PLANNING AND ZONING COMMISSION
2010 ZONING REPORT
RECORD AND REPORT
TUESDAY, JULY 20, 2010, 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

Chairman Golboro called the meeting to order at 9:30 a.m.

On roll call, Commission Members present were:

Alan Golboro, Chairman
Leslie Shaw, Secretary
Eugene Lawrence, Member
Floyd Wideman, Member
Martin I. Klein, Member
Lewis Crampton, Alternate Member
Michael Vincent John Spaziani, Alternate Member

Commission Members Absent:
John Schuler, Member (excused absence)
C. Tanner Rose, Member (unexcused absence)
Jeffrey A. Cloninger, Alternate Member (unexcused absence)

For the record, Alternate Members Crampton and Spaziani voted due to the absenses of Messrs. Schuler and Rose.

Staff Members present were:

John Page, Director of Planning, Zoning, Building
Paul Castro, Zoning Administrator

Debby Morakis, Recording Secretary

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Ms. Morakis gave the invocation and led the Commission in the Pledge of Allegiance.

III. APPROVAL OF THE AGENDA

MOTION BY MR. KLEIN TO APPROVE THE AGENDA.
MOTION SECONDED BY MR. SHAW.
MOTION CARRIED 7-0 AFTER A ROLL CALL VOTE.

IV. COMMENTS FROM THE PUBLIC ON ANY ITEM NOT ON THE AGENDA (9:30:00 a.m.)

Laurel Baker from the Palm Beach Chamber of Commerce requested the Commission eliminate the annual reporting requirement for Town-Serving businesses.

A brief discussion took place regarding the reporting requirements of Town-Serving businesses.

V. APPROVAL OF MAY 18, 2010 PLANNING & ZONING COMMISSION MINUTES(10:17:58 a.m.)

MOTION BY MR. KLEIN TO APPROVE THE MINUTES OF THE MAY 18, 2010 PLANNING & ZONING COMMISSION MEETING.
MOTION SECONDED BY MR. WIDEMAN.
MOTION CARRIED 7-0 AFTER A ROLL CALL VOTE.

VI. OLD BUSINESS:

A. Public Input Regarding the Royal Poinciana Neighborhood

Chairman Golboro complimented staff on getting the word out for today's meeting.

Mr. Castro advised the Commission that as instructed by the Commission, notices inviting owners and tenants were mailed out to all property owners in the area and were also hand delivered to tenants in each of the buildings in the area.

Comments were heard from Mr. Crampton who stated that he felt it was important to hear from the business community and any other group that wanted to weigh in.

Mr. Wideman stated that he was confused why this item was still on the agenda and added that the Commission had previously made a recommendation to Council and Council turned it down. Mr. Wideman added that he felt to ask staff to do the survey was a waste of their time. Mr. Wideman stated that the Town should not do things for the landowners and tenants in this area that it would not do for all residents.

Comments were heard from Messrs. Shaw, Klein and Spaziani.

Comments were heard from Leslie Evans of 135 Seminole Avenue, who stated that he also owns the property at 249-253 Royal Poinciana Way. Mr. Evans stated that he was concerned about the unintended consequences of Publix; loss of parking spaces and loss of business to smaller "Mom and Pop" type businesses. Mr. Evans made several suggestions that he felt would help the area including a median cut, address the whole area and limit the type of business in the area, reduce the amount of time it takes for the approval process, do facade grants to fix properties, grant approvals for benches, landscape and trees. Mr. Evans also suggested the Town grant approvals for street fairs, art shows, and some events to bring people to the community and suggested a reduction in parking ticket costs.

Discussion continued.

Comments were heard from Frank Lynch, on behalf of Testa's, Inc. and the Testa Family. Mr. Lynch addessed comments made earlier and clarified that the Testa Application had not been withdrawn but was removed from the agenda noting that the problems of too much traffic and insufficient parking were identified. Mr. Lynch added that the current zoning was overly restrictive and that the pattern of density already exists.

Mr. Spaziani stated that his main concern was there was no feasibility study to show the demand for the additional 30 units.

Mr. Klein asked Mr. Lynch to provide the Commission with some suggestions as to what could be done for the Town in the Commission's role as a Planning Board.

