



**PLANNING AND ZONING COMMISSION
MEETING MINUTES
TUESDAY, APRIL 17, 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 9:30 a.m.

Martin I. Klein, 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	PRESENT
Eric Christu, Alternate Member	PRESENT
Ronald Berk, Alternate Member	PRESENT

Staff Members present were:

Paul Castro, Zoning Administrator and Acting Director of Planning, Zoning and Building

John Randolph, Town Attorney

Kelly Churney, Secretary to the Planning and Zoning Commission

Please note: Michael Spaziani was a voting member due to the vacant Commission Member position.

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

III. APPROVAL OF THE AGENDA

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

IV. ELECTION OF OFFICERS

Mr. Klein opened the floor for nominations for Chairman. Mr. Spaziani nominated Mr. Klein for Chairman and Mr. Pollock seconded the nomination. There were no other nominations at this time.

Motion made by Mr. Golboro and seconded by Mr. Pollock to reappoint Martin Klein as Chairman. Motion carried with all in favor.

Mr. Klein opened the floor for nominations for Vice Chairman. Mr. Klein passed the gavel to Mr. Ainslie and nominated Mr. Ainslie. Mr. Pollock seconded the nomination. There were no other nominations at this time.

Motion made by Mr. Golboro and seconded by Mr. Pollock to appoint Michael Ainslie as Vice Chairman. Motion carried with all in favor.

V. **APPROVAL OF DECEMBER 19, 2017 PLANNING AND ZONING COMMISSION MINUTES**

Motion made by Mr. Pollock and seconded by Mr. Spaziani to approve the minutes from the December 19, 2017 meeting. Motion carried with all in favor.

VI. **APPROVAL OF JANUARY 22, 2018 PLANNING AND ZONING COMMISSION MINUTES**

Motion made by Mr. Ainslie and seconded by Mr. Pollock to approve the minutes from the January 22, 2018 meeting. Motion carried with all in favor.

Mr. Klein asked for a moment of silence in memoriam of Rhoda Kleid.

Mr. Klein welcomed all in attendance. He congratulated Lew Crampton on his new role in the Town Council as well as Paul Castro in his role as Acting Director of Planning, Zoning and Building.

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

Mr. Ainslie asked for a reprimand of another Commission Member that had gone to the Town Council to present zoning proposals before discussing them with other Commission Members. Ms. LeCates responded to the criticism. Mr. Spaziani agreed with Mr. Ainslie's assessment. Mr. Golboro discussed the procedure for introducing future topics for discussion. Ms. LeCates stated she was not aware of the procedure. Mr. Pollock asked if the Town Council gave approval for items to be discussed on the present agenda. Mr. Castro confirmed that the Town Council was aware of the current items. Mr. Pollock expressed concern about the information that the Commission had been receiving from Ms. LeCates. Ms. LeCates responded. Mr. Klein expressed his concern about circumventing the Commission.

Anne Pepper, 333 Seaspray Ave., asked about an agenda item. Mr. Klein told Ms. Pepper she could address the item or wait until the discussion of the item by the Commission.

Laurel Baker, Palm Beach Chamber of Commerce, asked the Commission to be mindful of the business workshop, which discussed making things more efficient and expedited for businesses and residents, when making decisions about items on the agenda.

Mr. Walker asked how the Commissioners should raise issues they would like to address among their colleagues. Mr. Castro explained the process.

VIII. **Presentation by John Randolph on the Sunshine Law and ex parte communication**

Town Attorney Randolph spoke to the Commissioners on the following topics: the sunshine law, sunshine law violations, ex parte communication and public records. Mr. Randolph passed out information and addressed various questions from the Commissioners.

Lew Crampton, 2335 S. Ocean Blvd., asked Mr. Randolph a question regarding public records. Mr. Randolph responded.

Anita Seltzer, 44 Coconut Row, expressed concern about the possible communication received by Commissioners without the public's knowledge.

