

**PLANNING AND ZONING COMMISSION
2009-2010 ZONING REPORT
RECORD AND REPORT
MONDAY, NOVEMBER 9, 2009, 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(9:30:09 a.m.)

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

On roll call, Commission Members present were:

Alan Golboro, Chairman
Leslie Shaw, Secretary
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
Angela Usher, representing Palm Beach County School Board

Commission Members absent: None

Staff Members present were:
John Page, Director of Planning, Zoning, Building
Paul Castro, Zoning Administrator
John C. Randolph, Town Attorney
Debby Morakis, Recording Secretary

II. INVOCATION AND PLEDGE OF ALLEGIANCE(9:31:51 a.m.)

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

III. COMMENTS FROM THE PUBLIC(9:32:06 a.m.)

Chairman Golboro called for comments from the public and also stated there would be an opportunity for additional comments regarding the overlay later in the meeting.

John Grosskopf, General Manager of Palm Beach Towers, 44 Cocconut Row, stated that he was here with fellow managers and asked them to introduce themselves.

Jay Denger, 127 Puffin Court, Royal Palm Beach, Manager of Leverett House at 120 Sunset Avenue and Parc Regent at 184 Bradley Place.

Diane Cunningham, 130 Blossom Way, Palm Beach Shores, Manager of Ocean Towers, 170 N Ocean Blvd. and 139 Sunrise Avenue.

Richard Britt, 4662 Grove Street, Lake Worth, General Manager of L'Ermitage, 200 Bradley Place.

A letter from several condominiums requesting the postponement of any decision regarding the Royal Poinciana Mixed Use Overlay District until at least the December meeting was read into the record. The Chairman asked if Commissioners wanted further discussion about the suggested postponement. No discussion or motion occurred.

IV. REGULAR AGENDA

A. Approval of October 6, 2009 Planning and Zoning Commission Minutes.

**MOTION BY MR. KLEIN FOR APPROVAL OF THE OCTOBER 6, 2009
PLANNING AND ZONING COMMISSION MINUTES.
MOTION SECONDED BY MR. WIDEMAN.
MOTION CARRIED 7-0 AFTER ROLL CALL VOTE.**

B. Presentation and Discussion of Royal Poinciana Mixed Use Overlay Study on Draft Comprehensive Plan and Zoning Amendments [Marcela Camblor].

Marcella Camblor gave a power point presentation as a summary of the Royal Poinciana Mixed Use Overlay Study. Ms. Camblor clarified the total acreage included in the area and stated that the total acreage is closer to 20 acres when the public right of ways are subtracted out. The amendments propose changes to lot coverage and building placement, building heights, residential density and to distribution and placement of uses. Ms. Camblor explained the tables being presented in the proposal for consideration by the Commission.

C. Comments from the Public on the Overlay Study and Presentation.

John Mashek, 82 Middle Road, speaking for the Preservation Foundation, urged the Commission to not allow for any density increase. Mr. Mashek stated that the Preservation Foundation has studied the plans and would support eliminating the need for a special exception for a second story, easing the parking requirements, and, lot coverage.

Tim Frank, 230 Pershing Way, West Palm Beach; stated that he was representing the Towers Condominium. Mr. Frank submitted his resume and read a prepared statement into the record.

John Grosskopf, resident of 8052 7th Place South, West Palm Beach, and, General Manager of Palm Beach Towers stated that in the last few months he has seen several different maps depicting the project and he and would like to see the final map presented to all residents.

Additional comments were also heard from residents and other interested parties: Connie Gasway, 167 Root Trail; Anita Seltzer, 44 Cocoanut Row; Stephanie Bojokles, owner of the Tropical Fruit Shop; Helen Hoffman, resident and past president of The Biltmore; Arnold Hoffman, 150 Bradley Place; Anne Pepper, 333 Seaspray Avenue; Leslie Evans, resident of 135 Seminole Avenue and owner of buildings at 249-253 Royal Poinciana Way; Peter Cummings of 201 El Bravo Way, Susan Markin of 1450 North Lake Way; Frank Lynch, Attorney for Testa's; Lori Volk of 325 ALbermarle Road, West Palm Beach for the John L. Volk Foundation.

The meeting was adjourned at 10:57 a.m. for a short break and was reconvened at approximately 11:15 a.m.

