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

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

Martin I. Klein, Chair	PRESENT
Lewis Crampton, Vice Chair	PRESENT
Alan S. Golboro, Member	PRESENT
Michael Ainslie, Member	PRESENT
Kenneth Walker, Member	PRESENT
Carol LeCates, Member	PRESENT
Rick Pollock, Member	PRESENT
Michael Spaziani, Alternate Member	ABSENT (unexcused)
Eric Christu, Alternate Member	PRESENT
Ronald Berk, Alternate Member	PRESENT

Staff Members present were:
John Page, Director of Planning, Zoning & Building
Paul Castro, Zoning Administrator
Logan Elliott, Zoning Technician
Debby Moody, Interim Secretary to the Planning and Zoning Commission

II. INVOCATION AND PLEDGE OF ALLEGIANCE

Ms. Moody 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.

Chair Klein thanked Carol Mack for her service on the Planning and Zoning Commission. He also congratulated Carol LeCates and Rick Pollock on their recent appointments and welcomed Ron Berk to the Commission.

Chair Klein informed the Commission that the Town Council had referred additional items for study to them for their upcoming meetings.

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

IV. APPROVAL OF MAY 16, 2017 PLANNING AND ZONING COMMISSION MINUTES

Motion made by Mr. Crampton and seconded by Mr. Walker to approve the minutes from the May 16, 2017 meeting. Motion carried with all in favor.

Mr. Ainslie asked that the minutes contain more substance and detail. Mr. Page addressed Mr. Ainslie's concern and explained that abbreviated minutes is the Town's policy and that the audio of the meetings is online for review.

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

There were no citizens' comments at this time.

VI. CONSIDERATION OF ZONING TEXT AMENDMENT APPLICATION BY RPP PALM BEACH PROPERTY, LP, TO ALLOW "OUTDOOR GREENSPACE ACTIVITIES" IN THE PLANNED CENTER ZONING DISTRICT (C-PC)

Chair Klein called for disclosure of ex parte communication: Disclosure by several members.

Alexandra Patterson, UpMarkets, stated that they were aligned with staff's memo regarding outdoor greenspace activities for the C-PC zoning district. She added that she approached Mr. Page to assist with the timing of the special exception permit process, as she believes the time to obtain the permit could hinder many businesses. Ms. Patterson explained the design of the plaza around the greenspaces and their desire for the proposed use of those spaces. She advocated for the proposed zoning text amendment.

Mr. Castro stated that staff will support local businesses to be town serving. Mr. Castro stated that the memo regarding outdoor greenspace activities did support a change within commercial areas throughout the town. He stated the request should be permitted as a special exception use and vetted by the Town Council. He recommended that the events are approved by the management of the property and have conditions of approval through Declaration of Use agreements.

Mr. Berk asked if the two parties have had discussions and come to an agreeable solution. Mr. Castro responded by explaining the method of approval of a special exception request and the process of changing the Code. Mr. Page stated that if the Planning and Zoning Commission were in favor of the text amendment, staff would continue dialog with UpMarkets. Mr. Castro stated that UpMarkets could file their application concurrently with the process of the change in the Code but they would not be able to receive approval until

31 days after an Ordinance was adopted. Ms. Patterson stated that some event ideas have already been expressed but she anticipated more once stores began to open and the interaction of customers occurs.

Mr. Christu asked for an explanation from Mr. Castro regarding a one-time use. Mr. Castro stated that an approval would be given one time but could apply to an annual event, depending on the Declaration of Use agreement. Mr. Christu asked if staff views this change as a benefit to not only the businesses but to the townspeople as well. Mr. Castro stated that staff wants to the commercial areas to be viable and to attract people, as long as they are tempered.

Mr. Pollock thought the proposed change had great potential for commercial areas. He recommended that the management group, not the individual store, should apply for the special exception and monitor the event. Mr. Castro stated that is the intent of the proposed change. Mr. Pollock asked Mr. Castro if he saw any negatives in the proposed change. Mr. Castro responded that he did not, as long as the events were controlled through the Town Council with a Declaration of Use agreement.

Mr. Ainslie questioned the statement that precluded multiple events occurring at the same time. Mr. Castro stated that stores acting on their own could not hold an event with the approval of the property management but the property management could organize a group event. Mr. Ainslie asked about the method of communication between the property management and the Town of upcoming events. Mr. Castro explained the methods of approval and added he anticipated the Town Council would handle the communication through the Declaration of Use agreements.

