action. Chair Markin commented that she felt this was a good change that gave an extra layer of protection to the Comprehensive Plan.

VII. DISCUSSION WITH BURT HANDELSMAN REGARDING A POSSIBLE PARKING GARAGE AT THE APOLLO PARKING LOT ON PERUVIAN AVENUE (09:48:06 AM)

Chair Markin stated that she recently had a conversation with Mr. Handelsman regarding parking and that he volunteered to come here to discuss some of those options.

Burton Handelsman, 250 Worth Avenue, addressed the Commission and explained that Ms. Jane Holzer's father had been instrumental in putting together this parking facility for the benefit of Worth Avenue. He explained that the corporation that owns the lot had been formed to secure parking for owners and merchants of the Worth Avenue district and that the corporation had never paid a dividend. Mr. Handelsman noted that the operators of the parking lot were in arrears of over $200,000.00. Mr. Handelsman added that he felt the value of the real estate was priceless and would likely generate world-wide interest if it were marketed. "Share-holders will never sell because they want to preserve and control the land so there will always be a Worth Avenue and without that parking lot there would be no Worth Avenue", he stated. Mr. Handelsman added that the corporation had rejected several offers to sell or joint-venture the lot and explained that he once had a conversation with the tax assessor who felt without Worth Avenue the residential property values in Palm Beach would drop 30% the same day Worth Avenue closed. To overcome the shortage of parking, Mr. Handelsman suggested a joint-venture partnership with the Town of Palm Beach to build a structure that would put parking underground, allow first floor retail use, second floor housing or medical offices and another floor for more housing and parking on the rooftop.

Comments and questions were heard from the Commissioners and Mr. Crampton asked why Mr. Handelsman felt Worth Avenue would disappear if the lot was sold. Mr. Handelsman stated that his corporation had been limiting parking fees and thus subsidizing parking costs, adding that his conversations regarding parking went back many years to discussions with Mayor Ilyinsky. Mr. Handelsman stated that he had discussed going under Peruvian Avenue to connect both parking lots but the cost was prohibitive. Mr. Handelsman stated that he was looking for the right party to land-lease the property.

Ms. Markin clarified that Mr. Handelsman believed it would not be profitable to build a parking facility without having retail, apartments or office uses to subsidize the parking facility. Mr. Handelsman restated his position in that regard.

Mr. Scharf asked if all share-holders in the corporation that owns the lot also owned properties on Worth Avenue and Mr. Handelsman said yes. Discussion continued with comments heard from Mr. Handelsman who stated that he currently supplies 20 odd spaces at the parking lot west of Bice's to Renato's Restaurant.

Ms. Holzer stated that the Apollo lot was full only three days of the year and added there were some tenants who leased spaces on a yearly basis. Mr. Handelsman stated that he thought there were approximately 200 spaces total with forty monthly parkers but the profit was made when turning over the valet spaces. Discussion continued and comments were heard from Mr. Cloninger and Mr. Handelsman who stated that with all new leases the tenants must provide the number of employees they have and agree to buy stamps in the parking lot for them. Mr. Handelsman indicated that the parking lot operator set the limit on the number of spaces available for monthly parkers. Mr. Handelsman stated that a developer had calculated for him that a five-story mixed-use building with parking would be feasible and could be profitable, adding that the Everglades Club would like to have assisted living and medical facilities nearby for its members. Ms. Holzer indicated that several parties interested in a joint-venture project have approached the corporation. The lot closes at 6:00 p.m. and must be valet parked and it was noted that Renato's and Club Collette both have their own lots. Ms. Holzer added that she thought Bice used the lot but Mr. Handelsman indicated that he was not aware.

Mr. Crampton asked if the corporation was interested in partnering with the Town to require employees park in the lot and Ms. Holzer stated that question would have to go to the shareholders.

