

**PLANNING AND ZONING COMMISSION
2010 ZONING REPORT
RECORD AND REPORT
TUESDAY, SEPTEMBER 21, 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

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

Commission Members Present were:

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

Commission Members absent: Martin Klein, Member (Excused Absence)

Staff Members present were:

John Page, Director of Planning, Zoning, Building
Paul Castro, Zoning Administrator
Debby Morakis, Recording Secretary

II. INVOCATION AND PLEDGE OF ALLEGIANCE (9:29:51 a.m.)

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

III. APPROVAL OF THE AGENDA

**MOTION BY MR. SCHULER FOR APPROVAL OF THE AGENDA.
MOTION SECONDED BY MR. WIDEMAN.
MOTION CARRIED 7-0 AFTER ROLL CALL VOTE.**

IV. APPROVAL OF AUGUST 17, 2010 PLANNING AND ZONING COMMISSION MINUTES(9:32:36 a.m.)

**MOTION BY MR. LAWRENCE TO APPROVE THE MINUTES OF THE
AUGUST 17, 2010 PLANNING & ZONING COMMISSION MEETING.
MOTION SECONDED BY MR. SCHULER.
MOTION CARRIED 7-0 AFTER A ROLL CALL VOTE.**

V. OLD BUSINESS(9:33:00 a.m.)

a. STATUS REPORT ON THE TOWN-SERVING STUDY

Paul Castro, Zoning Administrator, advised the Commission that staff had just received the report from LaRue. Mr. Castro stated that staff would meet with Mr. Brisson to go over comments on the report and would provide the Commission with a copy of the document before the October meeting.

Chairman Golboro stated that he thought it was a good idea for staff to review the report prior to distribution to the Commission or the public.

b. ORDINANCE NO. 26 -10

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 134, ZONING, AT SECTION 134-2 TO ADD CLARIFYING LANGUAGE RELATIVE TO THE RULES OF CONSTRUCTION OF THE ZONING ORDINANCE; SECTIONS 134-36, 134-145, 134-171, 134-327, 134-330, 134- 561, 134-1576 AND 134-1577 TO CHANGE THE REFERENCE FROM BUILDING OFFICIAL TO DIRECTOR OF THE PLANNING, ZONING AND BUILDING DEPARTMENT; SECTION 134-7 TO INCLUDE SITE PLAN REVIEW IN PENALTIES FOR VIOLATION; SEC. 134-235 TO NOT ALLOW DIMENSIONAL WAIVER APPROVAL IF THERE IS NEIGHBOR OBJECTION; SECTION 134-326 TO PROVIDE ADDITIONAL REQUIREMENTS FOR ADMINISTRATIVE SITE PLAN REVIEW; SECTIONS 134-416, 134-417, 134-418 AND 134-419 TO PROVIDE LANGUAGE THAT ALLOWS EXPANSION OF NONCONFORMING MULTI-FAMILY AND COMMERCIAL BUILDINGS OR STRUCTURES PROVIDED IT DOES NOT MAKE THE BUILDINGS OR STRUCTURES MORE NONCONFORMING; SECTIONS 134-446 BY MODIFYING THE SECTION TITLE AND CLARIFYING THAT RESIDENTIAL DEVELOPMENT AND REDEVELOPMENT IS REQUIRED TO MEET DENSITY REQUIREMENTS IN THE TOWN'S COMPREHENSIVE PLAN IN CERTAIN SITUATIONS; SECTION 134-888 BY EXPANDING ACCESSORY COMMERCIAL USES ALLOWED FOR

THE TOWN GOLF COURSE AND TENNIS COURT FACILITIES; SECTIONS 134-942, 134-997 AND 134-1052 TO REPLACE THE WORD "MAY" WITH "SHALL" IN ORDER TO REQUIRE SITE PLAN REVIEW IN R-C, R-D(1) AND R-D(2) ZONING DISTRICTS AND CORRECT A CROSS REFERENCE; SECTIONS 134-949, 134-1005, AND 134-1061 TO ELIMINATE THE REFERENCE TO CUBIC CONTENT IN THE R-C, R-D(1) AND R-D(2) ZONING DISTRICTS AS THAT TERM DOES NOT APPLY IN THOSE ZONING DISTRICTS; SECTION 134-1732 TO PROVIDE A PERMIT REQUIREMENT, RESTRICTIONS, AND A FEE FOR VEHICLES USED FOR STORAGE, A FEE FOR A TEMPORARY STORAGE VEHICLE AND A TEMPORARY STORAGE UNIT, AND A SUSPENSION PROVISION FROM THIS REGULATION DURING A STATE OF EMERGENCY; SECTIONS 134-2172, 134-2179 AND 134-2237 TO CHANGE THE REQUIRED PARKING STALL DIMENSION AND/OR DRIVE AISLE WIDTH TO BE CONSISTENT WITH OTHER SECTIONS OF THE CODE; SECTIONS 134-2296 AND 134-2329 BY ELIMINATING THE SPECIFIC COSTS FOR PARKING PERMITS AND PROVIDING A REFERENCE TO THE FEE SCHEDULE; SECTION 134-2409 TO CORRECT TYPOGRAPHICAL ERRORS IN THE RESIDENTIAL POLITICAL SIGN SECTION OF THE CODE; SECTION 134-2446 TO CREATE A SECTION TO INCLUDE A POLITICAL SIGN PROVISIONS IN THE COMMERCIAL ZONING DISTRICTS; SECTION 134-1107 AND 134-1109 TO PERMIT OFFICE USES ON THE FIRST FLOOR IN THE TWO HUNDRED BLOCK OF PERUVIAN AVENUE AND BRADLEY PLACE IN THE C-TS ZONING DISTRICT; SECTION 134-797, 134-847, 134-898, 134-953, 134-1009 AND 134-1065 TO REQUIRE BUILDING PERMITS TO FILL AND RAISE THE GRADE OF PROPERTY IN THE R-AA, R-A, R-B, R-C, RD(1) AND R-D(2) RESIDENTIAL ZONING DISTRICT; SECTION 134-1733 BY CREATING SAID SECTION FOR REGULATIONS FOR THE SCREENING OF EXISTING AND FUTURE DUMPSTERS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