Mr. Crampton stated he was in favor of the idea but expressed hesitation about the type of events that will occur. He was comfortable with the approval process and the Declaration of Use agreement. Mr. Castro stated that once the Planning and Zoning Commission approved the proposed text amendment, this item would not return to the Commission and all of the approvals would be granted from the Town Council.

Mr. Golboro asked Ms. Patterson about the types of tenants that have requested these events. Ms. Patterson reviewed two requests that she currently has for events that require a special exception. Mr. Golboro expressed concern about changing the zoning for the entire community at the request of one property in town. Mr. Castro responded with the reasoning for this change and stated that the approvals for special events would be on a case-by-case basis. A short discussion ensued on this topic.

Mr. Walker submitted a newspaper article about the state of retail in today's economy. He was in favor of the request and thought this request should be treated as a unique opportunity, especially since this is a town serving property.

Ms. LeCates asked how certain events are currently permitted, such as the Pet Parade. Mr. Castro responded and stated that he was not aware of the Pet Parade. Ms. LeCates was in favor of the request and thought the proposed language was protective of the Town.

Mr. Castro recommended adding a requirement that Royal Poinciana Plaza provide an affidavit that stated that they would agree to be bound by the terms of the 1979 agreement.

Chair Klein asked the residents from Palm Beach Towers who were present if they would like to make any statements regarding the request.

R. Joseph Fukes, President of the Palm Beach Towers, expressed that they were pleased by the improvements made by UpMarkets at the Plaza and offered support for the request.

Chair Klein asked Ms. Patterson if she would like to comment on the email that was sent to the Commission from Julie Araskog. Ms. Patterson declined.

Chair Klein asked who would be involved if the activities of the event varied from what had been approved. Mr. Castro stated the Town Council would address the situation.

Mr. Castro made it clear that the application is for the Royal Poinciana Plaza however, that staff is asking the Commission to expand the scope of the request.

Mr. Crampton asked for clarification on the approval process for a request. Mr. Page stated that the zoning ordinance needs to change first. Once approved it would have a first and second reading at the Town Council level. Then an application would need to be filed for a special exception for an event. If the Town Council approves the special exception request, there would also be a Declaration of Use agreement that the Town Council would enter into with the applicant.

Mr. Crampton questioned if this would work with other properties, especially those without a strong management organization, like UpMarkets. Mr. Castro stated the owner of the property would have to file the application. Some discussion ensued regarding this issue.

Mr. Klein stated that Mr. Golboro had an interesting point and expressed concern about making a change with unintended consequences.

Mr. Castro reminded the Commission that UpMarkets would be the sponsor for each event as well as the one entering into the agreement.

Mr. Klein asked if staff would be opposed to submitting Mr. Golboro's suggestion to the Town Council. Mr. Castro stated that staff's recommendation to the Town Council would not change, however the Commission could recommend another alternative to the Town Council.

Mr. Pollock expressed that the Commission should only focus on the change of the Ordinance, not the modification of the Ordinance, which should be left up to the Town Council.

Mr. Klein disagreed and pointed out that the Commission is discussing the expansion of permitted use and whether it should be permitted in all commercial districts or limited commercial areas.

Mr. Walker urged the Commission to support the change. Mr. Crampton was in support of changing the ordinance as well.

Jamie Crowley, Attorney for the applicant, stated that they are requesting the change of the Ordinance for the whole zoning district, not just for the Royal Poinciana Plaza.

There was a short discussion regarding a motion.

Motion made by Mr. Crampton and seconded by Mr. Walker to approve the zoning text amendment by the Royal Poinciana Plaza to allow outdoor activity in the C-PC zoning district as a special exception use with a Declaration of Use Agreement and any other conditions added by the Town Council.

Ms. LeCates asked Mr. Crampton to comment on his level of discomfort on allowing this change to encompass The Esplanade. Mr. Crampton provided his explanation. Mr. Golboro added further explanation and stated that only the district in the application should be approved for this zoning text amendment. A short discussion ensued whether the amendment should be for the C-PC versus all commercial zoning districts.

Motion carried with all in favor.

VII. CONSIDERATION OF ZONING TEXT AMENDMENT APPLICATION BY RPP PALM BEACH PROPERTY, LP TO ALLOW PROPERTY IDENTIFICATION SIGNS IN THE PLANNED CENTER ZOING DISTRICT (C-PC)

Alexandra Patterson, UpMarkets, explained the intent to identify the property with signage. Ms. Patterson stated that the Code does not allow for property identification signage. She noted that any proposed signage would require Landmarks Commission approval. She stated that UpMarkets is in alignment with staff's recommendations with the exception of one detail, which is the number of signs that are appropriate for an entrance or exit of a property. She noted that the Landmarks Commission or Architectural Commission would also approve this detail should they decide to apply the text amendment change to other zoning districts. Ms. Patterson showed the Commissioners a historic John Volk plan of signage, the proposed signage and photos of the entrances on the overhead projector.

