

PLANNING AND ZONING COMMISSION
2009-2010 ZONING REPORT
RECORD AND REPORT
TUESDAY, OCTOBER 6, 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(9:30:36 a.m.)

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

John Page, Director of Planning, Zoning and Building, stated that any time a change is made to a Local Comprehensive Plan that affects residential density, it is a state requirement that a representative of the school board be invited to attend the meeting. That person can participate in the discussion but cannot vote. Angela Usher will represent the Palm Beach County School Board.

On roll call, Commission Members present were:

Alan Golboro, Chairman

Leslie A. Shaw, Secretary

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:

John Schuler, Member, (excused)

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 (9:31:32 a.m.)

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

III. ELECTION OF CHAIRMAN AND SECRETARY (9:32:10 a.m.)

Chairman Golboro passed the gavel to Attorney Skip Randolph who called for nominations for Chairman of the Commission.

Attorney Randolph passed the gavel to Chairman Golboro.

Mr. Klein nominated Mr. Golboro as Chairman. There were no further nominations.

**A MOTION WAS MADE AND SECONDED TO DECLARE A UNANIMOUS
BALLOT IN FAVOR OF MR. GOLBORO.**

MOTION CARRIED UNANIMOUSLY.

Mr. Golboro was unanimously elected as Chairman.

Attorney Randolph then called for nominations for Secretary.

Chairman Golboro nominated Mr. Shaw as Secretary. There were no further nominations for Secretary.

**A MOTION WAS MADE AND SECONDED TO DECLARE A UNANIMOUS
BALLOT IN FAVOR OF MR. SHAW.**

MOTION CARRIED UNANIMOUSLY.

Mr. Shaw was unanimously elected as Secretary.

Attorney Randolph passed the gavel to Chairman Golboro.

IV. COMMENTS FROM THE PUBLIC (9:35:04 a.m.)

Chairman Golboro called for comments from the public. There were none at this time.

V. REGULAR AGENDA

A. Approval of September 1, 2009 Planning and Zoning Commission Minutes.

**MOTION BY MR. KLEIN FOR APPROVAL OF THE SEPTEMBER 1,
2009 MINUTES.**

MOTION SECONDED BY MR. SHAW.

MOTION CARRIED UNANIMOUSLY.

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

Ms. Usher attended the meeting as a representative of the school board and stated that the Town has an excellent Comprehensive Plan.

Chairman Golboro introduced Marcella Camblor stated that since August, she was tasked with drafting language to allow for the implementation of the recommendations of the Board for the Royal Poinciana Area. Ms. Camblor went over the general principals imbedded in the proposed amendments with a power point presentation.

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

Chairman Golboro called for comments from the public. Several members of the public spoke, including:

John Mashek, 82 Middle Road for the Preservation Foundation;

Baxter Webb, 389 Corporation, Royal Park Homeowners Association;

Leslie Evans, 249-253 Royal Poinciana Way;

Susan Markin;

Ida Goldstein, 3120 So. Ocean Blvd.;

Rachel Lawrenson, 216 Garden Road;

Sam Boykin, 285 Jamaica Lane;

Lori Volk, John L. Volk Foundation;

Patrick Flynn, Palm Beach Theatre Guild;

William Cummings, 105 No. County Road and President of Royal Poinciana Business District Association;

Polly Reed, of Chilean Avenue for Charlie & Anne Pepper of 333 Seaspray Avenue;

Bill Strawbridge, 223 Atlantic Avenue;

Jere Zenko, 232 Tangier Avenue

Chairman Golboro complimented staff and stated that what was accomplished in the completion of the overlay was a phenomenal job. Ms. Camblor also complimented staff on their quick response and provided additional comments.

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

Comments were heard from members of the Commission. Chairman Golboro asked Ms. Camblor to take note of any requested changes.

MOTION BY MR. KLEIN TO REMOVE THE FINANCIAL CONTRIBUTIONS SECTION.

MOTION SECONDED BY MR. WIDEMAN.

MOTION CARRIED UNANIMOUSLY.

Discussion continued and comments were heard from Mr. Spaziani regarding the performance and LEEDS concept. Mr. Spaziani stated that he felt the numbers did not make sense.

Mr. Cloninger stated that he was impressed by Ms. Cambor, but added that he felt this was "a collosally bad idea" and bad for Palm Beach. Mr. Coninger urged a motion to kill this now and not go forward.