Mr. Scharf asked if the $200,000 owed by the lot operator had built up over time and Ms. Holzer answered that $50,000 had been repaid since parking rates were increased. Mr. Handelsman stated that he once suggested to Council that he could get the Fedex and UPS trucks off the street by giving them free parking spaces in the lot. Mr. Handelsman stated the leases on the lot were two-year terms which would allow the property to be sold. Mr. Spaziani asked if he would be willing to sell the property to the Town and Mr. Handelsman said no. Ms. Holzer stated that she also was not sure they would want to lease the land. Discussion continued and Mr. Pollock asked what guarantee there would be to fill any parking spaces and retail/office spaces created by a garage structure. Mr. Handelsman answered there was no guarantee, it's a risk.

Mr. Scharf commented that he thought six spaces on Worth Avenue might be freed up if spaces were designated for motorcycle parking and Mr. Handelsman added there were no handicapped spaces available on Worth Avenue. Ms. Watts asked how people who park for free on the street could be pushed into a paid space and Mr. Handelsman answered that he felt it might work if there were metered or more reasonably priced spaces.

Ms. Moore asked where residents who live in the apartment buildings on Worth Avenue parked and Mr. Handelsman stated that some residents park in his Peruvian Avenue lot or in the lot at 375 So. County Rd.

Chair Markin thanked Mr. Handelsman and Ms. Holzer for coming and asked to reserve the right to invite them back in the future. Ms. Markin listed what she felt were interesting points that would require further investigation, such as: tax relief for parking lots; a study of how many employees are on Worth Avenue to determine how many spaces would be needed; how many spaces would be gained in a proposed structure; enforcement of employees and where they park; look at UPS and Fedex trucks to zone them off the Avenue and require they park in the parking lot.

Sydney Spiegel, a resident of Toronto and Florida, and principal owner of the Royal Poinciana Plaza property stated that he knew all about parking issues and had dealt with Council many times related to tenant parking issues. Mr. Spiegel stated that he was here in response to the parking problems that exists on Worth Avenue and wanted to present a concept, not a proposal. Mr. Spiegel stated that he was a principal of Coreslab Structures, a builder of precast parking structures. Photographs of some of his projects were presented to Chair Markin and displayed for the Commission. Mr. Spiegel stated that he knew the type of structure that would be necessary for that site to meet the needs and added that the Town would not have to put up any money but would have to participate in the regulations and tax relief, etc. Mr. Spiegel stated he would be willing to put up the money for a five-story structure to be built that would contain parking below, stores on the ground floor, other use and parking above which would create as many as 600 parking spaces. Employees on Worth Avenue must be required to park there. Mr. Spiegel stated that he visualized the land owners forming a corporation and he would hold a long-term land lease. Mr. Spiegel explained various projects his company completed and added that he felt with the right plan Peruvian Avenue could become a second "Worth Avenue".

Ms. Watts asked for clarification of the financial structure and Mr. Spiegel stated that the builder would pay for the building and collect the revenue from the building, but would engage someone to manage the facility. Comments were heard from Mr. Crampton who stated that he felt the structure would be too big and wondered if a two- or three-story building would work. Mr. Spiegel stated that he felt at least a four-story structure would be required, adding that the building would be designed by the Town to meet Architectural Commission approval.

Mr. Cloninger stated that he disagreed with Mr. Crampton and thought it wrong to solve a parking issue on Worth Avenue by creating more density on another street.

Comments were heard by Chair Markin who noted that the purpose of this meeting was to brain storm to come up with some solutions, alternatives or options. Mr. Scharf asked if Mr. Spiegel believed the creation of a new retail area would be needed in Palm Beach and Mr. Spiegel stated that he believed there were a lot of retailers just below the Worth Avenue level that would be interested in the area and that he would be willing to put his money down to build the structure, but, he had not yet had discussions with the owners of the land.

Ms. Moore asked and it was noted that approximately 10 spaces would become available if the loading zones on Worth Avenue were removed.

