



**PLANNING AND ZONING COMMISSION
MINUTES
TUESDAY, NOVEMBER 28, 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	ABSENT (excused)
Kenneth Walker, Member	PRESENT
Carol LeCates, Member	PRESENT
Rick Pollock, Member	PRESENT
Michael Spaziani, Alternate Member	PRESENT
Eric Christu, Alternate Member	PRESENT (left at 10:49 a.m.)
Ronald Berk, Alternate Member	PRESENT

Staff Members present were:

John Page, Director of Planning, Zoning & Building

Paul Castro, Zoning Administrator

Logan Elliott, Zoning Technician

Kelly Churney, Secretary to the Planning and Zoning Commission

Bill Bucklew, Building Official

Mr. Klein noted that Mr. Spaziani would be voting in the absence of Mr. Ainslie.

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

IV. **APPROVAL OF OCTOBER 17, 2017 PLANNING AND ZONING COMMISSION MINUTES**

Ms. LeCates suggested a change to the minutes regarding outdoor events in the C-PC district. Mr. Crampton stated his opinion on the conversation regarding this topic. Chairman Klein asked if the item could be addressed with Mr. Page during the break. After the break, the following motion was made to approve the minutes.

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

V. **COMMUNICATIONS FROM CITIZENS – 3 MINUTE LIMIT PLEASE**

There were no citizens' comments at this time.

VI. **CONSIDERATION OF STAFF PROPOSED ZONING TEXT AMENDMENTS DEFERRED FROM THE OCTOBER 17TH COMMISSION MEETING:**

A. **DAVID FRISBIE COMMUNICATION REGARDING MINIMUM FLOOD ELEVATION REQUIREMENTS AND WINDLOAD REQUIREMENTS FOR CONSTRUCTION**

Mr. Page reviewed an email sent to the Town from David Frisbie regarding the global warming effects on our environment. Mr. Page stated he forwarded the email to the Town Council members and subsequently, they asked that the Planning and Zoning Commission review the issues. He stated there were no necessary actions to take after the presentation. Mr. Page also added that Bill Bucklew, Building Official for the Town, was present for the discussion. He also added that he is a certified floodplain manager.

Robert Frisbie, Jr. and Cody Crowell lead a presentation regarding climate changes, which they believe threaten the survivability of the Town. The focus of their presentation touched on sustainability, adapting to the twenty-first century and revenue generation. They urged for changes in the code to address the climate changes.

Rajiv Krishnan and Casey Ogden, Coastal Risk Consulting, discussed extreme weather and climate events that could affect Palm Beach's future.

Mary Galbicka, Celedinas Insurance, addressed the rising costs of insurance and things that can be done to mitigate the costs.

Mr. Page thanked the Frisbie family and stated that Mr. Bucklew could speak regarding elevating current building codes to address environmental changes.

Mr. Crampton stated that he is the chair of the sustainability committee for West Palm Beach and discussed how they address these issues. Mr. Crampton thought a recommendation to the Town Council to set up a similar committee here in the Town would be the next step.

Mr. Spaziani discussed the difference between wave height and storm surge during a storm. He recommended metal retaining walls next to the beach. He stated he supports LEEDs asked the Frisbie family what they are doing to lower their carbon footprint. Mr. Frisbie responded. Mr. Spaziani suggested that the Tesla Corporation make a presentation to the Town regarding their new solar roofing solutions.

Mr. Pollock asked the Frisbies where they are being prevented from progressing due to the current zoning code. Mr. Frisbie responded and Mr. Crowell suggested looking at the new floodplains on a street by street basis, rather than broad based.

Mr. Krishnan stated that FEMA flood maps are based on historical data and are not forward thinking.

Mr. Page suggested that Mr. Bucklew inform the Commission of what rules and regulations are currently in place for the Town.

Mr. Bucklew addressed the Commission and told them about an ongoing coastal study being performed by FEMA and the stringent requirements for barrier islands, such as the Town, that are in place in the Code today.

Mr. Pollock asked the Frisbie family if there was any questions that they wanted the Commission to answer. Mr. Crowell stated there were not any questions they needed addressed but stated they would like to collaborate with the Town for its future.

Mr. Frisbie suggested the possibility of a committee or subcommittee, to look at the current code with a comprehensive perspective for the future.

Mr. Golboro asked to receive a copy of the presentation for his review. He also suggested that the Commission develop a list of items for discussion and research to present to the Town Council for their approval.

Mr. Walker was appreciative to the Frisbie family and hoped that the Town would be in support of changes for the future.

Ms. LeCates was in favor of a task force or a committee that could rewrite changes to the Code.

Mr. Christu was complimentary to Frisbies and thought there needs to be a comprehensive review of the Code.

Mr. Page discussed the issue of building heights in Palm Beach. He added that this topic had been a popular topic at many ARCOM meetings. Mr. Page stated he would like to relay the items discussed to the Town Council.

