



**PLANNING AND ZONING COMMISSION
RECORD AND REPORT - DRAFT
TOWN HALL – COUNCIL CHAMBERS – SECOND FLOOR
360 S COUNTY ROAD, PALM BEACH
TUESDAY, JANUARY 17, 2017, 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 Kelly Churney, Secretary to the Planning & Zoning Commission at (561) 227-6408.

I. CALL TO ORDER AND ROLL CALL

Martin I. Klein, Chair	PRESENT
Lewis Crampton, Vice Chair	PRESENT
Carol Mack, Member	PRESENT (arrived at 9:32 a.m.)
Alan S. Golboro, Member	PRESENT
Michael Ainslie, Member	PRESENT
Kenneth Walker, Member	PRESENT
Carol LeCates, Member	PRESENT
Michael Spaziani, Alternate Member	PRESENT
Rick Pollock, Alternate Member	PRESENT
Eric Christu, Alternate Member	PRESENT

Staff Members present were:

John Page, Director of Planning, Zoning & Building
Paul Castro, Zoning Administrator
John Lindgren, Planning Administrator
Kelly Churney, Secretary to the Planning and Zoning Commission

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Ms. Churney led the Commission with the Invocation and the Pledge of Allegiance.

III. APPROVAL OF THE AGENDA

Mr. Klein welcomed all of the Commissioners and wished everyone a Happy New Year. He also welcomed Eric Christu to the Planning and Zoning Commission.

Motion made by Mr. Crampton and seconded by Mr. Ainslie to approve the agenda as presented. Motion carried with all in favor.

IV. APPROVAL OF NOVEMBER 15, 2016 PLANNING AND ZONING COMMISSION MINUTES

Motion made by Mr. Ainslie and seconded by Mr. Crampton to approve the minutes from the November 15, 2016 meeting. Motion carried with all in favor.

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

No comments were heard at this time.

VI. RECONSIDERATION OF PROPOSED ZONING TEXT AMENDMENTS WHICH WOULD CONDITIONALLY ALLOW STORAGE USE (INCLUDING SHIPPING ROOM, EMPLOYEE BREAKROOM RESTROOMS) AS AN ACCESSORY USE IN A SEPARATE TENANT SPACE IN THE C-TS, C-WA, C-OPI AND C-B COMMERCIAL ZONING DISTRICTS

Mr. Page stated that the Commission had previously discussed a possible zoning text amendment to clarify what would be permissible for accessory storage uses, especially on Worth Avenue. He stated that John Eubanks, attorney for a property owner on Worth Avenue, would be speaking to the Commissioners on this issue. Mr. Page repeated the situation that prompted this proposed change to the amendment. He also indicated that the Town Council directed staff to work with the Planning and Zoning Commission and Mr. Eubanks to come up with an appropriate zoning text amendment.

Mr. Castro stated he incorporated Mr. Eubanks proposed changes into the original proposed zoning text amendment. Mr. Castro stated that the accessory storage use should be to a permitted or special exception use. He also stated that he believes there should be parameters as to the distance between the permitted special exception or permitted use and the accessory storage use.

John Eubanks, Attorney, spoke on behalf of Burt Handelsman who owns many properties on Worth Avenue. Mr. Eubanks spoke about working with staff to develop the new zoning text amendment. He indicated that there were two main issues that were addressed in the memo provided to the Commissioners. Mr. Eubanks stated the first issue was that the storage use was only intended to be used in conjunction with an existing permitted use or a special exception use in the district. Mr. Eubanks directed the Commissioners to the text that discussed this issue. Mr. Eubanks stated that the second issue had to do with the distance between the permitted use and the storage use. He discussed this issue with the Commissioners and questioned if a specific distance was necessary. He stated that the storage facilities would not be seen from the street or the Via. He agreed that the tenants would not cause a disruption with pedestrian traffic while moving merchandise.

Burt Handelsman, 240 Worth Ave., spoke about the recent loss of a tenant, due to this issue and discussed the vitality of storage for his current tenants. He requested that a limit is not placed on the distance between the tenant and their storage use and agreed that the storage facilities would not be seen from the street or Via. He also spoke about the dire need for public restrooms.

Mr. Page stated that staff agrees that the storage facilities should remain out of sight and should not face the street or Via. He also stated that staff believes that the movement of merchandise should not interfere with pedestrian traffic. Mr. Page stated that the staff did not want to handicap the businesses on Worth Avenue by placing a distance requirement in this amendment and would feel comfortable moving forward with the distance requirement eliminated.

Mr. Castro felt comfortable leaving out the distance requirement. He also stated that he felt that the word "existing" should be added in Paragraph 1 next to permitted or special exception use so it would read "existing permitted or special exception use." Mr. Eubanks asked a question about adding the word "existing." Mr. Castro and Mr. Klein responded.

Mr. Klein asked for public comment at this time. There was no public comment.

Mr. Golboro asked if it would be easier to change this request to a special exception for Worth Avenue rather than modifying the zoning code. Mr. Castro responded and stated that the proposed amendment would be less cumbersome and would cost less for the tenant. There was some discussion on this issue.

Mr. Castro stated that the intent of the change is to make it as user friendly for the tenant as possible.

Mr. Ainslie stated that he agreed that this amendment should be generally applied rather than to one specific building. Mr. Ainslie asked Mr. Handelsman if the storage issue was the reason for the loss of his tenant. Mr. Handelsman stated that in his opinion, his tenant left for this specific reason.