Paul Castro stated that a rough draft of Ordinance 26-10 had been provided to Attorney Randolph for his review prior to its going to Council and noted that the Ordinance had also been legally advertised.

Mr. Castro explained the changes that were made to the Ordinance as a result of concerns expressed by the Planning & Zoning Commission.

Discussion took place and comments were heard by Mr. Spaziani and Chairman Golboro. Mr. Castro explained the process of changing the Comprehensive Plan with the State twice per year and noted that Town Attorney Randolph would have to review the documents and they would have to be advertised and noticed.

Discussion continued and Mr. Castro stated that the Commission would review this document at the November Planning & Zoning Commission meeting. The document would then be transmitted to Town Council. Town Council would then authorize staff to transmit the document to the Department of Community Affairs and then it could be adopted at second reading by March, 2011.

Bill Diamond, 220 Wells Road, stated that if Proposition 4 passed in November, all of these matters would be subject to a referendum.

Mr. Castro acknowledged that if Amendment 4 did pass, that would be the glitch that would slow everything down and even the smallest change would then require a referendum. Discussion continued.

Chairman Golboro called for comments from the public. There were no comments heard.

Mr. Castro explained the changes made to Sections 13 to 16. After a brief discussion, the following motion was made:

**MOTION BY MR. SHAW TO APPROVE SECTIONS 13 to 16.
MOTION SECONDED BY MR. SCHULER.
MOTION CARRIED 7-0 AFTER ROLL CALL VOTE.**

Mr. Castro explained the changes made to Section 17. Discussion continued.

**MOTION BY MR. WIDEMAN TO APPROVE SECTION 17.
MOTION SECONDED BY MR. ROSE.
MOTION CARRIED 7-0 AFTER A ROLL CALL VOTE.**

Mr. Castro explained the changes to Section 25.

**MOTION BY MR. WIDEMAN TO APPROVE SECTION 25.
MOTION SECONDED BY MR. ROSE.
MOTION CARRIED 7-0 AFTER ROLL CALL VOTE.**

Bob Moore, 420 Santa Fe Rd, West Palm Beach, stated that there had been issues involved in the commercial district for years concerning businesses that would use a vehicle for storage. Mr. Moore stated that he felt the regulation of commercial storage belonged to the jurisdiction of the Police Department, rather than the Zoning Department, and, that the regulation of pods in a residential district would be a Zoning Department issue.

Peter Broberg, 220 Monterey Rd., stated that he felt this issue was targeted to one organization. Comments were heard by staff and the Commission. Additional comments were heard by Mr. Moore and Mr. Broberg.

Mr. Castro stated that he was asked by the Commission to draft language because there had been concerns expressed. Mr. Page read sections of the Code to the Commission. After a brief discussion, the following motion was made:

**MOTION BY MR. ROSE TO ADOPT SECTION 25 WITHOUT
REFERENCE TO VEHICLES FOR STORAGE.**

MOTION SECONDED BY MR. CRAMPTON.

Discussion continued.

MOTION CARRIED 7-0 AFTER A ROLL CALL VOTE.

A discussion took place regarding the length of time a storage unit would be permitted, extending from 72 hours to five business days. After discussion, the motion was amended.

MOTION AMENDED BY MR. ROSE TO EXTEND THE LENGTH OF TIME PERMITTED IN SECTION 25 TO FIVE BUSINESS DAYS.

AMENDED MOTION SECONDED BY MR. CRAMPTON.

MOTION CARRIED 7-0 AFTER A ROLL CALL VOTE.

Mr. Castro explained the changes in Sections 26 to 28. After a brief discussion, the following motion was made:

MOTION BY MR. WIDEMAN TO APPROVE SECTIONS 26 to 28.

MOTION SECONDED BY MR. SCHULER.

MOTION CARRIED 7-0 AFTER A ROLL CALL VOTE.

Mr. Castro explained the changes made to Section 33.

Alex Ives of the Preservation Foundation, stated that he felt permitting office spaces on the first floor would deaden the retail areas. Mr. Ives also noted that there was the ability for an applicant to go before the Town Council for a Variance or Special Exception approval.

