



**PLANNING AND ZONING COMMISSION
RECORD AND REPORT - DRAFT
TOWN HALL – COUNCIL CHAMBERS – SECOND FLOOR
360 S COUNTY ROAD, PALM BEACH
TUESDAY, MARCH 21, 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

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

Martin I. Klein, Chair	PRESENT
Lewis Crampton, Vice Chair	PRESENT
Carol Mack, Member	PRESENT
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	ABSENT (unexcused)

Staff Members present were:

John Page, Director of Planning, Zoning & Building
Veronica Close, Assistant Director of Planning, Zoning & Building
Logan Elliott, Zoning Technician
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

Chair Klein welcomed all in attendance at the meeting.

Motion made by Mr. Golboro and seconded by Ms. LeCates to approve the agenda as presented. Motion carried with all in favor.

IV. ELECTION OF OFFICERS

Mr. Ainslie nominated Mr. Klein for Chairman. Mr. Crampton seconded the nomination. There were no other nominations. Motion carried with all in favor to approve the nomination for Mr. Klein to remain as Chairman.

Mr. Klein nominated Mr. Crampton for Vice Chairman. Mr. Golboro seconded the nomination. There were no other nominations. Motion carried with all in favor to approve the nomination for Mr. Crampton to remain as Vice Chairman.

V. APPROVAL OF JANUARY 17, 2017 PLANNING AND ZONING COMMISSION MINUTES

Motion made by Ms. Mack and seconded by Mr. Golboro to approve the minutes from the January 17, 2017 meeting. Motion carried with all in favor.

VI. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

Anita Seltzer, 40 Cocanut Row, stated she would like to speak at the end of the meeting.

VII. STUDY PROPOSED REGULATIONS REGARDING LANDSCAPE ACTIVITY WITHIN THE CONSERVATION ZONING DISTRICT

Mr. Page announced that staff would be presenting a proposed zoning code change for the conservation zoning district.

Ms. Close explained that the Audubon Society had asked the Town if they could clean up some of the landscaping on Bingham Island. She indicated there were no provisions in the Code regarding landscape removal in a conservation district. Therefore, the Town Council passed a zoning in progress resolution to allow staff to develop a set of recommendations to present to the Planning and Zoning Commission as well as to develop a set of policies to present to the Ordinance, Rules and Standards Committee. Ms. Close stated that staff worked on the recommendations for the zoning code as well as a draft permit. Ms. Close reviewed the proposed changes with the Commissioners.

Mr. Spaziani asked who owned Bingham Island. Ms. Close stated that the Audubon Society has a long-term lease from a private trust.

Mr. Walker asked if people are allowed onto the island. Ms. Close responded that the area is overgrown, as is the intent of a conservation area, but that people are allowed on the island.

Mr. Crampton asked if any structures, paths, canoe stations could be built on the island. Ms. Close responded by stating they are not allowed on the island. She also informed the Audubon Society that there are no permitted uses allowed on the island.

Ms. Mack informed the Commission about the movement 10 years ago to rid the island of Australian Pines. She asked if the Audubon Society could continue to remove the dead tree trunks that were left after the removal. She also informed the Commission about vegetation that had been cleared off the beach, which expanded the area. She indicated that while there

is no intended use on the island, the cleared beach area now attracts kayakers. She expressed concern about limiting the amount of vegetation that can be cleared off of the beach.

Ms. LeCates asked who removed the vegetation. Ms. Mack stated that the Town hired the work to be done.

Ms. Close stated she spoke to Rob Weber who informed her that the Australian Pine trunks are there to allow nesting for birds. Ms. Close also stated that the Department of Environmental Protection was called in to assess the beach area and will contact the Audubon Society about some of the issues they found. Ms. Close stated that the Audubon Society has asked to do more work on the island, however the request has not been processed because the Town is waiting for DEP to determine if any requirements had been violated. Ms. Close told the Commission that the permit did not allow for any structures or paths on the island. However, the removal of invasive and exotic species was approved. Ms. Close stated that a new replanting plan has been requested from the Audubon Society.

Some discussion ensued at this time regarding the financing of the project.

Mr. Ainslie asked why DEP would be enforcing the restrictions from the Town's permit rather than the Town. Ms. Close explained how and why the permit was issued.