Mr. Crampton commented regarding the density bank, the sunset provision and performance processing.

Ms. Cambor addressed some of these questions.

Paul Castro, Zoning Administrator, added that when the Worth Avenue Design Guidelines for the Worth Avenue District were adopted in 1990, the intent was to recreate some of the architecture in buildings that were in the area. What happened was that not much redevelopment occurred within that area within the sunset provision time.

Mr. Lawrence commented regarding the C-TS zone and stated that only about three or four buildings were built in that area because the zoning designation was so onerous due to the parking requirements. Mr. Lawrence stated that he felt something needed to be done with the C-TS Zoning District.

Mr. Shaw stated that he does not see the area as pedestrian friendly.

Mr. Wideman stated that he has been against this since the beginning; this concept was attempted with the Royal Poinciana Plaza and that was a failure.

Mr. Rose commented about the density bonus and underground parking and added that he was concerned about the "pool." Mr. Rose asked if there were other tools that could be used for town-serving and added that this is a town of exceptional architectural design and that the standards should be set high.

Mr. Klein expressed his concern about the process and asked how the recommendation for bonuses to be approved by an appointed official as opposed to the Town Council.

Mr. Castro stated that the intent was to continue to go through the site plan or architectural review process as currently exists.

Discussion continued.

Angela Usher, Palm Beach County School Board commented that she liked what was being presented and stated she was concerned about the density and wondered who would maintain the open public space. Ms. Usher also stated that she felt the LEED should be required.

Mr. Page noted that he had a letter from Mr. Schuler that could be read into the record. Chairman Golboro asked that the letter be read later in the meeting.

Chairman Golboro adjourned the meeting for lunch at 12:17 p.m. The meeting was called to order at 1:40 p.m.

Additional comments were heard from Jere Zenko, 232 Tangier Avenue; Mayor Marix, S. Ocean Blvd.; John Ripley, Preservation Foundation; Lori Volk.

Discussion continued and comments were heard from Commission members. Mr. Page read a letter from Mr. Schuler into the record.

Council Member Bob Wildrick stated that he was encouraged and proud of the Planning & Zoning Commission and thanked them for their work. Mr. Wildrick stated that he was pleased to hear such intelligent questions and comments.

Additional comments were heard from residents Susan Markin and Anita Seltzer. Additional comments were heard from the Commission.

A discussion took place concerning the next meeting of the Planning & Zoning Commission as the LPA. Attorney Randolph stated that he felt the Commission was not a point to direct staff to come back with an ordinance and suggested the process continue until the Commission can recommend an ordinance.

Council Member Dick Kleid, 2660 So. Ocean Blvd., wondered why the Commission could go through all the open items and take a vote.

Mr. Castro stated that even if there were decisions made today, it would be difficult to make the deadline of the 18th.

Council Member Bill Diamond of 220 Wells Road, stated that he felt the Commission should take their time and get it right. Rushing would do the Town a disservice.

Comments were heard from resident Barbara Patrick, 235 Sunrise Avenue who suggested the Town wait until the economy turns around.

After further discussion, it was determined that the next meeting of the Planning & Zoning Commission would be on Monday, November 9, 2009.

- E. Hearing on the Testa Family, LLC, Application to Amend the Town's Comprehensive Plan and Zoning Code. [Item was deferred from the June 2, 2009 Commission Meeting][Letter from Francis Lynch dated September 25, 2009 requesting deferral to the November 3, 2009 Commission Meeting] [Town Staff]

Frank Lynch, on behalf of Testa's, requested a deferral to November 9, 2009.

MOTION BY MR. SHAW TO DEFER HEARING ON THE TESTA FAMILY, LLC TO THE NOVEMBER 9, 2009 PLANNING & ZONING COMMISSION MEETING.

MOTION SECONDED BY MR. WIDEMAN.

MOTION CARRIED UNANIMOUSLY.

VI. COMMENTS OF THE PLANNING AND ZONING COMMISSION AND PLANNING, ZONING AND BUILDING DIRECTOR(2:16:43 a.m.)

Mr. Page stated that he had no further comments.

VII. ADJOURNMENT(2:16:44 a.m.)

MR. WIDEMAN MADE A MOTION TO ADJOURN AT 3:35 P.M.

MOTION WAS SECONDED AND CARRIED UNANIMOUSLY.

Respectfully Submitted,

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

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