Mr. Berk was appreciative to the Frisbie family and suggested that changes often occur and therefore the Code needs to stay fresh. Mr. Berk submitted that direction from the Town Council was needed.

Ms. LeCates asked if there was anything to prevent a group of citizens from gathering and discussing these issues. Mr. Page responded.

Mr. Golboro asked if the State of Florida would be requiring different building heights at the beginning of the New Year. Mr. Bucklew responded.

Mr. Pollock inquired about the current base flood elevations. Mr. Bucklew responded and explained NGVD and NAVD.

Mr. Crampton stated he would like copy of the presentation. Mr. Crampton thought that focusing on just the Code was too narrow of an approach and suggested phasing in changes over time. He added that a comprehensive approach was the best tactic and that directive should come from the Town Council.

Mr. Klein thanked the Frisbie family for the presentation. He indicated that the Code could be improved and brought up to date. He asked the Frisbie family to return with suggestions that the Commission could deliberate and pass along to the Town Council.

Mr. Page requested that Mr. Frisbie and Mr. Crowell email him the presentation so that he could forward it to the Town Council and the Planning and Zoning Commission.

A short break was taken at 10:49 a.m. The meeting resumed at 11:04 a.m.

B. ZONING ITEM 5. CONSTRUCTION RELATED PARKING AT PRIVATE CLUBS

Mr. Castro reintroduced zoning item number five since the item was deferred in October. Mr. Castro explained the proposal regarding creating a Code provision, which would allow for construction parking at private clubs in residential zoning districts in the Town. Mr. Castro proposed new language, which would add this type of parking as an accessory use to a private club for projects only in the Town of Palm Beach. Mr. Castro reviewed how this would apply to some of the private clubs on the island.

Mr. Golboro suggested that this provision should apply for passenger vehicles and trucks under certain weight limits. Mr. Castro responded.

Mr. Klein asked about the genesis of this discussion. Mr. Castro stated that the direction of this conversation came from the Town Manager's office and the issues that have arisen with construction parking.

Mr. Spaziani asked if the clubs on the island had been contacted about this possibility. Mr. Page responded and stated only one club was not interested.

Mr. Pollock asked if it was necessary to define the calendar days when this would be applicable. Mr. Castro stated he would add a limitation similar to "out of season" before this is presented to the Town Council.

Motion made by Mr. Golboro and seconded by Mr. Crampton to approve the proposed changes as modified to include Mr. Castro's proposed changes. Motion carried with all in favor.

Mr. Castro stated he would send the modified language to Mr. Klein before it was presented to the Town Council.

C. SOLAR PANEL REGULATIONS

Mr. Castro introduced the item to the Commission and reviewed the solar panel regulations that are currently allowable. Mr. Castro stated that the Town Council had asked the Commission to readdress this item since the technology has significantly changed.

Mr. Golboro suggested that the Architectural Review Commission approve any proposed solar panels since they are the professionals. Ms. LeCates agreed with Mr. Golboro.

Mr. Walker stated that he has seen some of the new solar technologies and added they are looking more residential. He added that the Town should encourage new technologies.

Mr. Klein asked if this regulation was limited to only the R-AA zoning district. Mr. Castro stated the regulations applied to every district. Mr. Klein asked if site screening would be applicable for solar panels. Mr. Castro responded.

Mr. Pollock asked why there was a limitation on the amount of solar panels of 30%. Mr. Castro stated it was the suggestion of the Planning and Zoning Commission.

There was a short discussion about allowing the Architectural Review Commission approve solar panels. Mr. Castro suggested adding that solar panels would require an ARCOM major project approval with notice to the neighboring properties to the Code.

Mr. Klein asked Mr. Castro about the revised language. Mr. Castro stated the revised language would read, "Solar panels shall be permitted subject to the Architectural Commission approval with notice to the neighboring properties."

Mr. Spaziani suggested developing a definition for solar panels versus solar roof tiles. Mr. Page suggested eliminating panels and adding solar roof components or materials. The Commission agreed.

Motion made by Mr. Golboro and seconded by Mr. Crampton to approve the modified language relating to solar panel regulations. Motion carried with all in favor.

VII. CONSIDERATION OF NEW ZONING ITEM RELATED TO HISTORICAL AND GOVERNMENTAL SIGNAGE

Mr. Castro introduced historical and governmental signage in the Town and stated the genesis of this item was the renovation of Bradley Park. Mr. Castro suggested adding a regulation to allow the proposed signage but to leave it to the Town Council to approve it. He added that the Town Council would approve the size, dimensions, and look of any proposed signage.

Mr. Page stated that the Town Council was supportive of this issue and asked the Planning and Zoning Commission to approve the proposed language. He also added that existing signage in the Town would be grandfathered in to any regulations proposed.

Mr. Castro suggested that he would draft language relating to this issue to show to Chairman Klein before presenting it to the Town Council.

Motion made by Mr. Crampton to approve staff to draft language regarding historical and governmental signage.