Mr. Klein asked if Ms. Patterson was requesting a certain number of signs. Ms. Patterson stated that Royal Poinciana Plaza would be asking for two signs at each entrance and exit.

Mr. Castro stated that the applicant did not limit the number of signs in their request. Staff felt it was too much signage. After some research, staff felt the aide to traffic signage was appropriate with one monument sign per entrance.

Mr. Klein clarified the request of the applicant. Mr. Castro stated that the text amendment is designed to be applied to all zoning districts, with the approval of the Landmarks and Architectural Commissions.

Ms. LeCates asked about the approval process. Mr. Castro explained that the Landmarks or Architectural Commission would give an approval first, and then the applicant would apply for a building permit. Ms. LeCates thought signage was appropriate for the RPP given the size and scale of the property. Some discussion ensued about other locations where monument signs would be applicable.

Mr. Walker stated that cars frequently pass this location due to lack of signage.

Mr. Crampton asked if a signage plan was available for review. Jamie Crowley, Attorney for the applicant, stated that the Landmarks Commission would review the signage plan. Ms. Patterson explained the signage plan that is currently in the works; however, Landmarks did approve a plan that included awnings and storefront signage. Some discussion ensued signage.

Mr. Ainslie stated that the symmetry in John Volk's design convinced him that both columns should have signage.

Mr. Pollock agreed and thought the proposed signs were tasteful. Mr. Pollock also added that the two columns on Worth Avenue have signs.

Mr. Christu thought signage on both columns were appropriate. He added that limiting the number of signs does not allow the Landmarks or ARCOM Commissions to provide an approval for more than one sign if they find it appropriate.

Mr. Berk felt that the text amendment should be changed only for the C-PC district, as in the previous request.

Mr. Klein asked if any of the public would like to comment on the request.

R. Joseph Fukes, President of the Palm Beach Towers, was in support of signage on all of the columns.

Mr. Castro stated the reason staff believes one monumental sign is appropriate.

Mr. Klein asked Mr. Castro if there was any negative consequences of changing the text amendment to allow two signs. Mr. Castro responded.

Ms. LeCates asked if it would be appropriate to add language in the Code that if more than one sign were necessary, a special approval would be required. Mr. Castro added that staff's recommendation would be one monument sign per entrance but the applicant asked for unlimited signage, at 20 square feet per sign. Mr. Castro stated that staff felt that request was too much.

Mr. Castro summarized that the Commission would like to allow two signs per entrance, not more than ten feet from the entrance, not more than six feet in height and not more than six square feet in area.

Ms. Patterson clarified that they are asking for two signs per entrance and exit or one per entrance and one per exit.

Ms. LeCates expressed concern about changing the Code for other zoning districts where it may not be appropriate. Mr. Castro restated staff's recommendation and explained the reasoning.

Motion made by Mr. Crampton that the change to the zoning text amendment be granted to permit two signs.

Mr. Castro stated that staff had a problem with the applicant's request to allow building identification signage on the columns at the exit of the building as it may confuse drivers. Some discussion continued on this issue.

Motion amended by Mr. Crampton, seconded by Mr. Walker to approve the requested zoning text amendment as modified by staff's recommendation, and further modified to limit the amendment to two signs, one on each column, two per each exit and entrance, in the C-PC zoning district. Motion carried with all in favor.

Mr. Castro recommended adding a requirement that Royal Poinciana Plaza provide an affidavit that stated that they would agree to be bound by the terms of the 1979 agreement. Ms. Patterson agreed with this condition.

VIII. CONSIDERATION OF STAFF PROPOSED ZONING TEXT AMENDMENTS

Mr. Page stated that staff has identified 13 items plus 3 that need attention. He added there was no expectation to rush through the items.

Mr. Castro introduced zoning item number one, which addressed an increase in fees. Mr. Castro explained the requested increase in fees and stated the last increase occurred about 12 years ago. Mr. Page provided a broader explanation of the fees and stated that the Town Council recently adjusted fees; however, the fees in question are embedded in the zoning ordinance so they had to be presented to the Planning and Zoning Commission to be adjusted. Mr. Castro explained all of the proposed text amendments for this item.