Chair Markin thanked Mr. Spiegel for addressing the Commission. Mr. Spiegel said that he would be happy to come back if needed and that he felt if he did the job it would be exactly what the Town wanted.

John Corey of 327 Barton Avenue, addressed the Commission and stated that he felt the Comprehensive Plan should be followed, noting that looking at Google map you can see there is lots of asphalt and parking in the area. Mr. Corey stated that he felt it was a supply and demand issue and offered suggestions to consider: charge for parking at premier locations; require vehicles be moved a block at a time to avoid ticketing; eliminate free parking in residential areas.

Bob Moore, 318 Bunker Ranch Road, West Palm Beach stated that it cost the builder of the Neiman Marcus garage $50,000 per space and explained the drainage system required to operate around the clock with generator back up. Mr. Moore noted for the record that he had represented both Ms. Holzer and Mr. Handelsman on other issues and added that the lot on the north side of Peruvian Avenue was located in the R-C Zoning District.

Ms. Mack commented that all the parking lots on Worth Avenue were valet parked and that would be different from what was being proposed by Mr. Spiegel. Mr. Cloninger noted that he felt it was a question of culture and people being used to parking in front of a store to run in and out. Ms. Markin noted that she felt the key area should be Royal Poinciana Way and that staff had already done some studies. Mr. Scharf stated that he felt there was a parking "situation" rather than a problem in various parts of Town and that many suggestions being made were unrealistic and felt smaller scale improvements should be made.

Comments were heard from Mr. Handelsman who stated that he would not be in favor of the proposed parking garage, that it would not be profitable for the builder and he would be forced to repossess the land and be left with a bulk of concrete.

VIII. DISCUSSION OF PARKING ISSUES AFFECTING THE ISLAND/ CONSIDERATION OF ZONING ORDINANCE PARKING REGULATIONS

(11:27:37 AM)

Paul Castro stated that he had been in contact with the City of West Palm Beach regarding the possibility of building a parking garage on the vacant piece of land on Quadrille Avenue. Mr. Castro noted that the regulations were very restrictive and would not be economically feasible. Mr. Castro stated that he also contacted Palm Beach County regarding leasing spaces within the parking garage that serves the Courthouse. Approximately 40 spaces could be leased for $68.90 per space/month, but, the Town would also have to consider the cost of shuttling employees at different times of the day. Mr. Castro noted that other properties owned by the Town in West Palm Beach would not be conducive for parking use due to their size or location.

Mr. Spaziani asked why the Town could not simply use an asphalt paved parking lot and Mr. Castro explained that zoning typically would not permit a surface parking lot with no other use and that he felt the Town would not want to have a parking lot as the gateway to Palm Beach. Mr. Castro agreed to contact the City of West Palm Beach regarding this option. Ms. Moore stated that just to the north of the Quadrille property a 15-story building was being constructed and that the City of West Palm Beach had vacated Seventh Street for this project.

After discussion, it was agreed to study parking in one area at a time. Chair Markin suggested the Commission keep in mind the presentations today but beginning with the next meeting, start with Royal Poinciana Way area looking at the number of parking spaces available, the number of employees, the demands on parking and potential construction at Testa's.

Rick Pollock asked if there was information available as to how long someone stayed in a parking space – one or two hours. This would help to identify if this was a dynamic or stagnant parking problem. Chair Markin suggested this be noted for discussion at the next meeting. Mr. Page stated that he would find out if that type of data had ever been collected in the past.

Ms. Watts asked if residential parking issues would be discussed as many residents in the 400 block of Seaview and Seaspray Avenues must move their vehicles every two hours as no Gainesville Plan or Arlington Plan exist in that area.

Comments were heard from Mr. Wideman who stated that he felt specifics needed to be determined regarding parking patterns and expressed his concern regarding segregating one area from another. Mr. Wideman mentioned a shopping center he built that failed for some unknown reason even though there was adequate parking there with good stores and restaurants.