Chairman Golboro announced that the Commission's review and study of the "town-serving" topic would begin at the December or January Planning & Zoning Commission meeting. Chairman Golboro then thanked the condominium association managers for their participation at this meeting.

John Page, Director of Planning, Zoning and Building, recommended that the date for the December meeting of the Planning & Zoning Commission be changed from December 1 to December 8, 2009. The Commission would also be meeting as the Local Planning Agency (LPA). Discussion continued and it was determined that a motion to do so was required.

MOTION BY MR. KLEIN TO RESCHEDULE THE DECEMBER MEETING OF THE PLANNING AND ZONING COMMISSION TO DECEMBER 8, 2009 AT 9:30 A.M.

MOTION SECONDED BY MR. WIDEMAN.

MOTION CARRIED UNANIMOUSLY WITHOUT BENEFIT OF A ROLL CALL.

D. Comments from the Planning and Zoning Commission on the Overlay Study and Presentation.

Chairman Golboro read two paragraphs from the Gibbs Report executive summary into the record. Chairman Golboro also presented his summary of the mixed use overlay to the Commission and for the record. A discussion ensued.

Attorney Randolph suggested that the Commission address each item in order as presented in the table. Discussion continued.

Paul Castro, Zoning Administrator, pointed out that all the components of the proposal provided by staff and the consultant were inter-related. Ms. Cambor agreed. Further discussion took place.

MOTION BY MR. KLEIN THAT WITH RESPECT TO RESIDENTIAL DENSITY, THERE BE NO CHANGE, AND, THAT RESIDENTIAL DENSITY REMAIN AT 6 UNITS PER ACRE.

MOTION SECONDED BY MR. WIDEMAN.

Discussion continued.

MOTION CARRIED 4 TO 3 AFTER A ROLL CALL VOTE WITH MESSRS. SHAW, LAWRENCE AND ROSE OPPOSED.

The Commission continued with a discussion regarding parking. Ms. Cambor suggested that the Commission consider the .6 factor and reduce parking to 3 spaces per thousand.

MOTION BY MR. KLEIN TO REDUCE PARKING TO 3 UNITS PER THOUSAND (USING THE .6 FACTOR).

MOTION SECONDED BY MR. WIDEMAN.

MOTION CARRIED 6 TO 1 AFTER A ROLL CALL VOTE WITH MR. SHAW OPPOSED.

Discussion regarding the number of stories that would be permitted took place and the following motion was made:

MOTION BY MR. KLEIN TO ALLOW A TWO STORY BUILDING AS A MATTER OF RIGHT, A THIRD STORY WITH SPECIAL EXCEPTION APPROVAL. THE THIRD STORY MUST BE SET BACK 20 FEET, EXCEPT ON SUNSET AVENUE, AND NOT TO EXCEED FIFTY PERCENT LOT COVERAGE.

MOTION SECONDED BY MR. SCHULER.

Discussion continued. Ms. Cambor stated that she would test these numbers.

MOTION CARRIED 7 TO 0 AFTER A ROLL CALL VOTE.

A brief discussion took place regarding green space and a motion was made:

MOTION BY MR. SCHULER TO REQUEST STAFF WRITE A RECOMMENDATION FOR THE PERCENTAGE OF

**REQUIRED GREENSPACE TO BRING BACK TO THE COMMISSION.
MOTION SECONDED BY MR. KLEIN.**

Discussion continued.

**MOTION MODIFIED BY MR. SCHULER TO REQUEST STAFF TO
MAKE A RECOMMENDATION REQUIRING GREEN SPACE.
MODIFIED MOTION ACCEPTED BY MR. KLEIN.**

Additional discussion took place. Mr. Castro stated that staff would look at the existing code to come up with the provision. Chairman Golboro stated that he was concerned with the setbacks and rooftops with rooftop parking.

MOTION CARRIED 7 TO 0 AFTER A ROLL CALL VOTE.

After a brief discussion regarding curb breaks took place, the following motion was made:

**MOTION BY MR. KLEIN THAT THERE BE NO NEW CURB CUTS
PERMITTED.**

MOTION SECONDED BY MR. WIDEMAN.