Many of the commissioners did not have a comment or saw no problem with this request.

Motion made by Mr. Golboro and seconded by Mr. Pollock to approve zoning item number one. Motion carried with all in favor.

A short break was taken at 11:30 a.m. The meeting resumed at 11:42 a.m.

Mr. Page introduced Logan Elliott, Zoning Technician for the Town.

Mr. Castro introduced zoning item number two, regarding an initial review of zoning text amendment proposals.

Mr. Klein stated this creates a bifurcated approach.

Motion made by Mr. Crampton and seconded by Mr. Walker to approve zoning item number two. Motion carried with all in favor.

Mr. Castro introduced zoning item number three, which pertained to an administrative appeal process to clarify when the clock starts for the appeal period and to update the required information for an appeal package. Mr. Castro explained all of the proposed text amendments for this item.

Ms. LeCates stated she had some edits to the Code that she will sent to Mr. Castro. She questioned the language in section 134-145 (1). Mr. Page and Mr. Castro stated that the language has been in the Code for a long time.

Mr. Castro recommended striking the words forthwith, thereon and together in section 134-145 (1). Ms. LeCates stated those changes did not clarify her concern.

Ms. LeCates stated she would send the changes in add/delete format. Mr. Castro stated he could incorporate the changes into the amendment.

Motion made by Ms. LeCates and seconded by Mr. Crampton to approve zoning item number three. Motion carried with all in favor.

Mr. Castro introduced zoning item number four, which involved allowing essential services to be built on the west side of the Lake Trail. Mr. Castro explained all of the proposed text amendments for this item.

Mr. Klein asked if this would only be related to the Town's essential services. Mr. Castro explained that it could be utility companies as well, but they would be infrastructure related.

Mr. Castro added that municipal signage would be presented to the Commission after the Town Council approves the item.

Mr. Golboro suggested removing the golf course from the text amendment since the signage is west of the trail. Mr. Castro stated that the Lake Trail is not near the golf course. Mr. Castro stated the signage would be a separate issue. A short discussion ensued about signage.

Mr. Walker suggested adding language that would require landscaping to screen the addition. Mr. Castro stated the Town Council would need to add that requirement.

Motion made by Mr. Pollock and seconded by Mr. Walker to approve zoning item number four. Motion carried with all in favor.

Mr. Castro introduced zoning item number five, regarding creating a Code provision, which would allow for island related construction parking at private clubs in residential zoning districts in the Town. Mr. Castro explained that this was a directive of the Town Council and reviewed all of the proposed text amendments for this item.

Mr. Klein asked to defer this item to the next meeting, as he believed this item should be advertised to allow for public participation.

Mr. Page provided more explanation on why the Town Council is looking for solutions to the construction parking problem, which seem to be worse each year.

Mr. Pollock asked if this would include storage of vehicles. Mr. Castro stated this would be for daily traffic only. Mr. Castro also added that this would not require notice to the neighbors however, that option is available.

Mr. Walker thought the idea had a lot of merit.

Mr. Klein stated the approval method is the issue at hand.

Mr. Castro stated that there could be a condition of use added to the approval.

Motion made by Mr. Crampton to defer the item to another meeting.

A short discussion ensued regarding the issues relating to construction parking at private clubs.

Motion amended by Mr. Crampton and seconded by Ms. LeCates to defer item five to the November meeting. Motion carried with all in favor.

Mr. Castro introduced zoning item number six, which dealt with regulating tow-away signs on private property. Mr. Castro explained all of the proposed text amendments for this item. He added that this proposed language would provide anyone with a non-conforming tow-away sign to come into compliance within 2 years. Mr. Castro stated that staff would request the Architectural Commission to approve a sign that others could use as a guide to comply.

Mr. Golboro suggested that the State Statute provided signage requirements for tow-away signs. Mr. Castro read the State Statute and stated that there are several signs that are not compliant. Mr. Castro added that a permit would be required for the signs, which would allow oversight to make sure signs are compliant.

Motion made by Mr. Golboro and seconded by Ms. LeCates to approve zoning item number six. Motion carried with all in favor.

Mr. Elliott introduced zoning item number seven and explained it was a housekeeping item to correct a Code section reference.

Motion made by Mr. Golboro and seconded by Mr. Ainslie to approve zoning item number seven.

Mr. Walker asked if the Paramount sign on Sunset Avenue was Landmarked. Mr. Page stated it was Landmarked.

Motion carried with all in favor.

Mr. Elliott introduced zoning item number eight and explained it was a housekeeping item to correct a Scrivener error.

