PLANNING AND ZONING COMMISSION
LOCAL PLANNING AGENCY
RECORD AND REPORT
TUESDAY, APRIL 20, 2010, 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 (tape or CD) of the meeting by contacting Debby Morakis, Secretary to the Planning & Zoning Commission at (561) 227-6411. As a point of reference, you will find the recording times listed on these minutes at the beginning of each item.

I. CALL TO ORDER AND ROLL CALL (9:30:00 a.m.)

Chairman Golboro called the meeting to order at 9:30 a.m.

On roll call, Commission Members present were:

Alan Golboro, Chairman
John Schuler, Member
Eugene Lawrence, Member
Floyd Wideman, Member
C. Tanner Rose, Member
Martin I. Klein, Member
Lewis Crampton, Alternate Member
Jeffrey A. Cloninger, Alternate Member
Michael Vincent John Spaziani, Alternate Member

Commission Members absent: Leslie Shaw, Secretary (unexcused)

Staff Members present were:

John Page, Director of Planning, Zoning, Building
Paul Castro, Zoning Administrator
John C. Randolph, Town Attorney
Cindy Delp, Recording Secretary

Minutes transcribed by Debby Morakis, Secretary to the Planning & Zoning Commission.

For the record, Alternate Member Crampton voted due to the absence of Mr. Shaw.

II. INVOCATION AND PLEDGE OF ALLEGIANCE(9:30:36 a.m.)

Ms. Delp gave the invocation and led the Commission in the Pledge of Allegiance.

III. APPROVAL OF THE AGENDA(9:31:38 a.m.)

Chairman Golboro stated that public comment regarding Town-serving would be heard later in the meeting.

MOTION BY MR. KLEIN TO APPROVE THE AGENDA AS AMENDED.
MOTION SECONDED BY MR. LAWRENCE.
MOTION CARRIED UNANIMOUSLY.

IV. OATH OF OFFICE(9:32:41 a.m.)

Ms. Delp administered the Oath of Office to Mr. Crampton.

V. COMMENTS FROM THE PUBLIC ON ANY ITEM NOT ON THE AGENDA(9:34:35 a.m.)

Patrick Flynn, Palm Beach Theatre Guild, addressed the Commission and commented about Mrs. Volk's funeral and mentioned a book about the playhouse called "Memories for the Future".

VI. APPROVAL OF MARCH 16, 2010 PLANNING AND ZONING COMMISSION MINUTES (9:34:10 a.m.)

MOTION BY MR. SCHULER TO APPROVE THE MINUTES OF THE MARCH 16, 2010 PLANNING AND ZONING COMMISSION MEETING.
MOTION SECONDED BY MR. KLEIN.
MOTION CARRIED WITHOUT BENEFIT OF A ROLL CALL.

VII. OLD BUSINESS(9:38:42 a.m.)

A. Planning and Zoning Commission Hearing on the Testa Family, LLC, Application to Amend the Town's Comprehensive Plan and Zoning Code [Item was deferred from the March 16, 2010 Commission Meeting] [Letter from Francis Lynch dated April 5, 2010 requesting deferral to the May 18, 2010 Commission

Meeting] [Town Staff]

Mr. Page stated that he received a request for the deferral of the Testa Family, LLC Application to the May Planning & Zoning Commission meeting.

Comments were heard by Mr. Crampton regarding the Town Council's decision about the overlay and suggested the Chairman appoint a Commission to meet informally to discuss ways to rehabilitate the area.

Mr. Klein stated that he would adopt Mr. Crampton's remarks and added that he thought the Commission might be missing a golden opportunity. Mr. Klein asked the Chairman to add to the agenda for the next Planning & Zoning Commission meeting a follow-up discussion of the Royal Poinciana Overlay District.

Mr. Spaziani agreed with Mr. Crampton that a tax incentive might help the area look better.

Mr. Cloninger stated that he agreed with all comments and would like to have the opportunity at the next meeting to re-introduce his suggestion for the 100% build out.

Mr. Crampton agreed that this subject should be placed on the next agenda.

Mayor Marix stated that she agreed with everything said and suggested that before the next meeting the Town Administration consider what the Town could do to encourage people to fix their properties. Mayor Marix suggested the Building Department not charge such high permit fees or expedited fees to encourage renovations in the area and that applications for variances in the area be processed at no cost.

Chairman Golboro stated that the Commission heard from the Council their reasons for voting down the overlay and also from the citizens who have not divided Royal Poinciana from the overlay district.