**MOTION CARRIED 5 TO 2 AFTER A ROLL CALL VOTE WITH
MESSRS. SHAW AND GOLBORO OPPOSED.**

The Commission discussed allowing 100% retail use on Royal Poinciana Way and North County Road. Mr. Shaw stated that he felt professional service establishments would bring in pedestrians and should be permitted. Discussion continued. Chairman Golboro noted that office uses are permitted on the other streets in the district with the exception of Royal Poinciana Way and North County Road.

**MOTION BY MR. ROSE TO ALLOW 100% RETAIL USE ON ROYAL
POINCIANA WAY AND NORTH COUNTY ROAD.**

MOTION SECONDED BY MR. KLEIN.

Discussion continued about personal service uses. Ms. Cambor stated that there are formulas established that will gauge how far pedestrians will walk without having windows to look into.

**MOTION AMENDED THAT ON THE FIRST STORY, THE PERMITTED
USES WOULD BE LIMITED TO RETAIL RESTAURANT USES ONLY.**

**MOTION CARRIED 6 TO 1 AFTER A ROLL CALL VOTE WITH MR.
SHAW OPPOSED.**

Chairman Golboro suggested that ARCOM be requested to not approve plain, two-story box-like structures and Mr. Page stated that he would relay that information to ARCOM. The Commission discussed having a sunset provision included in the regulation. Attorney Randolph explained the "Bert Harris Act", known as "The Bert J. Harris, Jr., Private Property Rights Protection Act", and, stated that having a sunset provision included in the regulation with a defined date would be helpful. After a brief discussion, the following motion was made:

**MOTION BY MR. SHAW TO INCLUDE A SUNSET PROVISION OF
FIVE YEARS AFTER ADOPTION.**

**MOTION SECONDED BY MR. KLEIN.
MOTION CARRIED 7 TO 0 AFTER A ROLL CALL VOTE.**

Mr. Page stated that currently 70% lot coverage is permitted and staff proposed 80%. Ms. Cambor added to allow the underground coverage at 100%.

**MOTION BY MR. SHAW TO ALLOW 80% LOT COVERAGE AND
UNDERGROUND COVERAGE AT 100%.**

**MOTION SECONDED BY MR. WIDEMAN.
MOTION CARRIED 7 TO 0 AFTER A ROLL CALL VOTE.**

- E. Hearing on the Testa Family, LLC, Application to Amend the Town's Comprehensive Plan and Zoning Code [Item was deferred from the October 6, 2009 Commission Meeting] [Town Staff].

**MOTION BY MR. KLEIN TO DEFER HEARING THE TESTA FAMILY,
LLC APPLICATION UNTIL DECEMBER 8, 2009.**

**MOTION SECONDED BY MR. SCHULER.
MOTION CARRIED 7 TO 0 AFTER A ROLL CALL VOTE.**

- F. Draft Ordinance No. 19-09 [Town Staff]:

1. Changing References from Building Official to Director of Planning, Zoning & Building Department.
2. Cubic Content Requirement for R-B Zoned Lots not on the Lake.
3. Public Buildings and Structures in the Beach Area Zoning District.

Mr. Castro explained the three items included in the draft ordinance. After a very brief discussion, the following motion was made:

**MOTION BY MR. WIDEMAN TO APPROVE ORDINANCE NO. 19-09.
MOTION SECONDED BY MR. SCHULER.
MOTION CARRIED 7 TO 0 AFTER A ROLL CALL VOTE.**

V. COMMENTS FROM THE PUBLIC

Ms. Anita Seltzer, 44 Cocanut Row, stated that she wanted the record to reflect that this Commission moved ahead without any studies to validate the changes the Commission wanted to implement, contrary to the Calvin Giordano Report; that the Testa's Application was deferred again, and, that there has been no indication that the provisions implemented would not roll over to other development projects.

VI. COMMENTS OF THE PLANNING AND ZONING COMMISSION AND PLANNING, ZONING AND BUILDING DIRECTOR(12:57:23 a.m.)

Mr. Page reminded the Commission that beginning in January 2010, the Planning & Zoning Commission would meet on the third Tuesday of each month.

VII. ADJOURNMENT

MOTION TO ADJOURN BY MR. SCHULER.

MOTION SECONDED BY MR. LAWRENCE.

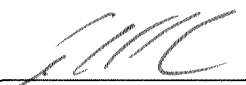
Chairman Golboro declared the meeting adjourned.

Respectfully Submitted,



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

Chairman
Beach



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