Motion made by Mr. Golboro and seconded by Ms. LeCates to approve zoning item number eight. Motion carried with all in favor.

Mr. Elliott introduced zoning item number nine and explained it was a housekeeping item to correct an error in describing the R-B Zoning district in section 134-896.

Motion made by Ms. LeCates and seconded by Mr. Ainslie to approve zoning item number nine. Motion carried with all in favor.

Mr. Elliott introduced zoning item number ten and explained the intent to remove inconsistent language, to consolidate and eliminate redundant Code language relating to tennis court regulations.

Motion made by Mr. Golboro and seconded by Mr. Ainslie to defer item ten to the November meeting to allow time to advertise the item. Motion carried with all in favor.

Mr. Elliott introduced zoning item number eleven and explained the intent to change the Code relating to cubic content credit for unenclosed patios, loggias, balconies and porches in section 134-893. Mr. Elliott explained how the current code could cause an arbitrary hardship for an applicant.

Mr. Golboro suggested postponing this item to allow time to advertise.

Ms. LeCates asked for clarification on the proposed language. Mr. Elliott and Mr. Castro provided further explanation and examples.

Mr. Walker suggested having an architect draw a visible explanation for the next meeting. Mr. Elliott stated staff could bring some diagrams to the next meeting.

Motion made by Mr. Crampton and seconded by Mr. Golboro to defer item eleven to the November meeting to allow time to advertise the item. Motion carried with all in favor.

Mr. Elliott introduced zoning item number twelve and explained the intent to change the Code to allow a swimming pool or spa structure to be built at a height higher than six inches above the finished ground level. He added this would also allow for infinity pool spillovers.

Mr. Golboro expressed concern about the flooding of pools with heavy storms. Mr. Castro stated that when pools spill over from flooding, the water should be draining into a catch basin.

Mr. Golboro suggested deferring the item to allow for more research and consideration to address the heavy rains in today's climate in conjunction with the proposed zoning text amendment.

Mr. Castro explained that the Code was changed to address pools built many decades ago. He added that the technology and pools are different today.

Mr. Klein added that this item could be approved while at a later meeting, the Commission could consider Mr. Golboro's concerns. Mr. Page agreed and stated he could invite the Building Official to speak on the subject as well.

Motion made by Mr. Ainslie and seconded by Mr. Crampton to approve zoning item number twelve. Motion carried with all in favor.

Mr. Elliott introduced zoning item number thirteen and explained the intent to change the Code to clarify the existing three percent lot coverage exception for one-story awnings and/or trellises that does not count in the calculation for cubic content ration in the R-B zoning district.

Mr. Pollock asked if this was separate from the five percent for loggias. Mr. Elliott explained that awnings are not included in the five percent bonus for CCR.

Motion made by Mr. Golboro and seconded by Ms. LeCates to approve zoning item number thirteen. Motion carried with all in favor.

Mr. Castro stated he has three items to be presented to the Commission at a future meeting. He added one item addressed minimum flood elevations and increasing wind velocity requirements for construction methods. Mr. Castro stated the Building Official, Bill Bucklew, would attend the meeting to address the topic.

Mr. Klein asked Mr. Castro to invite the Frisbies to participate in the meeting.

Some discussion occurred about other potential topics for upcoming meetings.

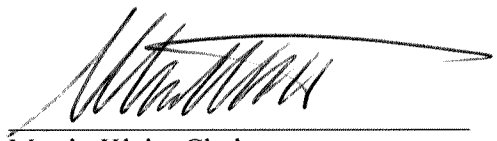
Mr. Klein asked the Commission if the proposed November 21, 2017 meeting date was acceptable since it occurred two days before Thanksgiving. Mr. Castro added that staff may not be present and requested to change the date of the meeting. Some discussion occurred regarding potential meeting dates. Mr. Page reviewed the anticipated items for discussion at the next meeting. It was decided that Tuesday, November 28, 2017 would be the first preference for the next meeting and Monday, November 27, 2017 would be the second preference. Mr. Page stated that staff would check on the room availability and update the Commission with the new date.

Mr. Golboro suggested that staff ask the Town Council to see if there was any interest in researching the possibility of breaking up some of the zoning districts. Mr. Castro stated that this issue was addressed 14 years ago and from his experience, the areas are consistent. Mr. Page stated that the issues before the Commission were directed by the Town Council.

IX. ADJOURNMENT

The meeting adjourned at 1:07 p.m. with the benefit of a motion.

Respectfully Submitted,



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