Mr. Spaziani asked if there were any negative consequences to this issue. Mr. Castro stated he did not believe there were any negative consequences as the signs would be placed on public property and approved by the Town Council.

Mr. Golboro asked if an exception would be added for state signs. Mr. Castro stated he would only be adding historical markers.

Ms. LeCates seconded the motion. Motion carried with all in favor.

D. ZONING ITEM 10. TENNIS COURT REGULATIONS

Mr. Elliott reintroduced zoning item number ten since the item was deferred in October. He stated that the language that was inconsistent in the Code regarding tennis court regulations and explained how the language was changed to provide clarity.

Ms. LeCates asked about justification for not including hardcourts in lot coverage calculations. Mr. Elliott responded. Mr. Castro added that grass courts do not count in landscaped open space calculations.

Mr. Spaziani stated his main concern were the hours permitting lighted courts. Mr. Elliott stated that staff is proposing 9 a.m. to 9 p.m.

Mr. Klein thought the changes were overdue.

Motion made by Mr. Golboro and seconded by Mr. Spaziani to approve the changes to zoning item number ten. Motion carried with all in favor.

E. ZONING ITEM 11. CUBIC CONTENT RATIO CREDIT OF 5% FOR UNENCLOSED PATIOS, LOGGIAS, PORCHES AND TERRACES ON FIRST FLOOR

Mr. Elliott reintroduced zoning item number eleven since the item was deferred in October. He explained that staff felt the language in the Code was confusing and wanted to change the language to make it clearer. Mr. Elliott provided examples of cubic content ratio diagrams and calculations on the overhead projector.

Mr. Castro stated the intent was to clean up the language to allow it to read as it has been interpreted.

Ms. LeCates asked if this was allowing owners to have more unenclosed structures. Mr. Logan stated that has not, due to the way staff has been interpreting the Code.

Mr. Castro stated that architects have complained about how the Code was written.

Mr. Walker was in favor of the change and thought the change made sense.

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

Ms. LeCates requested that drawings be included in the backup in the future to allow more time to study the drawings.

F. DEMOLITION THRESHOLD REGULATIONS GOVERNING NONCONFORMING BUILDINGS AND CURRENT ZONING CODE PROVISIONS

Mr. Castro introduced this item and stated that the Town Council asked the Planning and Zoning Commission to study this item after an appeal was made on one of his decisions. The Town Council suggested looking at the possibilities of adding a caveat to exempt accessory buildings or revising the method in which staff measures demolition for a non-conforming building or exempting accessory buildings from CCR calculations. Mr. Castro stated the Code has been interpreted in this manner for 30 years. Mr. Castro handed out the current section of the Code to the Commission.

Mr. Pollock stated it seemed like the owner was being penalized, even if the net changes were the same at the end of the project.

Ms. LeCates questioned whether cubic footage was appropriate in this situation. She indicated that the intent of the Code needed to be preserved but thought it could to be modified. Mr. Castro responded.

Mr. Walker stated he has rarely sees the cubic footage language in his experience. Mr. Walker thought the footprint of the structure was more relevant. Mr. Klein stated that many years ago, the calculations were based on the floor area ratio, which proved to be unsuccessful. He added that staff moved to using cubic content ratio, which seemed more successful. Mr. Castro stated staff moved to cubic footage after owners were tearing down their whole homes and rebuilding.

Mr. Castro suggested that he liked using perimeter walls rather than cubic footage, excluding windows.

Mr. Walker was in favor of renovations if the owner did not add more square footage or change the use of the structure.

Mr. Klein stated he was present during the conversation at the Town Council meeting and reviewed the Council's debate on the subject.

Mr. Castro explained the intent of the current Code for non-conforming structures.

Mr. Klein asked if Mr. Castro if he recommended a solution.

Many of the Commissioners offered solutions for the change to the Code and discussion ensued.

Ms. LeCates stated she understood the intent of the Code was to deliberately discourage the perpetuation of non-conforming structures. Discussion ensued on this topic.

Mr. Page asked Mr. Castro if he had an idea on how the language could be simplified. Mr. Castro provided some suggestions.

Discussions ensued about remodeling and rebuilding non-conforming structures.

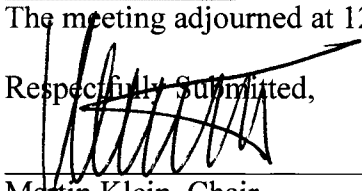
Mr. Castro suggested working on modified language with Ms. LeCates and returning to the next meeting with the new language for discussion. Mr. Klein agreed. Mr. Castro stated the issues at hand were 1) when to make a non-conforming building meet the Code and 2) making sure the interpretation was consistent.

Mr. Castro asked the Commission to look at the proposed 2018 Meeting Dates to see if any of the dates would conflict with religious holidays.

VIII. ADJOURNMENT

The meeting adjourned at 12:13 p.m. with the benefit of a motion.

Respectfully Submitted,



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