PLANNING AND ZONING COMMISSION
RECORD AND REPORT
TOWN HALL – COUNCIL CHAMBERS – SECOND FLOOR
360 S COUNTY ROAD, PALM BEACH
TUESDAY, JANUARY 19, 2016, 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

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

Susan Markin, Chair	PRESENT
Michael Jay Scharf, Vice Chair	ABSENT (unexcused)
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

MOTION BY MR. KLEIN FOR APPROVAL OF THE AGENDA.
MOTION SECONDED BY MR. AINSLIE.
MOTION CARRIED UNANIMOUSLY.

IV. APPROVAL OF DECEMBER 15, 2015 PLANNING AND ZONING COMMISSION MINUTES

MOTION BY MR. GOLBORO FOR APPROVAL OF THE MINUTES.
MOTION SECONDED BY MR. KLEIN.
MOTION CARRIED UNANIMOUSLY.

V. COMMUNICATION FROM CITIZENS - 3 MINUTE LIMIT PLEASE

No comments were heard from citizens at this time. It was noted for the record that Mr. Spaziani would vote due to Mr. Scharf's absence. Also, it was noted that Messrs. Crampton and Ainslie may have to leave the meeting at noon.

VI. OLD BUSINESS

Note: Study items under Old and New Business are numbered in accordance with the thirteen ongoing Code review assignments directed by the Town Council. Study Item 14 is a new directive by the Town Council.

4. Modify the nonconforming building/structure provisions, and related code sections, to clarify that vacant property cannot be divided from abutting land in the same ownership when a property split would create or increase nonconformities to a building or structure.

Zoning Administrator Paul Castro explained the proposed modifications and answered questions from the Commission. Mr. Castro explained that some properties had been combined in the past without a unity of title, thereby eliminating or decreasing a non-conforming situation. Discussion took place and Mr. Castro demonstrated examples using Google Earth. After a lengthy discussion, several motions were attempted.

Motion by Mr. Golboro to leave it alone. Motion died for lack of a second.
Alternate motion by Mr. Klein died for lack of a second.
MOTION BY MR. KLEIN TO MAKE NO CHANGES.
MOTION SECONDED BY MR. GOLBORO.
Ms. Markin noted a typo on page 2, Section 134-416 (c).
MOTION CARRIED 7-0 AFTER A ROLL CALL VOTE.

The meeting was adjourned from 10:35 to 10:41 a.m. for a short break.

5. Modify the 50% cubic footage demolition provision to include clarifying language that demolition which cumulatively exceeds 50% has to meet all Code provisions.

Mr. Castro read an excerpt from the Code, explained further the proposed modifications and asked for clarification of the Commission's recommendation made at the December meeting.

MOTION BY MR. CRAMPTON TO APPROVE STAFF'S RECOMMENDATION (5 YEAR, 50%).
MOTION SECONDED BY KLEIN.
MOTION CARRIED 7-0 AFTER A ROLL CALL VOTE.

6. Review sign lighting requirements to specify when lighting may be allowed and when prohibited, including necessary approval process (Town Council, ARCOM, and/or administrative).

Mr. Castro explained that language was drafted to be consistent with enforcement policies and also adding language to include LED lighting. Mr. Castro explained it is an issue usually dealt with at ARCOM; and, added that flexibility has been allowed for holiday lighting but noting that lighted artwork has sometimes become a code enforcement issue.

MOTION BY MR. KLEIN TO ACCEPT STAFF'S RECOMMENDATION AS BEING CONSISTENT WITH WHAT WAS APPROVED LAST TIME.
MOTION SECONDED BY MR. CRAMPTON.
Mr. Golboro spoke about signage for the condominiums in the south end.
MOTION CARRIED 6-1 WITH MR. GOLBORO OPPOSED.

11. Review swimming pool setbacks to determine if changes should be recommended.

Mr. Castro explained proposed changes intended to clarify planting requirements.

MOTION BY MR. CRAMPTON TO APPROVE.
MOTION SECONDED BY MR. KLEIN.
MOTION CARRIED 7-0.

Mr. Castro continued explaining that A/C cooling towers are a separate issue and based on concerns, language has been added to require those to be screened.