MOTION BY MR. KLEIN TO BRING THE ROYAL POINCIANA OVERLAY AS AN AGENDA ITEM FOR DISCUSSION AT THE MAY 18, 2010 PLANNING & ZONING COMMISSION MEETING. MOTION SECONDED BY MR. CRAMPTON.
It was suggested that the Commission reach out through the Chamber of Commerce or another group and to the businesses about what kinds of help they could use from the Town.

Comments were heard from Alan Wyett of North Lake Way, who stated that until the parking problem in the area was resolved, retail stores would not be able to survive. The vacancies seen in all districts in Palm Beach were due to the recession and high rents and until the real estate people solved that problem, there would not be a solution.

MOTION CARRIED 7-0 AFTER A ROLL CALL VOTE.

Mr. Crampton stated that he felt it would be a mistake for the Commission to not be proactive.

Mr. Klein stated that he adopted the same remarks because the Commission was a long-range planning body and he felt one goal was to put an imprint on the Town for the next generation.

MOTION BY MR. KLEIN TO DEFER HEARING THE TESTA FAMILY LLC APPLICATION UNTIL THE MAY 15, 2010 PLANNING & ZONING COMMISSION MEETING.
MOTION SECONDED BY MR. WIDEMAN.
MOTION CARRIED 7-0 AFTER A ROLL CALL VOTE.

B. Consideration of the Proposal from LaRue Planning and Management Services, Inc., concerning the Proposed Town-serving Study [Town Staff]

Pat Flynn stated that he was unsure what the term "Town-serving" meant but agreed the policy needed to be revised. Chairman Golboro instructed staff to provide the parts of the ordinance covering Town-serving to Mr. Flynn.

Allen Wyett of North Lake Way gave a brief history on how some nightclubs tried to establish a location on the island and were defeated by the residents and also on some of the restaurants that have come into town in the past sixteen years and how the Town-serving requirement improved their service to the Town and its residents. The Town-serving requirements protect the residents of the Town.

Kenneth Beal, a Town resident and an attorney at Gunster, Yoakley and Stewart stated that he felt the Town-serving concept was outdated and lacking in practicality. Examples of the firm's history in the Town were given and an explanation was given of the firm's process for proving "Town-serving" annually.

Alex Ives of the Preservation Foundation stated that the Foundation welcomed the study, but, was concerned that the Town look at the efficiency of the regulations, not the intention of the regulations.

Anita Seltzer, 44 Cocoanut Row, agreed with all those who spoke before her and added, "Town-serving is a sophisticated ordinance and adjusting the Town-serving requirements could have a negative affect on parking. There is a parking problem in Town. It is important to know what the potential impact of changing the requirements might be and if you do plan to move forward to relax those requirements in any way, there should be a competant consultant who will study, analyze and evaluate the impact. That consultant should be Mr. Brisson, who did the original study."

Chairman Golboro called for comments from the Commisson members.

Mr. Spaziani stated that he felt the study needed to be done now, that the annual studies required of businesses to prove Town-serving were too expensive and a waste of money to do year after year, but, there are some beneficial things in the ordinance.

Mr. Cloninger agreed and stated that he felt it was a good idea to fine tune the ordinance but not dismantle it and added that he thought it was a hardship to require businesses to prove Town-serving annually. Mr. Cloninger stated that he was not totally convinced in the need for using an outside consultant and wondered if it was not something that the Planning & Zoning Commission could handle without an outside consultant.

Mr. Crampton agreed that the Town-serving ordinance should not be dismantled. The enforcement of it was not uniform and created a burden for staff. Mr. Crampton stated that he supported a study by Mr. Brisson.

Mr. Rose stated that the Commission already voted to have a study and was here to look at the LaRue Proposal. Mr. Rose added that he felt it was very important for the LaRue group to remember while doing the study that commercial office use was different than retail use and Worth Avenue was different than Royal Poinciana Way. Mr. Rose stated that he wanted LaRue to look outside the box to help with the four points listed on page 3 of their proposal.

Mr. Klein stated that he felt the study needed to be updated and it would be most economical for Mr. Brisson to do it. Mr. Klein agreed with others that the Town-serving ordinance had served the Town well.

Mr. Wideman agreed with Mr. Klein and added that he felt the Town-serving Ordinance should be fine-tuned but not dismantled.

Mr. Lawrence stated that he thought the study should be done and then reviewed with an open mind.

Mr. Schuler stated that he thought the current Town-serving regulation was appropriate as it was but needed to be tweaked and asked if staff could undertake this project rather than hiring a consultant.

Mr. Page stated that staff would be compiling a lot of the information and would be working in conjunction with the consultant. Without staff's involvement, the cost would be much higher.