Comments were heard by the Commission and Mr. Castro addressed their concerns.

Comments were heard by Anita Seltzer, of 44 Cocoanut Row, indicating that she felt the public had not been heard from.

Chairman Golboro stated that the public was always invited to public meetings.

Additional comments were heard by Anita Seltzer who asked why Attorney Randolph had not been in attendance for the last three meetings.

Comments were heard by Mr. Shaw, who indicated the public had been noticed and it was their decision not to show up.

Bill Diamond of 220 Wells Road stated that he personally had no problem with the proposed changes but felt that the residential neighbors should have been noticed about the change.

Laurel Baker, Palm Beach Chamber of Commerce, asked if this could be

perceived as spot zoning and indicated that office uses were already in existence in these two areas.

After a brief discussion,

MOTION BY MR. WIDEMAN TO APPROVE SECTION 33, WITH THE DELETION OF #3.

MOTION SECONDED BY MR. SHAW.

Discussion continued.

Messrs. Cloninger and Lawrence recused themselves, declaring a conflict of interest.

MOTION CARRIED 5-2 AFTER A ROLL CALL VOTE WITH MESSRS. GOLBORO AND CRAMPTON OPPOSED AND MESSRS. LAWRENCE AND CLONINGER RECUSING THEMSELVES.

Mr. Castro explained the changes to Section 34. After a brief discussion,

MOTION BY MR. SHAW TO ACCEPT SECTION 34.

MOTION SECONDED BY MR. WIDEMAN .

MOTION CARRIED 7-0 AFTER A ROLL CALL VOTE.

Mr. Castro explained the changes in Sections 35 to 40.

Chairman Golboro commented that he felt this was an important change.

MOTION BY MR. SHAW TO APPROVE SECTIONS 35 TO 40.

MOTION SECONDED BY MR. SCHULER.

Mr. Lawrence suggested the motion be modified to change the six inches to eight inches above grade.

MOTION MODIFIED BY MR. SHAW TO ACCEPT SECTIONS 35 TO 40 WITH A CHANGE TO 8 INCHES.

MODIFIED MOTION SECONDED BY MR. SCHULER.

MOTION CARRIED 7-0 AFTER A ROLL CALL VOTE.

Mr. Castro explained the changes proposed in Section 41, dealing with the location and screening of commercial and multi-family dumpsters and also requiring ARCOM approval. After comments were heard from Mr. Diamond and Mr. Kleid and a brief discussion by the Commission, the following motion was made:

MOTION BY MR. SCHULER TO APPROVE SECTION 41.

MOTION SECONDED BY MR. WIDEMAN.

MOTION CARRIED 7-0 AFTER A ROLL CALL VOTE.

Mr. Castro asked for a motion from the Commission, acting as the Local Planning Agency, to recommend the amended ordinance be transmitted to the Town Council.

MOTION BY MR. SHAW TO RECOMMEND ORDINANCE NO. 26-10, AS

**AMENDED, BE TRANSMITTED TO THE TOWN COUNCIL.
MOTION SECONDED BY MR. WIDEMAN.
MOTION CARRIED 7-0 AFTER A ROLL CALL VOTE.**

VII. COMMENTS FROM THE PUBLIC ON ANY ITEM NOT ON THE AGENDA

No comments were heard from the public.

**VIII. COMMENTS OF THE PLANNING AND ZONING COMMISSION AND
PLANNING, ZONING AND BUILDING DIRECTOR(11:24:25 a.m.)**

Mr. Page, Director of Planning, Zoning and Building, advised the Commission that due to an attempt to minimize Town expenses, a list of 17 or 18 items were identified that would be analyzed over the next year. One item on that list was a review of all Town Board and Commission meetings, how often they meet, and, whether it was necessary for them to meet monthly. Mr. Page stated that there could potentially be a change from monthly meetings to quarterly meetings.

Council Member Kleid stated that there had been discussion at the Town Council as to whether Attorney Randolph needed to be in attendance at all Board or Commission meetings. Mr. Kleid stated that alternatives had also been suggested including the possibility that Mr. Randolph would be available by telephone.

Chairman Golboro commented that Mr. Randolph had previously asked if he was needed at a Planning & Zoning Commission Meeting, and, it was determined in an effort to save money, that he was not needed at that meeting.

Mr. Shaw stated that he had recently been in New York and noticed that all construction sites had a sign indicating who the owner was, what the project was, the completion date, a telephone number, etc. Mr. Shaw asked staff to give consideration to such signs and suggested they be appended to the construction box.

Mr. Diamond suggested that the telephone number of who to call in the Building Department would be helpful.

Dick Kleid stated that he felt this was a good idea, but, noted that the Town has always been very careful about signs.

Alex Ives noted that one such sign was currently on the Patterson property.

Mr. Castro explained that development signs are permitted.

Mr. Spaziani thanked the Council for their hard work in balancing the budget.

IX. ADJOURNMENT(11:33:19 a.m.)

MOTION TO ADJOURN AT 11:35 A.M.
MOTION SECONDED.
MOTION 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