PLANNING AND ZONING COMMISSION AND LOCAL PLANNING AGENCY
RECORD AND REPORT
TOWN HALL – COUNCIL CHAMBERS – SECOND FLOOR
360 S COUNTY ROAD, PALM BEACH
MONDAY, MARCH 12, 2012, 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(9:28:42 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
Martin Klein, Member
C Tanner Rose, Member
Lewis Crampton, Alternate Member
Jeffrey Cloninger, Alternate Member
Michael Spaziani, Alternate Member
Angela Usher, Palm Beach County School District

Commission Members absent were: Leslie Shaw, Vice Chairman (excused)

Staff Members present were:
John Page, Director of Planning, Zoning, Building
Paul Castro, Zoning Administrator
Debby Morakis, Secretary to the Planning & Zoning Commission

II. INVOCATION AND PLEDGE OF ALLEGIANCE(9:29:20 a.m.)

Ms. Morakis led the Commission with the invocation and Pledge of Allegiance.

III. APPROVAL OF THE AGENDA(9:30:28 a.m.)

Chairman Golboro noted for the record that Alternate Member Crampton would vote in Mr. Shaw's absence.

MOTION BY MR. WIDEMAN FOR APPROVAL OF THE AGENDA.
MOTION SECONDED BY MR. KLEIN.
MOTION CARRIED UNANIMOUSLY.

IV. COMMENTS FROM THE PUBLIC(9:43:36 a.m.)

David Barton, Jamaica Lane, asked for a summary of what the Council expected to have solved today. Chairman Golboro stated that he would ask Mr. Page to provide a summary later in the meeting.

Jeri Zenko, 232 Tangier Avenue, spoke regarding an article she read about the Visitor's Bureau and the Town's branding and commented about the problems she believed the Town was facing, adding that she hoped the Commission would place a time limit to run with the owner not with the land.

Bill Cooley, 8 Windsor Court, urged the Commission not to tinker with the Comprehensive Plan.

Susan Markin, 1450 North Lake Way, stated that the Neighborhood Alliance of Palm Beach (NAPB) had surveyed residents and over 235 responses and statements were sent to Town Hall, copies of which were distributed to the Commission. Ms. Markin read the statement into the record.

Lori Volk, 206 Phipps Plaza, presented for the record a list of questions and an article written by David Rogers entitled "Effort to Make Royal Poinciana Way a Historic District Fails". Ms. Volk read the list of questions for the Commission.

V. CONSIDERATION OF POSSIBLE ALTERNATIVE ZONING REGULATIONS TO THE ROYAL POINCIANA VILLAGE OVERLAY PROPOSAL BY TESTA FAMILY, INC.(9:43:38 a.m.)

Chairman Golboro called for ex parte declarations. Mr. Rose stated that he attended a Testa presentation at the Paramount. Mr. Crampton met with residents of the north end. Mr. Schuler stated that he had a discussion with one member of that board.

Chairman Golboro asked John Page to summarize what went on at the last Town Council Meeting.

John Page, Director of Planning Zoning and Building recapped for the Commission comments that were heard from the Council and provided an overview of the Council meeting. Mr. Page stated that the Council did not approve or deny the project, but, remanded it back to the Planning & Zoning Commission for further consideration, primarily about the height, density and parking.

Chairman Golboro called for comments, item by item, from the Commission and Mr. Spaziani stated that he believed that Council was right, that four stories was not appropriate for that area, and, that it should be kept at two stories with a special exception requirement for a third floor.

Mr. Cloninger stated that he was tired of this and felt the residents had overwhelmingly spoken against this. Mr. Cloninger wondered why the Council was trying to resurrect this "dead horse" and stated that he felt the Commission needed to do the right thing for Palm Beach and table this now.

Mr. Crampton stated that he felt a need to improve the situation and was looking for a "goldilocks solution". Mr. Crampton added that he felt the current scale and density was about right and preferred two stories with an occasional third story. Mr. Crampton added that he felt mixed-use was good and that the footprint and massing should be kept the way it was, and, suggested using parking to provide incentives to developers.