IX Consideration of proposed changes to the legal mailing notice requirement distance for development review applications (Variances, Special Exceptions, Site Plan Reviews and Planned Unit Developments).

Mr. Castro explained the first zoning text amendment to the Commission, which would change the legal mailing notice requirement if the project's intent was to intensify the use of a property. He reviewed some of the changes, which he recommended in the Code, for all development review applications. He told the Commissioners that the Town Council instructed the staff and the Commission to consider the changes.

Mr. Randolph asked about the 1,000-foot notice for a potential request to add height to a building. Mr. Castro responded.

Mr. Ainslie expressed concern about the potential of additional mailings. Mr. Castro replied and explained the current mailing process. Mr. Ainslie asked if this would apply for residential changes. Mr. Castro stated it would only apply to commercial districts and provided more explanation. Mr. Ainslie stated he could not support increasing the notice for a residential property. Mr. Castro responded. Mr. Ainslie thought the change for site plan review could be excluded but he would support the extended notice for the PUDs. Mr. Castro provided an example of a 1,000 ft. notice for The Breakers for discussion.

Mr. Walker suggested streamlining the process to make it more efficient. Mr. Castro responded.

Mr. Castro thought the change to the site plan review language might not be necessary other than the housekeeping changes. Mr. Castro also questioned the changes for the PUD language and stated that any changes would be advertised in the newspaper. He reviewed the changes that he believed needed to be made in the Code.

Mr. Ainslie asked for clarification on notices sent by The Breakers. Mr. Castro stated that he believed a 300-foot notice would be sufficient.

Mr. Christu asked when the Code change from 300 feet to 1000 feet occurred. Mr. Castro stated the change occurred 16 years ago and explained the reasons for the change. Mr. Christu asked if there had been any complaints. Mr. Castro said there was one recently and reviewed some of the historical changes and complaints. Mr. Christu discussed looking at the complaints and weighing them against the burden that the applicant would face with the extra notice.

Mr. Castro demonstrated a 1,000-foot notice using Google Earth.

Mr. Klein asked Mr. Castro if he had thought about the possibility of using a smaller measurement, less than 1,000 feet. He also asked if he had considered a definition for intensification of use. Mr. Castro stated that he provided a starting point for the definition but left it to the Commission for discussion.

Ms. LeCates questioned if she should recuse herself from the discussion. Mr. Randolph stated that the item before the Commission was a town-wide amendment. He added he did not feel it was necessary to recuse herself. A short discussion ensued. Ms. LeCates concluded that she did not need to recuse herself.

Mr. Ainslie asked about the increased tenant square footage in the intensification of use definition and used an example in Royal Poinciana Plaza. Mr. Castro responded. Mr. Ainslie expressed concern about burdening retail stores with undue costs and time delays. Mr. Castro suggested a modification to the proposed language. Mr. Ainslie agreed.

Mr. Walker suggested using the term Town Serving in the proposed changes. Mr. Castro responded and stated that all of the items were Town Serving.

Please note: A short break was taken at 11:24 a.m. The meeting resumed at 11:34 a.m.

Ms. LeCates handed out a Florida Statue that included a definition of intensity. She questioned whether the Commission could use this definition in the proposed language. Ms. LeCates also offered another Florida Statue relating to the legal status of the Comprehensive Plan. Ms. LeCates expressed concern about allowing a zoning official to make a determination whether a request was an increase in intensity. She thought the criteria should be objective.

Mr. Spaziani recommended using an approximate two-block radius for the notice, which worked out to be 740 feet.

Ms. LeCates raised the issue of a possible change that could potentially affect traffic patterns and owners outside of the notice area.

Mr. Klein questioned the addition of the PUD in the changes. Mr. Castro stated it should include a notice provision. Mr. Klein raised the issue of the 300-foot versus 1000-foot notice.

