



**SPECIAL PLANNING AND ZONING COMMISSION
MEETING MINUTES
MONDAY, JANUARY 22, 2018 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
Alan S. Golboro, Member	ABSENT (excused)
Michael Ainslie, Member	PRESENT
Kenneth Walker, Member	PRESENT
Carol LeCates, Member	PRESENT
Rick Pollock, Member	ABSENT (excused)
Michael Spaziani, Alternate Member	PRESENT
Eric Christu, Alternate Member	PRESENT
Ronald Berk, Alternate Member	ABSENT (excused)

Staff Members present were:

Paul Castro, Zoning Administrator
Tom Bradford, Town Manager
John Randolph, Town Attorney
Logan Elliott, Zoning Technician
Kelly Churney, Secretary to the Planning and Zoning Commission

Please note: Messrs. Spaziani and Christu voted in the absence of Messrs. Golboro and Pollock.

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. He reviewed the reason for the special meeting of the Planning and Zoning Commission.

The agenda was approved without the benefit of a motion.

IV. COMMUNICATIONS FROM CITIZENS – 3 MINUTE LIMIT PLEASE

There were no comments heard at this time.

VI. CONSIDERATION OF PROPOSED ZONING TEXT AMENDMENTS REGARDING DEMOLITION THRESHOLD REGULATIONS GOVERNING NONCONFORMING BUILDINGS AND CURRENT ZONING CODE PROVISIONS

Mr. Castro reintroduced the proposed zoning text amendment and indicated staff's intent and purpose for the change.

Ms. LeCates explained the handouts she provided to the Commission and the issue she had with the proposed changes of the zoning text amendment. She began with the proposed language under Voluntary Demolition, Restoration and Reconstruction and expressed her concerns with (1) a, b and c. She stated she researched demolition standards in similar towns and shared her findings. She stated that the majority of the Town's homes have some type of non-conformity. She asked Mr. Castro about the non-conforming situations in the Town. Mr. Castro reviewed many types of non-conformities in the Town.

Mr. Klein tried to restate the goal of the meeting, which he believed was the interpretation of the method to measure cubic volume. Ms. LeCates stated that the language in the Code did not accurately reflect the method used.

Mr. Castro stated that the staff discussed 134-419 (1) c. and decided to leave the language in the code.

Ms. LeCates reviewed her discussion items, which included whether the 50% threshold would include 50% of the structure versus 50% of one wall or roof, inclusion of all windows in the calculation of area versus inoperable windows only and lastly, the method of measuring roofs.

Mr. Castro stated that the Commission discussed the topic of operable versus inoperable windows at the December 2017 meeting.

Mr. Klein asked the Commission to begin discussing Ms. LeCates' discussion item 1.

Mr. Spaziani asked for clarification on the term "50% of the structure." Mr. Castro responded. Mr. Spaziani thought it was important to provide clarification in the code for the word "structure." Mr. Castro responded.

Mr. Ainslie suggested eliminating part of the sentence in (1) a. so that it would read "*the loss of more than 50% of the perimeter wall(s) including windows and doors.*" Mr. Castro explained the reason for the proposed language and provided some history on how the language was written.

Mr. Walker argued that if the building stayed the same size after renovation and the neighbors were not affected by the change, some leniency should be given in the calculations.

Mr. Crampton asked Mr. Castro to review the outcomes if the current 50% calculations were to become more lenient. Mr. Castro stated the intent of the Code was to eliminate non-conformities over time, if possible. He provided more explanation on the issue. A short discussion ensued on this issue.

Mr. Bradford suggested the possibility that if a homeowner was renovating and found that the home needed to be repaired and/or replaced, which would push the demolition over the 50% threshold as a result, Mr. Walker's suggestion should be applied that allowed the homeowner to replace only what needed to be replaced. Mr. Crampton agreed. Mr. Castro stated he would relay any suggestions to the Town Council; however, this suggestion would be a huge departure from how the Town had historically handled homes on non-conforming lots. Mr. Crampton and Mr. Bradford asked if this solution would have any negative effects. Mr. Castro stated that the neighbors would object.

Mr. Randolph reminded the Commission that the Code is in place to ultimately eliminate the non-conformities in the Town. He provided further explanation on this issue.

Mr. Castro provided another example of rebuilding on a non-conforming lot with lesser restrictions that are currently in the Code. Ms. LeCates stated that the Code does not allow anyone to recreate a non-conformity. She provided a different example of a homeowner expanding a non-conformity on a large lot where it would not affect the neighbors. A short discussion ensued.