Mr. Rose stated that he felt the height should be restricted to two stories or three subject to reduced lot coverage and some type of setback, suggesting that be handled by special exception and site plan review. Mr. Rose stated he would like to see some incentives for vias and open spaces.

Mr. Schuler stated that he felt the Town should stick to the current regulations and let each property owner apply for variances, if needed. Mr. Schuler stated that he was not in favor of having massive buildings or increasing the density, adding that he agreed with Mr. Cloninger and felt the residents had spoken.

Mr. Lawrence concurred with a two floor maximum in height and three floors as a special exception.

Mr. Wideman stated that he felt the Commission had been thumbing its nose to the Comprehensive Plan. Mr. Wideman added that he felt the residents did not want this and there was no need for more density as there was already an oversupply of condos, the buildings were not falling down and there were no empty stores in that area. Mr. Wideman added, "My strong feeling is to keep it at two in terms of height, drop this overlay idea and keep the zoning as it is."

Mr. Klein stated that he felt the Commission was here as the Local Planning Agency and was interested in doing what was in the best interest of the Town and conserving its heritage. Mr. Klein stated he would like to incorporate suggestions made by the

Preservation Foundation and Ms. Zenko and agreed with the majority, two stories with a possible third story with special exception and possible site plan review.

Ms. Usher had no comment at this time.

Chairman Golboro summarized what he heard, which included a "do nothing" approach, which did not appeal to him. Mr. Golboro stated that he felt zoning changes were intended to last for thirty to fifty years into the future. Mr. Golboro suggested a lot coverage of 65-70% if using the overlay, with an incentive for a partial third floor not viewable from the curb with setbacks.

Mr. Wideman stated that he felt this was spot zoning. Discussion continued and additional comments were heard from the Commission.

Mr. Crampton added that he felt the parking requirements in the area were onerous and suggested the gas station be torn down, adding that he would like to see something nice built there with parking in the rear.

Mr. Rose stated that the Commission's charge was to come up with the middle ground and suggested the Commission stay on mission and cover one topic at a time.

Mr. Cloninger suggested looking at this as a whole and added that he felt the Commission was going down the wrong direction at the Council's request since the residents have spoken saying, "No, we don't want this".

MOTION BY MR. KLEIN TO LIMIT BUILDING HEIGHT TO TWO STORIES WITH POSSIBLE THIRD STORY AS A SPECIAL EXCEPTION.
MOTION SECONDED BY MR. CRAMPTON.
Mr. Lawrence suggested this be done with only one motion. Chairman Golboro stated he wanted to walk through each item with thorough discussion before coming to a conclusion. Discussion continued. Chairman Golboro called for discussion on incentives and comments were heard from Messrs. Crampton, Schuler, Lawrence, Cloninger, and Rose.
MOTION FAILED.

Mr. Spaziani stated that felt adding more condos in this area was not a good idea since he was still seeing signs of distress in the marketplace with a reduction in the average listing prices and sale prices.

Mr. Cloninger stated that he felt it was wrong to continue this.

Mr. Crampton stated that he felt benign neglect was not going to pay off and even north end residents would not be happy if the area became shabby.

Mr. Rose stated that he felt talking about the market now was missing the point, since this was a plan for the future and not about what was happening at the moment. Mr. Rose added that he felt density was the most benign, least intense way to provide the incentive to fix up a property and that residential use would have the least effect on the area.

Mr. Schuler stated that he was against an increase in density.

Mr. Lawrence stated that he felt providing for living units on the property gave a capital return on the price of the land. Mr. Lawrence stated that he would propose 15 units/acre.

Mr. Wideman stated that he would prefer to keep density as it was and a part of the Comprehensive Plan.

Mr. Klein stated that he was not interested in talking about condos but was interested in knowing what was right for this area of Town for the next generation. Mr. Klein stated that he felt there was nothing wrong with the Commission considering these changes, but, was still uncertain of his opinion on density.

Ms. Usher stated that an increase in density would have a direct relationship on proposed improvements to the school system and would consider any changes to density and its impact on the school system.

Chairman Golboro asked for a discussion on parking.

Mr. Page stated that existing parking regulations had been discussed over again and Town Council voiced again that many businesses exist using far fewer spaces that what would be required by today's standards. Mr. Page stated that the Council encouraged the Commission to do something about existing regulations.

