



**PLANNING AND ZONING COMMISSION
MEETING MINUTES
TUESDAY, FEBRUARY 19, 2019 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 10:00 a.m.

Please note: The meeting had been moved to the EOC due to technical difficulty.

Martin I. Klein, Chair	PRESENT
Michael Ainslie, Vice Chair	PRESENT
Kenneth Walker, Member	PRESENT (arrived at 10:07 a.m.)
Carol LeCates, Member	PRESENT
Rick Pollock, Member	PRESENT
Michael Spaziani, Member	PRESENT
Richard Kleid, Member	PRESENT
Eric Christu, Alternate Member	PRESENT
Ronald Berk, Alternate Member	ABSENT (unexcused)
Marilyn Beuttenmuller, Alternate Member	PRESENT

Staff Members present were:

Josh Martin, Director of Planning, Zoning and Building

John Randolph, Town Attorney

Kelly Churney, Secretary to the Planning and Zoning Commission

II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

Mr. Klein welcomed all in attendance.

III. APPROVAL OF THE AGENDA

Motion made by Mr. Ainslie and seconded by Mr. Pollock to approve the agenda as presented. Motion carried unanimously.

IV. APPROVAL OF JANUARY 15, 2019 PLANNING AND ZONING COMMISSION MINUTES

Motion made by Mr. Kleid and seconded by Mr. Pollock to approve the minutes as amended with minor changes given to the clerk. Motion carried unanimously.

V. COMMUNICATIONS FROM CITIZENS – 3 MINUTE LIMIT PLEASE

There were no comments heard at this time.

VI. OLD BUSINESS

a. Presentation on Zoning Code reform.

Mr. Martin presented an overall reform he proposed for the zoning code and outlined a path to move forward.

The following citizens offered full support for Mr. Martin's presentation: Suzanne Frisbie, Dave Frisbie, Julie Araskog, Jacqueline Albarran, Michael Small, Anne Metzger, Bill Metzger, Wes Blackman, Rene Silvin, Lew Crampton, and Robert Frisbie. Mr. Martin answered all questions asked by the individuals.

Anita Seltzer, 44 Cocoanut Row, inquired about the role of the Planning and Zoning Commission since it does not serve as the LPA to the Town Council. Mr. Klein responded.

Mr. Silvin asked if the applicant or staff would choose the Code to which the applicant/project would adhere. Mr. Martin responded.

Mr. Randolph stated the biggest issue in his mind would be implementation of the new Code.

Some of the Commissioners comments were as follows: add illustrations in the new Code, in favor of a new Code that would be easy to read, inserting one-page, user-friendly tables and graphics, glad to see a new Code rather than amending an obsolete code, thought a new Code was necessary and the existing Code had become complicated and outdated.

Mr. Pollock asked about the conflicts of using two parallel codes. Mr. Martin responded.

Mr. Spaziani asked how the Master plan differed from the Comprehensive plan. Mr. Martin responded. Mr. Spaziani stated he felt that overlays could be difficult to some of the professionals and designers.

Mr. Martin stated that the Code had been interpreted from memory and needed to become more transparent.

Motion made by Mr. Kleid and seconded by Mr. Spaziani to approve the report given by Mr. Martin and advance it to the Town Council with the Planning and Zoning Commission's unanimous support of the program and the process. Motion carried unanimously.

Mr. Ainslie asked if there was a method to eliminate the old Code if it was determined that, after the sunset period, the new Code was better suited for the Town. Mr. Randolph responded and stated he would have to study this issue. Mr. Martin provided additional information.

Mr. Spaziani asked the difference between an overlay and a parallel. Mr. Martin stated an overlay is by right and provided some explanation.

Please note: A short break was taken at 11:38 a.m. The meeting resumed at 11:46 a.m. The Chairman made the decision to take item VII. New Business (a) at this time.

VII. NEW BUSINESS

a. Create permitted and special exception uses in the Beach Area Zoning District.

Mr. Klein declared ex parte communication for this item.

Mr. Martin introduced this item to the Commission and explained the special exception use that could be created in the Beach Area Zoning District.

Wes Blackman, CWB Associates representing the Four Seasons, explained his request in relation to the special exceptions uses. He explained an additional request that specifically related to motorized watercrafts.

Mr. Martin pointed out that there were two items that were listed under permitted uses and four items listed under special exception uses. Mr. Martin stated that motorized watercrafts could be added to either item.

Mr. Blackman discussed the permitted use of a Jet Ski in front of the hotel and added that the area in front of this hotel was considered an idle speed zone for several hundred yards.

Mr. Kleid inquired why the language could not indicate jet skis instead of motorized watercrafts. Mr. Blackman stated that the language could be changed.

Mr. Pollock asked if some of the activities were already occurring. Mr. Blackman responded.