MOTION BY MR. KLEIN TO APPROVE.
MOTION SECONDED BY MR. CRAMPTON.
MOTION CARRIED 7-0.

12. Review possible changes that would allow parapets as architectural features on homes with pitched roofs, and related building height calculations.

A brief discussion took place.
MOTION BY MR. CRAMPTON TO ACCEPT STAFF'S PROPOSAL.
MOTION SECONDED BY MR. KLEIN.
MOTION CARRIED 7-0 AFTER ROLL CALL VOTE.

VII. NEW BUSINESS

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

7. Review varying side yard setback requirements on smaller lots (especially in mid-town and R-C District neighborhoods) for consistency and appropriateness.

Mr. Castro explained this item was being brought to the Commission to consider providing more flexibility to allow less setbacks on smaller lots to build without getting variances. Comments were heard from Chair Markin who noted the possibility of unintended consequences and Mr. Golboro who suggested this be looked at thoroughly.

Anne Pepper, a resident of Seaspray Avenue addressed the Commission expressing concern for incentivizing the destruction of the fabric of our neighborhoods and spoke about the advantage of restoration for houses that are not landmarked.

A lengthy discussion of the Commission ensued.

Comments were heard from newly elected Councilwoman Maggie Zeidman, 229 Barton Avenue, stating that she felt the Commission was doing exactly what Council wanted them to do by looking at certain areas where Council receives a lot of variance requests.

Mr. Castro explained the current setbacks and provided examples of the current code. Discussion continued and comments were heard from each Commissioner. Discussion continued and it was the consensus of the Commission that staff would research and bring data back to the Commission in 30 or 60 days. It was then suggested that staff refer this item back to Council for further direction to staff and the commission. Discussion continued.

MOTION BY MR. AINSLIE TO HAVE STAFF REFER THIS ITEM BACK TO COUNCIL INFORMING THE COUNCIL FOR DIRECTION TO STAFF AND THE COMMISSION.
MOTION SECONDED BY MR. SPAZIANI.
Ms. Mack asked for clarification of the motion and Mr. Page clarified the motion to be that Staff will inform Council that there is reluctance on behalf of the Commission to delve into this issue in further detail but the Commission will proceed forward and have staff provide analysis if that is the desire of the Council. Roll call continued with comments heard from Ms. Markin, Messrs. Klein and Golboro.
MOTION CARRIED 7-0.

8. Study the point of measurement requirements to determine if the measurement of height, overall height, building height plane, and cubic content ratio (R-B District) should be measured from the natural grade of a lot rather than the highest street elevation in front of a lot.

Mr. Castro explained the existing provisions and some technical issues with point of measurement variances and stated that Council asked Staff to bring this issue to the Commission to possibly study finding another point of measurement. Mr. Castro explained how the point of measurement is calculated now using a drawing on the overhead projector and explained that staff is finding people are concerned with flooding and rising elevations of sea level. Discussion continued and Chair Markin summarized by saying she felt to make a change now would be a mistake.

MOTION BY MR. KLEIN TO RECOMMEND TO COUNCIL NOT TO ALTER THE POINT OF MEASUREMENT FROM THE HIGHEST STREET ELEVATION TO THE NATURAL GRADE OF A LOT.
MOTION SECONDED BY MR. GOLBORO.
MOTION CARRIED 7-0 AFTER ROLL CALL VOTE.

It was the consensus to table item numbers 9, 10 and 13 today.

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).

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

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.

14. Study potential revisions to the Zoning Code to require transformers for underground electric utilities to be screened.

Mr. Castro explained that undergrounding utilities will result in several above ground transformer boxes on each block, adding there are already some streets within Town that are opting for underground utilities and it was felt that some screening requirements should be added to the code now. Discussion ensued.

MOTION BY MR. KLEIN TO RECOMMEND TO COUNCIL THAT TRANSFORMER BOXES BE SCREENED FROM STREET SIDE SCAPE.
MOTION SECONDED BY MR. GOLBORO.
MOTION CARRIED 7-0.

Mr. Castro stated that language would be brought back to the Commission in add/delete format.

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

It was noted for the record that Item numbers 9, 10, and 13 would be discussed next month.

IX. ADJOURNMENT

The meeting was adjourned at 12:57 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