Paul Castro, Zoning Administrator, explained the existing provision in the code that grandfathered all current development in Town as it relates to parking. Mr. Castro explained that it allowed a business to operate without the additional parking as long as the use did not become more intense than what was previously there.

Chairman Golboro stated that he talked with staff and wanted this to be incorporated into the overlay suggestion to the Council, leaving the residential parking requirement alone.

Mr. Castro explained this would allow property owners to be able to demolish their buildings and if they wanted to put less retail or restaurant seating and allow for residential they would get a credit for parking spaces, providing the property owner with some flexibility.

Mr. Schuler asked how the intensity would be evaluated and Mr. Castro stated he would look at the existing business tax receipts and square footage existing today, calculate the parking required and parking as it exists on site, thereby creating a base to work from, then doing the same mathematical equations for both existing and proposed.

Mr. Lawrence noted that Via Bice was zoned on that basis where what was formerly Petit Marmite Restaurant was demolished and a new restaurant and shopping was built.

Mr. Cloninger restated what he said months before, allowing people to rebuild does not create a parking problem, it is dangerous if you try to mold this into an overlay - it would be a disaster.

Mr. Rose asked about the parking study done in December 2010 that looked at available spaces. Mr. Castro noted that was a study done by the Police Department. Spaces were found to be available and noted that any intensification would have to meet today's code requirements. Mr. Castro noted that staff would not recommend looking at parking in the entire zoning district.

Mr. Page noted that within the overlay itself, there were 140 off-street parking spaces available but 669 spaces would be required per today's parking requirements.

Chairman Golboro noted that the code was adopted after the area was developed.

Mr. Klein asked if the Commission was trying to put the concept of equivalency into the overlay. Mr. Castro answered that the principal of equivalency did not exist for redevelopment.

Susan Markin, 1450 North Lake Way asked about transferring passive residential parking spaces to commercial parking. Mr. Castro explained the concept and indicated that this specific site would be required to provide underground parking.

Mr. Rose noted that he felt it was unclear if residential would be allowed on first floor.

Anita Seltzer, Cocoanut Row, asked if a space was grandfathered considering the Principal of Equivalency, would the tenant be able to move back and forth without the required parking. Mr. Castro answered no and indicated that a change in occupancy would require a variance for parking. Discussion continued and comments were heard from Mr. Klein who asked if this would be ameliorated with a five year sunset. Chairman Golboro suggested it be written that way and restricted or deeded to the owner.

Mr. Castro clarified that required parking would have to be provided for residential parking and earmarked that way.

Chairman Golboro called for discussion of lot coverage and stated that he felt 70% lot coverage worked well from an architectural point of view.

Mr. Lawrence stated that he felt there was no magic number and added, "Your building leads you. We need to be careful we don't include a subterranean garage."

Mr. Spaziani stated that he felt in order to lower the amount of lot coverage to make it economically feasible you would have to increase the amount of underground parking.

Chairman Golboro stated that he felt that was not the Town's trouble. Mr. Crampton felt it should not exceed 70% for one and two story. Additional comments were heard and discussion continued.

Regarding vias, Chairman Golboro stated his concern was that the proposal called for them to be through the site, adding that he felt a via did not have to go through the site.

Mr. Castro explained one provision was that pedestrian flow shall be uninterrupted and it was suggested that be left up to the architect. Messrs. Wideman, Rose, Crampton and Golboro agreed it should be left up to the architect.

Discussion continued regarding the original condition of a one acre minimum lot size requirement. Mr. Castro indicated that he was not prepared to discuss a change to this lot size requirement. Chairman Golboro indicated that he did not recommend a change. Chairman Golboro also added that he felt sites should not be less than 1 acre, should not be landmarked, should be a through lot, and no curb cuts on Royal Palm Way. Discussion took place regarding curb cuts.

Comments were heard from the Commission and Chairman Golboro asked if the residential element should be eliminated. Discussion continued and it was the consensus to leave it alone.

Chairman Golboro mentioned the requirement of providing at least 50% of parking underground and added that he felt this was a good incentive.