Mr. Martin stated that he believed the issue occurred because a third party vendor applied for the Business Tax Receipt. Mr. Blackman stated that the guest would not know that the Four Seasons was not renting out the equipment, as the third party vendor would appear as the hotel.

Mr. Klein tried to clarify the issue and stated that the difference between allowing the Jet Ski rental stand was the request as a permitted use versus a special exception use.

Mr. Blackman stated he would request the items listed in number two in the special exception category to be considered a permitted use.

Mr. Pollock expressed concern for the south end residents if third party vendors were allowed to set up in all of the hotels. Mr. Blackman responded.

Mr. Spaziani questioned whether certain sunblock products should be banned.

Ms. LeCates questioned to which zoning district this Code would apply. Mr. Blackman responded. Ms. LeCates asked how the Four Seasons had been operating the Jet Ski rentals. Mr. Blackman responded.

Mr. Klein stated he would not object to adding the Jet Skis but only as a special exception use so that the Town Council could review the application. Mr. Kleid

agreed and stated he would expand the section to include Banana Boats, Kayaks, Canoes and similar watercrafts.

Motion made by Mr. Ainslie and seconded by Mr. Kleid to adopt 134-1472 and 134-1473 to include Jet Skis, Banana Boats, Kayaks, Canoes and similar watercrafts as a special exception use. Motion carried 4-3, with Messrs. Pollock, Spaziani and LeCates opposed.

- b. Modify the zoning regulations for individual business identification signs to allow said signs on the ground floor if there are no ground floor tenant spaces.
Mr. Martin introduced this item to the Commission and explained the proposed modifications.

Motion made by Mr. Ainslie and seconded by Mr. Pollock to approve the proposed modified language.

Mr. Kleid suggested using a lower case “i” in paragraph two in the word Individual. Mr. Martin agreed.

Ms. LeCates suggested removing language in paragraph two to clean up the paragraph. In paragraph two, the Commission decided to add “and/or” after the language “In addition, if a ground floor licensed business’s parking and/or main entrance is on.....” The changes were acceptable to Mr. Martin.

Ms. LeCates suggested changing and removing language in paragraph three, four, five, six and seven to clean up the paragraph. The changes were acceptable to Mr. Martin.

Motion amended by Mr. Ainslie and seconded by Mr. Pollock to approve the proposed modified language and to accept the grammatical changes suggested by Mr. Kleid and Ms. LeCates. Motion carried unanimously.

- c. Modify the zoning regulations to allow residential tenancy above the first floor as a permitted use rather than a special exception in the C-TS, C-WA and C-OPI zoning districts.
Mr. Martin introduced this item to the Commission and explained the proposed modifications.

Mr. Spaziani asked if there would be any problems if the language were to be changed. Mr. Martin responded and stated he did not foresee any problems with the proposed change.

Motion made by Mr. Pollock and seconded by Ms. LeCates to approve the proposed modified language. Motion carried unanimously.

- d. Modify the zoning regulations to exempt equipment pads or equipment related to essential services, including utility undergrounding, from the landscape open space or lot coverage requirements for a lots or parcels of land.
Mr. Martin introduced this item to the Commission and explained the proposed modifications.

Ms. LeCates suggested to insert the word “and” in paragraph two so that it read “...being constructed or located on any privately owned property **and** any existing buildings or structures...” Mr. Martin agreed with the change. Ms. LeCates also reviewed changes that she suggested for this section. Mr. Martin agreed with the suggested changes.

Ms. Beuttenmuller suggested to remove a comma in section one after the word from in the following section: “...street rear yard setbacks shall be screened from₁ view from the street in so much...” Mr. Martin agreed with the suggested change.

Motion made by Ms. LeCates and seconded by Mr. Pollock to approve the proposed modified language and to accept the grammatical changes suggested by Ms. LeCates and Ms. Beuttenmuller. Motion carried unanimously.

VI. OLD BUSINESS

b. Consideration of proposed regulations to prohibit commercial scooter sharing on public or private rights-of-way and public or private property within the Town.

Mr. Martin stated that staff decided after the last conversation to move forward with language relating exclusively to scooters. He added that a more detailed conversation regarding shared bicycles would occur sometime in the future. He presented the proposed language prohibiting scooters in the Town.

Mr. Spaziani inquired if the language was limited only to scooters or asked if it included motorized skateboards or unicycles. Mr. Martin stated the language was limited to scooters.

Mr. Kleid asked why the language was inconsistent in each section. Mr. Martin explained the language. Mr. Klein provided further clarification.

Motion made by Mr. Pollock and seconded by Mr. Spaziani to approve the proposed language in 134-1519, 106-49 and 106-161 as presented. Motion carried unanimously.

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

None.

XI. ADJOURNMENT

The meeting adjourned at 12:31 p.m. without the benefit of a motion.

Respectfully Submitted,



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

kmc