Ms. LeCates asked if the permit could be revoked. Ms. Close said it could but the work had already been completed. Ms. Close stated that the Town contacted DEP to inspect the work that had been completed.

Mr. Pollock asked if the work had been stopped. Ms. Close stated that the work had been completed and The Audubon Society had not completed anything further than what they were allowed. There was a discussion that continued on this topic.

Mr. Golboro inquired about the easement or right of ways on Bingham Island that are controlled by FDOT. Ms. Close stated that FDOT has a right of way on the island. Mr. Golboro argued that the concerns with the beach area were an enforcement problem rather than a legislative problem. Mr. Golboro asked about the Town's rights over FDOT.

Mr. Page stated that the issue is the Town wants to keep the areas in question, native without attracting human activity. He believes that the newly proposed language for the Code addressed this issue. Mr. Page also indicated that the Town's coastal coordinator was extremely concerned about the issue and would stay informed on the situation.

Mr. Klein confirmed that the Town is asking the Commission to approve the proposed language in Section 134-1355 and questioned the use of special exception. Ms. Close responded.

Mr. Golboro talked about the need to modify the islands near Sloan's Curve and questioned whether the new language would apply to all areas or specifically to Bingham Island. Ms. Close responded.

Mr. Crampton questioned the unintended consequences of the clearing. He proposed that a work plan was needed to allow the work to be monitored. Mr. Crampton suggested that the ORS Committee create a work plan. Ms. Close stated that the Town developed a list of standards for The Audubon Society to follow.

Mr. Ainslie suggested an addition of language that would reflect a financial obligation of the permittee if the work were not appropriate. Ms. Close agreed.

A short discussion ensued regarding Chapter 66 language.

Mr. Spaziani asked what conservation areas the Town owned. Ms. Close stated that the information is available in the Town's GIS program. She indicated that she could bring back the information to the Commission if they were interested.

Mr. Klein questioned Ms. Close whether the last sentence in Sec. 134-1355 was redundant and necessary to include.

Motion made by Mr. Crampton and seconded by Mr. Walker to add Division 13 to the Code of Ordinances, along with ORS to draft language covering site plans and enforcements. Motion passes 6-1 with Mr. Golboro opposed.

Mr. Klein welcomed others attending the meeting.

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

Mr. Page provided an update to the Commissioners regarding commercial storage Code changes and the FEMA new flood plain maps.

Mr. Klein asked how the FEMA flood plain ties into the Florida Building Code. Mr. Page responded. A discussion ensued regarding this topic.

Mr. Golboro stated that the reason he voted against the motion was that he does not believe that the Town should be in conflict with FDOT. He believes that the easements should be carefully reviewed.

Mr. Page provided a Comprehensive Plan status update for the Commissioners.

Mr. Crampton inquired what the emphasis was for the NID and where are NID's operating now. Mr. Page responded. Some discussion ensued regarding NID's.

Mr. Page stated that there was no need to hold a meeting in April. He added that he would keep the Commissioners updated regarding a possible May meeting.

Anita Seltzer, 44 Coconut Row, reviewed the Comprehensive Plan timeline and discussions. She indicated that the NID's were not listed for discussion. Ms. Seltzer reviewed the Commission's discussions on NID's.

Mr. Klein regretfully stated that the Town's former Mayor Deedy Marix passed away.

Mr. Spaziani asked for more information on NID's. Mr. Crampton and Mr. Page stated that the Town Council members would be reviewing this item and it would not return to the Planning and Zoning Commission.

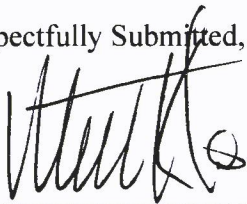
Mr. Walker asked about the restrooms on Worth Avenue that were recommended by Mr. Handelsman. Mr. Page stated that he had not received any information regarding this issue.

Mr. Golboro asked if the Town had received a preliminary statement regarding the FEMA flood plains. Mr. Page responded. Mr. Golboro asked if the Commission should begin discussions on this topic. Mr. Page responded. Mr. Klein asked Mr. Page if he could send the information to Mr. Golboro. Mr. Page agreed to do so.

IX. ADJOURNMENT

**Motion made by Mr. Ainslie and seconded by Mr. Crampton to adjourn the meeting.
Motion carried with all in favor. The meeting adjourned at 10:49 a.m.**

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Martin Klein', with a stylized flourish at the end.

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