Mr. Castro reviewed how the accessory storage use was initially discovered.

Mr. Handelsman stated that in his 37 years in the town, he has never seen a storefront on Worth Avenue empty for over two years like he is seeing today.

Mr. Walker suggested to Mr. Handelsman to encourage his retain tenants to do online fulfillment. There was a short discussion regarding online shopping versus in person shopping.

Ms. Mack expressed her concern about not including a distance requirement and allowing storage on a different street. Mr. Page responded and discussed two safe guards that are included in the amendment: that the movement of merchandise would not interfere with pedestrian traffic and that the two facilities are located in the same block or zoning district. Mr. Castro elaborated on Mr. Page's comment.

Mr. Spazini was in favor of keeping the permitted use and the storage use in the same district.

Mr. Crampton asked for clarification on the proposed language in 134-1760, section 1. Mr. Castro stated he would recommend changing the language so it states "It is related to an existing permitted or special exception use in the same zoning district." Mr. Eubanks stated that Mr. Handelsman was agreeable to the change.

Motion made by Mr. Crampton and seconded by Mr. Ainslie to approve the changes to the zoning text amendment with the modification to 134-1760, section 1.

Ms. LeCates confirmed that the language to be approved would include the wording that indicated that both buildings would be located in the same district. Mr. Crampton stated it did include that language.

Motion carried with all in favor.

VII. 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

Mr. Klein stated that the request to discuss off-street parking originated from Town Council President Pucillo. Mr. Klein stated that he spoke recently to Mr. Pucillo and Mayor Coniglio, who informed him that two costly studies have previously been completed. Mr. Klein stated that studies take time and money and to complete another study would require hiring an outside consultant. He questioned whether the Town's citizens would feel that the expenditure would be necessary. He also stated that he was concerned about the possibility of additional development should the Town loosen its parking requirements. Mr. Klein stated he did not believe that the Town should spend the money for another study at this time.

Mr. Page stated that staff did not disagree with Mr. Klein's opinion. He also stated that parking has always been an issue on the island.

Mr. Walker discussed his exposure to the auto industry and he expressed his thoughts on the direction that the industry will take in the future. He talked about electric cars and auto sharing.

Mr. Ainslie talked about an article that he read about an Uber hotel. He expressed his opinion that the Commission should not rush into any changes.

Ms. Mack talked about the rising number of people that use Uber.

Ms. LeCates stated the only impact she would expect from parking changes would be to ease restrictions on new development. She also stated she did not see any need for action on this issue. She indicated that it should be easier for residents to park around town by using a decal. Mr. Klein discussed the possibility of asking Tom Bradford to schedule a presentation on parking for the Commission.

Mr. Golboro expressed his frustration on the construction parking in the summer months. Mr. Klein questioned whether Mr. Golboro's issue could be a topic at the next meeting. Mr. Page agreed that construction parking is an issue in the Town. Mr. Page discussed the regulations that are and are not permissible. Mr. Page also informed the Commission about the 3 strike parking rule. He indicated that the Town Manager has called a brain storming meeting to improve the parking issue.

Mr. Crampton questioned whether a study was needed to update the zoning related to parking. Mr. Castro provided a history of the zoning related to parking. There was some discussion on this topic.

Mr. Klein asked what would be involved, should a survey be conducted. Mr. Castro stated that the Town Council would have to authorize money to be spent to use an outside consultant. Some discussion continued regarding the possibility of a study and the previous study that had been conducted in 2006.

Ms. Mack reminded the Commission that after time and money was spent in 2006, there were no changes made at the request of the Town residents.

Mr. Castro stated that the Town Council wanted the Planning and Zoning Commission's opinion on whether the parking regulations needed to be revised.

There was a discussion between the Commissioners regarding whether or not a new parking study is necessary. Many of the Commissioners, including staff, thought a new study was not necessary.

Mr. Walker stated that driving habits needed to be changed and Palm Beach could be a leader in this initiative.

Mr. Klein stated that the Commission's consensus would be to recommend to the Town Council that a new parking study should not be conducted. Mr. Page said he would report this decision to the Town Council.

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

Julie Araskog, 1490 Via Manana, expressed concern about construction trucks parking on one lane of Ocean Blvd and on Everglades Island. She also expressed concern about construction parking in general. Mr. Page talked about the 3 strike rule that is in effect and mentioned other ideas that had been discussed to help alleviate issues with parking. Mr. Crampton asked about contractors shuttling employees, especially for the larger construction projects. Mr. Page stated he will offer Mr. Crampton's suggestion at the next meeting he attends. Mr. Castro stated that the necessity of the service vehicles can also create a dilemma for construction sites.

Mr. Page stated that there was not a need for a meeting in February. Mr. Page stated that he would be in touch with the Commission regarding the status of the meeting in March.

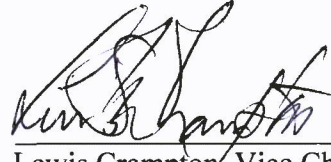
IX. ADJOURNMENT

The meeting adjourned at 10:54 a.m. with the benefit of a motion.

Respectfully Submitted,



Martin Klein, Chair
Town of Palm Beach
Planning & Zoning Commission



Lewis Crampton, Vice Chair
Town of Palm Beach
Planning & Zoning Commission