Mr. Lynch suggested vias, art in public places, things to connect Sunrise to Sunset to create a cohesive district that would allow more of a free flow, similar to the Worth Avenue and Peruvian area.

Comments were heard from Douglas Rill of 105 North County Road. Mr. Rill stated that his building had been empty for two and a half years. He has had difficulty in finding an appropriate tenant because most ofthe interest for use of the space was for office use, which is not permitted by Code. Mr. Rill stated that when he purchased the building in 2005, he installed a sprinkler system and an elevator. Mr. Rill added that there are 54 parking spaces behind his building and expressed an interest in putting up a parking garage.

Discussion continued.

Mr. Shaw asked if there were studies done to show the impact on retail in a retail-only district when that district was converted into office use.

Laurel Baker stated that there used to be retail at Royal Palm Way. Ms. Baker suggested an expedited application process and the creation of a more welcoming environment.

Additional comments were heard from Mr. Evans.

Bill Diamond of 220 Wells Road stated that it appeared that with 30% of the total stores in the Town vacant, the town was becoming a ghost town. Mr. Diamond added that the code has to adapt itself to the current economic conditions.

Chairman Golboro stated that he wants to see how Publix fits into the area.

Comments were heard by Bob Moore, Director of the South County Road Association who stated that he felt this was a healthy discussion. Mr. Moore suggested that the Town consider a moratorium as a possible way to allow the property owners to rebuild exactly what was there now. Mr. Moore added that if the Breaker's PUD was going to be discussed, they should be invited, adding that there was no prohibition on the Breaker's acquiring Echo's lease.

Mr. Shaw stated that he felt the County Tax Collector was not realistic about how some properties were valued and added that he felt the Town needed to get involved and be more aggressive, going after the Appraiser's office.

Comments were heard by Mr. Klein who suggested staff comment on the suggestions heard today and come back to the next meeting with suggestions for implementation on some of these items.

Chairman Golboro asked staff to provide a report as soon as possible and Mr. Page asked for clarity on some of the issues heard which included retail vs office use.

Mr. Klein read a list of 8 items he heard which included unintended consequences to Publix, tax incremental financing for garages, address the whole area, facade grants, approvals for benches and trees, closing median for street fairs, parking tickets, Breaker's PUD, public spaces and vias.

Mr. Crampton added expedited approval processes for permit requests and suggested a look at fees. Chairman Golboro suggested the word study be changed to the word discussion.

Mr. Page advised the Commission that he would put together an outline of these various ideas with staff comments.

The discussion continued with comments heard by Mr. Wideman, Chairman Golboro and Messrs. Crampton and Spaziani.

William Cummings of the Royal Poinciana Way Business District thanked staff for reaching out to the property owners in the area and commended the Planning & Zoning Commission for continuing to work hard on these projects for the Town.

Mr. Shaw stated that he thought the Commission should make a statement of what it wanted to see happen in the area and added that he felt that after a catastrophe any property owner should be able to build back on the same footprint and same cubic content. Mr. Shaw added that there should be a sunset on the provision and also suggested the Town waive all fees for the next twelve months on any applications for approval of office use.

Mr. Spaziani stated that he agreed with Mr. Diamond, adding that he felt the Town should work quickly to help these people out and that the Code should be changed to permit office use on the first floor.

Zoning Administrator Paul Castro stated that staff intended to bring back a report of the uses and the unintended consequences of these changes. Mr. Castro added that the Department's budget was based on fees generated by Business Tax Receipts and zoning applications.

B. Status Report on the Town-Serving Study

Mr. Castro reported to the Commission that staff had been working on the Town-serving study and had sent to Bill Brisson the data regarding Town-serving businesses since 1991 that had received approvals. Staff was in the process of doing another query in the EDEN system and planned to bring the report to the Commission in October, with anticipation of adoption in February, 2011. Staff was also looking at administrative policies adopted over time and also at those uses that had already received, as a condition of approval, the requirement to provide annual Town-serving documentation.

Bob Moore, Director of the South County Road Association noted that the Commission had the right to ask for and the Town Council had the right to declare "Zoning in Progress" on any issue being studied by the Commission.

Mr. Castro stated that Zoning in Progress would be for specific zoning provisions only and these being discussed were all separate conditions of approval.