Robert Moore, 420 Santa Fe Road, West Palm Beach, and former Administrator of the Town-serving Ordinance for twenty-five years, agreed with Mr. Page's comments and added that without staff involvement, the cost of this study could have been as high as $75,000.00 and the $18,000.00 cost for Mr. Brisson's review was very reasonable. Mr. Moore added that he felt it was great that the Town was taking another look at the Royal Poinciana Way area.

Attorney Randolph stated that regarding the two challenges the Town had to Town-serving in court, Mr. Brisson's testimony was essential in allowing the Town to prevail and that was one of the reasons for having an outside consultant. Mr. Randolph stated that he agreed with Mr. Rose and hoped LaRue would think outside of the box.

Chairman Golboro summarized that he felt everyone here didn't want to see the Town-serving regulations eliminated. Mr. Golboro stated that he felt the LaRue proposal was negative and wanted to see the original Brisson report and would like staff to give the statistics first before hiring Mr. Brisson. Mr. Golboro stated that he felt the $18,000.00 would only be the down-payment.

Mr. Klein stated that he was concerned the Commission was sliding backward and added that he felt if the Commission put this study off, the Town would fall further behind.

Mr. Rose stated that he thought it was clear that staff would be doing a lot of the legwork and added that he thought the cost savings was imbedded in Mr. Brisson's proposal. Mr. Rose added that he was comfortable with the four questions that would be answered in the study and felt the Town should move forward.

Mr. Schuler stated that he thought the Commission should move forward and that the questions brought up by Chairman Golboro could be coordinated between staff and the Chairman to determine that some of the issues the Chairman was concerned about were covered in the report.

MOTION BY MR. SCHULER TO MOVE FORWARD WITH THE LARUE PROPOSAL PURSUANT TO THE SCOPE OF WORK.
MOTION SECONDED BY MR. KLEIN.

Mr. Spaziani added that he thought staff had to do its job before forwarding the information to Mr. Brisson. Mr. Spaziani thought it would be okay for the Commission to look at the statistics before Mr. Brisson made a decision.

Paul Castro, Zoning Administrator, clarified the work staff would do with Mr.

Brisson as a team and explained the process necessary to bring the product to the Commission.

Chairman Golboro stated that he was concerned with the verbiage and suggested the contract be changed.

Attorney Randolph stated that right now, the Commission was just entertaining comments about whether to expend Town funds to hire a consultant to give the Commission guidance on how to handle Town-serving in the future.

Mr. Klein restated the motion.

Mr. Cloninger stated that he was concerned about the $18,000.00 cost being just a down-payment.

Mr. Castro clarified what the cost would cover and that any additional meetings that Town Council wanted would be at an additional fee. Mr. Castro added that if staff felt it could present the report without Mr. Brisson present, staff would do that.

Mr. Klein suggested staff report to the Commisson on a regular basis. Chairman Golboro stated that he expected a report from staff. Mr. Page agreed that staff would give regular reports.

Bill Strawbridge, 223 Atlantic Avenue and Architectural Commission, stated that two comments caught his attention and added that the Town has not been able to keep Town-serving because of the economics in the area.

MOTION CARRIED 6-1 AFTER A ROLL CALL VOTE WITH MR. GOLBORO OPPOSED.

VIII. COMMENTS OF THE PLANNING AND ZONING COMMISSION AND PLANNING, ZONING AND BUILDING DIRECTOR(10:45:28 a.m.)

Mr. Page stated that the Town Hall renovations were nearing completion and that the first public meeting to occur in the new Council Chambers would be the Town Council meeting on June 21, 2010 and that the first Planning & Zoning Commission meeting to occur in the new Council Chambers would be in July. Mr. Page suggested that the Commission adjourn its May or June meeting to walk next door and do a dry run to see the new equipment and the new system in advance of the July Commission meeting.

Mr. Page suggested the Commission consider taking a month off later in the summer.

Chairman Golboro suggested the Commission talk about the possibility of doing so at the next Planning & Zoning Commission meeting.

IX. ADJOURNMENT(10:48:14 a.m.)

MOTION TO ADJOURN BY MR. SCHULER.
MOTION SECONDED BY MR. KLEIN.
MOTION CARRIED UNANIMOUSLY.

The meeting was adjourned at 10:48 a.m.

Respectfully Submitted,

Alan S. Golboro, Chairman
Town of Palm Beach
Planning & Zoning Commission

Leslie A. Shaw, Secretary
Town of Palm Beach
Planning & Zoning Commission