Mr. Page stated that although some information had been collected on the Royal Poinciana Way area, some field verification would be needed. It was agreed that the area to study would include County Road to Bradley Place and include Sunset and Sunrise on both sides of Publix. It was noted that the east side of County Road should be included where a parking lot was recently lost. Commission Members volunteered to help and Mr. Page stated that he would have to coordinate that. Ms. Markin requested a parking enforcement report be provided at the next meeting.

IX. CONSIDERATION OF PROPOSED ZONING TEXT AMENDMENT REGARDING POLITICAL SIGNS (11:51:36 AM)

Town Attorney John Randolph addressed the Commission and explained the ordinance changes being proposed were as a result of a federal lawsuit and that the placement of political signs was being challenged. This ordinance proposes that a person be able to have one political sign per candidate and/or issue in each election. Language related to properties fronting more than one street was eliminated. A change is also proposed to increase the amount of time that a sign can be placed prior to an election from 30 days to 60 days. Mr. Randolph requested the Commission review the proposed changes and make a recommendation to Council.

Mr. Randolph noted that no changes to size restrictions were being proposed. Mr. Spaziani asked about political signs seen in the right of way on land leased to Lake Worth. Attorney Randolph stated this ordinance was related to political signs placed on residential property. Chair Markin suggested this might be a Code Enforcement issue. Comments were heard from Mr. Scharf who asked if there would be any merit in considering reducing the size limitation for political signs and Attorney Randolph said this would be something that could be taken back to the plaintiff. After discussion, it was suggested that the setback be reduced from 5 feet to 2 feet.

MOTION BY MS. MOORE THAT THE SETBACK BE CHANGED FROM 5 FEET TO 2 FEET BACK FROM THE STREET.
MOTION SECONDED BY MR. SCHARF.
MOTION CARRIED UNANIMOUSLY.

Discussion continued. Ms. Markin stated that she felt the Town would look politically tacky throughout the holidays if 60 days were allowed. Discussion regarding time limits continued.

MOTION BY MS. MACK TO RECOMMEND THE 60 DAY TIME LIMIT BE REDUCED TO 30 DAYS.

MOTION SECONDED BY MR. WIDEMAN.
MOTION CARRIED UNANIMOUSLY.

Anita Seltzer, 44 Cocoanut Row, asked if it would make sense to consider a moratorium between Christmas and New Years in order to help eliminate the visual blight. Ms. Markin stated that she felt this would have the same result. Ms. Watts agreed and Ms. Moore clarified that this would also cover primary signs, noting signs might be up year round from June to February. Discussion continued and it was noted that properties that have frontage on both sides of the same street be limited. Attorney Randolph felt this was covered but would look at it.

MOTION BY MR. WIDEMAN TO ACCEPT THE RECOMMENDATIONS TO CHANGE THE CODE FOR SIGNAGE, AS PRESENTED.
MOTION SECONDED BY MR. CLONINGER.
MOTION CARRIED UNANIMOUSLY.

X. COMMENTS FROM PLANNING AND ZONING COMMISSIONERS AND THE PLANNING, ZONING AND BUILDING DIRECTOR (12:19:06 AM)

Chair Markin commented about the size of structures allowed to be built on consolidated properties and asked if the size could be limited. Mr. Castro stated that limitation currently exists in the code and briefly explained how the code works adding that applicants are asking for variances. Ms. Moore noted that a previous Planning and Zoning Commission made recommendations to Council to reduce the size of "McMansions" being built in the north end and that suggestion was turned down by Council for fear of litigation through a Burt Harris action. A brief discussion continued and Attorney Randolph explained that Burt Harris deals with "reasonable, investment backed expectations."

Mr. Cloninger stated that he wanted to go on record, "we can't solve a parking problem by increasing commercial density. That is the bedrock of why we are here".

It was noted that the next meeting of the Commission would be Tuesday, February 17.

XI. ADJOURNMENT

Chair Markin adjourned the meeting at 12:19 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