VII. <u>NEW BUSINESS</u> (11:07:50 a.m.)

A. ORDINANCE NO 23-10 AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 134, ZONING, AT SECTION 134-1 TO CHANGE THE USE OF THE TERM BUILDING OFFICIAL TO PLANING, ZONING AND BUILDING DIRECTOR AND TO ADD A PROVISION WHICH ALLOWS THE TOWN COUNCIL TO WAIVE ANY ZONING PROVISION IN CHAPTER 134 FOR A TOWN EVENT, TOWN BUILDING, TOWN STRUCTURE OR USE OF TOWN PROPERTY OR RIGHT-OF-WAY PROVIDED CERTAIN CONDITIONS ARE MET; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

Mr. Page provided a quick introduction to Ordinance No 23-10 and indicated that there was a proposal to hang banners in the right-of-ways to celebrate the Town's Centennial next year.

Mr. Castro advised the Commission that the intended purpose of the Ordinance was to give the Town flexibility for municipal events only and any waiver would take a super majority vote.

A discussion ensued and comments were heard by Mr. Page, Chairman Golboro, Commissioners Shaw and Klein.

Mr. Moore asked if this Ordinance would take into consideration the United Way campaign that happens each year. Discussion continued and the consensus was to add non-commercial and non-profit to the language.

Additional comments were heard from Mr. Diamond and the Commission. Mr. Page read the language in the ordinance and added that staff could add the not-for-profit language as susggested.

MOTION BY MR. CRAMPTON TO APPROVE ORDINANCE NO. 23-10.
MOTION SECONDED BY MR. WIDEMAN.
A brief discussion continued. Laurel Baker suggested the Town protect itself by not permitting political or religious activities.

Anita Seltzer, 44 Cocoanut Row, asked if the impotous for this change was the banners that will be used for the Centennial and asked if these changes had been vetted by the Town Attorney.

Chairman Golboro stated that the Commission was only making a recommendation to the Town Council.

Mr. Castro stated that staff saw other issues over time that needed to be addressed. Quite often Town projects were stopped due to zoning issues or required Council approval. Staff felt this would resolve these issues and protect the Town.

Ms. Seltzer asked if the Commission really understood what was being approved. Additional comments were heard by Messrs. Shaw and Klein. Discussion took place regarding the change in terminology from Building Official to Director and other housekeeping changes in the Ordinance.

Mr. Page clarified that non-political, non-religious, and non-commercial would be added to the language.

MOTION CARRIED 7-0 AFTER A ROLL CALL VOTE.

B. Five Year List of Study Items - Status Report

Mr. Castro explained that staff had been asked to go back to 2005 and provide the Commission with a list of study items the Commission had studied. Mr. Castro stated that staff would be bringing a list of 34 items to the Commission in August for it to consider including changes and modifications to Chapter 134.

Chairman Golboro suggested the Commission review the Code before the next meeting in order to familiarize themselves with it. Mr. Shaw requested that staff provide the materials to the Commission as soon as possible to allow sufficient time for the Commission to review. Mr. Page stated that this material would be sent out in advance of the next meeting and Mr. Castro stated that it may take two meetings in order to accomplish what needed to be done.

VIII. COMMENTS OF THE PLANNING AND ZONING COMMISSION AND PLANNING, ZONING AND BUILDING DIRECTOR (11:42:14 a.m.)

Mr. Spaziani stated that he felt this had been a great meeting.

Mr. Crampton agreed and said he was curious why the Commission, as a planning body, was not reviewing the impact of Publix on the area.

Mr. Castro stated that land development projects were the purview of the Council.

Mr. Page stated that he agreed it had been a good meeting and would provide an outline of staff comments.

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Mr. Wideman commented that these thing must be town-wide and Mr. Page agreed.

IX. ADJOURNMENT

Chairman Golboro thanked the Commission and the public for their participation in the meeting.
MOTION TO ADJOURN BY MR. SHAW.
MOTION SECONDED.
MEETING WAS ADJOURNED AT 11:46 A.M. WITHOUT BENEFIT OF A ROLL CALL.

Respectfully Submitted,

Alan S. Golboro, Chairman
Town of Palm Beach
Planning & Zoning Commission

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