Mr. Walker provided more explanation on his suggestion of allowing someone to renovate and/or repair a home.

Mr. Klein stated he thought the intent of the discussion was to clarify the measurement threshold. Mr. Castro responded.

Julie Araskog, 1490 Via Manana, provided history of an appeal recently heard at the Town Council meeting that triggered the modification to the zoning text amendment.

Mr. Klein asked Mr. Castro to follow up on the suggestion made by Mr. Ainslie. Mr. Castro stated that if the last part of the sentence was removed in (1) a., it should be changed to *50% of the building* rather than perimeter wall(s). He provided more clarification on the suggestion.

Mr. Ainslie asked what non-conforming situations the code was trying to reduce and or eliminate. Mr. Castro stated the non-conforming situations were setbacks, lot coverage, cubic content and landscaped open spaces. A discussion ensued on this topic and continued on whether to allow more a more lenient threshold versus the current threshold of 50%.

Ms. LeCates stated she believed that this section of the Code was responsible for a large amount of reconstruction and the reason for the high number of variances required from the Town Council. Mr. Castro disagreed and stated a change in living environment over the last 30 years had generated most of the reconstruction.

Mr. Christu thought it was important to try to provide as much predictability for the architect and homeowner as possible. A short discussion ensued.

Mr. Crampton asked about the amount of projects that fell into this category. Mr. Castro stated it was only about one or two homes per year. Mr. Crampton suggested allowing more flexibility in the Code.

Mr. Klein asked his fellow Commissioners if they were comfortable with the 50% threshold. Ms. LeCates stated it depended on whether the 50% applied to a single wall or the entire building. A discussion ensued on this topic.

Mr. Ainslie recommended leaving (1) a. and stopping after “*windows and doors.*” He also suggested leaving (1) b. but removing (1) c.

Mr. Castro stated that Mr. Ainslie’s suggestion would complete what the Commission was trying to accomplish but he felt he would receive complaints if implemented.

Ms. LeCates suggested to use the statement under (1) c. only.

Mr. Castro stated that he would present the changes to the Town Council but felt he was obligated to tell them it is a departure from many years of interpretation of the Code.

Mr. Walker suggested that staff begin assembling easy to read information that informed architects what the Code required during building and renovation.

Mr. Randolph asked for clarification on (1) a. regarding the *windows and doors.* Mr. Castro stated that he understood it to read that half of the walls could be demolished and half of the roof.

Mr. Castro asked the Commission if he should modify the language to read “*50% of the square footage of all perimeter walls.*” Ms. LeCates stated it should read the area in square feet.

The Commission decided that (1) a. should read as follows “*the loss of more than 50% of the area in square feet of the perimeter wall(s) including all windows and doors.*”

Ms. LeCates asked Mr. Castro for clarification on why pitched roofs are measured as though they are flat. Mr. Castro explained how he measured pitched roofs. All of the Commissioners agreed with Mr. Castro’s measurement method, with the exception of Ms. LeCates.

Motion made by Mr. Crampton and seconded by Mr. Ainslie to change the language for (1) b. to read “the loss of more than 50% of the roof truss square footage (with the entire roof measured as though flat).” Motion carried 6-1 with Ms. LeCates opposed.

Mr. Ainslie asked whether “*all windows*” should be included in 134-419 (2) Alterations and Repairs rather than the proposed “*operable windows.*” Mr. Castro thought it should remain operable and provided his reasons. A short discussion ensued whether the language should be “all windows” or “operable windows.” The Commission decided to leave the language as is.

Ms. LeCates suggested a change to Sec. 134-417 so that the sentence would read...*more than 50 percent, as determined according to Sec. 134-419 (1)*...so that the language would remain consistent. Mr. Castro was agreeable to the change.

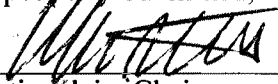
Motion made by Mr. Crampton and seconded by Mr. Spaziani to accept the changes made to 134-419 (1) a and to eliminate 134-419 (1) c. Motion carried with all in favor.

Mr. Klein asked Mr. Castro if the Commission would need to meet in February. Mr. Castro stated he did not think the Commission would need to meet in February but stated they may need to meet in March.

VIII. ADJOURNMENT

The meeting adjourned at 10:56 a.m. without the benefit of a motion.

Respectfully Submitted,



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