Mr. Randolph discussed the requirement to advertise PUD changes. A discussion ensued about notice requirements for PUD changes.

Mr. Castro discussed a 750-foot notice requirement.

Mr. Pollock suggested using a mail notice for some and an advertisement in the newspaper for most. He questioned whether an increase in notice would be productive and efficient, especially since most changes are advertised in the newspaper.

Mr. Klein thought the definition for an intensification of use was broad and expressed concern about leaving the determination up to the Director of Planning and Zoning. Mr. Randolph did not think it was appropriate for the Director to qualify what was an intensification of use. Mr. Randolph thought the Code should be clear about the definition.

Mr. Klein suggested returning next month with a clear definition for intensification of use as well as the changes proposed for the PUD section.

Mr. Castro summarized some of the changes he would make before the next meeting.

Lauri Welteroth, 256 S Ocean Blvd., urged the Commission to increase the notice requirement to 1,000 feet.

Anne Pepper, 333 Seaspray Ave, stated that she thought the quality of life of the citizens were as equally important as the developers and applicants.

X. Consideration of the time limit (expiration date) in the Zoning Code for Variance, Special Exception and Site Plan Review application approvals.

Mr. Castro explained the proposed change for the time limit extension requests.

Ms. LeCates stated she thought a three-year time extension was too long. She added she would be comfortable with a two-year extension.

Mr. Golboro advocated allowing a three-year time extension. Ms. LeCates stated that the Code could change within three years.

Mr. Castro provided reasons to change it to three years. He added that he did not believe there was any downside to allow three years. He stated that the Town Council had never denied an extension before and it would free up staff time. Mr. Klein confirmed that the Town Council had never denied an extension. A short discussion ensued.

Motion made by Mr. Spaziani and seconded by Mr. Golboro to approve the request to extend time limit extensions from one to three years.

Mr. Castro stated that the applicant must have a permit before the three-year time limit expired. Mr. Castro stated he would bring the proposed language back for the Commission's review at the next meeting.

Motion carried 6-1 with Ms. LeCates opposed.

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

Ms. LeCates introduced topics that she felt would be appropriate for the Commission to discuss, permitted that the Town Council approved them.

Ms. LeCates explained the first discussion item related to the maximum allowable area of a special exception in the C-TS District. Mr. Castro responded, explained the intent of this section in the code and discussed how this special exception was handled. Mr. Klein stated he would send some historical Town Serving memos to Mr. Castro and he could forward them to the Commission for their review.

In response to Ms. LeCates' second discussion item, Mr. Castro stated he raised the parking issue with the Town Council and they felt there was no merit to making any changes.

Ms. LeCates introduced her third discussion item relating to town serving and townspeople. Mr. Castro responded and provided historical precedence for the definitions. Town Attorney Randolph also weighed in on this issue.

Ms. LeCates presented her fourth discussion item and added that she believed there should be a definition of intensity in the definitions section of the Code. Mr. Castro stated that intensity did not relate to any other section of the Code but he could include it in the definitions. Mr. Klein asked Mr. Castro to return with a definition at the next meeting.

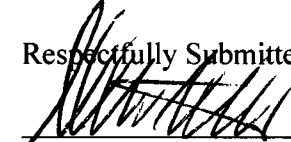
Ms. LeCates introduced her fifth item and explained that she believed the definition of nightclub seemed outdated. Mr. Castro explained how the Planning and Zoning Commission had created the definition. A short discussion ensued about this topic. Ms. LeCates stated she would spend more time researching the definition and return with more information at the next meeting.

Anita Seltzer, 44 Cocoanut Row, expressed her concern about text amendment changes made last fall. She questioned whether the Commissioners should have had more discussion on these items. She felt the items should have a more in depth review.

XII. ADJOURNMENT

Motion made by Mr. Spaziani and seconded by Mr. Pollock to adjourn the meeting at 12:41 p.m.
Motion carried with all in favor.

Respectfully Submitted,



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