Mr. Rose said he would like to see some examples of how many on-site parking spaces would be required. Mr. Castro stated that Testa's would have had enough parking underground if the POE was as proposed using 24 units/acre.

Mr. Lawrence noted that the requirement to build ramps would still exist no matter the number of spaces; it could be very expensive, and, suggested not to go below the 50 percent.

Chairman Golboro then reminded the Commission of the five year sunset provision if not adopted again by the Town Council. It was the consensus of the Commission to leave the sunset provision.

Mr. Page recapped the discussion. Regarding height, the majority felt the limit should be two stories allowed by right, with three stories allowed by special exception; density should be increased from today's standard of 6/acre to 12-15/acre. Further discussion took place and it was agreed increased density would be one of the biggest incentives. Chairman Golboro suggested 15 units/acre should be the highest number.

Mr. Cloninger asked why we want to get bigger. "The whole idea is wrong and I don't think the citizens will sit still for this."

Mr. Schuler stated that he felt the idea of voting now on density was wrong and Chairman Golboro noted that this was only to accomplish a consensus that would be presented back to the Planning & Zoning Commission as a memo from staff in order to formulate a recommendation to Town Council at the March 20, 2012 meeting. Discussion continued regarding density and it was the consensus to include a range of 10 to 15. Mr. Spaziani commented that he felt the Commission needed to be planners and look towards the future, noting the glut of condos on the market now. Messrs. Wideman and Cloninger agreed with Mr. Spaziani.

After discussion, a range of 12-15 was the consensus of the Commission. Mr. Page continued with his summary: Density would increase to a range of 12-15/acre; parking would be addressed with the POE for commercial only; residential would be required to provide off-street parking; lot coverage would remain at 70%; vias should be provided and go through from Royal Poinciana to Sunset Avenue; the minimum lot size would be one acre; properties could not be landmarked; lots should be through lots, street to street; no curb cuts would be allowed on Royal Poinciana Way; a 25% residential component would be required; and, 50% of parking would have to be provided underground. Mr. Page asked the Commission about third floor with special exception and parking.

Mr. Castro explained the existing regulations and a discussion took place regarding second and third floor setbacks. Mr. Castro noted that he would bring it back to the Commission.

Mr. Lawrence noted that this could be addressed by ARCOM. Chairman Golboro asked why a special exception should be required for the third floor. Mr. Crampton stated that he felt the massing needed to look as much as possible as what exists now. Mr. Klein asked how much of a setback was required now and Mr. Castro answered 10 feet. Discussion continued.

Jere Zenko addressed the Commission and said that 10 feet was not much and how nice she thought it would be to have 10 foot terraces.

Mr. Page stated that he would have a summarization report to present to the Commission at the March 20, 2012 meeting and that the Commission's recommendations would then go to Council. Mr. Page added that an ordinance would then be prepared if Council accepted the Commission's recommendations.

Lori Volk, 206 Phipps Plaza, stated that she was confused about the Commission rendering silent the opinions of Alternate Commission Members and the comments of residents.

Mr. Castro asked the Commission to vote to defer this discussion to the March 20 meeting in order to prevent a the requirement to re-advertise.

Susan Markin stated that she felt the residents would not be pleased with 10-15 units/acre and that the Commission had totally ignored the residents who spoke against the overlay.

David Barton, Jamaica Lane, said he heard no reference at all to the Strategic Plan and what was being done was diminishing the character of this Town.

MOTION BY MR. KLEIN TO DEFER THIS DISCUSSION UNTIL THE MARCH 20, 2012, PLANNING & ZONING COMMISSION/LPA MEETING.
MOTION SECONDED BY MR. WIDEMAN.
MOTION CARRIED 8-0 AFTER A ROLL CALL VOTE.

VI. COMMENTS OF THE PLANNING AND ZONING COMMISSION AND PLANNING, ZONING AND BUILDING DIRECTOR

No additional comments were heard.

VII. ADJOURNMENT

Motion to adjourn was made and seconded.

Respectfully Submitted,

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Alan S. Golboro, Chairman	Leslie A. Shaw, Secretary
Town of Palm Beach	Town of Palm Beach
Planning & Zoning Commission	Planning & Zoning Commission